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STATE PARTY EXAMINATION OF THE COOK ISLANDS' INITIAL PERIODIC REPORT

59TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

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Contents

Opening Comments.....	1
General Measures of Implementation.....	3
Definition of the Child	5
General Principles	6
Civil Rights and Freedoms.....	7
Family Environment and Alternative Care.....	8
Basic Health and Welfare	9
Education, Leisure and Cultural Activities	11
Special Protection Measures	12
Concluding Remarks	13

The Cook Islands Ratified the Convention on the Rights of the Child (the Convention) on 6 June 1997. On 26 January 2012, The Committee on the Rights of the Child (the Committee) examined the Cook Islands' initial report. The State Party has reservations on articles 2 and 10 of the Convention.

Opening Comments

The delegation of the Cook Islands was lead by Mr Nandi Glassie, Minister for Health. He was supported by a delegation of representatives consisting of the Ministry of Internal Affairs, the Crown Law Office, and the Ministry of Foreign Affairs and Immigration.

Mr Glassie noted that it had been over 14 years since the State had acceded to the Convention and stated that at that time an internal country assessment had identified the State's legislation to be largely consistent with the principles of the Convention. Mr. Glassie said the delayed reporting could be seen as a reflection of the general development issues the Cook Islands had faced. He hoped the dialogue would provide the Cook Islands with the opportunity to update the Committee on the State's progress towards full implementation of the Convention.

The head of the delegation described the Cook Islands as a small, developing Pacific island nation of 15 islands dispersed over 1.8 square kilometres of ocean. Mr. Glassie pointed out the difficulties in travelling between the islands, such as the expense of flying and the inefficiencies of travelling by boat. He noted that the resident population in June 2011 had been 11,000. 74 per cent of the population, 13,100 people, lived on Rarotonga, the main island, which is the seat of government and economic centre, with 24 per cent of the population below the age of 15; 20 per cent of the population, 3,600 people, were in the six southern group islands with 31 per cent of the population below the age of 15; six per cent of the population, 1,100 people, were in the five northern group islands, with 39 per cent of the population below 15. In total, 26 per cent of the population of the State was under the age of

15, with a gender ratio of 51 per cent male and 49 per cent female.

Mr. Glassie noted two development challenges ascertained from the 2011 preliminary census estimate. The first challenge was the challenge of providing basic services and development opportunities equally on each island. For example, on the outer islands there were composite classes comprised of students from different grade levels. The second challenge was the long-term trend of depopulation, particularly in the northern and southern group islands.

The State had been performing well economically overall. Mr Glassie reported that in 2000 Real Gross Domestic Product (GDP) had been NZD 244 million, which had increased to NZD 267 million in 2011, an increase of 10 per cent. GDP per capita had increased 25 per cent from NZD 16,400 in 2000 to NZD 20,224. Mr. Glassie noted that tourism was the main economic activity with visitors increasing from 73,000 in 2000 to 100,000 in 2011. He stated that private sector growth was a result of public sector reforms in the 1990s, which had placed an emphasis on private sector led growth and tight fiscal policy. Mr. Glassie reported that government revenues had grown over the decade and had allowed the State to increase expenditures on basic services, social services, and social benefits. He noted the State was a major employer with an estimated 1,700 employees throughout the islands.

Mr. Glassie acknowledged that the benefits of economic progress had not been evenly distributed, particularly in the outer islands and said that this would remain a development priority for the Cook Islands. He noted progress had been made in developing new policy, drafting legislation, as well as implementing new activities and programmes, but that progress had occurred at the pace of available resources and capacities. Mr. Glassie mentioned the limited sitting time of Parliament as an obstacle to progress, and he recognised the importance of partnerships with NGOs.

The head of the delegation highlighted legislative reform that would increase cohesion between domestic law and the Convention. In particular, the Disability Act of 2008 had been designed to protect the rights of people with disabilities by making discrimination against a person with a disability unlawful, and to ensure that persons with a disability had equal access to services and information in the Cook Islands. He provided information on the Family Law Bill, which had been under review with assistance from the United Nations Development Programme Pacific Centre, and would be presented to the Cabinet in March of 2012. The Family Law Bill would give legal effect to child protection provisions in the Convention with regard to adoption rights and responsibilities of families and communities toward children; the child's best interest in all decision-making; the child's right to be heard; and the child's right to special care and protection if deprived of a family environment.

Mr. Glassie reported on the need to review the Crimes Act of 1969 and consolidate legislation on criminal acts and deal with issues not previously covered, with assistance from the Australian government. Issues that would be discussed were domestic violence, corporal punishment in the family, child sexual abuse and child pornography. The review would also take into account technological changes like the internet, which enable cyber crime. The head of the delegation provided information on the Education Act 1986-87, which would be reviewed and would possibly be replaced by the new Education Bill, which included the principles of the Convention. The Bill would raise the compulsory school leaving age from 14 to 16 and would prohibit corporal punishment and verbal abuse in schools. This Bill would be considered in Parliament in 2012.

Mr. Glassie stated that the Employment Relations Bill had been with the Parliamentary Select Committee for review and, once entered into force, would strengthen and update labour legislation and repeal the existing Labour Ordinances that date back to 1964. This Bill would

also set the minimum age of employment at 16, and would introduce universal maternity provisions for mothers in the workforce.

Mr. Glassie noted the State's intention to withdraw its reservations to articles 2 and 10 of the Convention. It would also review options to implement an effective national mechanism on children that would consolidate and build on existing State policies and legislation, which would require regular data collection and updated monitoring processes. He also mentioned the inclusion of NGOs to help further implementation, as well as the need for development partners given the State's limited capacity.

The head of the delegation stated that children were a priority for the State and that the extended family had been the basic unit of Cook Island society and had a primary place in the community. On behalf of the Cook Island government the head of the delegation welcomed the dialogue as an opportunity for review and constructive discussion, and he thanked the Committee.

Mr. Sanphasit Koompraphant, the country Rapporteur, welcomed the delegation and acknowledged their long journey to get to the meeting. He raised questions about challenges and gaps between domestic law and the Convention. Mr. Koompraphant noted the different standards between girls and boy in the Crimes Act of 1969. The Rapporteur asked about the Family Law Bill and how it would consolidate legal matters like family separation, divorce, child support, paternity and child care. He asked about how the Family Law Bill defined the legal framework and the responsibilities of agencies. The financial support aspect of the bill was addressed and questions were raised about how resources would be allocated for legal measures. Mr. Koompraphant inquired about programmes for child welfare. He asked for information on the database for the national plan of action, and the strategy in place to allocate resources for its effective implementation.

Mr. Koompraphant asked about protection for children in the State, particularly in relation to sexual abuse and families who had not acknowledged abuse because of the shame associated with it. It was noted that non-acknowledgement of abuse was more prevalent on the outer islands. The Rapporteur raised questions about teenage pregnancy and school attendance of pregnant teenage girls. In the case of teenage pregnancy he inquired about fathers providing support for mothers and children. Finally, Mr. Koompraphant raised the issue of discrimination, and asked specifically about outer islands children and disabled children. He asked if the State what steps were envisaged by the State in order to withdraw its reservation to article 2 of the Convention.

General Measures of Implementation

Legislation

The Committee raised questions about the State's low number of ratifications of international treaties. It suggested that the State should ratify the three Optional Protocols of the Convention – particularly the new Optional Protocol on a Communications Procedure (OPCP) - as well as the Optional Protocols of the United Nations Convention for the Elimination of All Forms of Discrimination against Women (CEDAW).

The delegation reported that the State's Humanitarian Law Committee had recommended that the State should ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC). It explained that the OPCP would allow children to directly make complaints to the Committee. The delegation responded this was their first time hearing of the OPCP.

The Committee inquired about the Family Law Bill, which was reportedly in line with the

Convention. It noted the Bill was not comprehensive and asked also about the Education Bill. The delegation responded that the Family Law Bill had been reviewed with the Law Society and other stakeholders such as NGOs had been consulted during the drafting phase. Judges and practicing lawyers had added their comments to the Bill, which was expected to be completed in the coming few months. The delegation reported that after the review, the Bill would move to the policy stage and that if it did not go forward from there, there would still be protection for children under the original laws.

The Committee recommended that the State should design a comprehensive child rights bill. The delegation responded that the State had not intended to create overarching legislation to bring together all the Convention's principles. Rather, it would consolidate the existing laws into a comprehensive national strategy, which was the most practical and cost effective approach. The delegation noted that the State would explore how to establish a national mechanism for coordination. The State would require international help to implement mechanisms and would use models from other countries. The national mechanisms would require cooperation among relevant ministries and a monitoring framework under the principles of the Convention. The delegation reported that a limited budget was a concern for implementing the framework, but that the anticipated approach was cost effective.

Children's ombudsman

The Committee asked whether the State intended to establish an independent human rights commission or an Office of the Ombudsman.

Dissemination and training

The Committee asked what measures the State had taken to inform school children and the general public about the Convention and if there had been any political commitment for the coordinated implementation of – and compliance with – the Convention. It noted that most of the dissemination of information had been carried out by NGOs. The Committee asked if all school children were aware of the Convention, and how the State would inform the public about the Convention.

The delegation responded that from 1995 to 1996 there had been numerous activities undertaken to promote the Convention. During this period schools had been informed and there had been teacher and nurse training in universities. The delegation reported that active promotion of the Convention had not taken place since the mid-1990s. The delegation stated that the principles of the Convention were underpinned by practice. The Committee acknowledged the work that had been done in the 1990s to disseminate the Convention, but stated that dissemination of the Convention was a continual process.

The Committee inquired about what measures had been taken to train people working with children, on the principles of the Convention. The delegation responded that the State acknowledged that children required the best education available, and that the State would make sure teachers in the Cook Islands were qualified. The Committee noted that there were 1,700 public workers in the State. It pointed out that many of these employees were working with children such as health staff, child welfare workers and teachers. The Committee pointed to the need for these government employees to be trained in the principles of the Convention and inquired about e-learning as a means of training professionals on outer islands.

The delegation mentioned the National Human Resource Development Unit (NHUDU) as an entity that had helped to train professionals working with children. As part of their professional training, health care workers were trained on the principles of the Convention if they worked with children. The delegation stated that training on the Convention had also

been provided for judges, teachers and social workers. The State, in collaboration with NGOs, had set up human rights focused workshops as a training tool.

Monitoring

The delegation stated that within a year, the State would like to have a national mechanism to monitor the progress of children. The national mechanism would require collaboration among relevant ministries and a monitoring framework that reflected the principles of the Convention principles.

Data collection

The Committee asked about a system for compiling data, and whether or not the overhauling of legislation would include a system to compile data. It stressed the importance of a good data collection system and suggested seeking help from NGOs that could help implement a data collection system. The Committee pointed out discrimination as an area where data collection was necessary to track progress. The delegation responded that under the national strategy for children all the existing data would be analysed and consolidated. This process would also allow the State to find gaps in data and equally in implementation of laws and policies.

The role of civil society

The delegation noted the work that had been done by NGOs to help the State implement and monitor the Convention.

Private Sector

The Committee noted that the State economy was largely dependent on tourism. It asked what the State had done to ensure that the private sector, and particularly the tourist industry, respected the rights of the child. The Committee suggested the State should establish a mutually agreed code of conduct for the whole tourism industry, which would include restaurants, bars, hotels and other relevant entities. It considered the impact private sector construction had on the environment, particularly on the smaller islands. The Committee specifically addressed sexual tourism, and noted the 100,000 annual visitors to the Cook Islands. The delegation replied that work done to implement a code of conduct had been minimal. Recommendations had been made to tourist operators and the Ministry of Health had promoted safe sex among tourists and youth. The delegation stated that the State would also propose an amendment to the Crimes Act

Definition of the Child

The Committee noted the State had no law defining the child except some pieces of legislation inherited from New Zealand, which had not been reviewed since 1965. The Committee asked what would need to be done to update the definition of the child. The Committee asked about the age category of 15-59 on the census and stated that the current census categories would obscure the true number of children in the Cook Islands. It asked if the State would change the census categories in the future.

The delegation responded that the State would continue to use the same categories and designations with respect to children's ages. The State recognised different capacities of children with regard to justice, education and marriage. The delegation elaborated on the census age categories, which are 0-15, non-working population; 15-59, working population; and 60 and above, non-working population. The delegation stated this was how the census was done.

The Committee underscored the need for a legal definition of the child that complied with the

Convention, which it saw as important with respect to labour and justice. The Committee acknowledged the need for different societal roles to be counted on the census, but stated that other age categories could also be used. The Committee stated everyone under the age of should be protected as a child. The delegation responded that under the Family Law Bill a child would be defined as 18 and under, but that other legislation still had different ages.

General Principles

Non-discrimination

The Committee asked if the State would withdraw its reservations on article 2 of the Convention, which addresses non-discrimination. The delegation responded that the State had been planning to withdraw the reservation on article 2.

The right to life, survival, and development

The Committee asked for information on services available for children in relation to mental illness, suicide, substance abuse and underage sex, as well as psychological support. The delegation responded that mental illness had only been recognised as a form of illness 10 years ago in the Cook Islands, adding that the State had been working with psychiatrists and psychologists from New Zealand to provide appropriate services. With the help of NGOs, the State had established a centre for those suffering with mental illness. The delegation stated the State had only been able to pay for staffing the facility, and that patients had to pay for their services. The delegation reported that the State had no mental health legislation, but that with help from New Zealand and Samoa the State it would be created.

The Committee raised questions about the increasing suicide rate. The delegation answered that the suicide rate had been addressed by NGOs, who monitored mental health. The State had been looking for assistance from mental health professionals from New Zealand to provide counselling and added that they would raise the issue of creating a 24 hour mental health help hotline with the State.

The right to be heard

The Committee asked if the right of the child to be heard was guaranteed in matters affecting them. It asked about youth participation, and children's input in developing policies. The Committee asked how the State would involve young people at the national and regional levels.

The delegation stated that the State had involved the views of young people by utilising surveys at school, youth consultation groups, and NGOs working with young people. The Committee asked if the government had intended to create bodies in which children were members and were able to express their views. It suggested a standing body to enable permanent dialogue between the administration and children. The delegation stated this would be implemented by the national mechanism. The delegation mentioned the State's Youth Policy, and noted that youth starts at 16 years of age in this context. The delegation acknowledged that the State would need to incorporate younger children into what is covered by the national mechanism.

The Committee requested information on how disabled and non-disabled children could seek help and make complaints against perpetrators of abuse. It noted the absence of a children's helpline, and asked if the State had intended to work with NGOs to establish one.

The Committee inquired about the impact of the cultural mentality of "respect your elders". It asked if there were campaigns to teach children they have a voice and should be listened to.

Civil Rights and Freedoms

Birth registration

The Committee asked the delegation to elaborate on the rate of birth registration, and to explain the process of acquiring Cook Islands citizenship for children. The delegation responded that birth registration was required by law within two weeks of birth. However, a grace period of one month could be given by the registrar. The delegation explained that children who had been born outside of the State to Cook Islander parents were not encouraged to register with Cook Islands because it was an administrative burden. These children would be able to pursue citizenship through the land claims court based on their genealogy.

Child abuse

The Committee asked about corporal punishment and restrictions on the practice in school and in alternative care settings. It asked if the restrictions were legally based and if so how had the ban been enforced. It raised a question about how children or others could report corporal punishment when it took place. The delegation reported that corporal punishment had been addressed by the Ministry of Education, which had made corporal punishment an offence under the Education Bill. Corporal punishment would also be criminalised under the amendment to the Crimes Act. The Committee stated that corporal punishment needed to be banned in the family as well as in schools and alternative care facilities.

The Committee raised questions about the privacy rights of victims of sexual abuse. The Committee cited the lack of privacy and family involvement as factors that had contributed to under-reporting of abuse. The Committee addressed the need for the State to create an atmosphere that was conducive to victims of abuse voluntarily speaking out about and reporting their abuse. It recommended that the State should provide protection, implement a legal framework, and ensure due process to make victims feel safe to report.

The delegation noted that the State's current laws did not address sexual abuse against children. The delegation said that to remedy this, the State, with assistance from the Australian government, had been conducting a review of the Crimes Act of 1969. The review would acknowledge the vulnerability of children to crimes of a sexual nature, and it would make recommendations related to sexual offences against children. The delegation stated the review would lead to an amendment of the current law to reflect sexual offences against male and female children, including grooming, pornography, prostitution and commercial exploitation, and prohibit sexual conduct by Cook Islanders with children outside of the Cook Islands. The delegation noted it would recommend a provision relating to domestic violence in the Crimes Act. The delegation stated that cases of neglected or abused children were handled by the Juvenile Crimes Prevention Committee, but under the Family Law Bill these cases would be moved to Welfare and Social Work in the Ministry of Internal Affairs. Juvenile crimes were now under the Family Law Bill.

The Committee responded that they wanted to see an improvement in criminal law to protect children. It asked what had been the degree of social acceptance of abuse toward children. It stated in addition to criminalisation that the taboo surrounding the issue of child abuse must be lifted and the collective consciousness must be raised about child abuse. The Committee asked what mechanisms had been set up to detect domestic violence and sexual abuse towards children.

The Committee considered exposure to pornography and other harmful material as a negative force in children's lives. It asked if there had been a system in place to stop children from accessing harmful material. The Committee addressed new and increased risk of sexual exploitation as a result of new technology.

The Committee asked what portion of the budget was allocated for prevention of domestic violence and abuse against children. The delegation responded they did not have details on the amount of money spent. The Committee asked what measures had been put in place to enable people to have access to a complaints mechanism. It suggested a hotline for domestic violence and child abuse.

Early and Forced Marriage

The delegation reported that the Marriage Act had been amended to raise the minimum age of marriage for boys and girls to 18. The delegation noted it had yet entered into force because it was part of the Family Law Bill. It was also part of the Marriage Bill and would become law through that channel. The delegation said there had been no national opposition to setting the age of marriage for girls to 18.

Family Environment and Alternative Care

Adoption

The Committee noted many problems with legislation that related to adoption. It was concerned that the legislation dated back to 1915 and that all non-Cook Islanders were referred to as Europeans. The legislation on adoption was currently in conflict with the Convention. The Committee asked if expressed consent from the child had been required for adoption and whether biological parents had been able to designate the adoptive parents, which could lead to an adoptive market.

The Committee addressed the issue of discrimination in adoption. The Committee noted the law had stipulated that only Maori people could adopt Maori children. The Committee stated this was discrimination under the Convention, and that land rights and inheritance were not sufficient justifications for discrimination. It asked why the State did not recognise adoptions in New Zealand by Cook Islander parents. The Committee inquired about why filiation between children and adoptive parents was not recognised. It asked if the State had considered ratifying the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption.

The delegation responded that the Family Law Bill would repeal the adoption section of the Cook Islands Act of 1915 and remove restrictions. In response to the question about the Hague Convention, the delegation stated that inter-country adoption was rare, and that only three inquiries had been made in the past three years. The delegation reported that the extended family had been the first choice in situations with children without parental care. If the extended family had not been available, family conferencing through the Ministry of Internal Affairs would have been suggested. The next option available had been looking to church or community members to adopt children. The delegation stated children had been adopted by people they were not related to when individuals in the community had expressed interest.

Alternative care and de-institutionalisation

The Committee was concerned about the limited amount of affordable child care, and the practice of sending children to outer islands to be cared for by their grandparents. It raised questions about how grandparents were being supported to take care of their grandchildren. The Committee inquired about alienation that children faced upon returning to their parents.

The delegation responded that children living with their grandparents did present financial challenges, and noted that no services had been provided to the grandparents but that associated costs had been the parents' responsibility. The delegation stated this practice had

been encouraged because it had helped maintain the relationship between grandparent and grandchild, and helped to preserve the culture and language. The delegation reported there were services available to support children who felt alienated after returning home. The Ministry of Education had appointed a school counsellor. The delegation was unable to provide statistics on how often the counsellor had been used, and the delegation acknowledged that more work would need to be done.

Maintenance

The Committee asked if there was a programme that had targeted fathers to pay maintenance. The delegation stated there was no programme that had targeted fathers; however the role of the father was being promoted. The delegation stated there had been cases of court-ordered maintenance payments. The legal cost associated with obtaining maintenance payments were not covered by the government.

Basic Health and Welfare

Children with disabilities

The Committee asked about discrimination and societal attitudes towards children with disabilities, including measures taken to combat shame and the practice of hiding children with disabilities. The Committee asked for confirmation about whether disabled girls had been obligated to take birth control to prevent them from menstruating. The Committee pointed out that in 2008, based on the State Party report, there had been no children with disabilities in the Cook Islands. The delegation responded that in the Cook Islands the attitude had been to embrace all children. The delegation replied that the 2008 statistical information had been incomplete and would provide the correct figures to the Committee.

The Committee asked about inclusive education for disabled children. It stated that disabled children had not been included in mainstream education and noted a lack of school transportation for disabled children. Only one island had been equipped with a van to transport disabled children to school. The Committee asked if teachers had been trained in sign language and to work with children with learning and behavioural disabilities

The delegation noted that the State had a disability officer to coordinate the action of relevant ministries. The delegation commented that the Ministry of Education had been focused on ensuring disabled children were apart of mainstream school. The delegation stressed that education policy had mainstreamed disabled children. Disabled children had been taught in mainstream schools in Rarotonga and the outer islands. The delegation replied that the sign language and special education teacher had visited the schools weekly, but only in Rarotonga.

The Committee replied that there had needed to be more effort made to facilitate inclusive education. The Committee raised question about special classrooms for disabled children that were intended to prepare them for mainstream schools on Rarotonga. It stated that none of the children had been moved to a mainstream classroom. The Committee asked if classrooms similar to the one described had existed on other islands.

The Committee inquired about a cultural tendency in the Cook Islands to protect children with disabilities instead of recognising they were like other children with their own rights. The delegation commented that the State had focused on empowerment and participation in society for disabled children.

The Committee asked about the State's annual budget for special needs children and how it had been distributed. The delegation replied that they had no estimate of past allocation of funds for special needs children. The delegation reported that the State had provided funding for disabled children to NGOs on five of the outer islands. The delegation recognised the need for a policy strategy to address the needs of disabled children.

The Committee asked about criminal law, which had distinguished between girls with disabilities and those without, under the age of 12, who were victims of abuse. The penalties were up to seven years' imprisonment for the abuse of a girl with a disability and up to 14 years for the abuse of a girl without a disability. The Committee asked if the Crimes Act of 1969 reforms would change this law.

Health services

The Committee asked about the disparity in access to health care between Rarotonga and the outer islands. The delegation responded that there had been a disparity in health service delivery. The delegation reported that all of the outer islands had hospitals, and one of the atolls had a medical clinic. The Cook Islands had an emergency medical plan for the outer islands, which involved flying the sick from outer islands to Rarotonga or New Zealand for treatment, in which case the State paid the full cost. The delegation noted that the State had supplied the islands with medication and maintained the hospitals. The State had allocated adequate funds for medical emergencies. The delegation mentioned that telephone conferences were held when specialist advice was needed for a serious medical problem. The delegation noted the State would look for more ways to obtain medical assistance.

Teenage Pregnancy

The Committee asked if girls had been able to attend school during pregnancy and after giving birth. The Committee wanted know if there were any laws requiring schools to allow girls to attend school during and after pregnancy. It asked about the shame and stigma surrounding teenage pregnancy and if there had been activities to inform the community that pregnant girls and teenage mothers had a right to an education. It asked if there were child care facilities to permit teenage mothers to return to school.

The delegation acknowledged that teenage pregnancy did occur frequently in the Cook Islands and that teenage pregnancy had the potential to bring shame upon a family. The delegation noted that early pregnancy had been the responsibility of the extended family and that a family must accept teenage pregnancy even if there was shame and pain.

The Committee asked about teenage pregnancy that occurred as a result of rape or incest. It noted that such cases did not seem to be reported. The Committee asked if the lack of reporting had been a result of shame and pain, noting that the stigma associated with it had led to pregnant girls emigrating. It also mentioned adoption as an option that had been used by pregnant teenage girls. The Committee asked about abortion as an additional option. It noted that abortion is illegal in the Cook Islands, and asked the delegation to elaborate on abortion.

The delegation responded that teenage pregnancy had many causes and that in many cases it involved young girls without parental guidance who were "testing the waters". With regard to incest, the delegation stated that it had often been covered up and not reported because of the embarrassment and shame. The delegation stated it had been difficult for families to manage an early pregnancy, and in this situation the girl often gave birth overseas.

The Committee responded that "testing the waters" was what teenagers should be encouraged to do, but in an informed way. It asked what actions the State had taken to inform the young

population about good decisions for their reproductive health. The Committee asked the delegation to clarify the legality of abortion.

The delegation responded that abortion was illegal in the Cook Islands and the general public, including children, had been informed about early pregnancy. The State had used the Ministry of Education and the Ministry of Health to publicise problems associated with early pregnancy. The delegation mentioned that the Church had been guiding young people to be careful about sex. According to the delegation, the State's role in early pregnancy had been limited to health workers in line with the capacity of the State.

Sex education

The Committee asked about sex education for children in the State. It inquired about access to contraceptives and how reproductive health was taught in schools. The delegation responded that the Ministry of Health had a sex education programme that was based on prevention. The programme had involved putting contraceptives in accessible places such as public bathrooms, schools and community clinics. Health workers had talked to night club owners to explain the increasing rate of sexually transmitted diseases (STDs) and the State had utilised newspapers and radio to inform the public about the spread of STDs. The delegation reported that the Ministry of Education had a curriculum for sex education, and that the Ministry had gathered parents' groups to explain the severity of STDs.

The Committee asked about a State advisor for reproductive health that had been supported by the United Nations Population Fund (UNFPA). It asked about the work that had been done for adolescent reproductive health issues and the services offered. The delegation responded that the Ministry of Health had appointed someone several years ago. The delegation reported that the State had created workshops and programmes, and trained nine youth peer educators, and held awareness days for sexual health. The delegation reported on the creation of youth friendly clinics that had provided family planning, STD testing, advice and medical referrals. In 2011 the Ministry of Internal Affairs had created youth-friendly access for advice with help from UNFPA.

Breastfeeding

The Committee asked for statistics on breastfeeding. The delegation responded that these were not available, but reported that the Ministry of Health had promoted breastfeeding with a "breast is best" campaign and a series of national radio announcements. The Committee asked about baby friendly hospitals and the International Code on Marketing of Breast Milk Substitutes. It stated that limited maternity leave could be a factor in formula usage.

Childhood Obesity

The Committee requested information on overweight babies. It suggested the weight problem could be linked to formula usage. The Committee commented on the eating habits and nutrition of older school children. The delegation acknowledged that obesity had become a problem in the Cook Islands. The delegation stated the Ministry of health had been working with dieticians and nutritionist in schools and community clinics. The delegation cited soft drinks as a major factor in childhood obesity.

Education, Leisure and Cultural Activities

Education

The Committee acknowledged the high percentage of the budget that had been spent on education. It noted the State had received a large amount of international aid especially from New Zealand.

The Committee noted the State had an active and strong early childhood component, and inquired about the coverage throughout the islands. The Committee asked if the State had been using a holistic approach to early childhood education that considered nutrition and stimulation as integral to early learning. The Committee asked about the community based early childhood programme that would be established by the Education Bill.

The Committee raised questions about the partial scholarships available to enable children from the outer islands to go to Rarotonga for school after a certain age. It noted that scholarships offered by the State were not sufficient to cover the expenses of students. The Committee noted that some students had stayed with relatives, but that this had led to problems such as overcrowding, financially burdening the extended family, and students being used as domestic servants. The Committee asked if the State had assessed the impact of the scholarship or had thought of increasing the amount of money per student. The delegation responded that the policy had been to keep children on the island with their parents. Parents were not encouraged to send their children away if schooling was available at home. The delegation stated education scholarships had been intended for children 16 and over and acknowledged that the payments were inadequate.

The Committee raised questions about the Racator alternative public school programme, which had targeted children aged 11 to 15 years. It inquired about which at-risk groups of children had been targeted by this programme. The delegation responded that children who had committed petty crimes had attended the school. The purpose of the school had been to facilitate reintegration back into the mainstream classroom. The delegation explained that children aged 16 to 18 had gone to Manava, a school run by Racator. The Committee asked if Racator had been a residential or remand home. The delegation explained that it had been a day school.

The Committee expressed their concern about the poor performance of northern island children in school as a result of being taught in English in Rarotonga, but in their local dialect on their home island.

School attendance

The Committee asked about reasons for high drop-out rates. The delegation responded that high numbers had been caused by children completing their education overseas; family migration; and expatriate families leaving the Cook Islands. The Committee asked if the delegation had information on drop-out rates for children who had not left the island. The delegation responded that they had not focused on drop-out rates, but had focused on what could be done to provide for retention at school.

Emigration and depopulation

The Committee addressed the issue of the rapidly decreasing population. It noted that many young people had emigrated to New Zealand for economic reasons. The Committee asked if there had been a State policy to attract young people to stay in the Cook Islands. The delegation stated that Polynesian people had been natural travellers, and that you cannot stop people from moving. The delegation added, however, that the State had a strategy to entice young people to stay on the island.

Special Protection Measures

Children in armed conflict

The Committee asked about children who had been involved in armed conflict residing in the Cook Islands. The delegation responded that they were unaware of children with this type of past experience living in the Cook Islands.

Juvenile justice

The Committee asked what the minimum age of criminal responsibility was. The delegation responded that under the Crimes Act of 1969 the minimum age of criminal responsibility had been 10. Children aged 10 to 14 had been considered criminally responsible only if it was found that they were aware that their conduct had been in conflict with the law. The Committee asked what had been the situation of criminal responsibility for children aged 14 to 18. The delegation responded that at 16, a child could be tried in an adult court. The children's court was for children under 16.

The Committee asked about Cook Islander children living in New Zealand who were repatriated back to the Cook Islands after committing an offence. The delegation stated that New Zealand had not officially had a policy to repatriate children in conflict with the law.

The delegation stated that the State had provided limited support for counselling of children involved in criminal proceedings through the Ministry of Internal Affairs and school counsellors. The delegation stated that children had not been required to give evidence, and if a child had given evidence it would have been in a closed court.

The Committee asked at what age a child could be deprived of his or her liberty. It asked if children were detained separately from adults, as well as how many children were sentenced to deprivation of liberty per year. The Committee asked if children in prison had received an education. The delegation answered that there were no separate facilities for detained or incarcerated children. The delegation gave the example of children who had taken university and vocational classes while in prison.

The Committee asked what had been done with children whose behaviour was anti-social and not criminal. The delegation explained it was part of the mandate of the Juvenile Crime Prevention Committee (JCPC) to make recommendations to the children's court. For anti-social behaviour there were other avenues to address the problem before a case came before the court. The committee asked for statistics on cases that had gone to the JCPC before the juvenile court system.

The Committee asked if the State had provided free legal aid for children. The delegation responded that it had, but that the funds allocated were inadequate.

Concluding Remarks

The country Rapporteur thanked the delegation for the dialogue and acknowledged the challenges the State faced because of the distance between the islands. The Rapporteur addressed the need for the State to support local authorities to carry out their mandates in line with the Convention, on outer islands. Mr. Koompraphant hoped the recommendations would help the State to more fully implement the provisions of the Convention.

The head of the delegation thanked the Committee for a rewarding experience. The delegation stated that the dialogue had enabled them to better understand the spirit and intent of the Convention. The delegation noted the State's four key areas of concern for ensuring full implementation: the removal of the reservations; the development of a national coordination mechanism; a data collection system; and the enactment of the Family Law Bill, the Education Bill and the review of the Crimes Act of 1969. The delegation reiterated the challenges the State had faced and expressed the State's willingness to continue working with NGOs. The delegation concluded that the State would attempt to include the Committee's recommendations in the upcoming action plan. The delegation thanked the Committee for an enriching discussion and extended their sincere appreciation to the Chairperson and the Committee.

