NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

36TH CONSTITUTIONAL REGULAR SESSION, 2015

BILL NO.: 82ND1

P.L. 2015-51

AN ACT

to create a new Chapter under Title 26 of the MIRC in order to declare the equal rights and freedoms of all persons with disabilities and provide for the protection, promotion and enforcement; of those rights and freedoms, as a step towards implementing the legal obligations of the Marshall Islands, as a State Party to the United Nations Convention on the Rights of Person with Disabilities; and to make related provisions.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS:

PART I - PRELIMINARY

Section 1. Short title.

This Act may be cited as the Rights of Persons with Disabilities Act, 2015.

Section 2. Interpretation.

(1) In this Act, unless the context otherwise requires:

"adjustment order" means an order under section 45;

"assistive device" means any technical device intended to meet the specific needs of persons with disabilities, and includes wheelchairs, hearing or visual aids and other devices, whether of the same kind or not;

"building" includes any separate premises in a building;

"Committee" means the Human Rights Committee established by the Human Rights Committee Act 2015;

"communication" includes the following:

(a) languages, including sign language;

(b) display of text;

(c) Braille;

(d) tactile communication;

(e) large print;

(f) accessible multimedia;

(g) written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication;

(h) accessible information and communication technology;

"Constitution" means the Constitution of the Republic of the Marshall Islands;

"Convention" means the United Nations Convention on the Rights of Persons with Disabilities as adopted by the United Nations on 13 December 2006 and entering into force on 3 May 2008;

"Convention Committee" means the Committee on the Rights of Persons with Disabilities under the Convention;

"Court" means the High Court;

"Disability Rights Complaints Sub-Committee" means a complaints sub-committee appointed by the Committee under the Human Rights Committee Act 2015 to hear a disability complaint;

"Fund" means the Disabilities Assistance Fund established under section 40;

"Minister" means the Minister of Internal Affairs;

"Ministry" means the Ministry of Internal Affairs;

"procedural accommodation" means appropriate modifications and adjustments, whether of a rule, a practice, an environment, a requirement or otherwise, to ensure full participation by persons with disabilities in any form of legal or administrative procedure, including investigations and enquiries, on an equal basis with others;

"public building" means a building to which members of the public are entitled to have access, whether on payment or otherwise;

"relevant organization" means an organization:

(a) representing persons with disabilities;

(b) involved in providing services to persons with disabilities; or

(c) involved in providing training or education to the public in matters relating to disability;

"Secretary" means the Secretary of the Ministry;

"substitute decision-making" means the making of a decision by another person on behalf of a person with disability;

"support service" means a facility or modification, whether physical, administrative or otherwise, required to provide reasonable accommodation for a person with disability, and includes:

(a) provision of assistive devices, ~~or~~ animals or technologies;

(b) provision of a support person, chosen by the person with disability;

(c) ensuring accessibility to buildings and facilities;

(d) adoption of universal design measures;

(e) adaptive communication formats; and

(f) supported decision-making as a free service;

"supported decision-making" means decision-making by a person with disability, supported by another person of his or her choice;

"universal design":

(a) means the design of products, environments, programs and services intended for, or to be used by, all persons, to the greatest extent possible, without the need for adaptation or specialized design; and

(b) includes assistive devices for particular groups of persons with disabilities where this is desirable or necessary.

(2) For the purposes of this Act:

"disability" includes a long-term physical, mental, intellectual or sensory impairment which, in interaction with various attitudinal and environmental barriers, may hinder full and effective participation of a person in society on an equal basis with others;

"discrimination", unless otherwise specified, means discrimination on the basis of disability, whether direct or indirect, and "discriminate" has the equivalent meaning;

"discrimination on the basis of disability":

(a) means 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 by a person, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field; and

(b) includes denial of reasonable accommodation;

"disability complaint" means a complaint about the violation of one or more of the rights of a persons with disability, including discrimination on the basis of disability;

"persons with disabilities" include those persons who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others, and "person with disability" has the equivalent meaning.

(3) In this Act:

(a) **"reasonable accommodation"** means appropriate modifications and adjustments, whether of a rule, a practice, an environment, a requirement or otherwise, in order to ensure the full participation by persons with disabilities in an activity, on an equal basis with others;

(b) the nature and limits of the duty to accommodate must be determined on a case by case basis and include factors such as the accommodation required, the size of the entity involved, and the resources available; and

(c) the duty must be reasonable and must not impose a disproportionate or undue burden.

(4) In this Act, requirements for Government to **"adopt measures"** include taking administrative action, formulating policies, introducing legislation, making subsidiary legislation, and allocating funds.

(5) Special measures which are intended to accelerate or achieve *de facto* equality of persons with disabilities must not be considered discrimination against other persons.

Section 3. Purpose and principles of the Act.

(1) The purpose of this Act is to:

(a) declare, protect, promote, fulfill and enforce the rights and freedoms of persons with disabilities on an equal basis with others; and

(b) implement the legal obligations of the Marshall Islands as a State Party to the Convention.

(2) The principles of this Act, in relation to persons with disabilities, are as follows:

(a) respect for the inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;

(b) non-discrimination;

(c) full and effective participation and inclusion in society;

(d) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;

(e) equality of opportunity;

(f) accessibility;

(g) equality between men and women;

(h) respect for the evolving capacities of children with disabilities and their right to preserve their identities;

(i) respect for the dignity and value of older persons with disabilities;

(j) respect for the inclusive community-based features of Marshallese culture.

(3) This Act:

(a) recognizes that:

(i) all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law; and

(ii) discrimination on the basis of disability is a denial of human rights;

(b) seeks to extend to all persons with disabilities, including those who require more intensive support, full protection of all human rights and civil liberties;

(c) acknowledges the valuable contribution of persons with disabilities to the overall well-being and diversity of the Marshall Islands and to improved social and economic development;

(d) acknowledges that persons with disabilities are entitled to be actively involved in all decision making processes, policies and programs, including those that directly concern them;

(e) recognizes that persons with disabilities have the right to voice their concerns,

have unique insight into disabilities, and are best placed to guide and strengthen the development, implementation, monitoring and review of policies, legislation and services to ensure that they effectively meet their requirements;

(f) recognizes that disability is an evolving concept and that it results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.

(4) In giving effect to this Act, the courts and all other persons and bodies must have regard to:

(a) the purpose of the Convention, which is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity;

(b) advisory opinions and interpretations of the Convention by the Convention Committee and the Office of the United Nations High Commissioner for Human Rights; and

(c) all other relevant international human rights standards and principles.

(5) This Act must be read and applied so as to achieve in the Marshall Islands the following strategic objectives:

(a) enhanced and effective participation of persons with disabilities as equal partners in national and regional development;

(b) disability-inclusive development as part of a rights-based approach to development and poverty reduction;

(c) effective development partner collaboration and coordination in support of Government efforts to promote disability-inclusive development;

(d) improved disability statistics as a basis for evidence-based decision-making on disability;

(e) effective mainstreaming of disability into policies, procedures, plans and budgets at all levels and in all sectors.

Section 4. Application of the Act.

(1) This Act applies to every person in the Marshall Islands, irrespective of the person's nationality or citizenship.

(2) This Act binds the State, including every Government department, every local Government, every statutory authority, and every person in the employment of national or local Government.

PART II - RIGHTS OF PERSONS WITH DISABILITIES

Section 5. Constitutional rights.

(1) Persons with disabilities are entitled equally with other persons to the rights and privileges set out in Article II of the Constitution.

(2) Government must take all necessary measures to ensure:

(a) the effective enjoyment of the right to life by persons with disabilities, on an equal basis with others; and

(b) the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

(3) The right to freedom from torture or cruel, inhuman or degrading treatment or punishment includes the right not to be subjected to medical treatment, or medical or

scientific experimentation without the free and informed consent of the person concerned.

Section 6. Accessibility.

Persons with disabilities are entitled, on an equal basis with others, to:

(a) live independently and participate fully in all aspects of life;

(b) live in a barrier-free and disability-inclusive environment; and

(c) enjoy access to the physical environment, transportation, and information, knowledge and communications, including information and communications technology and systems, and other facilities and services available to the public.

Section 7. Equal recognition before the law.

(1) Persons with disabilities are entitled to:

(a) be recognized as persons before the law and as having legal capacity on an equal basis with others in all aspects of life; and

(b) any support they may require to exercise their legal capacity.

(2) No person may be subjected to any limitation on the rights under subsection (1) on the basis of:

(a) a diagnosed impairment, including a cognitive, mental or psychosocial impairment; or

(b) an actual or perceived difficulty in decision-making that may arise from a cognitive, mental or psychosocial impairment.

(3) The right of a person to enjoy legal capacity includes the right to:

(a) conclude contracts and conduct the person's own financial affairs;

(b) have access to bank loans, mortgages, insurance and other forms of financial credit and investment;

(c) inherit, own, buy, sell and administer property;

(d) marry and found a family;

(e) control the person's own fertility and exercise other sexual and reproductive health rights;

(f) exercise parental rights;

(g) give consent for intimate relationships;

(h) give consent for medical treatment or hospitalization; and

(i) not be arbitrarily deprived of the person's property.

(4) The right to legal capacity includes the right to:

(a) have support freely chosen by the person with disability in any decision-making process; and

(b) have in place administrative or judicial safeguards to prevent abuse by the person chosen to provide support in the decision-making process.

(5) Persons with disabilities must not be deprived of their rights under this section under any circumstances, including humanitarian emergencies or other situations of risk.

Section 8. Access to justice.

(1) Persons with disabilities are entitled to access ~~to~~ justice on an equal basis with others.

(2) This right includes the right to access:

(a) free legal services; and

(b) procedural accommodations necessary for effective participation in legal proceedings, including as parties to the proceedings, witnesses and jurors.

(3) The Court must make rules providing for the making of procedural accommodation

for persons with disabilities whenever they attend court.

Section 9. Liberty and security of person.

(1) Persons with disabilities are, on an equal basis with others, entitled to:

(a) enjoy the right to liberty and security of person; and

(b) not be deprived of their liberty unlawfully or arbitrarily, including by consent of another person.

(2) Any deprivation of liberty of a person with disability must be in conformity with the law.

(3) The existence of a disability does not justify a deprivation of liberty.

(4) Government must ensure that if persons with disabilities are deprived of their liberty through any lawful process, they are, on an equal basis with others, entitled to:

(a) guarantees in accordance with international human rights law; and

(b) treatment consistent with the objectives and principles of the Convention, including reasonable accommodation.

Section 10. Freedom from exploitation, violence and abuse.

(1) Persons with disabilities, including women and children with disabilities, are entitled to be protected, both within and outside the home, from all forms of exploitation, violence and abuse.

(2) Persons with disabilities who are subject to any form of exploitation, violence or abuse are entitled to access justice and to receive appropriate counseling, rehabilitation, reintegration, and protection services.

Section 11. Liberty of movement and nationality.

(1) Persons with disabilities have the right to liberty of movement, freedom to choose their residence and nationality, on an equal basis with others.

(2) These rights include the right to:

(a) acquire and change a nationality;

(b) not be deprived of their nationality arbitrarily or on the basis of disability;

(c) obtain, possess and use a passport or other identity documentation; and

(d) not be prevented from entering or leaving the Marshall Islands arbitrarily or on the basis of disability.

(3) Children with disabilities born in the Marshall Islands are entitled to:

(a) be registered with a name and nationality under the Births, Deaths, and Marriages Registration Act 1988;

(b) know who their parents are; and

(c) be cared for by their parents, unless this is not in the best interests of the child or for any other lawful reason.

Section 12. Living independently and being included in the community.

(1) Persons with disabilities have the right, equally with others, to live independently and to be included in the community.

(2) This includes the right to:

(a) choose their preferred place of residence;

(b) access a range of in-home, residential and other community support services and facilities, including personal assistance necessary to support daily living and inclusion in the community;

(c) access transportation;

(d) admission to any public or non-public school or other educational or training establishment;

(e) access vocational training;

(f) access work in the open market;

(g) access mobility aids, assistive devices and technologies, specialist guides, interpreters; and

(h) training in mobility skills.

(3) Where a person with disability requires personal assistance under subsection (2)(b) by way of a personal assistant, the person with disability is entitled to -

(a) select the personal assistant; and

(b) determine the terms and conditions of the personal assistant's service.

(4) A personal assistant must be provided with appropriate training.

Section 13. Freedom of expression and opinion, and access to information.

(1) Persons with disabilities have the right to freedom of thought, speech, expression and opinion, and the right to access information on an equal basis with others.

(2) In accessing information, persons with disabilities are entitled to seek, receive, and impart information and ideas using a means of communication of their choice including -

(a) accessible formats and technologies such as sign language, Braille, augmentative and alternative modes; and

(b) Internet services and the mass media in accessible formats.

Section 14. Respect for privacy.

(1) Persons with disabilities have the right, equally with others, to privacy.

(2) The right to privacy includes the right to be protected from:

(a) arbitrary or unlawful interference with their privacy, family, home, information and communication;

(b) disclosure of personal, health, or rehabilitation information without their consent; and

(c) any act that demeans their personal dignity, reputation or physical or mental integrity.

Section 15. Respect for home and the family.

(1) Persons with disabilities, on an equal basis with others, have the right to marry, retain their fertility, and exercise full sexual, reproductive and parental rights.

(2) Person with disabilities must not be subjected to forced sterilization or any other interference with their reproductive health without their free and informed consent.

(3) A child must not be separated from a parent on the basis of a physical, mental, intellectual or psychosocial health impairment.

(4) If separation is contemplated, every effort must first be made to consider whether additional support services to the parent would be sufficient to enable the child to remain with the parent.

(5) Persons with disabilities are entitled to receive support, including reproductive health and child care information and services, in order to exercise their sexual, marital, reproductive, and parental rights.

Section 16. Right to education.

(1) Persons with disabilities have a right to education without discrimination and are

entitled to quality and inclusive education as a measure of their inherent dignity and their right to equality, non-discrimination, the full development of their talents and creativity, and their effective and equal participation in society.

(2) The right to education without discrimination applies to:

(a) the public school system, in accordance with section 313 (1) (a) of the Marshall Islands Public School System Act, 2013; and

(b) the non-public school system.

(3) Persons with disabilities are entitled, on an equal basis with others, to:

(a) compulsory and free primary education, including free interpretation and support services;

(b) secondary education;

(c) higher education;

(d) vocational training; and

(e) life-long learning.

(4) A person must not be denied admission, whether directly or indirectly, to any public or non-public school or other educational or training establishment, on the basis of an actual or perceived physical, sensory, mental, intellectual or psychosocial impairment.

(5) Persons with disabilities are entitled to reasonable accommodation of their individual needs, including but not limited to:

(a) physical access to classrooms and other school buildings and facilities, accessible transport, and alternative modes of instruction and educational materials, including Braille and sign language;

(b) adequate support measures, including learning support assistants;

(c) adjustment of entry requirements, curriculum examinations and pass marks;

(d) instruction by teachers trained in inclusive education and qualified to teach alternative modes of instruction including Braille and sign language.

(6) In this section, "inclusive education" means an education system that:

(a) embraces a set of values, principles and practices that seek meaningful, effective and quality education for all students; and

(b) nurtures and encourages the diversity of learning conditions and requirements not only of children with disabilities, but of all students.

Section 17. Health care and services.

(1) Persons with disabilities are entitled to equal access to quality health services in order to maintain and improve their health and quality of life.

(2) In particular, persons with disabilities have the right to:

(a) enjoy the same range, quality and standard of free or affordable health care services and information as provided to others in the areas of public health and sexual and reproductive health;

(b) early identification of impairments and appropriate intervention services in particular for children and older persons;

(c) other disability-specific health services, including prevention of further impairments, and rehabilitation services;

(d) receive health care services at home or in a place of their choice;

(e) training for family members in the care of persons with disabilities at home;

(f) access to a full range of free or affordable assistive devices;

(g) confidentiality of personal medical records or information.

(3) The provision of health services to persons with disabilities, including mental health services, hospitalization or placement in any institutional health facility, must only be on the basis of their free and informed consent.

(4) Access to and fees for health care, health services, health insurance, and life insurance must not be varied on the basis of disability.

Section 18. Habilitation and rehabilitation.

(1) Persons with disabilities are entitled to habilitation and rehabilitation services and programs, particularly in the areas of health, employment, education, housing and social services, to enable their independent living, participation, and inclusion in community life.

(2) The services and programs must be:

(a) voluntary;

(b) accessible;

(c) tailored to individual needs; and

(d) made available at the earliest opportunity after the need arises.

Section 19. Work and employment.

(1) Persons with disabilities, including women with disabilities, have the right to work and earn a living on an equal basis with others.

(2) This includes the right to:

(a) work in the open market;

(b) be employed in any occupation and at any level in the public and private sectors;

(c) be protected from forced labor and exploitation;

(d) enjoy just and decent work, including equal remuneration for work of equal value, a safe and health working environment, and protection from harassment.

(3) It is unlawful to discriminate against a person, directly or indirectly, on the basis of disability, including in any of the following:

(a) hiring processes such as advertising, interviewing, selection criteria, and recruitment conditions;

(b) terms or conditions of employment such as remuneration, hours of work, leave, and other benefits;

(c) assignment of work;

(d) opportunities for promotion, transfer or training, or any other benefits associated with employment;

(e) opportunities for work experience, apprenticeships, and vocational training;

(f) membership of or participation in any professional or trade organization;

(g) decisions about dismissal, demotion, or retrenchment;

(h) any other detriment.

(4) An employer must make any workplace adjustment that may be reasonably required to accommodate the employment of persons with disabilities and to facilitate their effective work performance.

(5) In this section, "workplace adjustment":

(a) means an adjustment of an employee's jobs, work organization, or work environment; and

(b) includes:

(i) modifying a job design or content;

(ii) adjusting a work schedules or other work practices;

(iii) providing alternative communication tools or technologies;

(iv) improving access to a workplaces by such means as constructing ramps, providing accessible toilets and elevators, and redesigning workstations;

(v) adjusting or modifying machinery, equipment or tools;

(vi) providing training or other assistance.

(6) A refusal by an employer to make a requested workplace adjustment constitutes unlawful discrimination on the basis of disability unless the employer shows that that the adjustment is unreasonable, unnecessary, or inappropriate, or would inflict an unjustified or disproportionate burden on the employer.

(7) Employment quotas, or other special measures taken to accelerate or achieve equality for persons with disabilities in the area of employment, do not constitute unlawful discrimination against other persons.

Section 20. Adequate standard of living and social protection.

(1) Persons with disabilities are entitled, equally with others, to an adequate standard of living for themselves and their families, including:

(a) adequate and affordable food, clean water, clothing, and housing; and

(b) appropriate and affordable services, devices and other assistance.

(2) Persons with disabilities, in particular those who are poor, children, women, and older persons, have the right to enjoy social protection, poverty reduction support, and any financial assistance, pension, welfare or other benefit scheme that is made available to the general population, on an equal basis with others.

(3) Persons with disabilities have the right to special allowances, benefits, and services in addition to other forms of social protection schemes available to the general

population.

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

Section 21. Participation in political and public life.

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

(2) This right includes the right to:

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

(i) vote by secret ballot;

(ii) stand for election;

(iii) be elected or appointed to public office;

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

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

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

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

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

(b) accessibility measures, including the following:

(i) access to public buildings;

(ii) access to information in accessible formats in buildings and facilities open to the public;

(iii) access to mobility aids, devices and assistive technologies;

(iv) access to appropriate training opportunities;

(v) polling stations at ground level;

(vi) wheelchair access to and within polling stations including polling booths;

(vii) voting procedures and materials including voter lists and ballot papers in accessible formats;

(viii) tactile and other assistive voting devices;

(ix) assistive devices for persons elected to political office to enable effective performance of all public functions at all levels of Government; and

(x) any other assistance or support to exercise their political rights on an equal basis with others.

(5) Electoral quotas, or other special measures taken to accelerate or achieve equality for persons with disabilities in political and public life, do not constitute unlawful discrimination against other persons.

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

(1) Persons with disabilities have the right, on an equal basis with others, to:

(a) participate in cultural life, recreation, leisure and sporting activities; and

(b) have their specific cultural and linguistic identity, including sign languages and deaf culture, recognized and supported.

(2) These rights include:

(a) access to cultural materials in accessible formats;

(b) access to television programs, films, and other cultural activities, in accessible formats;

(c) access to places for cultural performances or services, such as museums, cinemas, libraries and tourism services, and, as far as is reasonably practicable, access to monuments and sites of national cultural importance;

(d) freedom from unreasonable or discriminatory barriers to access cultural materials;

(e) opportunities to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society;

(f) opportunities to organize, develop and participate in disability-specific sporting and recreational activities, including national and international sports events;

(g) access, to appropriate instruction, sports training and resources;

(h) access to mainstream public recreational, sporting, leisure and tourism activities, venues, and services; and

(i) opportunities for children with disabilities to participate in play, recreation, leisure and sporting activities, including recreational and sporting activities in the school system.

PART III – OBLIGATIONS OF GOVERNMENT

Section 23. General obligations of Government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) disability-inclusive training;

(ii) barrier-free emergency exits, shelters, and facilities;

(iii) disability-inclusive disaster responses, including support services and food security;

(c) sporting, recreational and cultural activities;

(d) education and training;

(e) national census, labour force and household income and expenditure surveys;

(f) employment and health policies, including policies on sexual and reproductive health;

(g) building codes and infrastructure.

(5) In all policy and program design, development, implementation and review, consult and actively involve persons with disabilities, including women and children with disabilities.

Section 24. Functions of the Minister.

The Minister must:

(a) ensure compliance with reporting obligations under the Convention;

(b) report to the Nitijela:

(i) annually on Government's fulfillment of its obligations under this Act and the Convention.; and

(ii) periodically, as may be required; and

(c) perform any other functions assigned to the Minister under this Act or any other Act.

Section 25. Accessibility measures.

(1) The Ministry, in collaboration with all relevant Ministries, must develop measures to ensure to persons with disabilities full, equal and unrestricted access to:

(a) the physical environment;

(b) transportation;

(c) information and communications, including information and communications technologies and systems; and

(d) other facilities and services open or provided to the public.

(2) The Ministry, in collaboration with all relevant Ministries, must:

(a) develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of all goods, products, facilities and services open or provided to the public;

(b) ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

(c) provide in buildings and other facilities open to the public, signage in Braille and in easy to read and understand formats;

(d) provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;

(e) promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage in the development of a project, so that these technologies and systems require minimum adaptation and become accessible at minimum cost;

(f) promote research into and development and use of universally designed goods, products, services, equipment, and technologies, including information and

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

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

(3) Measures adopted under this section must include:

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

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

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

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

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

Section 26. Construction of roads and footpaths.

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

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

Section 27. Public motor vehicles and parking lots.

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

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

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

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

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

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

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

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

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

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

Section 28. Sports facilities.

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

training, and transportation.

Section 29. Provision of support services.

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

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

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

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

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

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

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

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

(3) Support provided under this section must:

(a) be proportional to the need for support;

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

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

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

Section 30. Women and children with disabilities.

(1) The Ministry, in collaboration with other relevant Ministries, must adopt appropriate measures to ensure the full and equal enjoyment by women and children with disabilities of all human rights and fundamental freedoms.

(2) In adopting these measures, the Ministry must have particular regard to:

(a) the importance of empowering women with disabilities given the multiple forms of discrimination they face; and

(b) the need to protect children with disabilities.

(3) In measures concerning women with disabilities, the Ministry must:

(a) adopt and strengthen measures to protect them from all forms of violence and abuse, including sexual abuse and exploitation;

(b) enable them to have equitable access to mainstream development opportunities;

(c) promote and facilitate their participation in national action plans on gender equality and empowerment of women;

(d) ensure their representation in Government decision making bodies; and

(e) ensure they have access to sexual and reproductive health services on an equal basis with other women.

(4) In measures concerning children with disabilities, the Ministry must:

(a) adopt and strengthen measures to protect them from all forms of violence and abuse, including sexual abuse and exploitation;

(b) ensure they have the right to express their views freely on all matters affecting them;

(c) provide them with disability and age-appropriate assistance to exercise the right to express their views freely on all matters affecting them; and

(d) give their views due weight in accordance with their age and maturity, on an

equal basis with other children;

(5) In all actions concerning children with disabilities:

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

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

Section 31. Awareness-raising.

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

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

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

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

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

(a) conducting effective public awareness campaigns designed to:

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

(ii) enhance positive attitudes towards persons with disabilities;

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

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

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

early age, respect for the rights of persons with disabilities;

(c) encouraging the media to portray persons with disabilities in ways consistent with the Convention and this Act.

(3) A campaign conducted under subsection (2):

(a) may be organized by Government or by a private person or organization at the request of Government;

(b) must be carried out in all schools and training centers, workplaces, health centers, Department of Public Safety, and local communities; and

(c) must involve the media, persons with disabilities, and their representative organizations.

Section 32. Communications.

(1) Every television station must:

(a) provide a sign language inset or sub-titles in all newscasts, educational programs, and programs covering events of national significance; and

(b) seek to ensure that a reasonable proportion of programs, including recreational programs and films, is accessible to all persons with disabilities.

(2) All telecommunications providers must install and maintain:

(a) telephone or other communication devices for persons with hearing impairments; and

(b) tactile marks on telephone or other communication devices for persons with visual impairment.

(3) The Ministry must liaise with the Customary Law and Language Commission on developing disability-positive Marshallese language and uniform signing of particular Marshallese words.

PART IV – ADMINISTRATION AND IMPLEMENTATION

Section 33. Administration and implementation of this Act.

(1) The Ministry is responsible for the administration and implementation of this Act.

(2) The Ministry is the focal point for matters relating to the implementation of the Convention and this Act, including coordinating implementation with other agencies.

(3) The Secretary:

(a) may delegate, in writing, any of his or her powers or duties to a public officer in the Ministry with relevant qualifications and experience; and

(b) must designate a public officer with relevant qualifications and experience in the Ministry to coordinate the Ministry's responsibilities under this Act.

Human Rights Committee

Section 34. Role of the Committee.

(1) The role of the Committee in relation to persons with disabilities is to:

(a) promote and monitor implementation of the Convention;

(b) advise the Minister on policies and strategies for the elimination of discrimination on the basis of disability and for improving the rights and well-being of persons with disabilities;

(c) advise the Minister on making regulations, prescribing guidelines, and setting standards under this Act;

(d) devise public awareness campaigns and training programs to support Government's functions under sections 31 and 36;

(e) generally advise and assist Government in implementing its obligations under the Convention and this Act;

(f) adjudicate on adjustment orders and other accessibility measures or reasonable accommodations contemplated by this Act;

(g) advise the Secretary to issue and serve adjustments orders, as appropriate;

(h) receive disability complaints made under section 43 and appoint a Disability Rights Complaints Sub-Committee to hear the complaints;

(i) refer to the Attorney General for prosecution any unresolved complaint or suspected offense under this Act or the Human Rights Committee Act 2015;

(j) report annually to the Minister on the activities of the Committee in respect of persons with disabilities;

(k) prepare reports to the Convention Committee as required by the Convention;

(l) prepare periodic thematic reports for stakeholders, in particular persons with disabilities and their representative organizations; and

(m) perform any other functions conferred on the Committee in relation to persons with disabilities by or under this Act, the Human Rights Act 2015, and any other Act.

(2) In carrying out its roles under subsection (1), the Committee must consult the representative organizations of persons with disabilities, where relevant.

(3) The Committee must keep a written record of its decisions and recommendations relating to disability matters, including disability complaints.

Section 35. Functions of the Secretary.

The Secretary must:

(a) consult with other Ministries, local councils, representative organizations of

persons with disabilities, and other relevant organizations to ensure the effective implementation of this Act;

(b) assist the Minister in the performance of the Minister's functions under this Act;

(c) refer disability complaints received under section 43 to the Committee;

(d) keep records relating to persons with disabilities as required by this Act;

(e) issue and serve adjustment orders on the advice of the Committee;

(f) refer failures to comply with adjustment notices to the Committee;

(g) report to the Minister and the Committee at least twice yearly; and

(~~j~~h) perform any other function ascribed to the Secretary under this Act.

Section 36. Training activities.

(1) The Ministry, must coordinate training activities, including –

(a) training on issues of physical accessibility affecting persons with disabilities for builders, the National Government Chief Planner and statutory administrators of specific facilities;

(b) general community training on accessibility issues, including communication and participation in community life by persons with disabilities;

(c) training for stakeholders involved in the administration of justice on the rights of persons with disabilities and measures for recognizing those rights, including procedural accommodation; and

(d) training on mobility skills for persons with disabilities and providers of support services.

(2) This requirement is in addition to, and does not remove any responsibility for, training in other disability matters required by any Ministry or department of Government by

or under any other Act.

(3) The Ministry must liaise with other training providers to ensure that disability issues are mainstreamed in all sectoral training.

Section 37. Service delivery monitoring.

The Ministry in collaboration with all relevant Ministries, must:

(a) monitor the prevalence and progression of disability in the Marshall Islands, and evaluate the adequacy and efficacy of preventative and remedial measures; and

(b) monitor and evaluate services provided to persons with disabilities under the Marshall Islands Health Fund..

Section 38. Collection of statistics and data.

(1) The Ministry, on the advice of the Committee, must collect appropriate information, including reliable and internationally comparable statistical and research data, to enable Government to formulate and implement policies to give effect to the Convention and this Act.

(2) The process of collecting and maintaining this information must comply with:

(a) legally established safeguards, including legislation on data protection, in order to ensure confidentiality and respect for the privacy of persons with disabilities; and

(b) internationally accepted norms to protect human rights and fundamental freedoms and ethical principles, in the collection and use of statistics.

(3) The information collected in accordance with this section must:

(a) be disaggregated as appropriate and include disaggregated data on women and

girls;

(b) be used to support mainstreaming of the rights of persons with disabilities into policies and programs;

(c) be used to identify barriers faced by persons with disabilities in exercising their rights; and

(d) assist Government in fulfilling its obligations under the Convention and this Act.

(4) In the collection of statistics and data, the Secretary must liaise with the Economic Planning Policy and Statistics Office.

(5) The Secretary, on the advice of the Committee, is responsible for the dissemination of disability statistics and data, and must ensure their accessibility to persons with disabilities and others.

(6) The Secretary must:

(a) establish a central information database of skilled individuals and organisations available to provide technical support for disability responses;

(b) establish and maintain a register of skilled persons with disabilities and must update the register on a regular basis for the purposes of job placement.

Section 39. Records.

(1) The Ministry must keep and maintain records relating to the functions of the Ministry, including the following:

(a) financial and resource management records;

(b) disability information and statistics;

(c) adjustment notices, orders and compliance or non-compliance with them;

(d) meetings with registered organizations and other bodies to discuss disability

issues;

(e) disability complaints received and referred to the Committee;

(f) agreements and memoranda of understanding relating to persons with disabilities entered into by the Ministry with other Government departments, statutory authorities and other bodies.

(2) Unless otherwise authorized by this or any other Act, all records must be kept confidential.

(3) The records may be in electronic format, provided the information is readily retrievable and is protected against loss and unauthorized alteration.

(4) A copy of any record, certified as accurate by the Secretary may be produced in court as *prima facie* evidence of the record.

(5) The Minister may, by order, determine the period for which records under this section must be kept, which must be consistent with any other Act relating to public records.

Financial provisions

Section 40. Disabilities Assistance Fund.

(1) The Disabilities Assistance Fund is established as a special revenue account within the National Treasury and under the control and supervision of the Ministry of Finance, which must provide for its administration in accordance with the Financial Management Act of 1990.

(2) The sources of the Fund consist of:

(a) money appropriated by the Nitijela in respect of the functions of the Ministry and the Minister under this Act;

(b) other monies provided by the Cabinet for the work of the Ministry by way of

grant or otherwise; and

(c) money paid to Government by any person or body, whether in or outside the Marshall Islands, for the work of the Ministry.

(3) If the sum available in the Fund is not sufficient to meet the purposes stated in section 41(4):

(a) the Minister may request the Nitijela to provide finance for the implementation of this Act in addition to the annual appropriation; and

(b) the Cabinet may:

(i) make available monies from the Contingencies Fund or by reprogramming; and

(ii) seek assistance from international and other sources.

(4) Money made available and received under subsection (3) must be credited to the Fund.

(5) This section does not limit the authority of the Cabinet to apply for, administer or expend any grants, gifts, or payments or pass-through funds for the purposes of this Act.

(6) Fines payable under this Act are to be paid to the Ministry of Finance and deposited into the General Fund of the Marshall Islands.

Section 41. Management of the Disabilities Assistance Fund.

(1) The Fund must be managed by a Board of Trustees consisting of -

(a) the Chief Secretary;

(b) a representative of the Ministry of Internal Affairs; and

(c) a representative of the Ministry of Finance.

(2) The Accountant General is treasurer to the Fund.

(3) The Fund is subject to audit by Auditor General as provided under Article VIII, section 15 of the Constitution.

(4) The Fund must be used to contribute to the expenses, including capital expenses, of:

(a) Government projects or programs for persons with disabilities;

(b) accessibility measures, support services, awareness-raising, training, or any other measures required under this Act;

(c) representative organizations of persons with disabilities; and

(d) institutions that train carers or personal assistants of persons with disabilities.

Section 42. Budget and audit of accounts.

The Ministry must have an annual budget and must produce annual audited accounts~~,~~ audited by the National Audit Office, to the Committee.

PART V - ENFORCEMENT OF RIGHTS

Section 43. Right to complain to the Committee.

(1) A person may make a complaint to the Committee through the Ministry if the person reasonably believes there has been an act of unlawful discrimination on the basis of disability.

(2) A person under subsection (1) includes a person with ~~a~~ disability, a parent~~,~~ or guardian of a child with disability, or any other person concerned for the welfare of a person with disability~~,~~

(2) A complaint must be dealt with in accordance with Part IV of the Human Rights Committee Act 2015.

Section 44. Committee investigation where no complaint.

The Committee may initiate an investigation in accordance with section 16 of the Human Rights Committee Act 2015 where the Committee reasonably believes:

(a) that a person or group of persons, including a Government department or any public officer, is engaged in an act of unlawful discrimination on the basis of disability or is otherwise in breach of this Act; and

(b) the act of unlawful discrimination involves a significant infringement of rights, which raises issues of public interest.

Section 45. Adjustment orders.

(1) If the Committee considers that any public building is inaccessible to persons with disabilities by reason of any structural, physical, administrative or other impediment, the Committee may advise the Ministry to serve on the owner of the building an adjustment order:

(a) setting out a full description of the building;

(b) stating the grounds on which the Committee considers that the building is inaccessible to persons with disabilities;

(c) requiring the owner to undertake, at the owner's expense, the measures specified in the adjustment order so as to provide reasonable access to the building for persons with disabilities; and

(d) stating the period within which the measures referred to in paragraph (c) must be effected.

(2) The Ministry must, before serving an adjustment order under subsection (1), give written notice to the owner:

(a) specifying the ground upon which the adjustment order is to be issued and the

action which the Committee considers necessary to rectify the situation;

(b) specifying the maximum period that the Committee considers reasonable for the implementation of the action specified; and

(c) inviting the owner to make oral or written representation to the Committee within 30 days after the service of the notice.

(3) After considering any representation made subsection (2) (c), the Committee may advise the Ministry to issue an adjustment order.

(4) An owner may, within 30 days of the issue of an adjustment order, appeal to the Court against the issuing of the order, on one or more of the following grounds:

(a) the owner cannot reasonably be expected to bear the whole or any part of the expenses required to implement the order;

(b) the period specified for implementing the order is unreasonable;

(c) the action required to be taken by the order is, in the circumstances of the case, unreasonable;

(d) adequate access to the building concerned may be secured without recourse to the action required by the order.

(5) Upon hearing an appeal, the Court may:

(a) confirm, vary or set aside the adjustment order; or

(b) make such order as it thinks fit.

(6) A person who fails to comply with an adjustment order made by the Court under this section is guilty of contempt.

Section 46. Adjustment orders against Government bodies.

(1) Subject to subsections (2) and (3), the Committee may advise the Ministry to serve an adjustment order upon:

(a) any hospital, nursing home or health clinic controlled or managed by Government;

(b) any school or educational or training institution controlled or managed by Government; or

(c) any other Government body.

(2) Before advising the Ministry to serve an adjustment order, the Committee must obtain approval of the relevant Minister.

(3) If approval is neither given nor declined after 60 days from the date approval was sought, the Committee may advise the Ministry to serve the adjustment order as though the relevant Minister had approved.

(4) A Committee member representing a Ministry that is the subject of an adjustment order must not participate in any deliberations of the Committee on the matter.

PART VI – OFFENSES AND PROCEEDINGS

Offenses

Section 47. Unlawful discrimination on the basis of disability.

(1) A person who discriminates against another person on the basis of disability, commits an offence.

(2) For the purpose of subsection (1), another person means -

(a) a person with an actual physical, sensory, mental, intellectual or psychosocial impairment;

(b) a person perceived to have a physical, sensory, mental, intellectual or psychosocial impairment; or

(c) a person associated with the person described under (a) or (b).

(3) For the purpose of subsection (1), evidence of the discrimination may be adduced by showing, among other things, that the defendant:

(a) made a distinction, exclusion, or restriction against the other person;

(b) subjected the other person to a detriment to which other persons are not ordinarily subjected;

(c) failed to provide reasonable accommodation to the other person when the defendant had a duty to do so under this Act; or

(d) refused to a person with ~~a~~ disability admission or access to any building, transport, facility, service, or product to which members of the public are ordinarily admitted or entitled.

(4) It is not a defense to a charge under this section that the discrimination arose out of or was consistent with any ethnic, communal, cultural or religious custom or practice.

(5) A prosecution must not be brought under this section against a Government department, Minister, or public officer, performing official duties in good faith.

Section 48. Failure to comply with an adjustment order.

(1) An owner of a building, other than a Government building, commits an offense if:

(a) he or she fails to comply with an adjustment order served under section 45 within the period specified in the order~~,~~; and

(b) either:

(i) the period under section 45 (4) for appealing an order has expired; or

(ii) upon hearing an appeal, the Court confirms the order under section 45 (5).

(2) The Court may, instead of, or in addition to, imposing a penalty for the offense, order the owner, at the owner's expense, to do the necessary remedial work to the satisfaction of the Secretary, within a period specified in the order.

(3) If the owner fails to comply with an order under subsection (2):

(a) the owner is in contempt of court, as well as being liable to any other penalty for the offense already imposed; and

(b) the Secretary, on the advice of the Committee, may arrange to have the necessary work done, in which case the owner is liable to Government for the cost of the work as a civil debt.

Section 49. Penalties.

(1) A person convicted of an offense under section 47 or section 48 is liable to a fine not exceeding $5,000, or to imprisonment for a term not exceeding one year, or both.

(2) In the case of a second or subsequent offense, a person convicted of an offense under section 47 or section 48 is liable to a further fine not exceeding $10,000 for the second or subsequent offense.

(3) A court convicting a person of an offence under section 47 or section 48 may, in addition to any other penalty, award compensation for economic loss arising from the discrimination.

(4) For any other offense under this Act for which a specific penalty is not provided, the penalty is a fine not exceeding $5,000, or imprisonment for a term not exceeding one year, or both.

Section 50. Concealment of persons with disabilities.

(1) It is an offence for a parent, guardian, next of kin or carer of a person with disability

(a) conceal the whereabouts of the person; or

(b) willfully fail to register the person at birth under the Births, Deaths and Marriages Registration Act 1988.

(2) A person convicted of an offense under subsection (1) is liable to a fine not exceeding $500.

Section 51. Giving false information to obtain a benefit.

(1) A person who knowingly gives false information for the purpose of obtaining any support service or other benefit under this Act commits an offense.

(2) A person convicted of an offense under subsection (1) is liable to a fine not exceeding $500.

Section 52. Medical confidentiality.

(1) Subject to this section, all health professionals, medical instructors, workers, employers, recruitment agencies, insurance companies, data encoders, and other custodians of medical records, files, data, or test results must observe confidentiality in the handling of personal medical information relating to persons with disabilities.

(2) The obligation under subsection (1) also applies to any person who, in any official capacity, acquires the confidential information.

(3) A person does not breach medical confidentiality if information about another person is given with the free and informed consent of the other person.

(4) A person who acts in contravention of this section commits an offence and is liable to a fine not exceeding $1000.

(5) A person convicted of an offence under this section is, in addition to any penalty under subsection (4), also liable to:

(a) the cancellation or suspension of any license to operate a business entity that provides health services;; and

(b) the loss of accreditation of a hospital, laboratory or clinic owned or managed by the person.

Section 53. Offenses by corporate bodies.

(1) A corporate body that commits an offense under this Part is liable to a maximum fine five times the maximum fine prescribed in section 49.

(2) If a corporate body commits an offense against this Act, a director or any other person concerned with the management of the body corporate commits the same offense, unless the director or other person proves that:

(a) the offense was committed without his or her consent or connivance; and

(b) he or she exercised reasonable diligence to prevent the commission of the offense, having regard to the nature of his or her functions in the corporate body and to all the circumstances.

Other proceedings

Section 54. Discipline of public officers.

(1) If, in the course of duty, a public officer wilfully discriminates against another person on the basis of disability, the public officer must be disciplined in accordance with the Public Service Commission Act 1979.

(2) Subsection (1) does not affect any complaint proceedings, prosecution, or other measure adopted under Part V against the public officer.

Section 55. Civil remedies.

(1) A person alleging discrimination under this Act may apply to the Court for redress by way of:

(a) injunctive relief; or

(b) if the person has suffered physical injury, psychological injury, or economic loss, an award of damages.

(2) The right in subsection (1) (b) does not arise if the person has been awarded compensation by the Court under section 49 (3).

(3) This section:

(a) is without prejudice to any other action with respect to the same matter which is lawfully available to a person; and

(b) does not affect the right of any person to claim damages for any other civil Wrong,

(4) Nothing in this section entitles a person to bring an action for damages against a Government department, Minister, ~~a~~ public officer, performing official duties in good faith.

Section 56. Severability of contracts.

Any contract for employment or for the provision of goods, facilities or services, or any other agreement, is void to the extent that it purports to deny, to persons with disabilities, any right or privilege conferred by or under this Act or in any other way limits the operation and effect of this Act.

PART VII – MISCELLANEOUS

Section 57. Regulations.

(1) The Minister may, in accordance with the Administrative Procedures Act, make regulations for the effective implementation of this Act.

(2) Without limiting subsection (1) or affecting any other regulation-making power in this Act, regulations may:

(a) prescribe fees and charges for services provided by Government under this Act;

(b) create other offenses;

(c) prescribe penalties not exceeding a fine of $5,000 for an individual or $25,000 for a corporate body; and

(d) prescribe any other matter required for giving effect to this Act.

(3) In making regulations, the Minister must:

(a) obtain the advice of the Committee and the Secretary; and

(b) consult other Government departments and statutory authorities, as appropriate.

Section 58. Guidelines and standards.

(1) The Minister may, after consulting the Committee, prescribe guidelines setting minimum standards of access by persons with disabilities to facilities or amenities in all areas, including buildings or services open to the public, transportation, communications, and justice.

(2) The guidelines prescribed under subsection (1) must be given appropriate publicity in the written and electronic media, and on Government notice-boards.

(3) Failure to comply with the guidelines on any matter may be taken as evidence of a failure to provide reasonable accommodation in relation to that matter to a persons

with disability.

Section 59. Repeal.

The Motor Traffic (Disabled Parking) Act, 2007 is repealed.

Section 60. Savings and Transitional.

(1) All parking spaces allocated before the commencement of this Act under section 504 of the Motor Traffic (Disabled Parking) Act, 2007 for motor vehicles carrying persons with disabilities remain valid as if designated under section 27(4) of this Act.

(2) All applications made before the commencement of this Act for a disabled parking sticker or label under section 505(1) of the Motor Traffic (Disabled Parking) Act, 2007, remain valid as if made under section 27(6) of this Act.

(3) All disabled parking stickers or labels issued under section 505(2) of the Motor Traffic (Disabled Parking) Act, 2007 remain valid as if made under section 27(7) of this Act.

Section 61. Severability.

If any provision of this Act is deemed to be unconstitutional, the other provisions remain in full force and effect.

Section 62. Effective date.

(1) This Act commences ~~on~~ one year from the date of certification in accordance with the Constitution and the Rules of Procedures of the Nitijela.

(2) A prosecution for an offense under this Act must not be commenced until after one year of the commencement of this Act.

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CERTIFICATE

I hereby certify:

1. That Nitijela Bill No.82ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 29th day of September, 2015; and

2. That I am satisfied that Nitijela Bill No.82ND1 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 19th day of October 2015.

Attest:

Hon. Donald F. Capelle	**Lena Tiobech**
Speaker	Clerk
Nitijela of the Marshall Island	Nitijela of the Marshall Islands