



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of the Cook Islands*

A. Purpose and general obligations (arts. 1–4)

Definitions (art. 2)

1. Please explain the difference in the definitions of disability in the national policy on disability and in the Disability Act 2008.
2. Please provide information on how “reasonable accommodation” and “disproportionate and undue burden” are defined.

General obligations (art. 4)

3. Please provide details of the structures in place to ensure full participation of and consultation with persons with disabilities in national policy formulation and implementation.
4. Please explain the disability rate of 1.9 per cent of the population of the State party in the light of World Health Organization estimates that, in general, 15 per cent of a given population are persons with disabilities.

B. Specific rights

Equality and non-discrimination (art. 5)

5. Please provide up-to-date statistics on the number of disability complaints submitted to the Ombudsman through the complaint procedure referred to in the Disability Act 2008, and indicate how persons with disabilities are made aware of their right to complain.

Women with disabilities (art. 6)

6. Please indicate the measures taken to promote the full inclusion of women and girls with disabilities, including those from the outer islands, in education and employment.
7. Please state the measures taken to address violence against women with disabilities, and provide information on the availability of counselling services.

* Adopted by the pre-sessional working group at its second session (7–10 October 2014).



Children with disabilities (art. 7)

8. Please provide information and statistics on children with disabilities, in particular in relation to violence and abuse and the intersection of other relevant articles of the Convention. Please also state when an early identification and intervention project for children with disabilities will commence.

9. What specific measures are in place to enable all children with high support needs to attend school and participate fully in society?

Awareness-raising (art. 8)

10. Please provide information on the number of public servants, social workers and health and legal professionals who have received training on the Convention, especially in relation to translating the knowledge of rights to ensuring access to and demanding rights for persons with disabilities.

11. Please explain how the State party disseminates information on the remedies that persons with disabilities can access in cases of violation of their rights and on the use of the Optional Protocol.

Accessibility (art. 9)

12. In its report, the State party acknowledges that there is a need to further enforce the implementation of the National Building Code and ensure that it is aligned with the Convention and with national policies and legislation. Please provide information on the progress achieved since the building audit carried out in 2012, including information on how minimum standards of access, as stated in the Disability Act 2008, are adhered to, and indicate what sanctions for non-compliance are in place.

13. What measures have been taken to ensure that the urban environment, including footpaths and street signage, is more accessible to persons with disabilities?

Situations of risk and humanitarian emergencies (art. 11)

14. Please provide an update on whether accessibility and inclusion of persons with disabilities, in particular deaf people, will form part of the disaster risk reduction and response protocol for humanitarian emergencies.

Equal recognition before the law (art. 12)

15. Please provide information on plans to replace substituted decision-making with supported decision-making for persons with disabilities, including persons with intellectual and/or psychosocial disabilities, which respects their autonomy, will and preferences.

Access to justice (art. 13)

16. Please explain whether, under the law, persons who are denied legal capacity are also denied access to justice. If so, when does the State party plan to amend the relevant legislation?

17. Please provide information regarding the provision of reasonable accommodation in the legal process, especially with regard to ensuring access to information in Braille, sign language and digital and local languages. In addition, please provide information on the availability of sign language in courts and on physical access to courts.

Liberty and security of person (art. 14)

18. Please provide information on the current practice of temporary incarceration and the removal of people with “mental disabilities” who are a “danger to the community” to

“appropriate facilities” outside of the State party. Please provide additional information regarding the deprivation of liberty of persons with disabilities.

Freedom from exploitation, violence and abuse (art. 16)

19. What measures have been taken to increase resources to provide appropriate and professional services for persons with disabilities who are victims of violence? Please explain the safeguards that are in place to prevent the abuse of persons with disabilities by personal assistants generally, and the abuse of the disability allowance in particular

Protecting the integrity of the person (art. 17)

20. Please provide information, for the past five years, on the number of sterilization procedures performed on women and girls with disabilities without their free and informed consent. Please also report on measures aimed at protecting women from forced sterilization.

Liberty of movement and nationality (art. 18)

21. Does the State party plan to revise the Entry, Residence and Departure Act provisions that stipulate that it is unlawful for a person to enter the country if he or she is, in the opinion of the Director of Health, “mentally defective”?

Living independently and being included in the community (art. 19)

22. Please describe, including with respect to choice and availability, the process of obtaining personal assistants for persons with disabilities so that they can live independently.

23. Please explain whether persons placed under guardianship are able to choose their place of residence and, if not, please indicate when guardianship will be abolished and the right to choose their residence will be established for those persons.

Personal mobility (art. 20)

24. Please provide information on the availability and sources of appropriate assistive devices and mobility aids.

Freedom of expression and opinion, and access to information (art. 21)

25. What measures are being put in place to promote (a) access to information and communications technologies, (b) Braille, (c) sign language usage and qualified interpreters, (d) easy read, and (e) augmentative communication and resourcing for new information and communications technologies, including the Internet?

Respect for home and the family (art. 23)

26. Please provide information regarding the review of the criminal code which will, inter alia, decriminalize “sexual intercourse with any woman or girl who is an idiot or imbecile”.

Education (art. 24)

27. Please indicate the steps that have been taken to ensure adequate budgetary allocation for inclusive education. Please also provide an update on the measures taken to ensure that all children with disabilities have access to education.

Health (art. 25)

28. Please provide an update on draft policies to address access to sexual and reproductive health services.

Habilitation and rehabilitation (art. 26)

29. Please provide the Committee with information on the availability of, and training programmes for, occupational, speech, physical and other therapists; on visits by audiologists; and on the reliance on overseas aid in the area of habilitation and rehabilitation.

30. Please provide information on the availability and sources of the equipment required for rehabilitation.

Work and employment (art. 27)

31. Please provide an update on the current revision of the Employment Relations Bill, and indicate whether disability is included as one of the grounds of discrimination prohibited in the relevant provision of the law.

32. Please indicate how many persons with disabilities have the same access to the general labour market as persons without disabilities. Please provide information indicating the effectiveness of the overall transition programme, as well as data on persons with disabilities who are employed in the public sector.

Participation in political and public life (art. 29)

33. What measures are being taken to ensure that persons with visual or physical hand-impairments and other persons with disabilities are able to vote without the presence of a presiding officer at polling stations?

Participation in cultural life, recreation, leisure and sport (art. 30)

34. Please indicate any measures taken with a view to the expeditious signing and ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or Otherwise Print Disabled.

35. Please provide information on any plans to increase the accessibility of libraries to all persons with disabilities, including those with intellectual and/or psychosocial impairments.

Statistics and data collection (art. 31)

36. Please provide information on plans to revise the census questionnaire to include a question on disability to facilitate the disaggregation of data according to impairment type, and to establish and maintain a centralized and regularly updated database.

International cooperation (art. 32)

37. Please explain any changes that have been made to improve disability mainstreaming in international cooperation.

38. How will the State party ensure the involvement of persons with disabilities and their representative organizations in international cooperation, including conferences?

National implementation and monitoring (art. 33)

39. What steps is the State party taking to appoint an independent national monitoring mechanism?

40. Please state the plans in place aimed at ensuring the full participation of persons with disabilities and their representative organizations in the monitoring process.