



Convention on the Rights of the Child

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Committee on the Rights of the Child

Combined second to fifth periodic reports submitted by the Cook Islands under article 44 of the Convention, due in 2018*

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Acronyms and Abbreviations

ADB	Asian Development Bank
APF	Asian Pacific Forum
CINACCR	Cook Islands National Advisory Committee for Children’s Rights
CRC	Convention on the Rights of the Child
ECE	Early Childhood Education
FDI	Foreign Direct Investment
MFEM	Ministry of Finance and Economic Management
NHRI	National Human Rights Institute
NSDP	National Sustainable Development Plan
OECD	Organisation for Economic Cooperation and Development
OHCHR	Office of the United Nations High Commission for Human Rights
SPC	Secretariat of the Pacific Community
SPCRRRT	Secretariat of the Pacific Community Regional Rights Resource Team
UNDP	United Nations Development Program
UNFPA	United Nations Population Fund
UNICEF	United Nations Fund for Children
WHO	World Health Organisation

Part 1

Introduction

1. The Cook Islands submitted its Initial Report to the Committee on the Rights of the Child covering the period 1997 to 31 December 2001. This was followed by an Addendum Report for the period from 2002 to December 2008.
2. The Committee considered the initial and addendum reports of the Cook Islands at its 168 and 1686 meetings, held on 26 January 2012, which were adopted at its 1697th meeting, held on 3 February 2012, also offering their concluding observations and recommendations.
3. This is the second to fifth combined periodic report on the efforts undertaken by the Cook Islands in implementing the Convention on the Rights of the Child. It does not aim to provide a comprehensive overview of all child rights issues in the Cook Islands. Rather, it focuses on the most relevant and/or current initiatives being undertaken to improve outcomes for children living in the Cook Islands. In doing so, it provides responses on the concluding observations and recommendations made by the Committee during its 1697th meeting, held on 3 February 2012.
4. The development of this report has been done in consultation with key Government agencies involved in the development of children in the Cook Islands. Also informing this report is the comprehensive consultation process which resulted in the Te Pito Manava o te Anau – Cook Islands National Policy Framework for Children 2017–2021. This consultation process included gathering the views of Government, non-government organisations, community groups, and most importantly, 725 children.
5. This combined periodic report to the Committee on the Rights of the Child has been prepared by the Ministry of Internal Affairs of the Government of the Cook Islands with support received from the United Nations Fund for Children (UNICEF).

Updates to general information

Demography

6. The Cook Islands 2011 Census Report indicated an enumerated population of 17,794 persons. 8,815 were male and 8,979, female. 14,974 were normal residents of the country (7,490 were male with 7,484 females). The following is the summary indicators of the 2011 Census.

Table 1

Country Population

<i>Resident Population Structure</i>	<i>Persons</i>	<i>Percent</i>
Population younger than 15 years	4 332	29%
Population 15–59 years	8 720	58%
Population 60+ years	1 922	13%
Dependency ratio (15–59)		72%

Table 2

Average Annual Rate of Growth

<i>Average Annual Rate of Growth (2006–2011)</i>	
Total population	-129 persons
Resident population	-29

Table 3
Population Density

<i>Population Density (persons per sq. km)</i>	
Total Population	75 persons
Resident Population	63 persons

Table 4
Private Households

Number of Private Households	4 372
Average Household Size (persons per household)	4

Table 5
Educational level of resident population

<i>Educational Level (resident population over 5 years)</i>	<i>Total number</i>	<i>Males (%)</i>	<i>Females (%)</i>
No education	53	41.5%	58.5%
Primary school	2 697	53.5%	46.5%
Secondary school	10 614	50.4%	49.5%

Table 6
Population of Labour and Non Labour Force

<i>Labour Force</i>	<i>Total number</i>	<i>Males</i>	<i>Females</i>
Employed population	6 938	3 708	3 230
Paid workers	6 815	3 632	3 183
Unpaid family workers	123	76	47
Unemployed	616	331	285
Labour force participation rate	0.71	0.77	0.65
Employment-population rate	0.64	0.69	0.59
Unemployment rate (%)	8.2%	8.2%	8.1%
Gross average annual income from all sources	\$15 028	\$16 848	\$13 243
<i>Non-Labour Force</i>			
Students	733	359	374
Retired	1 101	578	523
Home duties	1 254	294	960

7. A Census of Population and Dwellings was conducted in December 2016. However, the analysis and results are yet to be finalized. The preliminary count of total population on the 2016 Census night was 17,459, a 2% decline from 2011. 75% of the population were from Rarotonga (the main island). 19% were counted in the southern group islands (excluding Rarotonga) and 6% from the northern islands.

The Economy

8. The Cook Islands economy has experienced strong growth in recent years, largely based on unprecedented growth in tourism arrivals. The Cook Islands being scattered across 1.8 million square kilometers of the Pacific Ocean in the form of 15 islands, creates both advantages and disadvantages for the economy. The unique geographic set up of the country has contributed to the natural beauty of the country's land and waters. The natural beauty along with the unique culture has allowed the economy to become the tourism based economy that it is today.

9. It is estimated that 161,000 tourists will travel to the Cook Islands in 2017/18, following a record of 155,800 in 2016/17. This growth has raised the standard of living and quality of life for Cook Islanders. It has also allowed the country to continue its progression towards higher levels of economic prosperity, which may result in the graduation of the Cook Islands from Official Development Assistance.

10. However, in this context, the heavy reliance that the economy has on the tourism sector makes the Cook Islands vulnerable to shocks in external markets and natural disasters. Economic downturns in major tourism markets such as New Zealand, and natural disasters in Rarotonga pose a risk of the Cook Islands losing up to 67 per cent its current tourism base. If a major cyclone were to hit Rarotonga, it would take time before the tourism industry could rebuild to a standard acceptable to tourists, affecting both economic growth and government revenues.

11. The layout of the Cook Islands also has a significant impact on the economy. Rarotonga is the hub of commercial activities and tourism, and was also home to 75 per cent of the population as at Census 2016. Only a small per cent of the population lives on the remaining islands, with around 19 per cent of the population living in the five southern group islands and 6 per cent living in the northern group islands. Due to the small populations on the outer islands, the economies are largely built on subsistence farming, with some islands working towards small tourism, agriculture and pearl industries. The Cook Islands Government thus provides high levels of support to the outer islands to ensure that a reasonable standard of living is achieved for all residents. Despite this, inequality between Rarotonga and the Pa Enua (other islands) remains an issue given the cost and justification of delivering equal services across all islands. It is difficult to justify the cost for example, a \$3million harbour facility, for the use of 50 people in Palmerston, to the majority of taxpayers based on Rarotonga.

12. Strong growth in tourism appears to be slowly seeping towards non-tourism sectors of the economy with growth in both residential and commercial construction. The government is also in the process of implementing an ambitious capital plan which is expected to have a positive impact on the economy and livelihoods through the employment of local staff and contractors over the medium term, with some projects such as water sanitation expected to continue into the long-term.

13. Growth in tourism and construction whilst encouraging growth in the national accounts, both increase imports which can detract from some of the positive growth estimated.

14. There has been progressive increases to the minimum wage over recent years from the long-standing NZD\$5 an hour. The most recent minimum wage increase was implemented in July 2017. This helps address the high cost of living relative to wages issue that the government is concerned about. For, instance the minimum wage was increased from \$6.25 to \$7.00. At the same time, the government increased government salary bands in line with the minimum wage increase. The full impact of the increase in minimum wage is unknown at this point because there is no measure of marginal consumption in the Cook Islands.

15. The Asian Development Bank (ADB) Outlook 2017 provides a positive outlook on the Cook Islands, although noting that it must maintain prudent macroeconomic management against rising risks from economic and climatic shocks. The ADB estimated economic growth of 5 per cent in 2016/17, however provisional actuals suggest that there was only 1.7 per cent growth during this period. The ADB argues that higher growth is prevented by capacity constraints in the tourism industry which are difficult to resolve over the short term, predominantly issues with landownership and leasing arrangements. Furthermore, the ADB notes structural impediments to private sector growth, in particular rules around foreign direct investment (FDI). The Cook Islands Government is looking to review current FDI policy in the coming months to assess any changes required to encourage FDI, while ensuring that local businesses are also supported.

16. Work is also being undertaken to develop balance of payments data for the Cook Islands. In working on this new data, possible issues around other economic indicators have

been raised. Uncovering these possible issues may initiate the revision of other economic indicators.

17. It is against this context that the efforts made by the Cook Islands in implementing the Convention on the Rights of the Child should be understood. A country with a small population base, a narrow economic base coupled with the challenges of dispersed islands and geographical makeup, together with the challenge of graduation as determined by the OECD.

18. Despite these challenges the Cook Islands has made good progress in the implementation of the Convention. In a survey conducted amongst students for the development of the Te Pito Manava o te Anau – the National Policy Framework for Children 2017–2021, 85% feel safe in their community; 79% indicated that they have a secure, stable and caring home environment; 62% have never experienced abuse, neglect or mistreatment; 86% believed that their health is very important; and the majority of students were satisfied with the education that they were receiving and the input from their families into their educational achievement is generally positive.

19. The rest of this report will detail further the achievements and challenges facing the Cook Islands in its implementation of the Convention of the Rights of the Child.

Part 2

General Measures of Implementation (Articles 4, 42 and 44, para. 6 of the Convention)

Measures taken to Harmonize National Law and Policy with the Provisions of the Convention

A. Ratification and withdrawal of reservations

20. The Committee in considering the implementation by the Cook Islands of the Convention commended the State party for its withdrawal in 2009 of the reservation made on article 37 of the Convention upon accession. However, it raised concern over the remaining reservations on articles 2 and 10 as well as the Declaration on article 2, paragraph 1, and the general Declaration on the indirect application of the Convention in domestic law.

21. As such the Cook Islands was encouraged to advance its efforts concerning the withdrawal of these reservations and Declarations.

22. In this regard, the Cook Islands will undertake a process to review the withdrawal of the outstanding reservations and the Declaration relating to Article 2, as well as the general Declaration on the application of the Convention in domestic law. This is especially noting the enactment and coming into effect of the Family Protection and Support Act on 1 December 2017, as a significant step to ensuring that domestic law reflects the intent and principles of the Convention.

B. Harmonization with National Laws

23. The Cook Islands has completed the review of its domestic legislation and has passed the Family Protection and Support Act. Coming into effect on 1 December 2017, the Act has seven parts, which are as follows:

- Part 1 Preliminary Provisions;
- Part 2 Divorce;
- Part 3 Domestic and Child Support;

- Part 4 Parenting Arrangements;
- Part 5 Care and Protection;
- Part 6 Domestic Violence;
- Part 7 General and Miscellaneous provisions.

24. The principal purposes of the Family Protection and Support Act 2017 are:

(a) To provide for the orderly and equitable settlement of the affairs of spouses and defacto partners when a marriage or de facto relationship breaks down;

(b) To ensure that persons with parental responsibility fulfil their duties, and meet their responsibilities relating to the care, welfare, best interests, and development of children;

(c) To confirm that the best interest of the child are the paramount consideration in all matters relating to parenting and the care and protection of the child;

(d) To encourage where appropriate, the resolution of issues relating to family relations through negotiation and agreement;

(e) To ensure the safety and protection of adults and children in domestic relationships;

(f) To ensure that the matters to which this Act applies are consistent with the Cook Islands commitment to Christian principles and to human rights and gender equality, particularly through its commitments to:

(i) The United Nations Convention on the Elimination of All Forms of Discrimination against Women;

(ii) The United Nations Convention on the Rights of the Child; and

(iii) The United Nations Convention on the Rights of Persons with Disabilities.

25. A child is defined under the Family Protection and Support Act 2017, as a person under 18 years, in line with the Convention.

26. Also coming into effect on 1 December 2017 was the Harassment Act 2017. This Act allows for a minor to apply for restraining order under this Act, via a representative of the minor in accordance with the rules of court. Enforcement of the application will be, as if the minor were of full age.

27. No application must be made against a minor unless the minor is, or has been married or in a de facto relationship. A minor under the Harassment Act 2017, means a person under the age of 18 years.

28. The Crime's Bill 2017, has been drafted and is at Parliamentary Select Committee stage. The Parliamentary Committee are currently accepting submissions and also conducting consultations with communities across the country. It is anticipated that this will be enacted into law in 2018.

29. The current draft of the Crime's Bill 2017, in relation to children, covers the following aspects:

(a) Section 32: Lawful correction of child – this recognises the use of physical force on a child if this is applied by a parent or carer and the use and degree of physical force is reasonable in the circumstances having regard to the age, health, maturity or any other characteristic of the child. The use of force may be reasonable if it is for the purposes of preventing or reducing harm to a child or another person; or preventing a child from engaging in conduct that amounts to a criminal offence; or preventing a child from engaging, or continuing to engage in conduct that is offensive or disruptive. Force is unreasonable if applied to any part of the child's head or neck; or other part of the child's body that is likely to result in harm that last for more than a short period;

(b) Section 34: Lack of capacity children under 10 years old – a child under 10 years may not be convicted of any offence;

(c) Section 35: Lack of capacity children between 10 and 14 years – a child between the ages of 10 and 14 may be convicted of an offence if the child knows that his or her conduct is wrong. Knowing if the conduct is wrong is a question of fact and will be up to the prosecution to prove that the child has knowledge of wrong conduct;

(d) Section 65: Concealing dead body of a child – makes it an offence to conceal the body of a child whether or not the child was born alive and intends to conceal the child's birth;

(e) Section 71: Homicide – criminal responsibility for injuries to a child – a person may be criminally responsible for the offence of murder or manslaughter if the person engages in conduct causing injury to a child before or during birth of the child; and the conduct results in the death of the child after birth;

(f) Section 83: Abandonment of child under 6 years old – makes it an offence if a person intentionally abandons a child and that conduct results in a child being unreasonably left without the care and supervision of a parent or an adult with the legal responsibility for care of the child; or unreasonably exposed to climatic conditions or temperatures; and the child is under 6 years old;

(g) Section 84: Ill-treatment of child or vulnerable adult – a person commits an offence if the person is a responsible carer for the child; engages in conduct that creates a risk of suffering, or an adverse effect on the health or safety of the child; and the conduct is grossly negligent failure to perform a statutory duty owed by the person to the child;

(h) Section 85: Failure to protect child or vulnerable adult – an offence is committed if the person has a duty of care in relation to the child; knows that there is a likelihood that the child will suffer death, serious injury or sexual assault because of another person's unlawful conduct, or grossly negligent failure to perform a statutory duty owed by the other person to the child; and fails to take reasonable steps to protect the child from the risk;

(i) Section 101: Meaning of young person in subpart 9 (Abduction and Kidnapping) – in this subpart, unless the context otherwise requires, young person means a person who is under 16 years old;

(j) Section 103: Abduction of a young person – a person commits an offence if the person entices, takes or detains a young person; and either intends unlawfully removing the young person from the lawful control of the young person's carer, or where the young person has no apparent carer, entices, takes or detains the young person for purposes other than providing assistance, care and protection; or the person receives a young person and knows that the young person has been unlawfully removed from the lawful control of the young person's carer;

(k) Section 105: Consent of young person not a defence – it is not a defence to a prosecution for an offence against abduction for marriage or sexual connection, abduction of a young person, kidnapping that a young person taken or detained, consented to being taken or detained;

(l) Section 112: Nature of consent in offences against this subpart (Sexual offences) – There is no honest and reasonable belief in the consent of a person if the person is under 16 years old;

(m) Section 117: Sexual connection or indecent conduct with person under 16 years old – outlines that it is a crime to engage in sexual activity with a person or in the presence of a person under the age of 16 years;

(n) Section 118: Sexual connection or indecent conduct with person under 12 years old – a person commits an offence under this section is liable for conviction to imprisonment for a term not exceeding 16 years;

(o) Section 119: Sexual connection or indecent conduct with dependent family members under 18 years old – a person commits an offence if the person intentionally engages in sexual violation of another person and the other person is a dependent family member and under 18 years old;

(p) Section 121: Maintaining unlawful sexual activity with person under 16 years old – it is an offence to conduct sexual activity with a person under 16 years old on more than 1 occasion over more than 1 day;

(q) Section 122: Grooming person under 16 years old for sexual connection or indecent act – a crime is committed if the person charged is 16 years old or older; and engages in conduct that exposes another person to communication or contact with the person and with the intent of procuring the other person for the purposes of sexual connection or an indecent act with the person or someone else;

(r) Section 123: Associating with groomed person under 16 years old for sexual connection or indecent act – a person commits an offence if they are 16 years or older; has previously communicated with the groomed person; and after communicating meeting the groomed person, travelling to meet the groomed person, arranging for or persuading the groomed person to travel to meet, intends to procuring the groomed person for sexual connection or an indecent act with the person or with someone else;

(s) Section 124: Procuring person under 16 years for sexual connection or indecent act in the presence of the person – makes it offence to procure for sexual connection or indecent act a person under 16 years;

(t) Section 125: Unlawful sexual activity outside Cook Islands with person under 16 years old – allows for unlawful sexual activity with a person under 16 years although not committed in the Cook Islands to be prosecuted in the Cook Islands;

(u) Section 126: Promoting or organising travel for unlawful sexual activity with person under 16 years old – makes it an offence to organize or participate in the travel arrangements of a person under 16 years old with the intent of engaging in unlawful sexual activity outside of the Cook Islands;

(v) Subpart 13: Child abuse and other indecent material – outlines the offences relating to child abuse material that shows or describes a person who appears to be or is implied to be, a child (under 16 years) as a victim of torture, cruelty or physical abuse; in a sexual pose or sexual activity (whether or not in the presence of another person); the genitalia or anal area or, if the other person is female, the breast of a person who is, appears to be or is implied to be a child;

(w) Section 302: Human trafficking children – makes it illegal for human trafficking of children into or from the Cook Islands.

30. The Education Act 2012 states that the purpose of the Act is to provide for an education system in the Cook Islands with the emphasis on:

- (a) Providing education for all age groups;
- (b) The use and the preservation of the Cook Islands Maori language;
- (c) Cook Islands Maori language, culture, perspectives and aspirations;
- (d) Equitable access to education of high quality;
- (e) A high level of community involvement in determining educational outcomes;
- (f) Ensuring that everyone involved in the education system is treated with dignity, respect and understanding, in a way that is consistent with:
 - (i) The fundamental human rights and freedoms in Articles 64 and 65 of the Constitution of the Cook Islands;
 - (ii) The Convention on the Rights of the Child;
 - (iii) The Convention on the Elimination on all Forms of Discrimination Against Women; and
 - (iv) The Convention for Rights of Persons with Disabilities.

31. In the Education Act 2012, unless the context otherwise requires, child means a person under the age of 18.

32. The Ministry of Health Act 2013, repealed the Ministry of Health Act 1995–1996 to comprehensively provide for the functions and powers of the Ministry of Health under modern and reformed arrangements and for related purposes.

33. The Head of the Ministry of Health (Secretary of Health) is authorized and empowered to ensure that applicable conventions and related programs and initiatives are applied in the Cook Islands, and that all obligations applying are complied with.

C. National Policies/Development Plans

34. In line with the recommendation of the Committee that the Cook Islands develop a comprehensive policy on children, in September 2017, the Cabinet endorsed the Te Pito Manava o te Anau – Cook Islands National Policy Framework for Children 2017–2021, Cabinet Minute (17) 0317.

35. The National Policy Framework sets out the Government’s agenda and priorities in relation to children aged under 18 years – up to the year 2021. It signifies a whole of Government approach to ensure bright futures for children, acknowledging the shared responsibility of achieving results within available resources. The National Policy Framework is grounded in the Cook Islands culture and also the commitments under the Convention on the Rights of the Child.

36. It has the vision of “The Cook Islands is a great place in which to grow up in and raise a family, and where the rights of all children are respected, protected and fulfilled; where their voices are heard and where they are supported to achieve their maximum potential now and in the future.”

37. Aligned to the National Sustainable Development Plan 2016–2020 (NSDP), it contributes to the achievement of goals:

- (a) Goal 1: Improve welfare, reduce inequity and economic hardship;
- (b) Goal 2: Expand economic opportunities, improve economic resilience and productive employment to ensure decent work for all;
- (c) Goal 7: Improve health and promote healthy lifestyles;
- (d) Goal 8: Inclusive, equitable and quality education and promote life-long learning opportunities;
- (e) Goal 9: Accelerate gender equality empower all women and girls, and advance the rights of youth, the elderly and the disabled;
- (f) Goal 14: Preserve our heritage and history, protect our traditional knowledge, and develop our language, creative and cultural endeavours;
- (g) Goal 15: Ensure a sustainable population, engaged in development for the Cook Islands by Cook Islanders; and
- (h) Goal 16: Promote a peaceful and just society and practice good governance with transparency and accountability.

38. The National Policy Framework adopts an outcomes approach, based on five national outcomes for children. These outcomes are that children:

- Are active and healthy, physically and mentally (aligned to the Convention Articles 6; 22; 31; 33; and 23);
- Are achieving their full potential in all areas of learning and development (aligned to the Convention Articles 28; 29; 14; and 23);
- Are safe and protected from harm (aligned to the Convention Articles 9; 10; 19, 36, 34; 39, 11, 35; 20, 25, 21; 37; 40; and 17);
- Have economic safety measures and opportunity (aligned to the Convention Articles 27; 18; 26; and 28);

- Are connected, respected and contributing positively to their world (aligned to the Convention Articles 2; 12; 16; 30; 13; 15; and 42).

Each of these outcomes have subsequent interrelated strategies for implementation.

39. To realize the five National Policy Framework outcomes, six crosscutting transformation goals are to be pursued as well. These are:

- Support parents and families (aligned to the Convention Articles 5; and 18);
- Earlier intervention and prevention (aligned with the Convention Articles 2; 19; 33, 34; and 28);
- Listen to and involve children (aligned to the Convention Article 12);
- Ensure quality services (aligned to the Convention principles);
- Strengthen transitions (aligned to the Convention principles);
- Cross Government and interagency collaboration and coordination.

These goals also identify with actions requiring collective implementation and improvement during the timeframe of the National Policy Framework.

40. The Cook Islands National Youth Policy 15–24 Years – Back to Basics for Youth 2015–2020 replaces the National Youth Policy 2007–2010. It reaffirms the strategies outlined in the National Policy Framework for Children, and its implementation will contribute positively to the realisation of the National Policy Framework for Children given that its target is from 15–24 years. Its priority areas are:

- Family Relationships;
- Education and Economic Opportunities;
- Empowering Youth through community, cultural, spiritual and personal development;
- Supporting young people to achieve optimal health;
- Improving wellbeing and welfare; and
- Youth Risk and Resilience.

41. The Cook Islands Disability Inclusive Development Policy and Action Plan 2014–2019 was developed following a review of the National Disability Policy 2008–2012. Again, there are cross overs with the National Policy Framework for Children. The priority areas of the Cook Islands Disability Inclusive Development Policy are:

- Awareness and advocacy on the rights of persons with disability;
- Support to families, caregivers and self-help groups;
- Education and training, cultural life, leisure, recreation and sports;
- Rehabilitation;
- Early identification and intervention;
- Livelihoods;
- Data and Research;
- Partnerships, coordination and mainstreaming disability inclusive development Cook Islands Government and Civil Society; and
- Women and Girls with Disability.

42. The Cook Islands has made a concerted to not only develop its comprehensive policy on children, but also worked on the reassessment of priorities in the area of youth and persons with disabilities. It will also be undertaking to review and develop the next iteration of its National Policy on Gender Equality and Women’s Empowerment in 2018. This will ensure that policy objectives and actions will be complimentary in addressing the issues identified to maximize impact on the lives of those whom the policies are targeting. The challenge for the Cook Islands in the coming years would be to allocate sufficient

resources to the implementation of these policies given the many competing priorities for development.

D. National Coordinating Mechanism

43. Admittedly, the Cook Islands has been slow in establishing the national mechanism to coordinate the implementation of the Convention, where the Committee had recommended acceleration of establishment. This was perhaps due to the lack of direction in the absence of a National Policy Framework for Children. However, the endorsement of the Policy Framework has provided clarity on concrete actions to coordinate and to undertake. In October 2017, Cabinet approved the establishment of the Cook Islands National Advisory Committee for Children's Rights (CINACCR), Cabinet Minute (17) 0409. This Committee will serve as the national coordination mechanism for the Convention via the implementation of the National Policy Framework for Children.

44. The Terms of Reference of the CINACCR states that it is responsible for the overall national coordination of implementing the Convention on the Rights of the Child in the Cook Islands. It is mandated to meet on a quarterly basis to share information on work relating to children; work on joint collaboration/initiatives on child rights including those relating to laws, policies, statistics and other information affecting children; coordinate engagement on periodic reporting and follow-up on the CRC including national consultations required; coordinate national awareness on the CRC and child rights specifically; provide policy advice to Government on issues relating to children; engage with development partners including UNICEF on support needed for implementation of CRC; carry out other duties necessary for the effective reporting and implementation of CRC.

45. The composition of the CINACCR consists of the Heads of Ministries for the Ministry of Internal Affairs, Education, Health, Justice and Police. Other Government agencies and service providers to children can be invited to attend when required.

46. The Chairperson shall be the Head of the Ministry of Internal Affairs with the Ministry's Child and Family Unit providing secretariat services. The position of Chairperson may be rotated amongst the members and for a period as agreed to by the majority of the membership. The Secretariat may also be rotated to reflect the change in Chairperson.

47. It is envisaged that the CINACCR will ensure the implementation of the Convention by improving the working relationship of key stakeholders in implementing the National Policy Framework for Children.

48. The primary focal point for the Government on the implementation of the Convention and the National Policy Framework for Children is the Ministry of Internal Affairs via its Child and Family Unit. It should also be noted that Ministry of Internal Affairs also houses the National Gender Unit, Disability Unit, Youth Unit and the Welfare Services Division of Government, to ensure better coordination and alignment in activities.

E. Independent Monitoring Mechanism

49. The Cook Islands notes the recommendation of the Committee to set up an effective Human Rights Office in line with the Paris Principles with a clear mandate to monitor, promote and protect children's rights and empowered to receive and address complaints from children in a child friendly manner, whilst also recognizing the recommendation to ensure that children are aware of the complaints mechanism.

50. In response, the Cook Islands Government sought the assistance of the OHCHR/UNDP, SPC-RRRT and APF to conduct a scoping mission to answer three key questions.

- Is it necessary to establish a National Human Rights Institute (NHRI) in the Cook Islands and what value would it add?

- If established, what roles and responsibilities should a prospective NHRI have?
- What type of NHRI would be most appropriate to carry out these roles and responsibilities taking into account resource constraints and other challenges?

51. The scoping team made the following recommendations for consideration by the Government of Cook Islands:

- The scoping team recommends an enhanced Ombudsman-NHRI model with both a good governance and human rights mandate as the best option for an NHRI for Cook Islands;
- In addition to the current Ombudsman, consideration should be given to the establishment of the position of human rights ombudsman to lead the human rights mandate of the Ombudsman's Office;
- Criteria for the appointment of a human rights ombudsman should include:
 - (i) Demonstrated human rights experience and evidence of success in achieving change;
 - (ii) Deep understanding of Cook Islands culture, traditions and language;
 - (iii) Knowledge of the constitution and the roles, responsibilities and relationships of the parliament, the cabinet, the public sector and the judiciary;
 - (iv) Recognition by the community as a person of integrity, fairness and courage;
 - (v) The ability to advise on incorporating human rights into legislation, and to undertake complaints-handling and thematic investigations and inquiries.
- In considering the appointment of a human rights ombudsman, gender considerations should be taken into account to ensure that the institution reflects the plurality of Cook Islands society;
- Enabling legislation should provide for general powers adequate for the NHRI to fulfil its mandate to promote and protect human rights in line with regional and global best practice;
- Enabling legislation should provide a broad mandate:
 - (i) To promote and protect the human rights of every person in Cook Islands; and
 - (ii) To foster the dignity, equality and security of everyone in the Cook Islands, including women, children and people with disabilities, all citizens and residents, whether permanent or temporary.
- The primary objectives of the national human rights institution should be:
 - (i) To advocate and promote respect for, and an understanding and appreciation of, human rights throughout the Cook Islands;
 - (ii) To encourage harmonious relations between individuals and among the diverse groups of Cook Islands; and
 - (iii) To inquire into and report on alleged violations of human rights.
- To fulfil its broad mandate to protect and promote human rights in accordance with the Paris Principles, the Ombudsman's Office should have the following functions:
 - (i) Provision of human rights advice;
 - (ii) Policy and legislative review;
 - (iii) Monitoring of state implementation of human rights commitments;
 - (iv) Thematic inquiries and investigations;
 - (v) Detention monitoring;
 - (vi) Complaints handling and mediation;

- (vii) Bring proceedings before the court or be appointed as intervener or amicus curiae;
- (viii) Engagement with international human rights mechanisms; and
- (ix) Human rights education.

- To ensure compliance with the Paris Principles and to foster community trust in the institution, the enabling legislation should provide explicit guarantees of NHRI independence and a transparent appointment process, involving an independent selection committee and defined selection criteria;
- The scoping team recommends that PSC, in partnership with APF and the Ombudsman's Office, carry out a capacity assessment of the Office of the Ombudsman to determine capacity needs in relation to both good governance and human rights mandates;
- The scoping team further recommends that the capacity assessment of the Office of the Ombudsman provide the basis to determine a proposed organisational structure, required additional staffing and an institutional budget in order to fully handle both good governance and a human rights mandate;
- The scoping team recommends the provision of government funding for the office to initially cover the required institutional budget and staffing identified in the PSC/APF capacity assessment, with legislative provision made for the ongoing government core funding of the office;
- Once established, the NHRI should consider the appointment of an advisory council, consisting of representatives of key groups in society identified during the consultations. The advisory council should have clear terms of reference drafted to facilitate an effective and engaged body that enhances the work of the NHRI.

52. The Government is yet to decide on the recommendations of the scoping team, but it is anticipated that these recommendations will be considered in 2018. It should be noted that the Office of the Ombudsman continues to act on any complaints that it receives, including those relating to the rights of children, as do other key agencies involved with children, like the Ministry of Internal Affairs, Ministry of Education, Ministry of Health, Police and the Ministry of Justice.

F. National Plan of Action

53. The Te Pito Manava o te Anau – Cook Islands National Policy Framework for Children, outlines not only intended outcomes and transformation goals, but also actions that identifies the responsible lead, and supporting implementing entities from the machinery of Government. This in fact, constitutes as the National Plan of Action for implementation of the National Policy Framework for Children.

54. In addition to the overall Policy Framework Plan of Implementation, a specific Plan was developed for the key focal Ministry, Internal Affairs. Assistance has been received from UNICEF for the employment of a Children's Policy Coordinator for a year and then the ongoing cost would be covered through the local budget.

G. Data Collection

55. The Cook Islands has in place the Cook Islands Strategy for the Development of Statistics (CISDS) 2015–2025. The Strategy recognizes the importance of the production and dissemination of reliable statistical information in a timely manner to inform decision making. It therefore has the following strategic objectives:

- Legislation and policy;
- Access, use and communication;
- Knowledge management;

- National Statistical System (NSS); and
- Institutional and Human Resource Development.

56. Whilst the CISDS does not specifically target statistics in relation to children, but rather the overall national statistical situation, it is envisaged that this will improve significantly the overall position in relation to the production, dissemination and use of reliable statistical information relating to children.

57. The Ministries of Education and Health currently have the most reliable data collection and dissemination amongst the Government agencies.

58. The census data when collected asks for the date of birth of the person being enumerated and this is then collated and analysed in 5 year age groups, sex and usual residence. Age groups analysed are <5, 5–9, 10–14, 15–19, 20–24, 25–29, 30–34, 35–39, 40–44, 45–49, 50–54, 55–59, 60–64, 65–69, 70–74, 75–79, >79.

59. When produced the Census Report consist data on Population and Demographic Characteristics; Social Characteristics; Education Characteristics; Economic and Labour Force Characteristics; Fertility Characteristics; Internal Migration; Private Household Buildings/Housing Characteristics; Private Household Socio-Economic and Characteristics.

60. Additionally the Cook Islands Government produced an analysis of the 2011 Population and Housing Census relating to Young People (ages 15–24 years) in the Cook Islands in February 2015 with the assistance of the United Nations Population Fund (UNFPA). The summary of key findings of that analysis are as follows and provides valuable insight into the situation of young people.

(a) Youth in Transition:

- Young people will be seeking opportunities to work and study as they transition to adulthood;
- The population pyramid and migration patterns suggest a large number of Cook Islands youth were living overseas at the time of the Census;
- In 2011, almost one third of resident youth had been living elsewhere in the country or overseas five years earlier;
- New Zealand, Australia and to a lesser extent, Fiji, are the main countries where returning Cook Islands youth had been living;
- The majority of young people are remaining in school until age 17;
- Most young people live with parents or other relatives until their mid-twenties;
- On average, men and women are getting married around the age of 32;
- A significant number of women are starting a family at a young age.

(b) Health and Wellbeing:

- Teenage pregnancy is significant in the Cook Islands, with 18 percent of women age 19 having given birth to at least one child;
- Early childbearing is more prevalent in Rarotonga than the Pa Enua;
- Around 3 percent of adolescents aged 15–19 have some form of disability and over 5 percent of those aged 20–34;
- The most common forms of disability experienced by youth relate to ‘walking, lifting, and bending’ or ‘learning, concentrating or remembering’;
- Most deaths of young people are preventable categories of transport accidents and suicide;
- Significant numbers of young people take risks with their health by smoking cigarettes and/or drinking alcohol, with this being more common among young men than women.

(c) Education:

- School attendance rates are close to 100 percent for both boys and girls up to age 15 but decline after that;
 - The rate of school attendance declines with age more rapidly for boys than girls;
 - According to self-reported abilities in the Census, literacy rates are high for youth aged 15–24, with 81.4 percent able to read and write in Cook Islands Maori and 96 percent in English;
 - Secondary attainment is more positive for girls than boys, except for teenage mothers;
 - 5 percent of people aged 15–24 have some kind of vocational qualification;
 - Obtaining qualifications seems to significantly increase chances of obtaining employment;
 - The main reasons young people gave for not getting qualification or studying were lack of interest or lack of time.
- (d) Work and Employment:
- Young people make up a significant proportion of the labour force with almost one in five (19%) of the labour force being aged 15–24;
 - Most young people have joined the labour force by the time they are aged in their 20s;
 - Among 15–19 year olds, the main reason for not being in the labour force is that they are still students;
 - Unemployment for those aged 15–19 is much higher than others, with over a quarter of both teenage boys and girls who have entered the work force being unemployed;
 - It is important that young people have the opportunity to develop their skills and confidence. The 140 young men aged 15–19, and the 116 women, who are neither in education or work may be lacking such opportunities;
 - The most commonly held occupation for young men (aged 15–24) is as labourers (general or agriculture or ground keeping labourers) with one in five young men in this type of job;
 - Over a third of young women are bartenders, waitresses, salespersons, receptionists or information clerks;
 - The largest sector of employment of both male and female in the Cook Islands is in restaurants or accommodations. Wholesale and retail trade and public administration are other sectors that employ significant numbers of young people.
- (e) Information and Communication Technology:
- Landline telephones continue to be the most commonly used ICT (of the three measured in the census);
 - Young people are more likely than the overall adult population to be using cell phones and internet, but less likely to use landlines;
 - It is at the ages 15–19 when usage of cell phones and internet begin to peak;
 - Internet usage is highest in Rarotonga (56%), where the options for access and relative affordability are better;
 - Few people in the northern Pa Enea use the Internet (18%) and the rate is not much higher in the southern Pa Enea (27%);
 - Young internet users are less likely to be online daily than older generations;
 - There are small differences in the rate of use between males and females;

- Young people are more likely than older generations to be downloading music, movies, or using the internet for education or learning activities.

H. Resources for Children

61. There is currently no specific budgetary allocation from the national budget for the implementation of the Convention. However, line-ministries are implementing programs and initiatives through their individual budgetary allocations.

62. The following are the total resourcing appropriations made to the three main Ministries dealing with children issues for the last 3 financial years:

Table 7

Children related Government Ministries Budgets

<i>Ministry</i>	<i>2015/16</i>	<i>2016/17</i>	<i>2017/18</i>
Education	14 720 355	18 857 622	19 588 429
Health	11 498 425	11 635 886	12 531 889
Internal Affairs	1 070 458	3 433 376	3 164 242

63. Also including in the Administered payments on Payments on Behalf of the Crown (POBOC) for the Ministry of Internal Affairs are the welfare appropriations of \$15,799,966 in 2016/17; and \$17,353,517 in 2017/18.

64. The Child Benefit is paid on a fortnightly basis. Before February 2014, children up to the age of 12 years received \$30. From March 2014 to June 2017, children up to the age of 12 years received \$33. In July 2017, this was increased to \$50. Also in July 2017, children who are severely disabled received the child benefit up until the age of 16 years. Following that, these children would progress to receiving the disability benefit.

65. In November 2017, the Ministry of Internal Affairs convened a national workshop to review the level of benefits being provided by Government to the aged, children, disabled, infirm, caregivers, those in hardship and so forth. The recommendations from this workshop will be presented to Cabinet to inform the future allocations of funding to support those requiring state financial assistance, including children.

66. The Ministry of Education provides financial support to learners in the outer islands by way of the Pa Enea Student Education Assistance Grant, which allows those who wish to complete higher years of secondary education in Rarotonga to do so. The grant meets travel costs, school examination fees, hosting family support and a small personal allowance. Other modes of support include: freight subsidies for northern islands schools, inclusive Education Teacher Aide support, assistive technology policy and support program, Te Kura Uira (online school), itinerant guidance counselors working across all schools. All schools are inclusive schools. Students who require additional learning support are not marginalised.

67. The Police Service has allocated funds in its annual budget for Youth Development and Leadership Courses targeting 11–18 year olds.

68. The national budgeting system currently does not implement a tracking system for the allocation and the use of resources for children throughout the budget. The primary reason for this is capacity constraints of the very small national budget team, within the Ministry of Finance and Economic Management (MFEM), and doing so would place additional administrative burden on limited resources. Spreading this responsibility to line Ministries would require additional reporting obligations. This would also result in the diversion of human resources to reporting, rather than focusing on service delivery that would add greater benefits to the wellbeing of children.

I. International Assistance

69. The efforts of the Cook Islands in implementing the Convention have been complimented by development partners. In the area of Education, New Zealand has always been supportive through providing sector budget support to the sector. The same also applies to Health. The Ministry of Health has also received support from the World Health Organisation (WHO) targeting immunization and sexually transmitted diseases. UNICEF, UNDP and UNFPA have also provided assistance over the years as have the Secretariat of the Pacific Community (SPC).

J. Awareness and Dissemination

70. The Cook Islands notes the recommendation by the Committee that it strengthens its efforts to systematically disseminate and promote the Convention among the public at large and particularly among the professionals working with and for children, and among children themselves. It is pleased to report that the professionals working with children are very much aware of the Convention – particularly amongst the Ministry of Internal Affairs, Education, and Health, Justice and Police and also the non-government organisations that provide services to children.

71. Increasingly the public and children themselves are gaining greater awareness through related consultations regarding the National Policy Frameworks for Children, Youth and Disabilities; and also through the consultation process for the development of the legislations that are aligned to the Convention such as the Family Protection and Support Act 2017, Harassment Act 2017, Education Act 2012, Health Act 2013, and Crimes Bill 2017. The recent consultation on the National Human Rights Institution also provided an avenue for greater awareness of the Convention. Intermittent radio programs promoting the Convention by the various stakeholders have also served to disseminate information and create awareness.

72. Awareness programs are conducted by the Prevention Division of the Cook Islands Police Service. These cover a wide range of issues including children specific issues. Programs are disseminated via local radio and television each weekday morning and evening. Vaka (community) constables also hold community meetings and facilitate awareness programs for domestic violence involving children and issues of children coming up in the criminal system. These programs are aligned to the delivery of the Police Service annual Community Engagement, Youth Action and Prevention Action Plans.

K. Cooperation with Civil Society

73. Government is very much aware that it cannot work alone to implement the Convention and that strong partnerships with civil society are essential. Key Government stakeholder agencies work collaboratively with civil society organisations such as Te Punanga Tauturu Incorporated, Cook Islands Child Welfare, the National Council of Women, National Youth Council, National Disability Council, uniformed organisations, faith based organisations, sporting organisations, traditional leaders, and so forth. There is general recognition and acknowledgement that these partnerships need continuous strengthening. The Government has committed in the National Policy Framework for Children that it will work together with non-government, faith-based organisations and communities to ensure planning and coordination of parenting and family supports at the island and community levels through Children's Services Champions and other means.

L. Training

74. The Cook Islands agrees with the recommendation of the Committee that greater efforts must be taken in training professionals dealing with children. It is yet to fully harness the use of information technology to ensure that training is offered to professionals in the outer islands. This is an area that will require attention in the coming years. The

Police Service has identified that with the passing of the Family Protection and Support Act 2017, it is anticipated that training will be tailored to cater for children's rights under the Family Protection and Support Act 2017 in the immediate to medium term. It should also be noted that the Police have a systematic upskilling program for both officers in Rarotonga and the other islands, as part of the Police Training Unit Action Plan.

75. It is anticipated that the Government will reach out to the OHCHR and UNICEF for technical assistance in this area.

Definition of the Child (Article 1 of the Convention)

76. The Cook Islands has begun to make consistent the definition of a child in its institutional, policy and legislative frameworks.

- The Te Pito Manava o te Anau – Cook Islands National Policy Framework for Children defines a child as below the age of 18 years;
- The Family Protection and Support Act 2017 interpretation of child means a person under 18 years;
- The Harassment Act 2017 interpretation of a minor means a person under the age of 18 years;
- The Education Act 2012 interpretation of child means a person under the age of 18 years;
- The current draft Crimes Bill 2017 defines child – (a) means a living child that is physically separate from the body of its mother whether or not the child has breathed; or an independent circulatory system; or had its umbilical cord cut; and (b) generally in this Act, means a person who is under 18 years old; but (c) for subpart 13 of Part 6 (child abuse and other indecent material), means a person who is under 16 years old.

77. The changes made above, indicate the willingness of the Cook Islands to make consistent the definition of a child in accordance with article 1 of the Convention. It has yet to raise the minimum age for marriage to 18 years and anticipates that this will be part of the work currently underway in reforming and modernizing Cook Islands legislation. In practice it should be noted that according to the 2011 Population and Housing Census, on average men and women are getting married around the age of 32 years. Marriage before the age of 20 years is not common for both men and women. There were only 58 men and women under 20 who were married or de facto at the time of the census.

78. In relation to the definition of child in the Census, the Census data when collected asks for the date of birth of the person being enumerated and this is then collated and analysed in 5 year age groups, sex and usual place of residence. Age groups are categorized as <5, 5–9, 10–14, 15–19, 20–24, 25–29, 30–34, 35–39, 40–44, 45–49, 50–54, 55–59, 60–64, 65–69, 70–74, 75–79 and >79. Whilst this method of data has not changed in the recent 2016 census, the recommendation of the Committee to define a child in line with Article 1 of the Convention can be taken into consideration in the next Census.

General Principles (Articles 2, 3, 6 and 12 of the Convention)

Non-discrimination

79. The Cook Islands notes the recommendations of the Committee in relation to non-discrimination. The Disability Act 2008 is an Act to provide for the Government to institute and maintain a Disability Strategy in respect to persons with a disability, to make discrimination against a person with a disability unlawful, and to ensure that persons with a disability have access to certain buildings and to footpaths. The Cook Islands Disability Inclusive Development Policy and Action Plan 2014–2019 and its earlier iterations seek to eliminate discriminatory attitudes towards persons with a disability and improve livelihoods for those who live with disabilities.

80. With regard to children, the Ministry of Education Act clearly states its consistency with the Conventions of the Rights of the Child, Rights of Persons with Disability and Elimination of all forms of Discrimination against Women. It also has in place its Inclusive Education Policy and the tools and mechanisms such as Inclusive Education Teacher Aide support to ensure the implementation of the policy.

81. The Crimes Bill 2017 has attempted to rectify the existence of various discriminatory provision contained in the current Crime Act 1969. It is envisaged that the work on legislative reform and modernization of Cook Islands legislations currently underway will better align national laws with the Convention.

Best interests of the child

82. The Cook Islands notes the recommendations made by the Committee in relation to the Best interest of the child in accordance with Article 3 of the Convention. As such, Section 3 of the Family Protection and Support Act 2017 relates to the purpose of the Act. Section 3 (b) states “to ensure that persons with parental responsibility fulfil their duties, and meet their responsibilities relating to the care, welfare, best interests, and development of children; and (c) to confirm that the best interest of the child are the paramount consideration in all matters relating to parenting and the care and protection of the child”. Section 7 of the Act is on determining the child’s best interest. It states: “In determining what is in the child’s best interests, a court must take into account – (a) the ascertainable views of the child concerned (considered in light of the developing capacities of the child, including the child’s age and capacity to understand); and (b) the likely effect that a change in circumstances will have on the child, including the likely effect of separation from – (i) either parent; or (ii) any other child or person with whom the child has been living; and (c) the child’s age, sex, background, and any characteristics of the child which the court considers relevant; and (d) the child’s physical, emotional, and educational needs and the capability, based on evidence of each of the child’s parents or of any other person to meet those needs; and (e) the need to protect the child from any physical or psychological harm or any risk of physical or psychological harm; and (f) the attitude to the child, and to the responsibilities of parenthood, demonstrated by the person seeking parental responsibility for the child, based on the duration, quality, and quantity of care that the person has already provided to the child; and (g) any other factor or circumstances as relevant to the court.

83. Part 5 of the Family Protection and Support Act 2017 relates to Care and Protection. Section 47 under this Part 5 states: “The best interest of the child are the first and paramount consideration in all proceedings under this Part.” Section 48 defines need of care and protection. “A child is in need of care and protection for the purposes of this Part if – (a) the child is being, or likely to be harmed (whether physically, emotionally or sexually), ill-treated, abused, or seriously deprived; or (b) the child’s development or physical, mental, or emotional well-being is being, or is likely to be, impaired or neglected, and that impairment or neglect is, or is likely to be, serious and avoidable; or (c) serious differences exist between the child and the parents or any caregiver of the child so that the physical, mental, or emotional well-being of the child is being seriously impaired; or (d) the child has behaved, or is behaving in a manner that – (i) is, or is likely to be harmful to the physical, mental, or emotional well-being of the child or to others; and (ii) the parents or caregivers of the child are unable or unwilling to control; or (e) the parents or caregivers of the child are unwilling or unable to care for the child; or (f) the parents or caregivers of the child have abandoned the child; or (g) serious differences exist between the parent or caregiver of the child and the other parent so that physical, mental, or emotional well-being of the child is being seriously impaired.”

84. The challenge for the Cook Islands going forward with the Family Protection and Support Act, coming into force on 1 December 2017, is to ensure that all parties involved have the capacity to enforce the Act. Under the Ministry of Justice, the Justices of the Peace have undergone training on the Act. It is envisaged that ongoing training will be required for Justices of the Peace, court staff, police, social workers, health workers and teachers and education administrators to enhance the skills and knowledge in the application and enforcement of the Act.

85. The Police reviewed their General Instructions in 2015 in anticipation of the passing of the Family Protection and Support Bill to include revising Police best practice when engaging with children.

Right to life, survival and development

86. Government has prioritized child developmental issues primarily through the Ministries of Health and Education. A total of 2,703 live births were reported from 2007–2016. The majority of births were males 1,401, compared to females 1,302. The average number of babies born in the Cook Islands over the last 10 years is 270 babies per year.

87. Infant mortality rate remains below 10 since 2007, when it significantly dropped from 25 deaths to almost 7 per 1,000 live births. These changes are attributed to the prevention measures being implemented by the Ministry of Health, such as the promotion of good nutritional practices and raising awareness programs for antenatal and post-natal services. The following table summarises total number of deaths and those which fall under the groups of under 15 years and between 15–19 years, demonstrating a decline in deaths in the 15–19 age group.

Table 8

Infant mortality rate <15–19years

	<i>Total deaths</i>	<i><15 years</i>	<i>15–19 years</i>
2016	241	1	23
2015	216	0	24
2014	223	0	31
2013	260	0	40

88. There is excellent immunization coverage in the Cook Islands as a result of the effective implementation of the Ministry of Health National Immunization Policy with over the 90% target being achieved over the past five years. Public Health nurses are proactive in ensuring that children receive the immunization required, including making home visit to guarantee coverage.

89. There were 19 deaths from suicide during the period 2007–2016, comprising of 14 males and 5 females. The youngest fatality was 14 years old. The Cook Islands has in place its National Suicide Prevention Strategy 2016–2020. Also applicable to the wellness of children is the implementation of the Cook Islands Mental Health and Wellbeing Strategy 2016–2021. Government recognizes that addressing mental related issues at an early age will lead to better management and outcomes. In the Global School Based Student Health Survey conducted in 2015 on students aged 13–17 years, 28.5% of the total students reported that their parents or guardians most of the time or always understood their problems during the 30 days before the survey. When breaking this down into gender classifications, 30.9% of males indicated understanding by parents and guardians of problems, in comparison to 26.5% for females.

90. Counselling services are provided in selected schools, however, it is noted that this needs to be intensified both in terms of coverage and reach and will be a priority in coming years.

Respect for the view of the child

91. There is a changing perception on the need to hear the voices of children, compared to the past when children are seen but not heard. The Te Pito Manava o te Anau – National Policy Framework for Children, third transformational goal is to listen to and involve children. In the timeframe of the Policy 2017–2021, Government has committed to develop and implement a National Policy on Children’s Participation in Decision making to strengthen efforts to ensure that children can express their views on all matters affecting them and to have those views considered, including those of ‘seldom heard children’.

92. The Family Protection and Support Act 2017 also has provisions providing children the opportunity to be heard in judicial proceeding affecting them.

93. Student voices are included in decision making opportunities within schools and with the Ministry of Education. Students across all schools in the Cook Islands actively engage through: Student Councils; student leader positions, student representative roles on the School Committees or Boards; peer support programs and contribution to the Ministry of Education initiated surveys and questionnaires.

94. The Ministry of Education is participating in a joint research project titled 'Networking for Inclusion: A Development and Research Initiative in the Pacific Region'. This project hopes to give voice to practitioners, children and young people, disabled people, community members who are usually silent and their knowledge is not shared. The research will focus on two key questions. First, how can the regional networking be made effective in connecting to the experiences of hard to reach communities? Second, how do we enable those within hard to reach communities to share their experiences? The information gathered will be shared through the Enabling Education Network, an internationally recognized network for the creation and dissemination of knowledge about marginalised groups in education worldwide.

Civil Rights and Freedom (Articles 7, 8, 13–17, 19 and 37 (a) of the Convention)

Freedom of expression and the right to seek, receive and impart information

95. The Cook Islands has 100% broadband coverage on all islands. The main island, Rarotonga and Aitutaki have 4G connection, with the rest of the islands on either 2 or 2.5G. The islands on 4G have faster connection, meaning they can access more services in comparison to 2 or 2.5G connections.

96. In 2016, mobile coverage nationally was at 118% with 13,831 subscribers (this indicates that some people have more than one subscription). 56% of the population (assumed at 11,700) were connected to fixed phone lines with 6,530 subscribers. 54% of the population, 6,265 had subscribed to internet, while there were 3,258 broadband subscribers equating to 28% of the population.

97. All schools in the Cook Islands have internet connection with the Te Kura Uira (online school) program being utilised in the smaller and remote schools in the outer islands.

98. The majority of children in the Cook Islands own a mobile phone and can gain access to the internet.

Freedom of association and of peaceful assembly

99. Children in the Cook Islands continue to enjoy the freedom of association and peaceful assembly as guaranteed by Article 64 of the Constitution of the Cook Islands.

100. Sports, community, school, church and friendship clubs and groups provide avenues for freedom of association and of peaceful assembly for children.

Protection of privacy and protection of the image

101. The Cook Islands is yet to adopt a specific legislation to deal with Privacy as recommended by the Committee. In the area of health, the doctor – patient relationship of confidentiality ensures privacy. The Family Protection and Support Act 2017, section 76 (1) states: "A copy of every report provided to the court under section 70 or 71 must, subject to section 77, be given by the Registrar to – (a) each person entitled to appear and be heard in the proceedings to which the report relates to; and (b) each lawyer, or other person representing (i) any person entitled to appear and be heard in the proceedings to which the report relates to; and (ii) the child to whom the proceedings relate; and (iii) each parent and caregiver of the child; and (c) the Secretary; and (d) any other person whom the court considers has a proper interest in receiving a copy of the report. Section 77 says: "The court may direct that the whole or any part of a report provided under section 70 or 71 must not

be disclosed to a person specified in the order if satisfied that such disclosure would be, or is likely to be, detrimental to the physical, mental, or emotional well-being of a child or other person to whom the report relates.” Section 134 (1) of the Act states: “In any proceedings under this Act relating to a child, the court may do 1 or more of the following – (a) require a person to withdraw from the court while the child gives evidence; (b) require that cross-examination is conducted by video link with a screen; (c) excuse the child from cross-examination if the child is not of an age or maturity to understand the proceedings; (d) confer in private with the child in the presence of the child’s lawyer or representative; (e) receive the evidence of the child by written or recorded statement; (f) hear any evidence that it thinks fit. (2) The manner in which a child gives evidence must minimize any trauma or negative consequences that may occur as a result of giving evidence in proceedings under this Act.

Access to information from a diversity of sources and protection from material harmful to Children

102. Children have wide range of mediums by which to access information. The media in the Cook Islands is free. There is television access to most homes across the country. Radio is accessible via AM and FM bands.

103. All schools in the Cook Islands have libraries. There have been increasing number of children’s publications that have contextualized for the Cook Islands, promoting positive developmental messages, and in the local languages.

104. The internet has increased access to information, as well exposure to material that may be harmful to children. In the Te Pito Manava o te Anau – National Policy Framework for Children, the Government commits to support efforts to limit exposure by children to age-appropriate material on the internet, including via mobile phones.

105. The Crimes Bill 2017, Subpart 13: Child abuse and other indecent material – outlines the offences relating to child abuse material that shows or describes a person who appears to be or is implied to be, a child (under 16 years) as a victim of torture, cruelty or physical abuse; in a sexual pose or sexual activity (whether or not in the presence of another person); the genitalia or anal area or, if the other person is female, the breast of a person who is, appears to be or is implied to be a child.

The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment

106. Zero tolerance of corporal punishment and verbal abuse is outlined in Part 8 subsection 109 of the Education Act 2012, and states: A person at an education institution, or at an educational institution activity, must not:

- (a) Verbally abuse a student of the institution;
- (b) Use physical force, by way of correction or punishment, against a student of the institution; or
- (c) Require a student of the institution to do an act intended or likely to cause the student pain, severe discomfort, or humiliation.

107. The Te Kakaia Programme with the Ministry of Education continues to provide ongoing support to parents and families, in their role as the first teachers of their children. The promotion of positive parenting through the use of resources, strategies and community based workshops are being effectively delivered in conjunction with other agencies.

108. Through the Family Protection and Support Act 2017, and continued partnerships with the Ministry of Internal Affairs and Police, schools and teachers are obligated to report concerns.

109. The ‘no drop’ policy for domestic violence extends to child victims of domestic violence so that prosecution of such cases can proceed despite the victim’s non-cooperation.

110. The Domestic Violence Unit of the National Police Service works closely with the Vaka (community) constables in responding to domestic violence reports and also in

outreach, through school visits, to make children aware of their right to seek assistance, including police assistance, in case of domestic violence and abuse.

111. The Police Training Unit delivers as part of its Annual Action Plan upskilling and capacity building in engagement with children.

Family Environment and Alternative Care (Articles 5, 18 (para. 1–2), 9–11, 19–21, 25, 27 (para.4) and 39 of the Convention)

Family environment

112. The recommendation of the Committee on extension of maternity leave to all mothers has been legislated. The Employment Relations Act 2012, section 40 relating to Maternity Leave states: (1) An employee who is pregnant, other than a casual employee, is entitled to 6 weeks maternity leave. (2) The employee must not commence the leave earlier than 2 weeks before the employee's expected delivery date, and must commence the leave no later than the date of birth. (3) If the employee returns to work at the expiry of the maternity leave or within 6 weeks of birth, the employee is entitled to return to the position usually held by her prior to taking maternity leave, or to an equivalent position, on conditions equivalent to those which would have applied to her had she not taken maternity leave. (4) The employee must, if requested by her employer, give the employer a written medical certificate from a qualified medical practitioner confirming the pregnancy and the expected date of delivery.

113. Section 41 of the Employment Relations Act 2012 relates to Payment of maternity leave and states: (1) Subject to subsections (3) and (4), an eligible employee on maternity leave in accordance with section 41 is entitled to be paid by the Crown at the minimum rate of pay prescribed under section 34 based on a 40 hour working week. (2) Despite section 30, if the employee's employment agreement provides for the payment of maternity leave by the employer – (a) the employer must make the payment in accordance with the agreement; and (b) the payment by the employer is additional to any payment by the Crown to which the employee is entitled under subsection (1). (3) To avoid any doubt, an eligible employee who, at the time of birth, has more than one employer, is entitled to be paid for her maternity leave under subsection (1) in relation to only one employer. (4) If the employee is a foreign worker, subsection (1) does not apply to the employee and the employee's maternity leave must be paid for by the employee's employer at not less than the minimum rate of pay prescribed under section 34. (5) In this section, an employee is an 'eligible employee' if the employee – (a) is a registered taxpayer having pay as you earn deductions from her salary pursuant to sections 145 and 156 of Part IX of the Income Tax Act 1997 in respect of the employment for which the payment of maternity leave relates; and (b) is not a public service employee (whether or not the employee has any other form of employment) who is entitled to be paid while on maternity leave under the Public Service Act 2009 or regulations or instructions made or issued under that Act.

114. Section 42 of the Employment Relations Act 2012 relates to Paternity leave and states: An employee other than a casual employee, who is a spouse of a person who gives birth is entitled to 2 working days paid leave, paid at the employee's ordinary rate of pay, and 3 working days unpaid leave, in the 6 weeks following the birth.

115. Awareness raising programs on positive parenting and the value of strong families is ongoing and is implemented in partnership with civil society actors and other development partners. Admittedly, resource constraints has impacted on the regularity and sustainability of these awareness raising programs.

Parents' common responsibilities, assistance to parents and the provision of childcare services

116. In the Te Pito Manava o te Anau – National Policy Framework for Children, Government commits to develop a high level policy statement on Parenting and Family Support to guide the provision of parenting support systems/mechanisms. This should target parental and familial factors impacting on parenting and family functioning and

identify responses needed for at risk children, families and communities. Furthermore, it commits to financially support parents and families with the cost of raising children through the provision of the Child Benefit and other social protection programmes, continually examining ways of better improving financial support to parents and families. In the last quarter of 2017, the Ministry of Internal Affairs convened a national workshop to review the welfare system including the child benefit. It is anticipated that the findings from this workshop will help inform the high level policy statement on Parenting and Family Support, as well as future Child Benefit entitlements.

117. Part 3 of the Family Protection and Support Act 2017 relates to Domestic and child support. In relation to child support, the purposes of this part of the Act are – (a) to provide for the support of a child; and (b) to ensure that each parent contributes equitably to the financial support of their children; and (c) to ensure that the father makes an equitable contribution to the expenses of childbearing. Under this part the Court is given the power to order childbearing expenses and the provision of child support for 1 or more children. Payments of support may be made by periodic payments for a specified period; a lump sum payment; property, land, or any other assets; valuable goods.

118. Childcare for working parents remains the responsibility of the parents and the state does not have any daycare centers set up. Privately operated daycare centers are available at the cost of the parents of the child. Securing affordable child care continues to be a challenge for working parents.

119. The Ministry of Education delivers awareness through Te Kakaia Programme, providing ongoing support to parents and families, in their role as first teachers of their children. The Education Act 2012, caters for children from 3 years of age. Acknowledging the 0–2 years old gap, the outstanding issue to be addressed is that of private day care centers, which currently are not with the legislation or regulation of any Ministry of Government. This is an issue in terms of health, safety and welfare, as well as of ‘school readiness’ and access and participation in formal education from the age of 5 years. At the recently held 2017 Pacific Early Childhood Development Conference, the Ministries of Education, Health and Internal Affairs, recommended a gap analysis across current legislations, regulations and plans to see how this issue can be addressed and risks mitigated. The Ministry of Education recommends that this work starts as a voluntary Code of Practice for daycare centers to subscribe to. Those that do so, could be supported in non-financial terms such as being invited to participate in professional development, be part of the Te Kakaia program, etc. Immediate regulation/legislation without consultation will simply drive the centers underground.

Separation from parents

120. Part 5 of the Family Protection and Support Act 2017, relates to the care and protection of children. The purposes of this Part are – (a) to affirm that the best interest of the child, both in childhood and later life, are the paramount considerations in all matters relating to the care and protection of the child; (b) to provide, where appropriate, for the convening of an uipaanga kopu tangata – (i) to encourage family members to take part in decisions affecting the child, (ii) to increase the support for the child by family members and other relevant persons, (iii) to make agreed arrangements for the care and protection of the child; (c) to assist parents and caregivers to exercise their responsibilities to prevent children from experiencing harm, abuse, neglect, or deprivation; (d) to provide for the care and protection of children who have experienced harm, abuse, neglect, or deprivation; (e) to ensure that a child is removed from the child’s home only if there is a serious risk of harm to the child; (f) to ensure that, if a child is removed from the child’s home, the child, wherever practicable, lives in an appropriate family-like setting in the same locality as before and which the child’s links with family members and other relevant persons are maintained.

121. Part 5 is administered by the Ministry of Internal Affairs. For the purposes of this Part, the Secretary of the Ministry of Internal Affairs must – (a) establish services (including social work services, family support services, and community-based services) designed to advance the care and protection of children in the community or the home; and (b) establish, facilitate, and supervise the use of the uipaanga kopu tangata in the making of

an agreed kaveinga a te kopu tangata regarding the care and protection of children; and (c) ensure that children placed in the care of the Ministry of Internal Affairs receive adequate and appropriate care; and (d) convey to members of the public (including children) and members of the professional and occupational groups, through education and publicity, – (i) an awareness of child abuse; and (ii) an understanding of the unacceptability of child abuse; and (iii) the ways in which child abuse may be prevented; and (iv) the importance of reporting cases of child abuse; and (v) how to report child abuse; and (2) ensure, wherever possible, that all policies adopted and all services provided by the Ministry of Internal Affairs – (i) support the role of families and other relevant persons in the care and protection of children; and (ii) strengthen and encourage children’s links with family members and other relevant persons; and (f) establish procedures to ensure that the cases of children placed in the care of the Ministry of Internal Affairs are regularly reviewed in order to assess the adequacy of appropriateness of that action; and (g) ensure that persons providing services under this Part receive adequate training and comply with appropriate standards; and (h) monitor and assess the services provided by the Ministry of Internal Affairs under this Part.

122. An uipaanga kopu tangata is a meeting about a child to give the relevant uipaanga kopu tangata participants an opportunity to determine whether a child is in need of care and protection; to make the kaveinga a te kopu tangata specifying agreed arrangements for the care and protection of the child; and if a kaveinga a te kopu tangata is already in force in relation to the child, to review the kaveinga.

123. A kaveinga a te kopu tangata is an agreement between the Ministry of Internal Affairs and the relevant uipaanga kopu tangata participants. Section 82 of the Family Protection and Support Act 2017, outlines the content of a kaveinga o te kopu tangata. It must specify a caregiver/s of the child; any person who is specifically authorised to have contact with the child and any conditions that may apply to the contact; the allocation of parental responsibility for the child; if there is shared parental responsibility, the form of consultation about decisions to be made in the exercise of those responsibilities. It must specify the objectives sought to be achieved for the child and the timeframe for achievement; the details of services, assistance and support to be provided for the child and the caregiver/s of the child; specify who will provide the services, assistance and support; state the responsibilities of the child; state the responsibilities of the caregiver/s of the child; contain matters relating to the education, employment, recreation, and welfare of the child as are relevant; and the process for resolving disputes about the terms of operation of the kaveinga a te kopu tangata.

124. The Secretary of the Ministry of Internal Affairs may make a temporary care arrangement that places a child in the care of the Ministry of Internal Affairs for a period not exceeding 3 months. At the end of the temporary care arrangement the Secretary must convene a uipaanga kopu tangata.

125. Given that the Family Protection and Support Act 2017 has only come into force on 1 December 2017, the effect of its enforcement in relation to care and protection is yet to be assessed.

Recovery of maintenance for the child

126. Section 20–23 of the Family Protection and Support Act 2017, outlines the application for child support order; the Court’s power to order payment of child support; and the factors relevant to determining amount of child support. Since coming into effect on 1 December 2017, one application for recovery of child support has been made, where the father of the child is now a resident in another state. The Court has ordered that the Ministry of Justice make the relevant arrangements with the authorities in the state where the father is now resident, for the payment of child support to be transferred to the Cook Islands. It is anticipated that such application will increase given the fluidity of movement of the Cook Islands population between New Zealand and Australia.

Children deprived of a family environment

127. Reference is made to the outline provided above under Part 5 of the Family Protection and Support Act 2017 under the subheading ‘Separation from Parents’, where children can be placed under the care of the state in circumstances where the best interests of a child is not being met. The use of the uipaanga kopu tangata recognizes that kinship and family support systems are still in place, and the role that the wider extended family together with the state, can play in the care and protection of children.

128. Vaka (community) constables, along with youth officers carry out monthly home visits to youth at risk, including those that have been identified to be victims of abuse.

129. The Ministry of Internal Affairs, Police, Ministry of Education and school counsellors have regular dialogue on finding ways to address at risk youth including placing them on alternative learning and training pathways focused on trades such as hospitality, building and construction, mechanics, plumbing, creative industries, etc. with the hope that they will find gainful employment. The alternative learning and training pathways program for at risk youth also includes work placement.

130. Given that the Family Protection and Support Act 2017, has only recently come into force, the Ministry of Internal Affairs will be working together with key stakeholders to establish services designed to advance the care and protection of children in the community and the home.

Adoption, national and inter-country

131. There is no provision in the new Family Protection and Support Act 2017, relating to the adoption of children. Therefore the existing Part XV of the Cook Islands Act 1915 – Adoption of Children by Natives, Part XX (a) of the Act – Adoption of Children by Europeans and Native Spouses, including Section 8 and 9 of the Cook Islands Amendment Act 1921 on adoption by Native Custom, remains in force. Section 465 (A) of the Cook Islands Act 1915 where any order of adoption other than an order of adoption made under the above statutory provisions shall have no force or effect in respect of succession to any interest in Native Land, the latter as defined in Section 2 of the Act. The effect of this is for example, that where a Cook Islands child is adopted by Cook Islands parents under the New Zealand or any other country’s adoption law, that child cannot succeed to the interest in land/s of his or her adoptive parents.

132. The value in having an Adoption Act is yet to be considered by the Executive of Government. The Executive of Government would have to instruct on what values should be included in such a statute. Present reluctance to have an Adoption specific legislation, is based on the considerable reluctance of landowners, whose rights are derived solely by succession, to accept adoption other than within the family. No other adoption is suggested, by custom, which places a duty on adopting parents to provide for land succession rights to an adopted child through the land court system.

133. In current practice, the High Court requires a welfare report from the Ministry of Internal Affairs Child and Family Division before any adoption application is considered by the Court. Such a report covers the social and economic status of the applicant/s; an assessment as to the capability of the applicant/s to adopt the child; and future of the child. The overall consideration being the well-being or best interest of the child.

134. In relation to the registration of adopted child, there is 100% achievement in this regard, following the completion of court documentation and registration of the child into the Cook Islands Birth Register under the names of the adopted parent/s. This process cancels the original birth entries made for the child under the names of the birth or biological parent/s.

135. The practice of informal adoptions, known as ‘tamariki angai’ or ‘feeding children’ continues. This is not formally registered, as it is a traditional custom where other family members may assume the responsibility of care for a child through informal family arrangements.

Disability, Basic Health and Welfare (Articles 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1–3) of the Convention)

Survival and development

136. Infant mortality rate remains below 10 since 2007, when it significantly dropped from 25 deaths to almost 7 per 1,000 live births. These changes are attributed to the prevention measures being implemented by the Ministry of Health, such as the promotion of good nutritional practices and raising awareness programs for antenatal and post-natal services. The following table summarises total number of deaths and those which fall under the groups of under 15 years and between 15–19 years, demonstrating a decline in deaths in the 15–19 age group.

	<i>Total deaths</i>	<i><15 years</i>	<i>15–19 years</i>
2016	241	1	23
2015	216	0	24
2014	223	0	31
2013	260	0	40

137. The following table data relating to infant, maternal and foetal deaths in the Cook Islands since 1985.

Table 9

Maternal and Foetal Deaths 1985–2015

**maternal deaths and foetal deaths
COOK ISLANDS 1985 - 2015**

YEAR	Live Births		Deaths		Deaths under 1 yr		Maternal Deaths		Foetal Deaths	
	Number	Crude Rate	Number	Crude Rate	Number	Rate	Number	Rate	Number	Rate
1985	433	24.3	130	7.3	13	30.0	0	0	1	2.3
1986	420	24.0	98	5.6	7	16.7	0	0	4	9.4
1987	428	24.5	116	6.5	16	37.4	0	0	2	4.7
1988	425	24.3	93	5.3	3	7.0	0	0	4	9.5
1989	453	25.9	101	5.6	12	26.4	1	2	6	13.1
1990	465	26.6	127	6.9	12	25.8	0	0	2	4.3
1991	479	25.7	140	7.5	15	31.3	0	0	7	14.4
1992	529	30.2	114	6.5	5	9.5	1	2	4	7.5
1993	507	29.3	105	6.1	6	11.8	0	0	5	9.7
1994	568	30.9	114	6.2	3	5.3	0	0	4	7.1
1995	514	27.9	115	6.3	2	4.0	1	2	2	4.0
1996	510	27.1	105	5.6	12	23.5	0	0	4	7.8
1997	412	23.5	134	7.7	14	34.0	0	0	7	17.0
1998	389	23.3	111	6.6	7	18.0	0	0	3	7.7
1999	361	23.1	96	6.2	6	16.6	0	0	4	11.1
2000	309	20.6	127	8.5	6	19.4	0	0	4	12.9
2001	306	21.7	79	5.6	3	9.8	0	0	2	6.5
2002	293	19.8	100	6.8	1	3.4	0	0	2	6.8
2003	295	21.2	88	6.3	5	16.9	0	0	1	3.4
2004	313	23.2	106	7.9	5	15.8	0	0	3	9.6
2005	297	21.7	95	6.9	3	9.9	0	0	6	20.2
2006	306	20.7	94	6.4	3	9.7	0	0	3	9.8
2007	320	21.8	100	6.8	8	24.8	0	0	3	9.4
2008	293	20.5	65	4.5	2	6.8	0	0	3	10.2
2009	280	21.1	82	6.2	0	0.0	0	0	3	10.7
2010	289	24.3	97	8.2	1	3.4	0	0	2	6.9
2011	284	19.3	108	7.3	2	7.0	0	0	1	3.5
2012	292	20.4	113	7.9	2	6.8	0	0	0	0.0
2013	261	18.5	112	7.9	0	0.0	0	0	0	0.0
2014	223	16.4	131	9.6	0	0.0	0	0	0	0.0
2015	218	16.6	118	9.0	1	4.8	0	0	1	4.8

Note: 1 - Rate calculating for 1985 were based on 1981 census, while 1986 to 1990 were based on 1986 census and 1991 census.

2 - Rates are per 1,000 of the population.

3 - Total Birth does not include Stillbirth.

4 - Crude birth rate and crude death rate are calculated per thousand Resident population as of 1992

138. There is excellent immunization coverage in the Cook Islands as a result of the effective implementation of the Ministry of Health National Immunization Policy with over 90% target being achieved over the past five years. Public Health nurses are proactive in ensuring that children receive the immunization required, including making home visit to guarantee coverage.

139. The Ministry of Health promotes exclusive breast feeding up till 6 months as stated in the Ministry of Health 5 Year Strategy. Baby feeding bottles are banned from being used in the hospital following the immediate birth of a child, except in extremely special circumstances.

140. In relation to stunting, underweight or malnutrition, the prevalence rate amongst school age children (5–18 years) is less than 1%.

141. The Ministry of Government and Government in general promotes safe water, good nutrition and sanitation. According to the 2011 Census of Population and Dwellings, 91% of dwellings on Rarotonga have piped water supply to the inside of the house. Only 3 inhabited islands (Nassau, Palmerston and Pukapuka), have less than 50% of dwellings with piped water inside the house. A comprehensive water upgrade program ‘Te Mato Vai’ is currently being implemented in Rarotonga, as well as an increasing water storage program in the northern islands, will improve water supply significantly. In testing the % of water quality samples from Rarotonga community water stations and schools that meet the WHO standards, in 2015, 63% of community water stations, in comparison to 61% of schools met the standards. In 2016, 93% of schools met the standards, while community water stations maintained 63% compliant with the WHO standards. There were no water outages reported for both years.

142. In relation to sanitation, the Public Health (Sewage and Wastewater Treatment and Disposal Regulations 2014) apply to Rarotonga and Aitutaki. Data relating to compliance is not available, and this is an area needing greater attention. Currently, under implementation is the ‘Mei te Vai ki te Vai’ program seeking to improve sewage and wastewater treatment in Rarotonga and Aitutaki. It is recognized that sanitation in the rest of the islands also requires attention, and that this can be targeted following the upgrade of sanitation on the two main islands of Rarotonga and Aitutaki. According to the 2011 Census of Population and Dwellings, 99% of households on Rarotonga have flush toilets, 77.8% in the southern group and 62.7% in the northern. The households that do not have flush toilets either have ‘long drop’ or compost toilet systems.

Children with Disabilities

143. There are currently 100 children living with disabilities registered in the national database of persons with disabilities at the Ministry of Internal Affairs. These range from 1 year–18 years, 62 males and 38 females. The Government provides Child Benefit payments to children with disabilities up to the age of 16 years, an extension of age the previous limit of 12 years from July 2017. The Education Act 2012, mandates inclusive education and the Ministry of Education implements its Policy on Inclusive Education. Inclusive Education Teacher Aide support is provided for children who require additional assistance such as those living with disability. Regular dialogue is maintained between the Ministries of Education and Internal Affairs on the progress of the Policy on Inclusive Education.

Health and health services

144. The Cook Islands continues to face the challenge of delivering equitable health services to all islands given the dispersed nature of islands and the small populations on most islands. Primary health care is provided on the majority of islands (except Rarotonga and Aitutaki) by qualified nurse practitioners, working closely with specialized doctors on Rarotonga, using communication technologies. In the event that a child requires further attention, the child is transferred to the Rarotonga hospital.

145. The Ministry of Health employs a pediatrician specific to the care of all children. This is supplemented with health specialist visits which includes a pediatric cardiologist and neurologist.

146. The Ministry of Health conducts a comprehensive health promotion program raising awareness of the negative impacts on processed food and the benefits of good nutrition and physical activity.

147. A high tax levy is imposed on sugary drinks to discourage purchase.

148. Schools have healthy school policies in place focusing on nutritional aspects of eating healthy and drinking water. Some schools have banned the sale of sugary drinks in school tuck shops.

149. The Ministry of Health conducts a bi-annual National School Examination Health Survey across all schools. Additionally, the Ministry also participates in the 5 yearly Global School-based Student Health Survey (for students 13–17 years old) and the Global Youth Tobacco Survey (for students 13–15 years old). These surveys assist the Ministry in decision making targeting students.

150. In the 2015 Global School based Student Health Survey, 34.4% of students currently drank alcohol (at least 1 drink on at least 1 day during the 30 days before the survey); 26.0% of students drank too much alcohol that they were really drunk one or more times during their life; 0.8% of students were underweight; 15% of students seriously considered attempting suicide during the 12 months before the survey; 15% of students were physically active at least 60 minutes per day on all 7 days during the 7 days before the survey; 36.7% of students attended physical education classes 3 or more days each week during the school year.

Efforts to address the most prevalent health challenges and promote the physical and mental health and well-being of children

151. The Cook Islands agrees with the Committee's recommendation to intensify its efforts in providing mental health services for children and guarantee access to psychological and psychosocial assessment and services. The Ministry of Health has a mental health team consisting of a mental health doctor, a mental health doctor trainee, a part time clinical psychologist and mental health nurse. The team is supplemented by visiting psychologist and clinical psychologist who comes to the Cook Islands twice a year. The Ministry has committed to increasing the capability and capacity of the mental health team in 2018 and will be adding an extra mental health nurse and full time clinical psychologist to its composition. The Ministry of Health have indicated that developmental issues in children, including their mental wellbeing has to be a priority going forward.

152. As indicated above, 15% of students seriously considered attempting suicide during the 12 months before the Global School-based Student Survey. A further 16.1% of students attempted suicide 1 or more times during the 12 months before the survey. There are school counsellors in selected schools. The school counselling team collated statistics for students presenting issues in 2016 over the 4 terms of the year. Issues presented were self-esteem (confidence, resiliency, vulnerability); family problems (conflict, safety, relationships, support); grief or loss (family loss, change, separation); relationships (conflict, breakdown, communication, support); peer pressure (vulnerability, victimisation, antisocial behaviour, bullying); sexual health (safety, wellbeing, health education, referrals); parent meeting (family meeting, support, disciplinary, wellbeing); general health (wellness, physical, treatment referrals); mental health (emotional wellbeing, health); school problems (attendance, behavioural, disciplinary); community issues (offending, support, referral, community agency liaison); other (general information, support, mentoring, community agency referrals). Of these issues, the top three most frequently presented were relating to self-esteem, family problems and relationships. Current counselling services are stretched and there is a need for more attention in this area.

Reproductive health rights of adolescents and measures to promote a healthy lifestyle

153. Sexually transmitted infection (STI) continue to decline within the last eight years (2009–2016) from a total of 330 cases in 2009 to 48 cases in 2016. Unfortunately this data is not collated by age groups, and so the proportion of STIs amongst adolescents is not determined. However, it can be assumed that given the overall decline in STIs that the rate of infection amongst adolescents would also have declined.

154. There is ongoing delivery of Health Promotion programmes in schools. Sexuality Education and Body Care and Physical Safety are key learning areas of the Health and Physical Wellbeing curriculum. Sexuality Education aims to help students understand their sexual development, learn about their sexual and reproductive health, and embrace their relationships with others, including friendships and family relationships.

155. The Ministries of Education and Health reciprocal partnership ensures that schools and the community at large receive resources and advice. Additional health support and services to students, in particular adolescents and girls include; access to guidance counsellors and visits of public health nurses to schools.

156. The Ministry of Health and the Cook Islands Family Welfare Association work together on promoting the use of contraceptives for adolescents including those under the age of 16 years.

157. The Education Act 2012 outlines that a child cannot be exempt from attending if the child concerned is pregnant. Students who fall pregnant are encouraged to remain in school and allowance is made for the baby to be brought to school or for leave from school by the student concerned for breast feeding purposes.

158. Subpart 2 of the draft Crimes Bill 2017 allows for abortions to be carried out if it is done so as a lawful medical procedure. Lawful medical procedure means a procedure that – (a) is carried out by a medical practitioner; and (b) is carried out on a person who the practitioner believes on reasonable grounds is not more than 20 weeks pregnant; and (c) the practitioner considers appropriate because in the practitioner’s opinion – (i) the continuation of the person’s pregnancy would result in serious danger (not being danger normally attendant upon childbirth) to the life or to the physical or mental health of the person; or (ii) there is a substantial risk that the child, if born, would be seriously handicapped as a result of physical or mental abnormality; or (iii) the pregnancy is the result of (A) rape; or (B) sexual contact with a family member, or someone other than a family member to the whom the person is a dependent family member; or (iv) the person suffers as a severe developmental impairment; and (d) is carried out with the consent of, – (i) if the person is capable of consenting to the procedure, the person; or if the person is not capable of consenting to the procedure, another person lawfully entitled to consent on behalf of the person. This allows for abortions provided in the provision above, including those related to cases of incest or rape as recommended by the Committee.

Measures to protect children from substance abuse

159. The Ministry of Health and other key stakeholders continue to work on compliance with the Tobacco Products Control Act 2007. The Tobacco Products Control Regulations 2008, outlines the requirement of messaging warning of the dangers of smoking, which is currently being implemented.

160. Body Care and Physical Safety are key learning areas of the Ministry of Education’s Health and Physical Wellbeing curriculum. This area of learning provides opportunities for students to make informed decisions about body care, to recognize hazards in the environment (including substance abuse) and to adopt safe behaviours in relation to these.

161. All students and teachers have access to guidance counsellors. Two itinerant counsellors are based at the national Tereora College, but provide support and guidance to all schools on Rarotonga. An itinerant guidance counsellor is also available on the island of Aitutaki. In other Pa Enua islands, if support of this kind was needed, Schools would work in partnership with the Ministry of Education and Ministry of Health to find the best possible strategy.

162. The Ministry of Health has ongoing campaigns targeted at the general population warning of the consequences of substance abuse. The Ministry also works in partnership with the National Youth Council to promote no smoking amongst youth.

163. The Narcotics and Drugs Act empowers the Police to deal with cases involving, cultivating, producing, use of, and selling of illegal drugs. The Police has also increased the capacity of the service to target crimes involving narcotics and drugs including drug

trafficking. It has worked collaborative with international intelligence agencies in trying to deter and address drug trafficking activities passing through the Cook Islands.

164. The Sale of Liquor Act 1991–1992 enables the Police to establish a Liquor Licensing Authority to monitor activities related to the sale of liquor. Policing of legal age is incorporated in liquor licence conditions and manages the risk, to some extent, of exposure of children to alcohol abuse. Within the last two years, two establishments selling alcohol have been penalised for selling to minors under the Sale of Liquor Act 1991–1992.

Education, Leisure and Cultural Activities (articles 28, 29 and 31 of the Convention)

The right to education

165. Education in the Cook Islands continues to be mainly provided by Government institutions. There are 31 providers including 1 stand-alone Early Childhood Education Centre (ECE); 11 primary schools (10 of which have ECE centres attached); 4 secondary schools; 14 area schools covering ECE to secondary school, on one site, under one management structure; and a Tertiary Institute. There are 8 private schools, made up of 5 church and 3 independent schools, receiving 100% of the equivalent allocation to government schools from the national education budget, based on their enrolment. Governance of public schools sits with the Ministry of Education. However, each school has its own stakeholder committee, the School Committee, which makes decisions on individual school policy, strategic plans and annual goals. Governance of private schools sits with the School Board. The Cook Islands Tertiary Training Institute (CITTI), established in 2013, provides full and part time vocational programmes and a wide range of community education courses in Rarotonga and the other islands.

166. The Education Act 2012 changed the compulsory age for education from 15 to 16 years. This change compulsory age has had an impact on retention rates particularly in Year 11 to Year 12. In Years 12–13, there is a higher proportion of girls choosing to stay in school longer than boys.

167. Education is free if a person is a Cook Islander, a permanent resident or child of a permanent resident; and is a resident in the Cook Islands.

168. The enrolment rates for Early Childhood Education is as follows:

Table 10

Early Childhood Education Enrolments

<i>Year</i>	<i>Gross Enrolment Rate</i>	<i>Net Enrolment Rate</i>
2012	82	82
2013	87	81
2014	78	72
2015	91	97
2016	99	97
2017	98	97

169. The enrolment rates for Primary Schools is as follows:

Table 11

Primary Schools Enrolments

<i>Year</i>	<i>Gross Enrolment Rate</i>	<i>Net Enrolment Rate</i>
2012	108	100
2013	103	97
2014	106	99
2015	103	99

<i>Year</i>	<i>Gross Enrolment Rate</i>	<i>Net Enrolment Rate</i>
2016	106	100
2017	107	100

170. The enrolment rates for Secondary Schools is as follows:

Table 12
Secondary Schools Enrolments

<i>Year</i>	<i>Gross Enrolment Rate</i>	<i>Net Enrolment Rate</i>
2012	91	78
2013	121	77
2014	86	74
2015	86	81
2016	84	78
2017	87	81

171. Wide community support and understanding of Inclusive Education is a key goal for the Ministry of Education and the Education Master Plan (2008–2023). The table below shows the breakdown of teacher aide support for students in Cook Islands in 2017. School support teacher aides provide resource support for learning programmes across all levels. Student support teacher aides provide one on one support for students with individual learning plans.

Table 13
Number of Teacher Aides

<i>Region</i>		<i>Male</i>	<i>Female</i>	<i>Total</i>
Student Support	Total	3	38	41
	Rarotonga	1	20	
	Southern group	-	16	
	Northern group	2	2	
School Support	Total	1	22	23
	Rarotonga	1	14	
	Southern group	-	6	
	Northern group	-	2	
Total		4	60	64

Education, including vocational training and guidance

172. A goal of the Education Master Plan 2008–2023 is to ensure equitable access for all learners to quality learning programmes. All schools are supported by operational funding and can access additional budgetary support from the Ministry of Education for specific initiatives if needed.

173. Specific budgetary support for ECE resourcing is available. ECE centres are included in quality assurance reviews and fitness for purpose assessments conducted by the Ministry of Education.

174. Vocational programmes and community education programmes are available to secondary school children above the age of 16 years. Dual Pathway programmes and Lifeskills Programmes are maintained in a number of Pa Enua islands (Mangaia School, Apii Enuamanu and Apii Niua) and allows students to engage in tertiary/vocational learning while still attending school. Courses include Building, Carpentry and Applied Trades (BCATs). Life skills programmes include wood craft, weaving and tivaevae making.

Island Brokers on Penryn, Pukapuka, Atiu, Mangaia, Aitutaki assist with the delivery of vocational and community education programmes that meet the specific needs of those islands.

175. The Education Act 2012, states that a child cannot be exempt from attending school if the child concerned is pregnant. Support is provided to those students who are pregnant, to ensure they are still actively engaged in learning, in a safe manner for mother and child.

176. Children's rights and human rights education is integrated into the Social Science curriculum and related strand and achievement objectives of Social Organisation and Identity. Through programmes related to Education for Sustainable Development and Global Citizenship Education, concepts of human rights education is being taught and discussed across a number of different subject areas such as Health & Physical Wellbeing and Science.

177. Scholarship and student assistance support schemes are well implemented through Te Reinga Akatuanga'anga, the Cook Islands Tertiary Support Programme. Revised in 2016, Te Reinga Akatuanga'anga is based on providing opportunity for all Cook Islanders to gain the skills and knowledge they need through domestic and international study opportunities. This includes school leavers and those people in the workforce who are wishing to participate in formal study.

Special Protection Measures (Articles 22, 30, 38, 39, 40, 37 (b)–(d), 32–36 of the Convention)

Sexual abuse

178. The Crimes Bill 2017 will provide adequate and equal protection for child victims of sexual abuse. The Crimes Bill is currently before Parliamentary Select Committee for consultation, before reporting to Parliament and finalisation for Parliamentary debate.

179. There have been ongoing public awareness programs on the rights of children and non-tolerance of domestic and sexual abuse against children. These have been delivered via a number of mediums including print, media, posters, television programs, advertisements and so forth.

180. There has not yet been any in depth research undertaken on the nature, extent and root causes of child sexual abuse in the Cook Islands. It is acknowledged that such research would contribute to inform the development of programs targeting sexual abuse, and should be undertaken as soon as possible.

181. The 'no drop' policy for domestic violence extends also to children, to ensure that prosecution in such cases can proceed despite the victims' non-cooperation. Any cases of child sexual abuse when reported to the Police, is acted upon as a matter of urgency, with charges being brought before the court as soon as possible.

182. The Vaka (community) constables visit schools to educate children on their right to seek assistance (including that of the Police) in case of violence or abuse in the home or elsewhere.

183. The Family Protection and Support Act 2017, empowers the Police to remove alleged offenders from the residence immediately and placing a protection order for a time period and followed by an application for extension with the Court if required.

184. The Police has ongoing training and upskilling in the best practices on engaging with children who have been involved in any form of abuse.

Helplines

185. A free and confidential helpline was established in 2012 in collaboration with the main telecommunication provider in the Cook Islands – Bluesky Cook Islands and Youthline New Zealand. The Ministry of Education Counsellors work with Youthline New Zealand to ensure that the advice provided is suited to the Cook Islands context. The Ministry of Education receives quarterly reports from Youthline New Zealand on calls received. This information assist in tailoring responses to issues raised by Cook Islands callers by relevant agencies.

Administration of juvenile justice

186. It is anticipated that the Juvenile Crime Act 1968 will undergo review to bring it into line with the Family Protection and Support Act 2017 and with the Convention. Data presented by the Ministry of Justice, in 2014–2015 show, 118 young people aged between 16–20 years stood before the Court. Of this number, 102 were male and 16 were female, while 2 were juveniles under the age of 16 years. From 2015–2016, 164 young people appeared before the Court. Of this number, 138 were male, while 26 were female, 1 was a juvenile under the age of 16 years. In the Children’s Court, which is limited to those over the age 14 years, but under 16 years, there were 37 children appearing in 2014–2015, and 19 in 2015–2016. It is assumed that the decline is due to the introduction of the Te Koro Akaau. A key element of the Te Koro Akaau is the Uipaanga Kopu Tangata (meeting of the family). The underlying principle of this approach is that the community (including nuclear and extended family, traditional leaders in the community, including leaders in the church, etc.) should participate in resolving the problem. This approach is new and shows some promise in resolving issues with juveniles.

187. The Ministry of Justice provides essential services for the proper management of the Court in dealing with juvenile cases as reported to the Court.

188. It is envisaged that continued efforts will be undertaken by the Cook Islands in understanding the best ways of dealing with juvenile offending, with the view of putting in place effective systems that guarantee the rights of the child in such situations.

Other committee recommendations

Ratification of international human rights instruments

189. The Cook Islands are currently exploring the applicability and implications of ratifying the Optional Protocol to the Convention of Rights of the Child on a communications procedure, the Optional Protocol to the Convention of the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict.

Cooperation with regional and international bodies

190. The Cook Islands has actively pursued partnerships with regional and international bodies in implementing the Convention. Support has been forthcoming from its main bi-lateral development partner, New Zealand. Support has also been harnessed from UNICEF, UNFPA, UNDP, SPC, WHO, amongst others.

Follow-up and dissemination

191. The Cook Islands has taken positive steps to ensure that the recommendations of the Committee are fully implemented. Most notable achievements have been the development of the Te Pito Manava o te Anau – Cook Islands National Policy Framework for Children 2017–2021; the passing of the Family Protection and Support Act 2017; development of the Crimes Bill 2017, which is currently before Parliamentary Select Committee and anticipating enactment in 2018; the passing of the Educations Act 2012; passing of the Employment Relations Act 2012; updating the National Youth Policy Framework; implementation of the Disability Inclusive Development Policy and Action Plan 2014–2019.

192. The Cook Islands will work on translating the reports to the Committee into the national language and making this available including through the internet to the public at large, civil society organisations, the media, youth groups, professional groups and children, to generate debate and awareness of the Convention and its Optional Protocols and of their implementation and monitoring.

193. The Cook Islands pledges to continue on implementing actions to realise its commitments in the implementation of the Convention on the Rights of the Child.

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