

Country session: Cook Islands

Date of session: 5th March 2020 (extraordinary 84th session in Samoa)

Context

This was the first time any of the UN human rights treaty bodies held a session at the regional level. "By holding a session in the Pacific, we wanted to draw the world's attention to the pressing issues affecting the enjoyment of children's rights in the region," said Luis Pedernera, Chair of the Committee.

Cook Island recently graduated from a developing to a developed country status; however, they are concerned about their vulnerability as a small island of resources.

Background information

[OHCHR press release](#)

Webcast: [first part](#) and [second part](#)

Reporting

Reporting methodology

Standard reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report

Common core document	
Initial submission	23 February 2015

CRC	
No. of report	2 nd - 5 th
Due date	5 January 2018
Submission	18 January 2018

Written replies	
Submission	17 October 2019
Due date	15 October 2019

Public reports from children's rights defenders

Alternative reports and additional information	
NGOs	Juvenile Justice Advocates International Global Initiative to End All Corporal Punishment of Children National Secular Society (NSS) (UK)

State delegation

The [State delegation of Cook Island](#) was large and multisectoral. It was composed by high level representatives: the Minister for Internal Affairs, the Associate Ministers, the Secretary for Ministry of Internal Affairs, the Secretary for



Ministry of Education, the Secretary for the Ministry of Health, the Manager Social Policy of the Ministry of Internal Affairs and the Child & Family Services Senior Adviser of the Ministry of Internal Affairs.

Committee's Task Force members

Name & Last Name	Country
Ms. Ann Marie Skelton	South Africa
Ms. Velina Todorova	Bulgaria
Mr. Bragi Gudbrandsson	Iceland
Mr. Gehad Madi	Egypt

Dialogue description

i. Character of the dialogue

The dialogue with the delegation of Cook Island was cooperative and dynamic. The delegation responded to most of the question raised by the Committee in a focused and constructive dialogue.

ii. General assessment made by the Committee

The Committee commended the great progress made by Cook Island in terms of legislation and policy and in institutional measures taken to ensure that the State is fully aligned with the Convention. The Committee was impressed by the fact that Cook Island has made progress to fulfil several Sustainable Development Goals, especially in the areas of health and education. However, they expressed concern about the State's reservations to articles 2 and 10 of the Convention and suggested the withdrawal of those reservations. The Committee recommended that State legislation affecting children's rights be reviewed to ensure that it complies with the Convention. The CRC encouraged Cook Islands to consider the ratification of the OPSC and the OPIC.

iii. Main issues discussed:

- Respect for the views of the child:** The Committee asked whether the voice of children is taken into account in administrative and judicial proceedings, and if so, how it is taken into account. While the Committee appreciated the high level of participation of children in school, they wanted to know whether children are also involved in other decision-making processes. The delegation replied that the juvenile courts had changed in Cook Island, children were allowed to be accompanied by guardians and family members in the court rooms, had screen protection and could intervene by teleconference, and could attend the session in English or Maori. They can also respond to national issues in parliament and they have a children's forum in which children participate. Regarding the inclusion of children in the decision-making process, each school community has a school committee, with representatives who participate in policy review, the direction of learning programs, and the operation of schools.
- Sexual abuse:** The Committee asked whether the State collects data on child abuse. It recommended that a reporting system be established to enable children to safely report abuse. They also stressed the importance of investigating child abuse and prosecute the perpetrator with child-friendly procedures as well as ending the stigmatization of victims. The delegation noted that they only had 12 cases in the last 3 years. The State has special measures and services for victims where children are included. They have special procedures to protect children especially in judicial proceedings.

- Children with disabilities:** The Committee asked about the impact of the Cook Islands' policies on children with disabilities. It also asked whether awareness programmes on children with disabilities are carried out and whether they are supported by the community. Finally, it asked whether there was any stigmatization of these children and what kind of services were offered to families to care for children with disabilities. The delegation responded that, in terms of disability policies and services available, they have an inclusive education programme, with special visits for children and measures to improve accessibility. They have some services provided through NGOs supported by the ministries, such as a social centre and a rehabilitation centre. The State assured that it always provides a caregiver to support children with disabilities. The Ministry provides funding to NGOs that have social workers and work with children to assist them in their social development. With regard to stigmatization, they have longstanding integration programmes that combat stigmatization.
- Mental health:** The Committee was concerned about the number of youth suicides on the island and the few professionals available. They asked what measures were being taken to address this problem. The delegation acknowledged that cases of children with trauma, mental disorders and abuse had been identified. Strategic mental health plans have recently been updated on the island of Cook, with mental health professionals, psychologists and psychiatrists. They are also trying to identify other possible mental illnesses in children and adolescents with this new programme. If there are people with problems on the outer islands, they are taken to the capital or to New Zealand depending on the severity.
- Education:** The Committee was concerned about the school dropout high rate from the age of twelve and wanted to know why it occurs. They also asked how the State measures the quality of education in schools and what programmes they have in sex education as well as for the integration of children with disabilities. The State delegation responded that schooling is compulsory up to the age of 16, but to encourage students they have raised the age of eligibility for scholarships from 12 to 16 and have also established a number of programs to support the continuation of students in high school. They set an alternative education model reconciling engagement with the communities and learning programme for students with learning difficulties. Sex and reproductive education is included in the school curriculum, with adaptation according to the age and maturity of the students. They also have programs to include teenage mothers and fathers in the school. Cook Island review approximately every year their schools always considering children voices. As per children with disabilities, all schools in Cook Island are inclusive, they have support teachers, as well as special resources to improve accessibility both at school and at home.
- Climate change:** The Committee was concerned about whether the State was giving enough attention to children in terms of climate change. They also asked whether they were considering action on migration in the context of climate change. The delegation noted that they are prepared for natural disasters and have special shelters throughout the island. As for receiving climate migrants, Cook Island is very small and could not accommodate many people, a problem they acknowledged they have to address.

Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew the State party's attention to the recommendations concerning the following areas:

- Respect for the views of the child:** The Committee recommends the State party to strengthen systematic training to professionals working with and for children, especially in administrative and judicial proceedings, and to develop operational procedures or protocols for such professionals to ensure that due weight is given to the views of children, as well as to conduct programmes and awareness-raising activities to combat negative societal attitudes, which hinder children's right to be heard, and promote the meaningful and empowered participation of all children within the family and the community.



child rights connect

- **Corporal punishment:** The Committee urges the State party to repeal laws that permit the corporal punishment of children and enact legislation to explicitly prohibit such punishment in all setting, and to intensify efforts to promote positive, non-violent and participatory forms of child-rearing and discipline, including by strengthening awareness-raising programmes and campaigns targeting children, parents, teachers and traditional, religious and community leaders.
- **Sexual exploitation and abuse:** The Committee recommends the State party: to ensure that the law provides all children, boys and girls, under 18 years of age, with protection from all forms of sexual exploitation and abuse; to clearly set the age for sexual consent and ensure that adolescents engaging in sexual acts with each other are not criminalized; to penalize child sexual abuse material online, commercial sexual exploitation of children and online solicitation of children; to conduct a comprehensive study on the scope and root causes of the vulnerability of children to sexual exploitation and abuse, including in the family and religious institutions, and apply the findings in the development of a national action plan to prevent and combat the phenomenon; to ensure the mandatory reporting of suspicion of sexual abuse and exploitation, child-friendly and multi-sectoral investigation and prosecution and that adult perpetrators are duly prosecuted and punished with sanctions commensurate with the gravity of their crimes; and to combat the stigmatization of children who are victims of sexual exploitation and abuse and establish accessible, confidential, child-friendly and specialized support for children who are victims of sexual exploitation and abuse, including psychological counselling and rehabilitation and social integration assistance.
- **Impact of climate change on the rights of the child:** The Committee recommends the State party: to ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account in developing policies and programmes addressing the issues of climate change and disaster risk management; to collect disaggregated data identifying the types and levels of risk faced by children to the occurrence of a variety of disasters in order to formulate international, regional and national policies, frameworks and agreements accordingly; to strengthen measures to increase awareness and preparedness among children for climate change and natural disasters, including by integrating environment and climate change issues into the national curriculum and to seek bilateral, multilateral, regional and international cooperation in implementing the present recommendations.
- **Children with disabilities:** The Committee recommends the State party to prioritize infrastructure adaptation to improve access to public buildings and spaces, including schools; to continue to provide individualized support to children with disabilities to ensure their full participation in inclusive education in mainstream schools, including by training and appointing a sufficient number of suitable teacher's aides; to continue to provide support and services in the community to enable families to care for children with disabilities and to undertake awareness-raising campaigns aimed at government officials, the public, traditional, religious and community leaders and families to promote a positive image of children with disabilities, with a view to ensuring their full inclusion in society.

Some of the most important recommendations made by the committee have been developed above, but the Committee also drew the State party's attention to the recommendations concerning the following areas:

- **General measures of implementation:** Reservation and declaration; Legislation; Comprehensive policy and strategy; Coordination; Allocation of resources; Data collection; Independent monitoring; Dissemination, awareness-raising and training.
- **Definition of the child.**
- **General principles:** Non-discrimination; Best interest of the child.
- **Civil rights and freedoms:** Right to privacy.
- **Violence against children:** Abuse and neglect.



- **Family environment and alternative care:** Family environment; Children deprived of a family environment; Adoption.
- **Basic health and welfare:** Health and health services; Mental health; Adolescent health.
- **Education, leisure and cultural activities.**
- **Special protection measures:** Children in situation of migration; Administration of child justice; Child victims and witnesses of crime.
- **Ratification of the Optional Protocols to the Convention.**
- **Ratification of international human rights instruments.**
- **Cooperation with regional bodies.**

Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- 3.2 on ending preventable deaths of newborns and children under 5 years of age, with all countries aiming to reduce neonatal mortality to at least as low as 12 per 1,000 live births and under-5 mortality to at least as low as 25 per 1,000 live births
- 3.4 on reducing by one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being
- 4.2 on ensuring that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education
- 4.4 on increasing the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship
- 4.5 on eliminating gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations
- 4.7 on ensuring that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development
- 4.C on increasing the supply of qualified teachers, including through international cooperation for teacher training in developing countries, especially least developed countries and small island developing States
- 10.3 on empowering and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status
- 13.5 on promoting mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on women, youth and local and marginalized communities.
- 16.2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children

Next State report

CRC	
No. of report	6 th
Due date	5 July 2025

Disclaimer: Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.