

**REPUBLIC OF NAURU**  
**INCLUSION OF PERSONS WITH DISABILITIES BILL 2023**  
**SECOND READING SPEECH**

**Hon. Russ Joseph Kun, MP.**

**6 June 2023**

Mr. Speaker Sir,

I have the responsibility of introducing to the House today the *Inclusion of Persons with Disabilities Bill 2023*. The tabling of this Bill is a monumental achievement for the Republic Mr. Speaker. This is because Nauru is one of the few countries in the Pacific, to domesticate the Convention of Persons with Disabilities. The events culminating in the tabling of this Bill started in 2012 when Nauru signed up to the Convention and then ratified it. Subsequently, a policy was put in place in 2015 to guide the work leading up to the tabling of this Bill. This Bill is being implemented in the Parliament 11 years after the Convention was ratified. It is important that this Bill be passed as part of Nauru's international obligations when it initially signed up to the Convention. Furthermore, it is more so important that we as Nauruans recognise and enable those who may have certain limitations in life due to disability. This Government when it came into power made it very clear that we will hear the concerns of the people and this Bill is important for the Government to implement. In fact, this should have been done some time back.

Mr Speaker and Honourable Members, the objective of the *Inclusion of Persons with Disabilities Bill 2023* is as the title denotes, to acknowledge the importance of persons with disabilities through inclusion. The Bill proposes to domesticate the Republic's obligations and commitments made to persons with disabilities when Nauru ratified the Convention in 2012. As noted by the United Nations Office of the High Commissioner for Human Rights, and currently led by Mr. **Volker Türk**: *'The Convention takes to a new height the movement from viewing persons with disabilities as "objects" of charity, medical treatment and social protection. It moves towards viewing persons with disabilities as "subjects" with rights, who are capable of claiming those rights and making decisions for their lives based on their free and informed consent. It also moves towards viewing persons with disabilities as being active members of society.'*

Mr. Speaker Sir, that is the objective of the Bill. It aims to continue to protect and promote the rights of persons with disabilities. It aims to continue to promote the full and equal participation of persons with disabilities as empowered citizens. This is through a disability-inclusive and barrier free society where persons with disabilities are able to enjoy all human rights on an equal basis with others and to live with dignity.

Mr. Speaker and Honourable Members, the Bill promotes the inclusion of persons with disabilities in all sectors of society. This will be done through the establishment of the proposed Nauru Disability Coordinating Council ('Council'). The Council comprises of representation from various key Departments of the Government. It also comprises of representation from organisations that promote the interests of persons with disabilities. The membership of the Council is intended to portray that the approach Nauru has in promoting the rights of persons with disabilities, is a holistic one. It is not the responsibility of just one person or one Department. It is a collective responsibility of the Government and community.

Mr. Speaker Sir, the Bill will be administered by the Department of People with Disabilities. The Bill prescribes rights of persons with disabilities which will be protected by ensuring that persons with disabilities have access to rights on an equal basis as other persons. To name a few, the rights protected in the Bill include the right to equality before the law without discrimination, right to liberty and security, right to movement, right to nationality and freedom of expression and opinion.

Mr. Speaker and Honourable Members, not all rights are absolute. The rights recognised in the *Constitution* are limited by the *Constitution* itself. This is provided for in Article 3 of the Constitution. Article 3 has been taken into consideration for the purposes of this Bill. Whilst the Bill continues to recognise the rights of disabled persons, such rights are not over and above the rights given to any person under the Constitution. The question is, why do we need to recognise the rights of disabled persons when it is already recognised in the Constitution? The short answer is, whilst the rights are recognised, disabled people have often been forgotten in some processes. This Bill will ensure that the Government puts in place mechanisms and processes for ensuring that the rights are not only recognised but enables people with disabilities to enforce those rights.

Mr. Speaker and Honourable Members, the enforcement of the rights of persons with disabilities will be the same as all rights. They are enforced by way of legal proceedings in the Supreme Court. The Supreme Court will be given the power to make orders in relation to proceeding brought before it under this Bill. In the enforcement of these rights, the Supreme Court may give due consideration to the Republic's financial, economic and provision of the relevant resources' capability.

Mr. Speaker Sir, the enforcement of this law, will be within the context of Nauru's financial and economic capability to enforce it. It will be the responsibility of the Council to ensure that an appropriate plan is drawn out immediately after this Bill is passed. This is to enable changes to any infrastructure, building or other work to be undertaken, in a stage by stage process or when required. Changes will not be rushed to ensure that the provisions are implemented for the people with disabilities, in the appropriate manner. This approach is important as lasting changes will be made.

Mr. Speaker and Honourable Members, in conclusion I would like to repeat that this is an important piece of legislation. It promotes the continued inclusion of participation of persons with disabilities in all facets of everyday life.

Mr. Speaker and Honourable Members, the explanatory memorandum details the provisions of the Bill. Sir, I request that the explanatory memorandum be read and recorded in the Hansard Reports.

I commend the Bill to the House.