



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

Initial report of States parties

Cook Islands*

* The present report is being issued without formal editing.



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Abbreviations

BPW	Business and Professional Women's Group
CIANGO	Cook Islands Association of Non-government Organizations
CINCW	Cook Islands National Council of Women
CIPS	Cook Islands Police Service
CISNOC	Cook Islands Sport and National Olympic Committee
CIWA	Cook Islands Workers Association
GADD	Gender and Development Division
HDI	Human Development Index
HOM	Head of Ministry
HRD	Department of National Human Resource Development
INTAFF	Ministry of Internal Affairs and Social Services
JPs	Justices of the Peace
NGOs	Non-government Organizations
NZAID	New Zealand Agency for International Development
PACER	Pacific Agreement on Closer Economic Relations
PIANGO	Pacific Islands Association of Non-government Organizations
PICTA	Pacific Islands Countries Trade Agreement
PTI	Punanga Tauturu Incorporated, Cook Islands Women's Counselling Centre
SBEC	Small Business Enterprise Centre
USP	University of the South Pacific

Part I: Introduction

The Cook Islands is a party to the Convention on the Elimination of all forms of Discrimination Against Women through New Zealand, which signed the Convention on 17 July 1980 and ratified it on 10 January 1985. In becoming a party to the Convention, the Cook Islands affirmed its commitment to improve the situation of women in the Cook Islands. This is the first report by the Cook Islands on progress in implementing the Convention and, as such, represents its initial report and subsequent reports covering the period up until 30 June 2005.

This report sets out progress that has been made, including the measures that have been taken in a wide range of areas, as well as to indicate the obstacles that remain to the full participation of women in the Cook Islands. The first part of the report deals with the particular context of the Cook Islands including its land, people, economy and women's development generally. The second part reports in detail on the situation under each of the Articles of the Convention.

The Government of the Cook Islands made a number of reservations to the Convention: in relation to article 11(2)(b) which relates to maternity leave and articles 2(f) and 5(a), "to the extent that the customs governing the inheritance of certain Cook Islands chief titles may be inconsistent with those provisions." The Government also reserved the right not to apply the provisions of the Convention in so far as they are inconsistent with policies relating to recruitment into or service in the Armed Forces (in situations involving armed combat) and law enforcement forces "in situations involving violence or threat of violence."

There has been some positive progress in the areas covered by these reservations (this progress is noted under the relevant Articles in this report). However, the Government has yet to decide whether to withdraw these reservations.

The Cook Islands ratified the Convention on the Rights of the Child on 6 June 1997 and has acceded to a number of United Nations human rights instruments through New Zealand, including:

- **Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery 1956**
- **Convention on the Nationality of Married Women 1957**
- **International Covenant on Economic, Social and Cultural Rights 1966**
- **International Covenant on Civil and Political Rights 1966**
- **International Convention Against the Taking of Hostages 1979**

*The Cook Islands Context***1. The land and people**

1.1 The Cook Islands lie spread across almost two million square kilometres of ocean in the Pacific, northeast of New Zealand and near Samoa and Tahiti. The total land area is less than 300 square kilometres. There are two main island groups. The Northern Group and the Southern Group. Twelve of the fifteen islands are inhabited, namely: Aitutaki, Atiu, Mangaia, Mauke, Manihiki, Mitiaro, Nassau, Penrhyn, Palmerston, Pukapuka, Rakahanga, and Rarotonga.

1.2 The Southern Group (Rarotonga, Aitutaki, Atiu, Mangaia, Manuae, Mauke, Mitiaro, and Takutea) makes up almost 90 per cent of the total land area of the Cook Islands with the land mostly consisting of volcanic formations with fertile soils and tropical vegetation. The Northern Group (Manihiki, Nassau, Penrhyn, Pukapuka, Rakahanga, Palmerston and Suvarrow) are predominantly low lying coral atolls with lagoons and sparse vegetation.

1.3 The population was around 18,000 in 2001, with about half on Rarotonga.

Table 1: Total population by island, gender and age groups, 2001 Census											
Region	Total	Total		0-14		15-44		45-59		60 & over	
	Persons	M	F	M	F	M	F	M	F	M	F
Cook Islands	18,027	9,303	8,724	2,876	2,546	4,077	4,035	1,359	1,222	991	921
Rarotonga	12,206	6,263	5,943	1,714	1,560	2,906	2,914	985	884	658	585
Southern Group *	4,002	2,055	1,947	768	653	740	752	294	274	253	268
Northern Group	1,819	985	834	394	333	431	369	80	64	80	68
*(excl.Rarotonga)											

1.4 Since 2001 there have been population changes mainly due to outward migration. In the quarter ending March 2005 the total resident population was 12,600. A full picture of population changes will be gathered in the next Census in 2006.

1.5 In 2003 the Cook Islands ranked first among Pacific Developing Member Countries on the Human Development Index and second on the Human Poverty Index. The high HDI ranking reflects the history of a high level of government spending on health, education, and welfare.

1.6 The result is that the Cook Islands has already achieved several of the Millennium Development Goals including universal primary school enrolment for girls and boys, the elimination of gender disparities in primary and secondary educational achievement, low child and maternity mortality rates, and access to safe drinking water. Work towards a National Sustainable Development Plan is continuing in order to maintain achievements, continue progress and ensure an even spread of benefits across the country.

1.7 Despite the strength of HDI indicators, levels of well-being are fragile and constant vigilance is needed to protect the country from risks, especially to the environment. The Cook Islands has a unique physical environment which is vulnerable to environmental change. In 2005 a series of cyclones hit the country, resulting in extensive damage to some areas, particularly in the Northern Group of islands. Work to restore services and make improvements is on-going.

2. The political situation

2.1 In August 1965 the Cook Islands became a self-governing parliamentary democracy in free association with New Zealand. The Head of State is Queen Elizabeth II, represented in the Cook Islands by an appointed Queen's Representative. The legal system is modeled on Britain and New Zealand. The Court system comprises a High Court responsible for civil, criminal and land title matters, and a Court of Appeal. Judges are appointed from New Zealand.

2.2 Cook Islands law comes from a number of sources, mostly from the former administrations of New Zealand and Britain. Significant areas of law pre-date current international human rights standards. The state of the statute book does present challenges and cause problems. For example, some British and New Zealand law which has been repealed or replaced in those countries, remains in force in the Cook Islands. The statute book therefore comprises a complex mix of legislative "overs and unders." Areas where there is an over supply of law, but it is outdated, and areas where there is no law or the law is inadequate.

2.3 Members of Parliament are elected every four years by universal suffrage and there are 24 members of the Parliament. The last general election was held in 2004. There are three political parties: the Cook Islands Party, Cook Islands Democratic Party Inc, and National Alliance Party.

2.4 In 1998 a Political Review Commission was established. The Commission's report, *Reforming the Political System of the Cook Islands: Preparing for the challenges of the 21st century*, considered and made recommendations regarding the political system and options for ensuring stable government. Since 1999, governments have been formed through coalition arrangements between political parties.

3. The economic situation

3.1 Tourism is a primary industry, generating approximately 37 per cent of GDP in 1998. The number of visitors to the Cook Islands has increased seven-fold since 1975, from 10,000 per year to 74,541 in 2001. The two main productive sectors are agriculture and fisheries which contributed 15.2 per cent of GDP in 2000. In recent years pearl farming has become a significant economic activity.

3.2 In 1996 the Government embarked on a comprehensive economic restructuring programme. This included measures over the short-term to stabilise and improve public finances through reductions in expenditure, asset sales and the retirement and restructuring of debt. Institutional change has involved reducing public sector employment (by more than half), law reform in relation to taxation, public

finances, the public service and other related matters and a conversion to accrual accounting. Economic restructuring has involved accelerating privatisation, including sales of Government-owned hotels, media outlets and deregulating liquor sales.

3.3 The Government's objectives were to improve the economy and create jobs in the private sector. Since 1996, GDP in real terms had fallen each year and did not begin to recover until 1999. Indications are that the economy has stabilised but remains vulnerable to international economic conditions.

3.4 The Cook Islands is a party to the Pacific Islands Countries Trade Agreement and the Pacific Agreement on Closer Economic Relations between PICTA country signatories and Australia and New Zealand. The agreements are intended to improve trading systems between Pacific countries including customs, quarantine standards and other matters.

International Aid and Assistance

3.5 New Zealand is the largest bilateral donor, followed by Australia. Between 2000 and 2001 the New Zealand aid programme was 53 per cent of all bilateral aid to the Cook Islands. Aid assistance is aligned to government's key areas of development including education and human resource development. NZAID has a gender specific component to the aid arrangements with the Cook Islands. The Gender and Development Project has included:

- Gender analysis training with government agencies and on Outer Islands
- CEDAW promotional documentary productions
- Radio and television awareness programmes
- Transformative leadership training

3.6 The New Zealand Agency for International Development works with the Government to implement Gender and Development Programmes. Phase 1 of the programme (in the 1990s) focussed on assistance with the preparation of a Forward Looking Strategies Report and the development of the Cook Islands National Policy on Women. This work included promotion of the National Policy on Women (including assistance in publishing a summary and towards a national media campaign to promote it), a study of the institutional strengthening needs of NGOs, and assistance with a Women in Politics Leadership training.

3.7 Phase II of the NZAID Gender and Development Programme finished in 2003 and focused on a coordinated approach to the advancement of gender equity by:

- Developing an effective monitoring and evaluation system to measure progress against objectives;
- Mainstreaming gender issues into policy and plans across a range of areas;
- Developing a co-coordinating mechanism for the implementation of relevant International Conventions, Regional and National Policies and Plans;
- Institutional strengthening/capacity building of relevant government line ministries and non-government agencies and the private sector;

- Building gender analysis capability for key personnel so that Heads of Ministries and divisional staff can better respond to gender issues;
- Promoting research, data collection, analysis and dissemination; and
- Supporting specific initiatives for women where appropriate.

3.8 Since 2003, NZAID has continued with this approach while also partnering with the Government to increase funding support to women's NGOs and community organisations through core-funding arrangements and small project funds. NZAID also aims to work with the Government to integrate gender considerations into other NZAID projects, for example at the design and construction stages of outer islands infrastructure projects and in large sector-based programmes for education and marine resources.

3.9 Other gender specific aid assistance has included United Nations Development Fund for Women funds and programmes (for example, promoting women's political participation) and an Food and Agriculture Organization of the United Nations food and agriculture project aimed at strengthening the capacity for gender responsiveness in support of food security. United Nations Population Fund has assisted the development of a newsletter. Assistance is also provided from the Australian Agency for International Development and other donors such as the Asia Development Bank, Canada Fund, and regional and international programmes. In 2000 the Cook Islands signed the Cotonou Agreement which allowed financial and technical assistance from the European Union and elsewhere.

4. Women's development

4.1 In 1995 the Government and women's organisations worked together to develop the National Policy on Women. The Policy's development was driven by NGOs and adopted by Government. In doing so the Government agreed to use the Policy to guide the efforts of government agencies, community organisations, the private sector and traditional and religious leaders in promoting the advancement of women. The policy was the result of extensive consultation with women, including women's organisations, and created a broad consensus about the key priorities for women in the Cook Islands.

4.2 In the same year, the Cook Islands attended the 4th World Conference on Women in Beijing. At that time the Cook Islands pledged commitment to the international call for greater attention to be paid to the social, economic, political, cultural and spiritual advancement of women. The challenge of how best to implement the Convention and to achieve the Beijing Platform for Action, and the Pacific Plan of Action, is a continuing one. In the *Cook Islands Progress Report Beijing+5*, 2000, the Government noted that women's advancement "has slowly but surely gathered momentum and will continue to do so over the next decade and onwards." See Article 3 for more detailed information about women's advancement.

4.3 A special government unit focussing on issues for women has existed since 1993. Today the Gender and Development Division sits within the Ministry of Internal Affairs and Social Services and has two staff, including a Director. The Division has an annual work programme and works closely with other government agencies, women's organisations and women in the Outer Islands.

4.4 In 2004, the Government, with the assistance of UNICEF, completed *A Situation Analysis of Children, Youth and Women*. The report noted there has been considerable progress in women's advancement and reducing inequalities, but not all women have benefited from economic and social changes and more work is needed.

4.5 Women's organisations play a vital role in achieving progress for women and are active and hard working. The Cook Islands National Council of Women was established in 1984 and has pioneered many of the advances for women, especially the development and implementation of the National Policy on Women. The Cook Islands Women's Counselling Service, Punanga Tauturu Inc provides counselling and assistance for victims of domestic violence, human rights training with an emphasis on women and children's rights as well as legal literacy awareness. More detailed information about the work of NGOs is noted elsewhere in this report.

4.6 NGOs work hard to ensure Government is aware of women's concerns. The nature of the small population and interaction between social, cultural and work life means the relationship between NGOs and the Government needs to be a close and co-operative one. In some areas NGOs are providing services where Government is not able to do so. Challenges remain. The Government acknowledges that improvements can be made and will continue to do its best to work collaboratively.

4.7 This report has been prepared in consultation with both non-government and government agencies. A draft report was prepared in 2003 following extensive consultation, including with women in the Outer Islands, but was not able to be finalised. In 2005, Cabinet directed that this report be updated and completed, following a further round of consultation.

4.8 Finally, the process of developing this report has provided opportunities to enhance both public and Government understanding of the Convention. GADD, women's organisations and government agencies have worked together. Although it has taken some time to make this first report, the Government intends to build on the momentum it has created and to further publicise the Convention in the community.

Part II: Commentary on Articles of the Convention

Article 1: Definition of Discrimination against Women

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Guarantee of non-discrimination

1.1 The Constitution of the Cook Islands guarantees fundamental human rights without discrimination on the grounds of sex. Article 64 of the Constitution states:

(1) It is hereby recognised and declared that in the Cook Islands there exist, and shall continue to exist, without discrimination by reason of race, national origin, colour, religion, opinion, belief, or sex, the following fundamental human rights and freedoms:

- (a) The right of the individual to life, liberty, and security of person, and the right not to be deprived thereof except in accordance with law;
- (b) The right of the individual to equality before the law and to the protection of the law;
- (c) The right of the individual to own property and the right not to be deprived thereof except in accordance with law;

Provided that nothing in this paragraph or in Article 40 of this Constitution shall be construed as limiting the power of Parliament to prohibit or restrict by Act the alienation of Native Land...;

- (d) Freedom of thought, conscience, and religion;
- (e) Freedom of speech and expression;
- (f) Freedom of peaceful assembly and association.

(2) It is hereby recognised and declared that every person has duties to others, and accordingly is subject in the exercise of his rights and freedoms to such limitations as are imposed, by any enactment or rule of law for the time being in force, for protecting the rights and freedoms of others or in the interests of public safety, order, or morals, the general welfare, or the security of the Cook Islands.

1.2 Article 64 does not prohibit discrimination on the basis of language, social origin, disability, family or birth or other status. “Discrimination” is not defined in the Constitution or any other Cook Islands law, nor is the concept of “indirect discrimination” specifically defined. However, discrimination on the basis of ethnic or national origin is prohibited under the Race Relations Act 1972. Other general areas of law also support the Constitution.

1.3 The Convention is not directly incorporated into domestic law. There have been no known legal cases invoking the Convention directly. Some issues of law reform in this area have been identified (see Article 2). Other elements of Cook Islands law that deal with equality of men and women, and which support the Constitution, are commented on in Articles 2, 15 and 16.

Efforts to promote and publicise the Convention

1.4 The Government has carried out a number of activities to promote and publicise the Convention. For example, the Gender and Development Division has carried out gender analysis training with government departments, which includes references to the Convention.

1.5 NGOs have also played a significant role in working with government departments and communities to promote and publicise the Convention (including with women in the Outer Islands). The leadership and work of NGOs is important and is continuing in a number of areas, for example, in the development of materials that specifically refer to the Convention.

Article 2: Obligation to Eliminate Discrimination

States parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) *To embody the principle of the equality of men and women in their national constitutions and other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of the principle;*
- (b) *To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*
- (c) *To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*
- (d) *To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;*
- (e) *To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;*
- (f) *To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;*
- (g) *To repeal all national penal provisions which constitute discrimination against women.*

Legal Measures to Eliminate Discrimination

Equality

2.1 The principle of non-discrimination on the basis of sex is enshrined in the Constitution and other laws. For example, the equal status of women is recognised by s.95 of the Judicature Act 1980-81 which equates the legal capacity of a married woman to that of an unmarried woman and abolishes the common law rule that for certain purposes a husband and a wife are deemed to be one person.

2.2 The Matrimonial Property Act 1991-92 recognises the equal contributions of husband and wife to the marriage partnership and provides for the just division of matrimonial property between the spouses if their marriage ends. Both men and women have equal rights to claim custody and maintenance of children, and in custody cases the paramount issue is the welfare of the child. (See Article 16)

2.3 The Race Relations Act 1972 affirms and promotes racial equality in the Cook Islands and is intended to implement the International Convention on the Elimination of All Forms of Racial Discrimination. It prohibits all forms of racial discrimination on the basis of the colour, race, or ethnic or national origin.

2.4 The Government has recognised the need for law reform in some areas and has taken steps to carry out some improvements. For example, the Acts Interpretation Act 1924 provides that words

importing the masculine gender include females, but since 2001 new laws are being made gender neutral where possible.

2.5 In 2005 the Government received a report on Cook Islands legislation and consistency with the Convention. A review of existing law identified where Cook Islands laws are consistent with the Convention and areas where improvements are necessary or desirable. A programme of law reform was proposed. As a result, a working party, including NGOs has been established to lead this work.

Criminal Law

2.6 The Crimes Act 1969 supplements the Constitutional right to security and sets out the major sexual offences. Rape and other serious sexual assaults are crimes. Under the Crimes Act, rape is an offence punishable by imprisonment for a term not exceeding fourteen years. However s.141(3) provides that no man shall be convicted of rape of his wife unless they are divorced, or they are divorced and have not, since the divorce, resumed cohabitation as man and wife with the free consent of the wife, or unless they are separated.

2.7 The Punanga Tauturu Incorporated, (Cook Islands Women's Counselling Centre) have asked the Government to review the laws relating to sexual crimes against women and to reconsider the penalties imposed. PTI statistics indicate wide discrepancies in the penalties imposed by the Courts for sexual offences. For example, one case of rape resulted in a conviction and sentence of nine months imprisonment. Another case involving an indecent act on a 12 year old girl resulted in the offender receiving two years probation, while in another, two years imprisonment was imposed for indecent assault on a girl under 12 years.

2.8 PTI have recommended the definition of rape be widened to ensure sexual violation with an object is a crime and that rape within marriage is an offence.

2.9 The Government has recognised the need to update the law on sexual offences to ensure better protection of women and greater accountability of offenders. New legislation has been drafted, although more work, including consultation, is needed on some aspects of it. More information about issues of domestic violence, including relevant laws, is included under Articles 12 and 16 of this report.

Other Measures to Harmonise National Laws and Policy with the Provisions of the Convention

National Machinery

2.10 The Division of Women's Affairs was established in 1993 within the Ministry of Internal Affairs and Social Services. In the 2001/2002 financial year its budget was \$64,525.00. The original vision of the Division was "the total development of women" and its Mission Statement was "The provision of support services for women through proper management and effective leadership, education, training and economic development." The goal, to increase women's participation in and benefits from the development process at local, national and international level, has the following objectives:

- to promote understanding and awareness of gender issues;
- to incorporate gender issues into mainstream development planning processes;
- to ensure women's participation equally in decision-making at all levels;
- to ensure that women have equal opportunities in all areas of human resources development; and
- to achieve closer working relationships between and amongst Government agencies, the private sector and NGOs

2.11 The Women's Division was renamed the Gender and Development Division in 2002. The work programme moved from concentrating on activities targeted solely for women, to incorporating the entire community irrespective of gender and age. GADD has two staff, a Director and a Programme/Research Officer.

National Policy on Women

2.12 In 1995 the Government worked with women's organisations to develop the National Policy on Women. The Policy could not have been developed without women's NGOs, who took a strong leadership role. The goal of the Policy is to ensure that women:

“...realise their full potential as contributors to and as beneficiaries of the development process in local and national development first and foremost as well as in regional and international affairs.

2.13 The National Policy is the Government's commitment to ensure issues of equality, development and peace are addressed for women, men and their families, in accordance with the Fourth World Conference on Women and the Beijing Platform for Action. The Policy was formulated and adopted in July 1995 by Government just prior to the Fourth World Conference on Women.

2.14 The objectives of the National Policy are “to develop Cook Islands women; ensure their rights to equal opportunities in human resource development and decision making; and, in doing so, to understand and cater for differences between the islands.” The Policy aims to:

- Ensure women participate equally in decision-making at all levels.
- Foster closer relations between Government, the private sector and NGOs.
- Enhance women's roles by improving health and the environment.
- Bring women's issues into the mainstream of the development process.
- Make women equal partners in contributions to and benefits from development of the family, the community and the nation.
- Maintain and preserve cultural values and traditions that promote the status of women.
- Uphold the human rights of women by improving their social, economic, political and cultural status in line with United Nations policy, especially the Convention on the Elimination of All Forms of Discrimination against Women by providing opportunities and support systems for women's multiple roles in society.

2.15 The Policy is being implemented through four strategies:

- Involving women in discussion and decision making about sustainable development.
- Regular consultation with communities through GADD.
- Community participation through churches, private sector, traditional leaders and others.
- Integrating gender, population, environment and food security issues.

2.16 As a result of the Policy, a National Plan of Action was adopted in 1996 and later, in 1998, Action Plans for Rarotonga, the Northern and Southern Group Islands were adopted. Since then, individual Action Plans for each outer island (including the three Vaka or districts of Rarotonga) have been prepared, following consultation with women in those areas.

2.17 GADD is responsible for overseeing the implementation of the Policy in cooperation with the Cook Islands National Council of Women. Together, they plan, appraise, implement, monitor and evaluate the implementation of the Policy in regular consultation with the public and private sectors and community organisations. Following a review in 2004, the CINCW has moved to strengthen its capability and capacity to carry out its work, including its work with GADD. Work to implement the policy includes:

Developing closer working relationships between Government and NGO's

2.18 A number of programmes and projects have been undertaken by NGOs as part of implementing the National Policy. For example:

- a) CINCW, with GADD, is the lead group implementing the National Policy.
- b) PTI is very active in promoting the advancement of women through the elimination of all forms of discrimination against women, notably violence.
- c) The Cook Islands Red Cross Society is promoting awareness of the human rights of women, children, the elderly and other disadvantaged groups.

Governments and International Donor Agencies

2.19 The New Zealand Agency for International Development works with the Government to implement Gender and Development Programmes. Phase 1 of the programme (in the 1990s) focussed on assistance with the preparation of a Forward Looking Strategies Report and the development of the Cook Islands National Policy on Women. This work included promotion of the National Policy on Women (including assistance in publishing a summary and towards a national media campaign to promote it), a study of the institutional strengthening needs of NGOs, and assistance with a Women in Politics Leadership training.

2.20 Phase II of the NZAID Gender and Development Programme finished in 2003 and focused on a coordinated approach to the advancement of gender equity by:

- Developing an effective monitoring and evaluation system to measure progress against objectives;
- Mainstreaming gender issues into policy and plans across a range of areas;

- Developing a co-coordinating mechanism for the implementation of relevant International Conventions, Regional and National Policies and Plans;
- Institutional strengthening/capacity building of relevant government line ministries and non-government agencies and the private sector;
- Building gender analysis capability for key personnel so that Heads of Ministries and divisional staff can better respond to gender issues;
- Promoting research, data collection, analysis and dissemination; and
- Supporting specific initiatives for women where appropriate.

2.21 NZAID also aims to work with the Government to integrate gender considerations into other NZAID projects for example the Outer Islands Water Supply project, the Cook Islands Development Project and the Tourism Project.

Statistical Profile of Men and Women

2.22 The profile of men and women for all Outer Islands and the three vaka on Rarotonga highlights women in all levels of leadership including politics, government, traditional leaders, religion and private sector.

Long Term Development Objectives

2.23 Long term development objectives for GADD are to engage women and men in a process which, at the national level, will identify and address gender issues and gender gaps in order to promote equitable, sustainable national development. At the local and community level women and men will identify opportunities and constraints, which affect their contributions and the benefits they derive from development. A two-pronged approach has been devised to ensure that marginalised and isolated groups and men are involved in GADD programmes.

National Sustainable Development Plan

2.24 The Government is preparing a National Sustainable Development Plan. The aim is to ensure a coordinated approach to national development, including work towards the implementation of the Millennium Development Goals, international obligations, and regional inter-government Pacific agreements and initiatives. The Government intends to ensure that this Plan includes specific goals for women.

Non-Government Organisations

2.25 There are significant numbers of NGOs in the Cook Islands working on issues affecting women. CINCW was established in 1984, after the demise of its predecessor, the Cook Islands Women's Federation. CINCW is an umbrella organisation for women's groups. Membership peaked in 1995 at 55 and in 2004 there were approximately 21 financial members. CINCW work covers the 12 critical areas of concern identified in the Beijing Platform for Action. Since 1996, the national plan has been produced along with two sub-regional action plans and Individual Island specific action plans.

2.26 There are also NGOs with particular areas of interest and expertise on issues related to women and girls. PTI was established in 1994 and works on issues of domestic violence, with a focus on the Convention. PTI has worked closely with the Police to improve Police training and to enhance Police responsiveness to incidents of domestic violence. Counselling and other support services to victims of domestic violence are also provided (see further under Article 12 and 16).

2.27 There is an active Business and Professional Women's Group which hosts the Women of the Year awards and holds regular networking and other social functions. The Disability Council has been instrumental in awareness about access issues for disabled people and the Creative Council runs programmes for adults with disabilities. More information about these, and other, NGOs is included elsewhere in this report under each of the relevant articles.

2.28 In 2004 the Government established a Community Initiatives Scheme with a Committee to oversee its work. The current Committee has representatives from three government departments, three NGOs, the Chamber of Commerce, Aid Management Division, the New Zealand High Commission. Membership should rotate regularly to ensure a good coverage of representation across government and the community. The Fund is criteria based and projects may be funded for up to two years. Fund recipients have included Te Kainga and Are Pa Taunga (both providing mental health services), the Creative Centre (for a mobile trailer), a women's group in Mangaia doing an exercise program to improve their health, a women's group in Mauke for home gardening, and a women's group in Manihiki for craft and carving.

Institutions for Protection from Discrimination

2.29 Other than the Constitution, there is no legislation dealing with complaints of sex discrimination. This means there are no guidelines or rules, tribunals or other institutions to deal with such complaints, nor any mechanism for identifying when discrimination takes place.

2.30 Some protection is provided to women employed in the public sector under section 17 of the Public Service Act 1995-96. This requires the Head of Ministry to be a "good employer." This is defined to include adopting measures, such as policies, which result in the fair and proper treatment of employees, and in the impartial selection of suitably qualified persons for appointments.

2.31 However, there is no labour law protecting employees from discrimination in the private sector. The need for law reform in this, and other areas, has been identified (see Future Implementation below and Article 11).

Ombudsman's Office

2.32 The Ombudsman's Office, established under the Ombudsman's Act 1984, can investigate any decision, recommendation or act relating to a matter of administration and affecting any person or body of persons in his or its personal capacity in any Government Ministry or Board. The Office receives a modest number of complaints, as shown in Table 2, which covers the period from 1989 to 1992.

Table 2: Complaints received by the Ombudsman, 1989 – 1992

Year	Male	Female
1989	33	17
1990	30	20
1991	18	15
1992	34	17

Future Implementation

2.33 The Government will continue to have national machinery with specific responsibility for gender and development. The work of GADD and implementation of the National Policy on Women, and related Action Plans, need some revitalisation to ensure progress is maintained. Development of a National Sustainable Development Plan is also critical.

2.34 Work to implement the Convention and to ensure all legislation is consistent with the Convention is underway, but is not without its challenges. Law reform requires Parliamentary time, including Parliamentary and select committees sitting days, of which there have been fewer in recent years.

2.35 However, Government has acknowledged that a comprehensive programme of law reform is needed so that relevant areas of Cook Islands law are consistent with the Convention. Priorities are laws relating to: safety and security (including reform of criminal laws on sexual offences), labour and employment protections, marriage and family life, equality and protection from discrimination, and protection of vulnerable women and girls, such as those with disabilities, migrant women and Outer Islands women.

Article 3: The Development and Advancement of Women

States parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Measures to Promote Advancement of Women

3.1 Advancement of women is a cross-cutting issue in government's work to implement the Convention. During consultation in preparing this report many participants emphasised the need to ensure that women's advancement is relevant in all areas. The foundations for this advancement were laid in the development of the National Policy on Women, the report on progress made in the Beijing+5 reports, and the work carried out by NGOs and GADD.

3.2 Over the past decade the gender gaps in areas such as access to higher education and paid work have narrowed. Progress has resulted from changing attitudes and expectations, programmes that have improved conditions for women and women's lower fertility rates. Since the mid-1990s the CINCW

and GADD have worked together on the National Policy for Women. New issues have also emerged and some consider that it is time to review the National Policy in light of economic changes and other factors. However, any review would need to be done in consultation with CINCW and women themselves.

3.3 In 2004, the Government, with the assistance of UNICEF, completed *A Situation Analysis of Children, Youth and Women*. That report noted that while there has been considerable progress in women's advancement and in reducing inequalities, economic and social changes have not benefited all women and more work is needed.

Disabled Women and Girls

3.4 In July 2000, the Cook Islands signed the Economic and Social Commission for Asia and the Pacific *Proclamation on the Full Participation and Equality of People with Disabilities in the Asia and Pacific Region*. Initiatives by the Ministry of Education and INTAFF show steps by Government to recognise and support people with disabilities and their families. For example, in 2001, INTAFF appointed a Disability Officer, conducted a disability awareness-training workshop and assisted in the establishment of the Cook Islands National Disability Council. Government endorsed the development of a Disability Policy, which was completed in 2003.

3.5 In 2000/2001 leaders from a number of Pacific countries developed a plan for future action in the Pacific at the Disability in the Pacific Study Meeting. Leaders recognised the paucity of information concerning people with disabilities and their needs. As a result, the Cook Islands Disability Identification Survey was developed and implemented. This Survey was the first of its kind in the Cook Islands.

3.6 The purpose was to identify people with disabilities of all ages on all islands so that recommendations could be made for the continued development of their health, education and participation in everyday life. Data was gathered by age, gender, location, and type of disability. Information about cause and severity of disability, birth situation, schooling and treatment was gathered where possible. The Survey identified 641 individuals in the Cook Islands with disabilities (or 4.2 per cent of the population). Table 3 shows the results of the initial survey, although it does not record individuals with multiple disabilities.

Disability	Total	Gender	
		M	F
Autism	4	2	2
Behaviour Problems	37	25	12
Cleft Palate	4	1	3
CP	28	11	17
Deafness/Hearing	90	53	37
Downs Syndrome	17	9	8

Epilepsy	71	35	36
Haemaplegia	5	3	2
Hydrocephaly	3	0	3
Intell. Dis	193	101	92
Mental illness	27	16	11
Multi-disabled	22	15	7
Other/illness	42	19	23
Phys. Dis.	151	89	62
Phys. Dis.	9	4	5
Slow Learner	60	36	24
Speech	18	8	10
Talipes	18	11	7
Vis. Impairment	56	26	30
Overall total	855	464	391
Source: Cook Islands Disability Identification Survey			

3.7 In preparing for the Survey a number of training sessions were held and these revealed several myths about people with disabilities. For example, epilepsy was supposedly caused by a woman drinking local medicine during her pregnancy or because a person was possessed by an evil spirit; intellectual disability was considered punishment for the parents' sins; and cerebral palsy was supposedly caused by the eating of octopus during pregnancy or the wearing of certain flower garlands. Work to address such stereotypes is ongoing.

3.8 Community health nurses maintain individual lists of people with disabilities and consult them in their weekly village visits; however, this information is yet to be incorporated into any system for identification and planning purposes. Table 4 shows the number of individuals with disabilities from each island in 2002:

Island	No. of people
Aitutaki	117
Atiu	70
Mangaia	67
Manihiki	24
Mauke	54
Mitiaro	41
Nassau	1
Penrhyn	8
Pukapuka	13
Rakahanga	29
Rarotonga	218
Total	641

3.9 The Disability Policy deals with legislative measures and funding and administration of services for the elderly and the disabled. A Disability Action Team is based within INTAFF. The Disability Action Team is currently updating the Disability Identification Survey. Ongoing surveys, as well as further training and support, are needed to ensure consistency and accuracy of data and appropriate service delivery.

3.10 The National Disability Council has recommended Government address issues of access to education, freedom of speech, creation of employment opportunities, accessibility to private and public buildings, amenities and facilities, and automatic rights to participate in the political, cultural and social development programmes at local, national, regional and international level. The Council has been instrumental in creating awareness about these issues.

Other Government Assistance to People with Disabilities

3.11 Families are still seen as the primary caregivers for disabled family members. Government support is usually focused on the provision of equipment rather than empowering and making them knowledgeable about disability issues. The Government does provide an infirm allowance of \$150 per month to assist with the care of a disabled person. A child ceases to collect the child benefit at 10 years of age and, if disabled, may collect the infirm allowance. Table 5 shows the number of people receiving this allowance between 1997 and 2005.

BENEFIT	1997	1998	1999	2000	2001	2005
Infirm	232	253	253	247	233	219

Source: Ministry of Internal Affairs and Social Services (INTAFF)

3.12 INTAFF also administers a Special Assistance Fund. The fund is used to assist with house modifications such as installation of ramps, bathroom modifications and the purchase of equipment. A special road crossing has been established in Avarua, with plans for another on the island of Rarotonga.

3.13 The Government funds a special education service for young people with disabilities. Primary school aged children with physical and mental disabilities have been mainstreamed into primary schools. Secondary school aged young people attend a special education classroom on Rarotonga funded by the Ministry of Education.

3.14 The Ministry of Education adopted a Special Education Policy in 2000 and appointed a Special Education Adviser. The Policy focuses on mainstreaming young people and students identified as having special learning needs (namely, those students who for various reasons are not developing to their full educational potential or are at risk of not achieving the major achievement objectives of the Cook Islands Curriculum). The purpose of the Policy is to achieve an education system that identifies students with special learning needs; implements appropriate educational programmes and monitors

their progress within a culture of acceptance and understanding. The Policy notes that every section of the education system has a role to play in the education of students with special learning needs. Responsibilities range from the Ministry of Education making school buildings physically accessible to students, to the Teachers Training College ensuring that inclusive education practices are an integral part of the training college curriculum.

3.15 The Special Needs Policy requires full implementation. It is important to maintain momentum and focus to ensure that persons with disabilities are accorded the same treatment as their able-bodied counterparts.

3.16 In 2000, in response to concerns about a lack of services for those over 16 years of age, the Creative Centre was established. The purpose of the Centre is to provide adults with learning disabilities an opportunity to develop creative skills, life skills, to socialise and to stimulate their learning. Activities include arts and crafts and gardening. The Creative Centre is funded partly by the Ministry of Health and NZAID.

Young Women

3.17 The National Youth Policy was endorsed and launched by Government in April 2003. It was the product of several years' consultation between youth organisations and Government. The purpose of the Policy is to facilitate concerted efforts by all stakeholders towards youth development issues and to encourage a multi-sectoral approach for strategies to assist youth meet their needs.

3.18 The Policy has identified the following key areas for Government when developing policies and strategies:

- Education and training
- Youth leadership
- Labour force participation
- Teenage pregnancy
- Research
- Youth gangs
- Alcohol and drug abuse
- Sports and recreation
- Youth and crime

Future Implementation

3.19 The advancement of women is a cross-cutting issue for Government activities. There have been many improvements, often at the instigation of NGOs, and more work is needed to sustain these advances and make progress across all areas.

3.20 Young women and women with disabilities have different needs compared to other groups of women and may be marginalised and isolated. Maintaining momentum and ensuring a long-term approach to development are key issues for Government, along with support for the work of NGOs.

Article 4: Acceleration of Equality between Men and Women

1. *Adoption by States parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards: these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.*
2. *Adoption by States parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.*

4.1 The Government has taken some positive steps, for example, legislation requiring appointments to reflect gender diversity in certain appointments and policies requiring appointments to some government Boards, or awards of scholarships, to reflect gender diversity.

4.2 A significant issue is whether women support these initiatives or whether they consider they do not require special assistance to achieve in these areas, preferring to be recognised on merit.

4.3 Information about maternity protection is noted under Article 11.

Future implementation

4.4 Government will continue to monitor closely the de facto situation of Cook Islands women and to consult with them on the need for any temporary special measures.

Article 5: Sex Roles and Stereotyping

- States parties shall take all appropriate measures:*
- (a) *To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;*
 - (b) *To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.*

Social and cultural life of men and women

5.1 Article 48 of the Cook Islands Constitution provides that in recognition of the customs and traditions of the people of the islands of Mangaia, Mitiaro and Pukapuka, the Land Division of the High Court shall not exercise any jurisdiction in relation to land or chiefly titles in any of these islands without the consent of the Aronga Mana (traditional chiefs) of the island to which it relates. Where on any of these islands, jurisdiction or power in relation to land or chiefly titles is exercised in

accordance with the customs and usages of that island, the exercise of that jurisdiction or power is final and binding on all persons affected and shall not be questioned in any Court.

5.2 The Cook Islands does not have one culture. There are many cultures and often different practices in different islands. The pace of change between and within islands varies and there are strong cultural norms on the roles of men and women associated with traditional life. Stereotypes of the roles of both men and women do exist. While it cannot be said with certainty that these emphasise the superiority of one sex over the other, they do stereotype the roles of men and women in society.

5.3 In the Cook Islands, it is important to appreciate the different cultural practices of different islands and not to generalise about these. For example, women in Pukapuka (the most north western island in the Northern Group) provide a contrast to cultural stereotypes of women performing 'women's' tasks. The wetlands in Pukapuka comprise taro swamps and are considered matrilineal land. Only women work in the taro patches, with the assistance of the men who cut and cart the leaves required for covering the swamps. Land to build houses and from which to collect coconuts is inherited through the father. Where a Pukapukan male marries a Pukapukan woman, he will lose his rights to his mother's taro patches but will be 'fed' by his wife from her taro patches. Where a Pukapukan male marries a foreigner, his mother will allocate a patch to her son and his wife and this patch will be passed on to the children of that union.

5.4 Recent promotion of the Convention on the Elimination of All Forms of Discrimination against Women has caused some concern within the Pukapukan community as many feel that by changing such cultural practices women may lose their land rights to the men who may demand that they should also be entitled to inherit the wetlands. Women are also speaking out about this current arrangement because of health concerns. Working in the taro patches is physically demanding, the conditions are usually wet and muddy, and women are now asking men to assist them in the taro patch for health reasons. While the cultural practices may not stereotype women's roles and men's roles (in terms of Article 5), community dialogue about the mutual concerns of men and women should continue.

5.5 In other areas, women's roles are less strictly confined to the domestic arena, especially on Rarotonga. However, there are pressures for both women and men to juggle multiple roles.

5.6 There are no laws that stipulate who the 'head of the household' is, and the practice differs from household to household. Some households particularly in the Outer Islands, perhaps due to religious beliefs or custom, acknowledge and accept that men are the 'head of the household'. However, acceptance of the equality of men and women, has increased in recent times, particularly on Rarotonga and some consider that the real 'mana' (authority or respect) of a household is sometimes recognised as residing in the women.

Censorship Laws

5.7 Eliminating stereotypes via mediums that can be seen and touched and which are semi-permanent, is easier than eliminating those that are oral, such as cultural practices, which are difficult to police. There are, however, laws to deal with offensive material. Under the Films and Censorship

Act 1985, the Chief Censor determines whether the exhibition of any film or video is likely to be offensive or undesirable in the public interest or contrary to public order. The Censor may prohibit underage viewing of restricted movies by considering the following factors: the extent, degree or manner in which, the film depicts, includes, or treats anti-social behaviour, cruelty, violence, crime, sex, indecent, offensive language or behaviour or in which it denigrates any particular class of the public by reference to the colour, race, ethnic or national origins, the sex, or the religious beliefs of the members of that class.

5.8 The Chief Censor does not have any control over publications. Customs officials have the power to confiscate any pornographic material considered indecent. Concerned parent groups have complained to Government and the proprietors of the local cinema regarding the rating of certain films or videos.

5.9 The Broadcasting Act 1989 makes it an offence to sell, deliver, give, exhibit, or offer any indecent document or sound recording to any person under 18 years of age. The Act sets out programme guidelines in respect of:

- Material offensive to community standards of the people of the Cook Islands;
- The depiction of sexual activities, violence and the use of drugs;
- The amount of time to be assigned for cultural, educational, informational, religious, news, documentary and current affairs programmes.

5.10 Pornographic material (such as magazines) is not sold in the Cook Islands, although sex-related material may be imported by adults for their personal use.

Elimination of Stereotypes

5.11 The Ministry of Education has updated school curricula and educational resources to ensure there is no stereotyping of males and females. For example, the science and social science curriculum was re-written to ensure that it is gender neutral. As outlined under Article 2, a considerable amount of work has been done by government to develop a National Policy on Women and to raise public awareness about women's human rights. Both government agencies (for example, the Police and the Ministry of Health) and NGO's (such as PTI) have undertaken various public campaigns promoting gender equality and the elimination of stereotypes.

Future Implementation

5.12 Firm views remain in the community about the roles of men and women, sometimes due to strong religious beliefs or in deference to traditional practices and customs. Attitudinal changes will take time. The Government will continue to work with NGOs to promote the elimination of such stereotyping.

Article 6: Suppression of the Exploitation of Women

States parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

6.1 The Crimes Act 1969 makes it a crime for any person to sell, purchase, transfer, barter, let, hire, or in any way whatsoever deal with any person as a slave. Every one is liable to imprisonment for a term not exceeding fourteen years who within or outside the Cook Islands deals in persons. Any person who for gain or reward gives in marriage or transfers any woman to another person without her consent, also commits an offence. Severe penalties can be imposed for brothel keeping, living off the earnings of a prostitute or procuring prostitutes for men. The penalty for being a prostitute is a fine not exceeding \$20 or imprisonment not exceeding one month. It is not an offence for a client to pay for sex.

6.2 In 2004 a package of law reforms was passed relating to security and trafficking in persons to give effect to United Nations Security Council Resolution 1453. The Crimes Act was amended to create new offences in relation to trafficking.

6.3 There is no reliable data about organised prostitution in the Cook Islands as no research has been undertaken into this area. The police do not consider prostitution to be a significant problem in the Cook Islands. There has been one prosecution of a tourist for sex with a minor, which resulted in conviction and imprisonment.

Future Implementation

6.4 The Government will continue to monitor this area closely.

Article 7: Political and Public Life

States parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;*
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;*
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.*

Participation in Political Life

National General Elections

7.1 The Cook Islands has a 'first past the post' electoral system with universal franchise allowing any elector to stand for election to a Parliamentary seat. The Parliamentary term was reduced, following a national referendum in 2004, from five to four years. There are no restrictions on the basis of sex on who can become a Member of Parliament. There is no legal barrier to the participation of women in national elections. Article 28 of the Constitution relates to the qualification of electors with no distinction between men and women (although there are residential requirements). There is no official age of majority, however, under the Electoral Act 1998, a person of 18 years is eligible to vote and stand for election to Parliament.

7.2 In 1999, the three political parties contesting the elections nominated 10 women (8 on the main island Rarotonga) and 3 women stood as independent candidates. The Outer Islands that comprise 14 constituencies nominated 4 women. Thirteen percent of the total votes were cast for the women candidates.

7.3 Some work has been done to stimulate women's participation in political and public life. For example, during the 1999 General Elections, United Nations Development Fund for Women funded a series of pre and post-election workshops which encouraged thirteen women to contest the 1999 General Election. The workshops led to the tentative formation of a Women's Caucus (although this was never officially inaugurated) and recommended ongoing political empowerment training. However, despite a high degree of support for these ideas at the time, neither has eventuated for a variety of reasons. Workshops were held again before the general election in 2004.

7.4 The two major political parties in government have both enshrined women committees in their constitutions and one political party addressed discrimination against women as an issue in its manifesto in 1999.

7.5 In the 2004 national elections there were 58 candidates: 50 men and eight women. Of the 24 Members of Parliament in 2005, there were 22 men and two women. In 2005 Cabinet had one woman Minister and one woman Associate Minister.

7.6 Women's participation in political life has changed over time. For example, there had been little participation by women in the political process since self-rule was obtained in 1965, although women have held administrative positions within the executive of various political parties. In 1998 a Commission was established to review the Cook Islands political system. The Commission canvassed the views of people throughout the country and reported there was little support for guaranteed representation in Parliament of special interest groups such as women's organisations, even amongst women themselves. The Commission noted many women wanted 'to make it' through the 'normal processes'.

7.7 During consultations in preparing this report, many women were very positive about progress made in areas such as more women standing as political candidates and taking active leadership roles.

Outer Islands Elections

7.8 Outer Island Councils are permanent bodies capable of owning and disposing property. Island Councils assist in the coordination of any activity relevant to the economic and social development of each island and assist the Government in providing good government of the islands. Elections are held every three years. In 2002, ten Island Council Elections were held, with eight female and 117 male candidates. Four women were elected. In 2003 three Island Secretaries were women and in 2005 there was one woman Island Secretary in Mangaia.

Rarotonga Vaka Council Elections

7.9 Women's representation on the three Vaka Councils on the island of Rarotonga has increased in the last 10 years. In 1998 four women were represented on the three Vaka Councils and in 2002 two women were elected to the position of Mayor in their respective districts. Table 6 shows the number of women candidates and those elected in 1998, 2002 and 2005.

Year	District	Te Au o Tonga	Puaikura	Takitumu
1998	Candidates	34	23	15
	Women	7	2	1
	Women elected	3/14*	0/9	1/10*
2002	Candidates	19	16	16
	Women	2	3	2
	Women elected	2/14	1/9	1/10*
2005	Candidates	16	15	15
	Women	3	1	3
	Women elected	3	1	1

*Women were appointed Acting Mayor in these districts after the resignation of the sitting Mayor (both of whom were men)

Traditional Leaders

House of Ariki

7.10 The process for election to the title of ariki varies across different islands and tribes. It is important to understand that there are differences between rank and title and the significance of each traditionally. Rank is usually conferred by birth. Women of high rank (such as the daughters and

wives of chiefs) might not always hold titles, but their rank as members of the aristocracy did not diminish their position in relation to men of lower rank, or the unga. Daughters of chiefs were also given names that signified their rank. Women were not generally able to hold titles, but there were exceptions, such as women who held traditional chiefly titles on the islands of Mitiaro and Mangaia before the arrival of the missionaries.

7.11 Titles of ariki were traditionally transmitted from father to first-born son, although, there were exceptions. As a result of missionary influence, the status of women began to change in 1845 when the first woman acquired the Makea ariki title, one of the highest chiefly titles in Rarotonga. However, even with this established precedent, it was a long time before many women on Rarotonga acquired such titles and longer still for women in the Outer Islands to succeed to all titles.

7.12 There is no tradition of House of Ariki or ‘council of chiefs’ in the Cook Islands. In the past each ariki kept to his or her district and worked with his or her ui mataiapo and ui rangatira within his or her tribe. Article 8 of the Constitution now provides for a House of Arikis (traditional hereditary chiefs) with representatives of the various islands and the districts of Rarotonga. The House of Arikis Act 1966 and its related amendments supplement the constitutional provisions. The function of the House of Arikis is to consider matters relating to the welfare of the people of the Cook Islands as may be submitted to it by Parliament and to make recommendations thereon. Its primary role has been to advise Parliament and the government on land usage and traditional customs. The House of Ariki usually meets at least once every twelve months. The House has no legislating power but may make recommendations to Parliament on questions affecting customs or traditions of the Cook Islands.

7.13 In 2002 membership of the House was increased from 15 to 24. Each island nominates their representative and the family group holding that title elects the title of ariki. The ariki is not selected on the basis of gender but on family connections to the title. Ariki serve a one-year term. In 2003, women held ten titles and men held eight titles and six were vacant (due to family disputes). Since its establishment in 1966, four women have been President of the House of Ariki. Only two men have held that post. Table 7 shows membership of the House by Gender between 1986 and 1994.

YEAR	FEMALE	MALE
1986	6	7
1987	6	7
1988	5	7
1989	6	6
1990	5	7
1991	5	6
1992	7	5
1993	5	5
1994	6	1

7.14 In 2005 there were 7 women and 9 men in the House of Ariki.

Koutu Nui

7.15 In 1972 a second group, the Koutu Nui, was established by amendment to the House of Arikis Act 1966. Koutu Nui are traditional chiefs, although of a lesser status than that of ariki, and there was no traditional Parliamentary forum of Koutu Nui.

7.16 The Koutu Nui may discuss and make recommendations or resolutions on any matter relating to the customs and traditions of the Cook Islands. Any recommendations or resolutions may be conveyed by the Koutu Nui to the House of Arikis through the Clerk of the Parliament or to the government of the Cook Islands through the Prime Minister. Any kavana, rangatira and mataiapo attending the meeting of the Koutu Nui is entitled to one vote each. Additional functions of the kavana, mataiapo and rangatira includes assisting “with projects, undertakings and work in the Cook Islands or any island or district in association with any Island Council, District Council or Village Committee or otherwise”.

7.17 There are approximately 350 rangatira, mataiapo and kavana in the Cook Islands. Women hold all the executive posts of Koutu Nui. All mataiapo, kavana, rangatira in the Cook Islands are considered to be in the Koutu Nui (although many do not attend meetings). It has been estimated by the Clerk of the House of Arikis that about 130 of the 200 affiliated with the Koutu Nui are women.

7.18 Table 8 notes the number of ui rangatira and ui mataiapo titles on the island of Rarotonga in 2001. Data on other islands is not available.

District	Total Titles	Male	Female
Takitumu – Rangiatea	27	18	11
Takitumu – Ngatangia	35	18	17
Takitumu – Teimurimotia	10	7	3
Puaikura	48	33	15
Te Au o Tonga	34	23	11

Women’s Participation in the Public and Private Sectors

7.19 Although small in numbers, there is a cadre of highly competent and well qualified women, with the number increasing as more women are able to continue personal development, educational goals and career development through family and other commitments.

7.20 The total number of employees in government Ministries and Crown Funded Agencies as at 31 December 2002 was 1,750: 1,017 men and 733 women. At the end of 2002, two of fifteen Heads of Ministry were women and two of eleven Crown funded agencies were headed by women. The current Solicitor General is a woman lawyer. The principal of the sole Teacher’s Training College is also a woman. There are also several women occupying senior positions in Government (“senior” meaning that these women can make decisions on behalf of their Head of Ministry and in some rare cases can make financial commitments).

7.21 In 2003, there were four female lawyers and fifteen male lawyers in the Cook Islands. Of the four women, three were Cook Islanders. Three other Cook Islands women lawyers were working in the country but not registered for various reasons.

7.22 In 2002 four out of 31 government agencies (including departments and other government agencies) were headed by women. There were 29 women and 59 men heading divisions within government departments (not all agencies have Divisions within them).

7.23 The Ministry of Police has three main functions: the Cook Islands Police Service, Meteorological Branch and Disaster Management. CIPS is the uniformed law enforcement arm of the Ministry. The Ministry consists of four divisions, Operations, Support, Maritime and Finance. Each division has branches or sections. Female participation in the management of the Ministry is restricted to the Branch level and is only within CIPS. See also Article 11.

7.24 Table 9 shows the number of women appointed by Ministers to Government Boards or Committees in 2002 and 2005. Five State Owned Subsidiaries (Cook Islands Investment Corporation, Bank of the Cook Islands, Te Aponga Uira, Ports Authority and the Airport Authority) are managed by Boards. In 2002, there were five CEO's (four men, one woman), five Board Chairs (all male), and fourteen Directors (twelve men and two women). In 2005 there had been a modest increase in the number of women appointed.

Board/Committee	2002			2005		
	Total	Men	Women	Total	Men	Women
Airport Authority	6	4	2	7	5	2
Bank of the Cook Islands	5	5	0	6	4	2
Cook Islands Investment Corporation	4	4	0	3	3	0
Development Investment Board	5	3	2	5	4	1
Environment Council	5	3	2	17	14	3
Juvenile Crime Prevention Committee	3	2	1	3	2	1
Leases Approval Tribunal	5	5	0*	3	2	1
Ports Authority	5	4	1	4	3	1
Te Aponga Uira (Electricity Company)	3	3	0	4	4	0

*One woman resigned to accept a position as a Justice of the Peace

7.25 The situation on women's participation in the private sector is unclear. There are a number of women who own and operate their own businesses, and who occupy managerial and senior positions within their industries although they are the minority of business owners.

7.26 It is clear that discrepancies remain between the participation rates of males and females in a number of situations, particularly at the top levels of decision making. Women continue to occupy senior positions, overall, based on their qualifications and experience, but still lag behind men at senior levels.

7.27 There is no statistical data on why men predominate in key positions in the public service and Parliament. It has been suggested that although women have increasingly assumed traditional leadership roles since western contact, the political power of these leaders has been greatly reduced. As the political power has moved to the Parliament, men have given up traditional leadership roles and moved to other public arenas.

7.28 In a review and evaluation of the Cook Islands National Policy on Women in 2003 by CINCW, it was noted that “Even where women are in positions of power, all too often their position becomes complicated by the expectation that catering or other ‘women’s’ roles will take precedence over their real work. Women are more likely to be able to make decisions in the ‘social’ arena than in the ‘economic’ or ‘political’ decision-making areas.

Justices of the Peace

7.29 Justices of the Peace are appointed under Article 62 of the Constitution. A JP is a layperson who has the position of a court adjudicator and whose functions are restricted to dealing with minor offences and some special administrative responsibilities (such as officiating at marriages). Prior to 1986 a JP would retire from office at 72 years of age. Now appointments are for life. Acting on the advice of the Chief Justice, a JP can only be removed from office by the Queen’s Representative. Nominees must be apolitical, have an educational qualification, be of good standing in the community, and not hold a traditional title. Appointments must reflect gender equity.

7.30 JPs are generally nominated by Members of Parliament, with the Minister of Justice considering nominations and making recommendations to Cabinet and then the Executive Council. Warrants of appointment are issued by the Queen’s Representative. There are a few Justices of the Peace holding titles who were appointed before new criteria were put in place.

7.31 In 2003 there were fifty-three JPs including fifteen women. In 2005 there were 32 JPs, 22 male and 10 female JPs. During consultations in preparing this report it was noted that the women JPs were highly respected and that their appointments were making positive differences.

Participation in Non-Government Organisations

7.32 Women’s participation in NGOs is substantial and makes an enormous contribution to Cook Islands life. Both NGOs and government agencies have noted the number of women involved in community and public life as a positive development. More and more are women putting themselves forward for selection as head of delegations, boards and committees, including in financial institutions.

7.33 The Cook Islands Association of Non-Government Organizations was established in 1994 and currently has over 60 affiliated organizations, the majority of which are women’s organizations. CIANGO’s principal concern is encouraging and assisting its members in their development work and it works on capacity building and institutional strengthening of NGO. CIANGO also provides an effective communication channel between NGOs, Government and donor agencies. Since its inception a woman has been the president. In 2002 CIANGO had over 2, 000 members of which

about 75 per cent were women. CIANGO is also represented on the Pacific Islands Association of Non-government Organizations.

7.34 As noted earlier, CINCW is another significant NGO. The main objective of the CINCW is to support and assist with the implementation of the National Policy on Women (see Article 2). A review of the CINCW in 2004 resulted in some recommendations for ways to strengthen the work of the organization and to improve the ways it can work. These recommendations have been adopted and are being actioned.

7.35 The Secretariat of the Pacific Community, Community Education Training Centre is based on Fiji. Government has sent women to this Centre for training on women's community leadership. Since the 1980's over 200 Cook Islands women and girls have had the opportunity to attend this training. All women's development officers and CINCW executive officers have attended and commitment to the programme is ongoing.

Participation in Religious Organizations

7.36 Religion is an extremely important part of life in the Cook Islands. There are several religious organizations in the Cook Islands, with women active in all of them. The Religious Organizations Restrictions Act 1975 initially restricted the establishment of religious organizations in the Cook Islands to the four main churches (although others did exist at the time). Those four churches were: (a) The Cook Islands Christian Church; (b) the Roman Catholic Church; (c) the Seventh-day Adventist Church; and (d) The Church of Jesus Christ of Latter-day Saints. The Act was amended in 1994 so that "... the Minister shall not withhold approval for the establishment of any religious organisation unless satisfied that such establishment would be contrary to local customs and practices, public safety, order or morals, or the general welfare or the security of the Cook Islands."

7.37 The position of women in the churches in the Cook Islands depends on their religious affiliation and the particular practices of each church, including its particular hierarchical structure. Most religious organisations have a women's committee to deal with matters such as welfare issues. Women also tend to serve on the Executive Committees of religious organisations in different capacities. Many church groups also provide welfare services to their members.

Future Implementation

7.38 While there is a growing awareness of the importance of women's roles in the overall development and welfare of the nation, strategies to utilise their skills and experience are still required. More work remains to be done to encourage and secure women's participation in public and political life. Entrenched traditional perceptions regarding the prescribed roles of males and females will take time to alter, as many men and women find it difficult or are reluctant to shed attitudes and perceptions which are firmly established.

7.39 Women do remain largely absent from the political arena, for a variety of reasons. However, progress has been made. For example, it is no longer considered unusual for women to put themselves

forward for election at both the national and local level. This signifies an enormous increase in women's confidence, the degree of social change and reflects the hard work of NGOs on the importance of women's leadership. The Government will continue to work with NGOs on these issues.

Article 8: International Representation and Participation

States parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Women in the Diplomatic Service

8.1 Between 1975 and 1988 the Cook Islands began establishing offices and diplomatic and consular missions abroad. The number increased with the growing importance of the country's international relations and available financial and human resources. The Cook Islands has opened offices in Australia, Belgium, Hawaii, New Zealand and Norway. Men have headed all overseas offices. In the case of the Cook Islands sole High Commission in Wellington, New Zealand, women have served primarily in the First Secretary position.

8.2 The Ministry of Foreign Affairs has since the early 1990's employed a high number of women graduates to positions of desk officers, in particular the International Affairs Desk. However, the Ministry has for various reasons also experienced a high staff turnover of female desk officers. The Ministry currently has five divisions: International Affairs, Pacific Affairs, International Legal/Affairs Office, Immigration and Administration and employs a staff of seven women and twelve men. All Divisions are and have been headed by men for several years. Apart from the two women staff in the Immigration Division and two in the International Legal/Affairs Office, all women are employed in administrative/clerical positions.

Participation in International Organizations

8.3 Women have, and continue to play, a significant role in representing Government at regional and international levels including leading delegations at United Nations meetings. Women have lead delegations to the United Nations on climate change, biodiversity, biosafety and desertification negotiations and to various women's conferences. Cook Islands women have representation on PIANGO and are active participants in international work as resources and time permit.

Future implementation

8.4 In the past it was unusual for Government delegations to international fora to include NGO representatives. That practice has changed and it is increasingly common for Government delegations to do so. Pacific regional initiatives have also assisted in this change including the Government's participation as a member of the Pacific Islands Forum.

Article 9: Nationality and Citizenship

1. *States parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.*
2. *States parties shall grant women equal rights with men with respect to the nationality of their children.*

9.1 The Cook Islands has a special relationship with New Zealand that affects citizenship. There is no Cook Islands citizenship status. Instead, the Citizenship Act 1977 (NZ) applies in the Cook Islands, defining “New Zealand” to include the Cook Islands for the purposes of that Act and providing for Cook Islanders to be New Zealand citizens, a fundamental principle of the free association relationship. As New Zealand citizens, Cook Islanders have the same rights of access to New Zealand for residence, work, schooling and other purposes as other New Zealand citizens. However, they are not entitled to vote in New Zealand elections or receive New Zealand welfare payments unless they actually live in New Zealand.

9.2 The Citizenship Act provides for New Zealand citizenship by birth, descent or grant and makes no distinction between men and women. Citizenship may be granted to a minor or to any other person that might otherwise be stateless, regardless of gender. Article 76A(1) of the Constitution provides that a person shall have the status of a permanent resident if he or she was born in the Cook Islands and:

- (a) either or both of his parents had the status of a permanent resident of the Cook Islands at the date of his birth; or
- (b) in the case of a child who was born after the death of his father to a mother who did not have that status at the date of birth of the child, his father had that status at the date of his death; or
- (c) he was adopted by a person who at the date of adoption had that status.

9.3 A Cook Islander is defined under the Entry, Residence and Departure Act 1971-72, to mean a person belonging to the part of the Polynesian race indigenous to the Cook Islands, including any person descended from a Cook Islander. The Act does not distinguish between men and women. Women, whether married or not, have equal rights with men to acquire, change or retain their nationality.

9.4 The Act exempts any Cook Islander, permanent resident or any child (born in or out of lawful wedlock) of a permanent resident from being deported from the Cook Islands. The Minister of Immigration can grant permanent residency to any person over 18 years of age who has made their home in the Cook Islands. Foreigners who are married to Cook Islanders for the purposes of an application for permanent residency status are treated the same irrespective of sex.

Article 10: Education

States parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies for the achievement of diplomas in educational establishments of all categories in rural as well as urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;*
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;*
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;*
- (d) The same opportunities to benefit from scholarships and other study grants;*
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;*
- (f) The reduction of female student drop-out rates and the organisation of programmes for girls and women who have left school prematurely;*
- (g) The same opportunities to participate actively in sports and physical education;*
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.*

Access and Participation

10.1 The Education Act 1986-87 provides for universal education for all children. School is compulsory for all children between 5 and 15 years of age. Failure to enrol a child is an offence. The Act provides equal opportunities for all to access education facilities and services. There are 26 pre-schools, 28 primary schools (grades 1-6) and 24 secondary schools in the Cook Islands.

10.2 Education is 'free' in that students are provided with the first lot of stationery free and free basic items such as books, pencils and rulers. Payment of school fees is not compulsory. All primary school students (Grades 1-6) follow a set programme of courses focused on the strengthening of literacy and numeracy, however, secondary school students (Forms 1-7) are able to choose some courses of study apart from the compulsory courses. Students are made aware of all optional subjects available. The Cook Islands ranks highly on the Human Development Index for educational participation by girls.

10.3 Education is a top priority in the Cook Islands and enrolment rates are high for both boys and girls. Table 10 shows the girls enrolled at school by level and region.

REGION	Students				Pre-School		Primary		Secondary		Total	
	Pre Sc	Prim	Sec	Total	Fem	% Fem	Fem	% Fem	Fem	% Fem	Fem	% Fem
Nthn Grp	68	341	178	587	30	44	151	44	89	50	270	46
Raro	271	1370	1068	2709	120	44	637	46	539	50	1296	46
Sthn. Grp	112	691	558	1361	50	45	330	48	281	50	661	49
Total	451	2402	1804	4657	200	44	1118	47	909	50	2227	48

Education Statistics Digest 2001

10.4 All schools are co-educational with the same resources for boy and girls. There is no discrimination on the basis of sex in the quality of formal education. Generally girls outperform boys at all levels of educational attainment and that more girls leave school with higher levels of educational achievement than boys.

10.5 Concerns remain about the disparity of educational opportunities between the island of Rarotonga and Outer Islands. Rarotonga, for example, has two public libraries and internet access, but resources are more limited in the Outer Islands.

Disabled children

10.6 Primary school children with physical and mental disabilities have been mainstreamed into primary schools. A special education classroom for older students with severe learning difficulties (mainly caused by disabilities) is funded by the Ministry of Education. Older students attend a special classroom at Nukutere College.

Curriculum and resource materials

10.7 The Cook Islands curriculum follows closely the New Zealand school curriculum. Senior secondary school qualifications match those in New Zealand. Some older school resource materials contain stereotypes of the roles of men and women. However, these resources are being replaced and there is now more care in the development of new resources. With education systems continuously changing, old materials, particularly at the secondary level, are being phased out.

Outer Islands schools

10.8 The Government has made efforts to improve education in the Outer Islands. For example, there are training workshops for teachers from the Outer Islands at the end of every school term; assistance from donor agencies such as the European Union to increase the use of technology; and the provision of books by Government and NGOs. The assistance needed by schools in the Outer Islands is monitored closely.

Literacy

10.9 The emphasis on education is reflected in the very high literacy rates. In 1994 the United Nations Development Programme *Pacific Human Development Report* on adult literacy in the Cook Islands found 96 per cent adult literacy in 1980 and 99 per cent in 1994. In 2004, UNICEF noted that literacy levels had remained high at 98 per cent. Anecdotal evidence suggests that literacy rates levels may vary given that there are small pockets of school students who have poor reading, writing and numeracy skills. The University of the South Pacific and the Department of National Human Resource Development are working together to address this concern. The University has introduced Winter and Summer School subjects on basic literacy and numeracy. Literacy rates for Cook Islands Maori are not known.

School drop out rates

10.10 Data on school dropout rates is not regularly collected and the available data does not distinguish between young people who drop out of school and those who migrate to other countries to continue their schooling. The problem is not considered to be significant. The Ministry is developing a student tracking system to ensure all students who migrate inter-island and overseas are accounted for, which should enable the calculation of actual student dropout rates.

Teaching staff and training

10.11 Between 1999-2002 there were almost 300 teachers in the Cook Islands and the majority were women (71 per cent women and 29 per cent men). Of the 30 principals in the Cook Islands, 11 are women. Of the 205 female teachers, 38 hold senior positions of responsibility, such as Deputy or Acting Principals, Heads of Departments, and so on.

10.12 Teacher aides provide support to the classroom teacher and assist children with special needs. There are teacher aides on almost all Outer Islands. Some schools pay teacher aides, while others rely on volunteers. Teacher aide certificates are available through the Open Polytechnic of New Zealand with courses funded by the Department of National Human Resource Development and New Zealand Agency for International Development.

10.13 The Cook Islands training college offers courses in teacher training. All student teachers receive financial assistance from the Ministry of Education according to their age and number of dependants. The Ministry also pays all student fees for the University of the South Pacific Extension Centre. In 2002 there were five men and three women lecturers. In 2003 there were four women including the Principal and three men lecturers. In 2003 the College launched a three-year programme for a Primary and Early Childhood Diploma. Student teachers are also taking courses through USP to strengthen their capacity to operate within the academic courses of Teachers College as well as USP.

Scholarships

10.14 Historically scholarship awards for overseas education were for young men sent to New Zealand for education. After 1946 young women were also sent overseas for further education.

Today, donor-funded graduate studies are usually undertaken in New Zealand, Fiji, Samoa or Vanuatu. Following requests from aid donors scholarship awards must now ensure gender parity.

10.15 Scholarships are open to the general public with notices advertised in the newspapers. Scholarships are awarded on academic merit and usually in areas relevant for national development. More recently students have been given some choice in studies. Table 11 outlines scholarships awarded between 1999-2002.

Area of Study	1999		2000		2001		2002		Total
	F	M	F	M	F	M	F	M	
Accounting	1		1		1	2	1		6
Accounting/Management					1				1
Agriculture		1			1				2
Banking/ Management			1						1
Biology					1				1
Business							1		1
Chemistry/Biology			1						1
Civil Engineering						1			1
Commerce			2				1		3
Computing Science				2		2	1		5
Economics	2	1							3
Education – Agriculture		1							1
Education				1					1
Education – English	1	1							2
Education – Geography		1			1				2
Education – Maths	1								1
Education – Science		1							1
Engineering					1	1			2
Environment				2			1		3
Environment/ Law			1						1
Environmental Health							1		1
Health – Dental Surgery		1		2					3
Health – Diagnostic									
Radiography							1		1
Health – Medicine		1			1	1	1		4
Health – Radiography				1					1
Information Technology	1		1						2
International Economics/ Finance					1				1
Law							1		1
Management		2		1		1			4
Management & Economics						1	1		2

Management/Tourism	1		2		1				4
Marine Affairs								1	1
Marine Studies							1		1
Public Sector Managmnt	1								1
Tech Management				1					1
Technology						1			1
Total	8	10	9	10	9	10	3	9	68

10.16 Students who miss out on a scholarship or who wish to pursue their studies independently can apply for a small financial grant from government, administered by the Department of National Human Resource Development. In-country assistance is provided to students studying by correspondence with an overseas institution but based in the Cook Islands. Overseas assistance is available to students who travel overseas to undertake study. Between 2003 and 2005 assistance was provided to 42 people, 16 women and 26 men, across a wide range of study areas.

Tertiary studies and other post secondary education

10.17 The Ministry of Education does not provide programmes for students who have left school before the school leaving age. In 2002 a comprehensive training needs analysis was conducted and made a number of recommendations about workforce development, including post secondary education. The report recommended a review of the role, functions and relationship of the HRD to other administrative arrangements for education and training provision by 31 December 2005.

10.18 Following this comprehensive review, the HRD has revitalised its mission and objectives in a multi-year work plan including staff development. The Department has developed six strategies focusing on strengthening workforce capability and quality, building foundations skills for those who have left school with poor literacy levels, technical and vocational education as well as Outer Islands training strategies.

10.19 In 2003, the HRD developed a trades training programme focusing on the Outer Islands, in association with NZAID and Unitec Auckland, New Zealand. The trades training programme is in carpentry, automotive, plumbing and the electrical trades for youths aged over 17 years.

10.20 A number of other post-secondary institutions are available on Rarotonga including the Hospitality and Tourism Training Centre, University of the South Pacific, and a Nursing School.

10.21 HTTC was established by Government to meet training needs of the tourism industry. Headed by a woman, the Centre provides courses to all, including people from the Outer Islands. Between 1999-2002 nearly 900 people attended courses and two thirds, 624, were women.

10.22 The USP Cook Islands Extension Centre was established in 1975. The University gives high priority to identifying and providing programmes in areas not well provided for within the formal schooling system. It also focuses on those who miss out in the formal schooling system, especially early school leavers, community workers, women, those who are living in remote areas and people

who want the opportunity to retrain and or up skill themselves. For example, in the Pre-school Teacher's Certificate programme in 1999 all 13 students were women.

10.23 USP Distance and Flexible Learning programmes appear to work well for women with family and work commitments and this is reflected in the high number of women enrolling. HRD also helps with a progressive policy of full fees subsidy to persons earning less than \$15,000.

10.24 In addition, there are USP Campus Studies. The first Cook Islands female graduate graduated with a Bachelor of Arts from the University of the South Pacific in 1971. Prior to 1987, the percentage of women graduates (at all institutions as recorded on a Honours Board at USP) was 18.5 per cent. Since 1987, Cook Islands women graduates as a percentage of total graduates at USP have risen to 50 per cent. The University pursues a rigorous equal opportunity programme.

Women in science and technology

10.25 In 2002 the Ministry of Education organised the first Women in Science and Technology Conference. One of the Conference aims was to provide an opportunity for female students from all the secondary schools based on Rarotonga and in the Southern Group islands to talk to women working in science related areas. The Conference was repeated in 2003 for 35 female students. The Ministry of Education and a private business sponsored the Conference in 2002 and in 2003 it was supported wholly by a private business. Participants noted that was still an expectation that female students should enrol in 'girls' subjects.

10.26 Three of the 15 science teachers in the Cook Islands are women, one of whom is a Cook Islands woman. There have been difficulties in ensuring a full complement of science teachers and this may reflect the shortage of science teachers in general and women science teachers in particular. Table 12 shows women in science and technology employed in Government in 2002.

Table 12: Women in Science and Technology in Government 2002	
Position	Women / Men
Air Traffic Controller	1/3
Flight Service Officer	1/1
Physiotherapist	1/0
Info Management & Systems	1/0
Environment Management	3/5
Medical Technologist	4/3
Nutritionist	1/0
Marine Science Research	3/3
Computer System Administrator	2/1
Total	17/16

Sports and physical education

10.27 Sporting events are important parts of Cook Islands life. There is no obvious discrimination between the sexes in sport other than the fact women tend to compete with women and men with men. Women play a leading role in the development of sports as Sports Administrators as well as athletes.

10.28 The umbrella organisation of sports in the Cook Islands is the Cook Islands Sports & National Olympic Committee. CISNOC became a member of the International Olympic Committee in 1987. The following year, the first woman was elected as a member of the Cook Islands Executive. She also became the first Woman Vice President. Her achievements are further notable because she was appointed the first woman Chef de Mission to take the Cook Islands Team to the Sydney 2000 Olympics and as such was the first woman Chef de Mission for the Oceania Region. She later served as Assistant Secretary General. Since the acceptance of the Cook Islands into the International Olympic Committee, there have been several women serving on CISNOC.

10.29 CISNOC has established a Women in Sport Committee with a media representative, Director of GADD, Director of Youth, President of CINCW, representative of the Disability Committee and President of Cook Islands Netball Association (a sport played primarily by women). In 2005 the Cook Islands hosted the World Golden Oldies Netball tournament.

10.30 There is still a need to focus on increasing the involvement of women into decision making roles within sports organisations. CISNOC has a firm commitment in supporting the International Olympic Committee policy on increasing women's participation and development in sport, displaying this commitment by promoting sport for all in schools and in the Outer Islands.

10.31 Women have participated in the last four Olympiads competing in athletics and boardsailing. There is also a high participation by women in team sports such as netball, basketball, volleyball, touch rugby, football, handball and canoeing. Government has in the past given grants to sports teams to assist them to travel overseas to compete in various sporting events. In addition, Cook Islands women have won bids to host international events such as the Under 21 Netball competitions in 2009.

Future Implementation

10.32 Education for women and girls remains a high priority for the Government. Women and girls continue to make progress in educational attainment although more work is needed to translate educational attainment into career achievement. More work is also needed to ensure that the legislative framework for education policy development is adequate and some proposals for legislative reform of the Education Act are being considered.

Article 11: Employment

1. *States parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:*
 - (a) *The right to work as an inalienable right of all human beings;*
 - (b) *The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;*
 - (c) *The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;*
 - (d) *The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;*
 - (e) *The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;*
 - (f) *The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.*
2. *In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States parties shall take appropriate measures:*
 - (a) *To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;*
 - (b) *To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;*
 - (c) *To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;*
 - (d) *To provide special protection to women during pregnancy in types of work proved to be harmful to them.*
3. *Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.*

Cook Islands employment context

11.1 The labour force in the Cook Islands is small, but well educated. Census data from 2001 shows that employment is concentrated in Community, Social and Personal Services (35.5 per cent), Trade, Restaurants & Accommodation (28.1 per cent), Agriculture & Fishing (10.6 per cent), Transport & Communication (9.5 per cent), Mining, Quarrying & Manufacturing (5.8 per cent), Finance, Property & Business Services (5.2 per cent), Construction (3.0 per cent) and Electricity & Water (2.3 per cent).

11.2 Employment patterns have changed over the last ten years, reflecting a decrease in the total population as a result of emigration. In 2002, the distribution of the employed population by region was 6,431 (65 per cent) on Rarotonga, 2,383 (24.1 per cent) in the Southern Group islands and 1,068

(10.8 per cent) in the Northern Group islands. Of those employed, approximately 57 per cent were males and were 43 per cent females. Of the 892 unemployed, 450 or 7.6 per cent were men and 442 or 7.5 per cent were women.

11.3 In the 2001 Census 1,193 women said they were performing home duties. During data collection for the Census, it was noted that unemployed males would indicate on their Census forms that they were unemployed or were planters, and so on, whereas women tended to note 'home duties.' This is probably because women consider 'home duties' to be unpaid work or not 'work' at all. Table 13 shows gender and income range from the 2001 Census.

Table 13: Cook Islands residents aged 15 years & over by island, gender and income range												
Island & Region	Total	Nil	>500 0	\$500 0100 00	\$1000 0- 14,999	\$1500 0- 19,999	\$20,00 0- 29,999	\$30,00 0- 39,999	\$40,00 0- 49,999	\$50,00 0- 59,999	> \$ 59,999	Not Stated
Both Genders												
Cook Islands	9,882	1,596	2,667	1,897	1,370	934	778	267	122	74	120	57
Rarotonga	6,431	677	1,371	1,295	1,067	776	676	237	112	67	108	45
Southern Grp	2,383	623	894	432	219	120	60	19	7	3	3	3
Northern Grp	1,068	296	402	170	84	38	42	11	3	4	9	9
Male												
Cook Islands	5,022	821	1,014	1,052	772	490	449	167	81	60	93	23
Rarotonga	3,260	300	542	673	589	402	380	145	74	55	84	16
Southern Grp	1,184	324	338	262	130	68	39	12	5	1	3	2
Northern Grp	578	197	134	117	53	20	30	10	2	4	6	5
Female												
Cook Islands	4,860	775	1,653	845	598	444	329	100	41	14	27	34
Rarotonga	3,171	377	829	622	478	374	296	92	38	12	24	29
Southern Grp	1,199	299	556	170	89	52	21	7	2	2		1
Northern Grp	490	99	268	53	31	18	12	1	1		3	4

11.4 Women lag behind men in all income ranges except for those earning less than \$5,000. In 2002 only 33 women earned between \$20,000 - \$29,999 compared to 69 men and only 8 women earned \$30,000 - \$39,999 range compared to 22 men. There is no official data on the gender pay gap across the public and private sectors.

Legislative and policy framework

11.5 The Cook Islands Industrial and Labour Ordinance 1964 covers employment relations in the private sector and, with the Public Service Act 1995-96, employment in the public sector. The Ordinance replaced the Cook Islands Industrial Union Regulations 1947 which were introduced to respond to the formation of competing trade unions and industrial action on the Rarotonga waterfront in 1945. The Ordinance defines a “worker” as a person of any age of either sex employed to do any work for hire or reward. Section 30 of the Ordinance provides for the forty-hour week. Section 42 provides for separate sanitary conveniences for each sex so as to ensure privacy.

11.6 The Ordinance makes special provision for the employment of women and children. It guarantees a rest period for women employees who work in any factory which involves continuous standing. Employers who employ women to use machinery in a factory must ensure that she has received training in work at the machine or is under adequate supervision by a person who has a thorough knowledge and experience of the machine. There are restrictions on the employment of persons under eighteen years of age in occupations the Industrial Relations Officer considers to be dangerous. Employment of persons under 16 years of age must have the authority of the Director of the Labour and Consumer Division of INTAFF.

11.7 The Cook Islands Workers Compensation Ordinance, 1964 (as amended in 1973-74) codifies provisions for compensation for injury/death at work.

11.8 The Public Service Act 1995-96 repealed the Public Service Act 1975 following a severe economic reform programme in 1995. Under the Act, the Head of Ministry or Chief Executive officer to act as a ‘good employer.’ This means that they must operate a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment including the provision of good and safe working conditions; impartial selection of suitably qualified persons for employment; and opportunities for the enhancement of the abilities of individual employees.

11.9 There have been attempts to reform employment law. A new Labour Bill (Employment Relations) has been drafted to replace the outdated Ordinance and to ensure compliance with various international agreements. Those agreements include the International Labour Organisation core labour standards covering the fundamental principles of the right to work (such as collective bargaining, freedom of association, equal pay); ILO Conventions no. 183 related to maternity protection and no. 182 which addresses child labour matters; CEDAW; and the Cotonou Agreement signed between the European Union and African, Caribbean and Pacific countries.

11.10 The purpose of the new Act is to reform the law concerning employment relations and the negotiation of individual and collective employment contracts in all forms of employment to enhance the productivity, morale, and welfare of all employees. In particular, the new Act would limit the involvement of government in labour market matters; provide that relations between employers and employees shall be governed either by negotiated individual employment contracts or by negotiated collective employment contracts; and provide for freedom of association.

11.11 However, the Bill has been in abeyance for a range of reasons. There have been several recent changes to government and the Chamber of Commerce has concerns with the proposed maternity protection provisions in the Bill. The Bill proposes 12 weeks (6 weeks paid and 6 weeks unpaid leave), but the Chamber has cited difficulties in providing 6 weeks financial cover for maternity leave. The Bill would also prohibit sexual harassment.

Labour and consumer division

11.12 The Labour and Consumer Division of INTAFF is responsible for employment relations. The Division is currently understaffed with two staff responsible for 6,000 workers and 18,000 consumers.

11.13 Given the significant population decline in recent years through out-migration to Australia and New Zealand, a labour shortage has forced some employers to import foreign labour. Foreign workers are being brought in from Fiji, Tonga, the Philippines and Indonesia. The Division has noted there is an increasing concern with the lack of safeguards for these migrant workers.

11.14 In particular, some foreign workers are being employed without a contract in place. Local employers are required to purchase a return ticket for their foreign employee as a condition in order to obtain employment approval for foreign workers. However, several local employers have purchased a return ticket which is valid only for 28 days after their arrival into the country, thereby leaving the foreign employee to pay their own way back home. The Division has noted with concern disputes involving migrant workers. Between 2001 and 2003, the Division had 10 cases, 5 of which involved women.

11.15 The Division has expressed its concern to the Immigration Office by requesting that before the Immigration Office issues a work permit, it should ensure there is a valid contract. Unfortunately, the problem is complicated by the fact that another Government agency the Development Investment Board is responsible for allowing foreign companies to establish themselves in the country. A review of immigration polices and procedures is being undertaken in order to address some of these concerns.

Wages and Work Related Benefits

11.16 The minimum wage for all employees, regardless of sex, is NZ\$4.00. In the private sector, average minimum wages are higher with some paying a minimum of \$7 and up to \$21 per hour for managerial positions. The first \$10,000 of income is tax free. There is no government unemployment

benefit. Unemployed Cook Islanders tend to migrate to New Zealand where they have free access to work and government funded income support.

11.17 Under the Leave Policy for Public Servants, effective as of 1 July 2002, all public servants are entitled to annual leave, with 10 days leave for 5 years of service; 15 days leave for 10 years of service; and 20 days leave for more than 10 years of service. There is no differentiation for leave entitlements between male and female public servants. Sick leave for all public servants is 10 days non-accumulative leave. Compassionate leave, special leave such as bereavement, inter-island, national representation, study and exam leave is granted at the discretion of the Head of Ministry.

Maternity protection

11.18 There is no legal requirement that a woman's employment be preserved during her pregnancy and childbirth, and there is no provision requiring an employer in the private sector to pay maternity or paternity leave.

11.19 The Labour and Industrial Ordinance 1964 prohibits a woman from working in any factory six weeks following 'her confinement' after birth.

11.20 Women public servants are entitled to take six weeks maternity leave, on full pay. Where additional leave is necessary, this may be taken from the employee's other leave entitlements or as special leave without pay. The HOM may grant up to 3 days on full pay to any male employee in the public sector who is required to stay home to look after his under-school-age children because of his partner's admission to hospital to give birth. Where additional leave is necessary, the HOM may consider compassionate leave or special leave without pay.

11.21 There is no guaranteed maternity protection for female employees in the private sector. Practices vary; some employers provide good maternity protection schemes of varying duration, some provide maternity leave with pay or without pay, while others provide extended sick leave or annual leave or leave without pay.

11.22 Maternity protection has proved to be a contentious issue in proposals for law reform, with several employers in the private sector citing reasons of possible financial difficulty if required by law to provide paid maternity leave. The Cook Islands Workers Association and some women's NGOs have called for the law reform to specifically address maternity protection, including paternity leave. NGOs argue that as more than two-thirds of the labour force are in the private sector and are therefore tax payers, social assistance in the form of parental leave entitlements, should be available to them.

Nursing breaks

11.23 Heads of Ministries usually allow breast feeding mothers to take nursing breaks. The Ministry of Health has an exclusive breast feeding policy for new mothers in the Maternity ward.

Retirement age and superannuation

11.24 Before 2000, all government employees were part of the New Zealand Superannuation Scheme. The Cook Island National Superannuation Act 2000 created a compulsory superannuation scheme created for public servants. The scheme will ultimately cover private sector employees. In the public sector retirement age is at the discretion of the HOM. There is no fixed retirement age in the private sector.

Child care

11.25 There are no Government sponsored day-care centres for children. The Ministry of Health established a day care centre to reduce staff absenteeism and encourage prolonged breast feeding. Some local businesses, such as hotels, provide crèche services for staff and guests. While there is a small number of child care facilities, these are predominantly focused on child care and do not provide early childhood education services.

11.26 Parents seeking care for their school-aged children have to make their own arrangements, either through a child care facility or a relative or friend. There are very few private child care facilities available to working mothers on the island of Rarotonga. In the Outer Islands working mothers rely on their extended family network to assist. Given that child care facilities are not licensed, it is difficult to give an accurate figure of the available number. This is an area of concern and was identified as such in the Cook Islands Progress Report on Beijing+5.

Sexual harassment

11.27 There is no legislation or policies specifically prohibiting sexual harassment in the workplace. This is an area the Government has identified for law reform. The Cook Islands Workers Association has conducted workshops on sexual harassment.

Occupation safety and health

11.28 There is no law regulating employers' compliance with safety standards. Occupational safety and health protection is the responsibility of Labour Division and the Ministry of Health. The Labour Ordinance is outdated and law reform is needed. CIWA has conducted various occupational safety and health workshops and meetings since its establishment and recently implemented training with the Labour and Consumer Division at the Hospitality Tourism Training Centre, at schools and with Police and Nurses in their workplaces. The Cook Islands Red Cross Society conducts first aid training.

Trade unions

11.29 Organised labour law was introduced to the Cook Islands in the 1940s. The Cook Islands Public Service Association was established in 1957 for public servants. The PSA, as it became popularly known, had several formidable women leaders. During the economic reforms of 1995-1997,

women members on its Executive Committee were pivotal in ensuring that PSA were consulted throughout the entire process.

11.30 CIWA was established on 25 June 1997 replacing PSA as the umbrella organisation for all workers in the Cook Islands. CIWA has approximately 700 members, of which 400 are women. CIWA has five branches covering police, health workers, the PSA, the Teachers Institute and general workers (which includes employees from the private sector in particular the construction and hospitality industries). CIWA is affiliated to a number of international agencies such as Public Services International (which has 24 million members), the International Confederation of Free Trade Unions and The Asia Pacific Trade Organisation. Most of CIWA's activities are resourced by its international affiliates including assistance from the New Zealand Public Service Association under the New Zealand government's good governance fund.

11.31 CIWA established a Women's Committee in 1998, acknowledging the Cook Islands National Women's Policy request that women be accorded special recognition in the organisation. In 2002, CIWA carried out a campaign to raise maternity protection awareness. Five workshops were held on maternity protection, using CEDAW to promote and encourage greater maternity protection. CIWA have asked Government to include maternity protections in the proposed new employment laws.

Employment of women in law enforcement forces

11.32 The Cook Islands has entered a reservation in relation to Article 11(2)(b) regarding women's recruitment into or service in the Armed Forces and law enforcement agencies "in situations involving violence or threats of violence." Despite this reservation women have been employed in the police as police officers in recent years in the Cook Islands. There are three female and three male probation officers in the Ministry of Justice.

11.33 The Cook Islands Police involvement in regional peacekeeping activities began in 2001. The International Peace Monitoring Team had 7 Police officers, including one woman. In 2003, the Regional Assistance Mission to the Solomon Islands (RAMSI) was established. One female and eight male police officers have served up to nine months per mission assignment for RAMSI.

11.34 Some progress has therefore been made towards enhancing compliance with the Convention. Further work needs to be done to assess whether this aspect of the reservation can be removed.

Future implementation

11.35 Labour law reform is a key issue. A 2005 report on consistency of Cook Islands law with CEDAW indicated the lack of employment law expertise has been a problem in progressing law reform. The report noted that few government lawyers have the necessary knowledge to assist in law drafting in this very specialist area. The contentious nature of the reform is also a factor. Experts have

been brought in from overseas to assist and various draft labour laws have been prepared. The Government will continue to monitor the situation closely and work towards law reform.

Article 12: Equality in Access to Health Care

1. *States parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on the basis of equality of men and women, access to health care services, including those related to family planning.*
2. *Notwithstanding the provisions of paragraph 1 of this article, States parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.*

Cook Islands context

12.1 The Cook Islands has high levels of sanitation and public health services. Access to water and sanitation is close to 100 per cent. These factors have contributed to controlling the level of communicable diseases and ensuring that the prevalence of infectious diseases is low. Life expectancy has increased for women and men from 40 years in 1945 to over 70 years for women in 2000.

Public Health and Primary Health Care Services

12.2 The Public Health Act governs provision of public health services and establishes a Ministry of Health, which currently has six divisions: Administration, Public Health, Nursing, Dental, Clinical and Outer Islands. Health protection services comprise vector control, food safety, sanitation, occupational health, child growth and development, immunisation, reproductive and adolescent health, health promotion, nutrition, gynaecological services, vision and hearing and outreach health services. In the Outer Islands, health inspectors, public health nurses, doctors and nurse practitioners carry out this work.

12.3 There is no discrimination in access to health care. The Ministry of Health Act 1995-96 provides that one of the principal functions of the Ministry is to “ensure that each individual has access to appropriate preventive, therapeutic, and rehabilitative services and care.” Public Health Nurses work with NGOs, for example, with the Child Welfare Association on child health issues. Although the range of health services is narrower in the Outer Islands, there is universal access to government funded primary health care services, including pre-natal and post-natal care.

12.4 Cook Islands people are not immune to health issues such as cardiovascular and hypertensive diseases, diabetes, obesity and cancer, which are now the leading causes of death. The Cook Islands Health Sector Review 2000 noted that differences in health status by gender are not pronounced and reflect the general profile of a developed country. In general, men have more injuries resulting in hospitalisation than women, and women have more total episodes of hospitalisation related to birth and reproductive health.

12.5 There is some variation in the rates of non-communicable diseases in the Outer Islands between men and women but there is no discernible pattern due to the small numbers involved. Diabetes was evident to similar degrees in both men and women. Women's life expectancy is approximately 71 years compared to 68 years for men. Women's longer life expectancy results in more women than men with diabetes and more women in the older age groups.

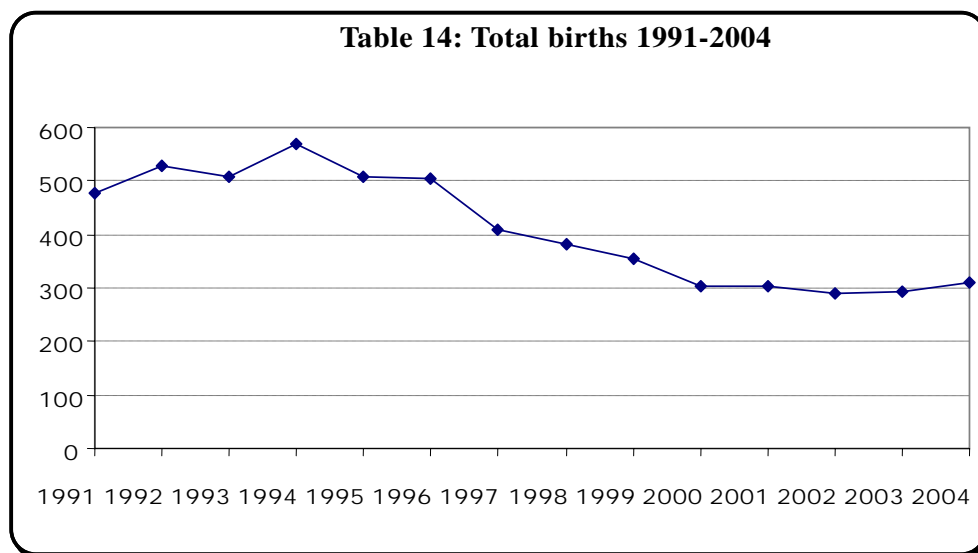
Secondary Health Care Services

12.6 There are few secondary health care services, although there is a small and growing private sector health service, mainly on Rarotonga. A number of NGOs also provide health care services.

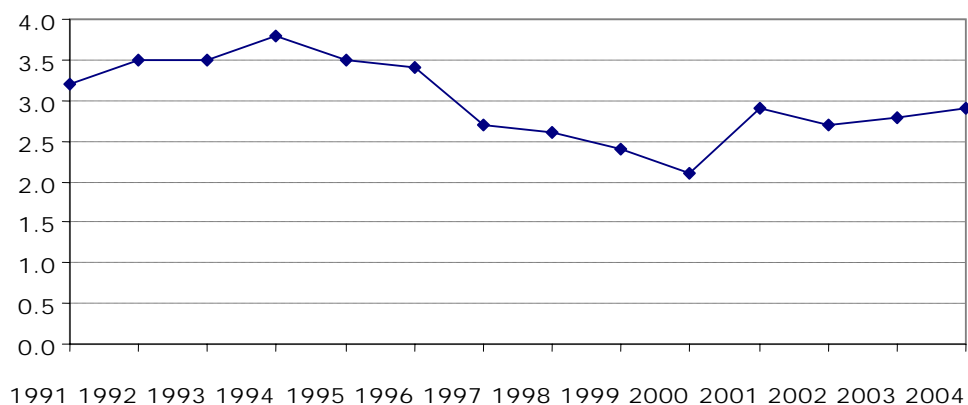
12.7 Patients may be referred from the Outer Islands for further medical services in Rarotonga or to New Zealand in complex cases. Government pays transfer and hospital costs in New Zealand. A nominal admission fee is payable at Rarotonga Hospital. The hospital pharmacy has some medication available for nominal fees.

Fertility rates

12.8 In 2004, the total fertility rate (the average number of children that would be born alive to a woman during her lifetime) was 3. Most mothers giving birth in 2004 were between 20 and 24 year old (23 per cent of all mothers). Table 14 shows the total number of births from 1991-2004.



12.9 There has been a continuous decline in the number of births since 1994 and 2002 saw the lowest number of births ever reported in the Cook Islands. Since then there have been increases in live births. In 2004, 84 per cent of births occurred on the main Island Rarotonga as most mothers are referred to the Rarotonga hospital for the delivery of their babies. Table 15 shows the total fertility rates from 1991 and 2004.

Table 15: Total fertility rates 1991-2004

Maternal, infant girth and death rates

12.10 Infant mortality increased sharply in 1996-97 from an average of 7 deaths per 1000 live births in the five years prior to 1996, to 23.6 in 1996 and 36.3 in 1997. There does not appear to be a single explanation for this sharp increase, although a number of factors may have contributed including lack of trained health personnel in some Outer Islands, reluctance to visit medical professionals because of the costs in Rarotonga and lack of equipment and drugs.

12.11 Since then there have been improvements with infant mortality rates. In 2005 at 15.8 per cent with the same number of cases as in 2003 (five deaths). Fetal death rates are improving. Table 16 shows the number of fetal death (deaths that occurred after 20 weeks of pregnancy) between 1985 and 2000. Three fetal deaths were reported in 2004. Maternal death rates are consistently low.

Table 16: Total number, Maternal and Fetal Deaths Rates 1985-2000

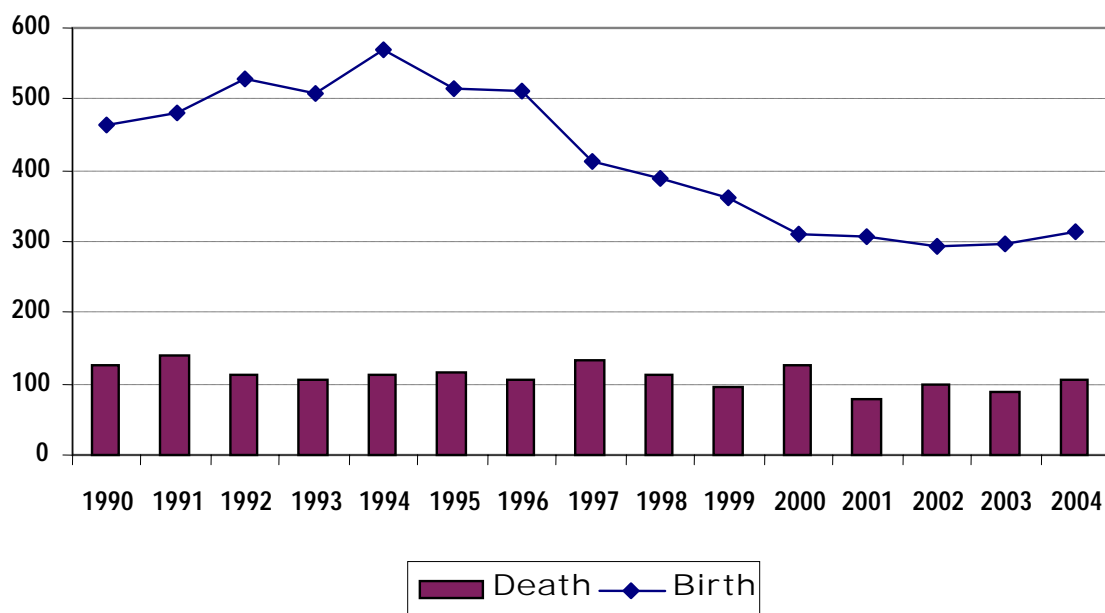
Year	Births		Total Deaths		Deaths > 1 year		Maternal Deaths		Fetal Deaths	
	No.	Crude Rate	No.	Crude Rate	No.	Rate	No.	Rate	No.	Rate
1985	433	24.3	130	7	13	30	0	0	1	2
1986	420	24	98	6	7	16.7	0	0	4	9
1987	428	24.5	116	7	16	37.4	0	0	2	5
1988	425	24.3	93	5	3	7	0	0	4	10
1989	453	25.9	101	6	12	26.4	1	2	6	13
1990	465	26.6	127	7	12	25.8	0	0	2	4
1991	479	25.7	140	8	16	31.3	0	0	7	14

1992	529	28.4	114	6	5	9.5	1	2	4	8
1993	507	27.2	105	6	6	11.8	0	0	5	10
1994	568	30.5	114	6	3	5.3	0	0	4	7
1995	514	27.6	115	6	2	4	1	2	2	4
1996	510	26.7	105	5	12	23.5	0	0	5	10
1997	412	21.6	134	7	14	34	0	0	8	19
1998	389	20.4	111	6	7	18	0	0	6	15
1999	361	18.9	96	5	6	16.6	0	0	2	6
2000	309	16.2	127	7	6	19.4	0	0	3	10

Adult mortality rates

12.12 The Cook Islands Health Sector Review 2000 recorded more male than female deaths. The major cause of death for those under 14 years old was infection, mainly respiratory infection. Males are at greater risk of dying from myocardial infarction, cancer and peptic ulcers than females. Females are at a greater risk of dying at a younger age than males from hypertension. Twice as many middle aged females as males were admitted with diabetes to Rarotonga Hospital. In 2004, there were 106 recorded deaths in the Cook Islands. Table 17 shows the total birth and death rates for the Cook Islands population and its variations from 1990-2004.

Table 17: Total births and deaths in Cook Islands 1990-2004



Breast cancer

12.13 In 2002 a mammogram machine was donated to the Rarotonga Hospital by the French Government. Free breast examinations using the machine began in June 2003 for women aged 40 years and over. Progress slowed when a male technician was employed and, after negative reactions from local women, a woman was employed and the programme resumed.

12.14 The Cook Islands Breast Cancer Foundation has been lobbying government in an effort to provide breast examinations for all women. The Foundation assists the Ministry of Health and funds public health visits to the Outer Islands where breast examinations are performed and awareness programmes promoted. The Foundation has sought funding to use the mammogram machine and discussions between the Foundation and the Ministry of Health are continuing.

Mother-Child health

12.15 Key priorities for the Ministry of Health in relation to mother-child health are reducing infant mortality, increasing life expectancy and measures to eliminate malnutrition and prevent epidemics. Measures taken include:

- (a) Care of the mother programmes: antenatal care, intra-natal care, post-natal care and family planning programmes;
- (b) Child care programmes: weekly, biweekly or monthly baby clinics in all communities, including immunization of babies against tuberculosis, tetanus, diphtheria, pertussis, poliomyelitis, hepatitis B, and measles. The immunization coverage rates between 96 per cent - 100 per cent;
- (c) Integrated with the childcare programmes is the promotion of exclusive breast-feeding of infants and provision of nutritious food supplement to prevent malnutrition;
- (d) School health programmes.

12.16 Free pre-natal and post-natal services available on all Islands. The Public Health Division has regular public campaigns on the importance of pre/post-natal care and estimates that 98 per cent of women receive pre natal care and 2 per cent receive other care.

Sexual and reproductive health

Contraception and sterilisation

12.17 The Ministry of Health promotes the use of contraceptives in publicity campaigns and the Cook Islands Family Welfare Association provides some family planning services. Contraceptive prevalence rate is estimated to be between 46 per cent and 53 per cent. Contraception is provided for a minimal charge from the Ministry of Health. Table 18 shows the main methods of contraception used by women between 1992-2001:

Table 18: Contraceptive use by women 1992-2001

Contraceptive	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Type	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
All methods	2,039	3,038	2,201	2,390	1,372	2,211	1,547	1,359	1,246	1,331
Oral contraceptive	1,202	1,813	1,205	1,407	641	1,098	782	578	550	614
Intrauterine device	161	193	219	153	52	43	20	21	28	16
Depo provera (injections)	545	868	531	648	518	879	574	598	509	599
Norplant	44	67	89	69	91	47	41	45	30	22
Condom										43
Others	87	97	157	113	70	144	130	117	129	37

12.18 Women have expressed concerns about access to regular papsmears and breast examinations. On some Islands, where there are only male doctors, women have indicated their preference for a female health worker. In June 2005 there were women doctors in Rarotonga and some on the Outer Islands to alleviate some problems.

12.19 A woman in a married or unmarried relationship who wishes to undergo a tubal ligation is required to obtain the consent of their husband or partner. Men, on the other hand, do not require their partner's consent to receive a vasectomy. The Ministry of Health has made it a policy to require a male partner's consent to protect the Ministry from being taken to court by irate male partners. There are exceptions, however, as there are some women who undergo such surgery without the permission of their partners. Women have expressed concerns about this policy and the Government has identified this as an area needing law reform.

Sexually transmitted infections

12.20 Tests for sexually transmitted infections are performed free of charge. Table 19 shows the type of tests performed between 1998 and 2000.

Table 19: STI cases registered by test type 1998-2000

	1998		1999		2000	
Type of test	Number tested	Number positive	Number tested	Number Positive	Number Tested	Number Positive
Hepatitis B	572	25	623	35	630	43
Syphilis	592	14	516	10	523	6
HIV	528	0	542	0	494	0
Gonorrhoea	707	6	492	5	485	12
Candidiasis	707	53	492	64	485	61
Trichomoniasis	707	17	492	13	485	17
NSU	707	30	492	13	485	37
Note: NSU: Non Specific Urethritis(Chlamydia, Virus, Gardinella)						

12.21 Table 20 shows the number of STI cases registered between 2001 and 2003.

Table 20: STI cases registered by test type 2001-2003						
Type of Test	2001		2002		2003	
Performed	Tested	Positive	Tested	Positive	Tested	Positive
Hepatitis B	514	26	741	32	948	64
Syphilis	413	11	630	9	702	13
HIV	413	0	632	0	681	2
Gonorrhoea	313	17	396	7	443	2
Candidiasis	313	60	396	36	443	59
Trichomoniasis	313	13	396	13	443	25
NSU*	313	50	396	50	443	40
*NSU Non Specific Urethritis. (Chlamydia, Virus, Gardinella)						

12.22 Some NGOs run health and reproductive health workshops and are active in providing support to women and young people. Public campaigns promoting safe sex are undertaken regularly by the Ministry of Health and NGO's.

Abortion

12.23 The Crimes Act makes abortion illegal, except on limited grounds. The grounds are that an abortion is necessary to protect the life of the mother, or when the pregnancy is the result of incest or abuse. The Ministry of Health does not have any policies for the termination of an unwanted pregnancy, but estimates five are performed per year. Women wanting an abortion are referred to the obstetrician or gynaecologist at the hospital following counselling by the Cook Islands Family Welfare Association and are then referred to New Zealand at their own cost. Anecdotal evidence suggests that women wanting an abortion tend to travel to New Zealand for this service. There are no statistics on the number of women who do so.

HIV/AIDS

12.24 The Government is committed to global efforts to control and prevent the spread of HIV/AIDS. In 1987 the National AIDS Committee was established (with both government and non-government members) to strengthen the awareness programmes on HIV/AIDS and in 1993 the National AIDS Policy was developed. The Policy focuses on prevention of transmission of HIV, information, education, training, safety of health workers, health services and care of people with AIDS, access to public services and amenities, confidentiality, testing and counselling, non-discrimination, surveillance and a multisectoral approach to AIDS prevention. Voluntary screening for HIV is available to all pregnant women following confidential pre and post test counselling by a trained counsellor.

12.25 The Pacific Islands AIDS Foundation was established in May 2003. A regional NGO headed by a French Polynesian woman with HIV, the organisation aims to raise the awareness in the

region for the necessity to practice safer sex and of the issues for people live with and affected by HIV/AIDS. The Foundation is represented on the National HIV/AIDS Committee.

Women in the health sector

12.26 In 2003, there were 42 nurses at the Rarotonga Hospital, excluding nurse trainees. The Nursing School is based on Rarotonga and has a small, regular intake of nurse trainees. In 2005, the Public Health Division had 11 nurses, 2 health educators, 2 nutritionists and 32 nurses in the Outer Islands.

12.27 The Government has made efforts to build the capacity and capability of nursing staff. For example, the Nurses Human Resources Development Plan includes sending nurses to public hospitals in New Zealand on an attachment scheme; providing nurse aide (enrolled nurse) training for the remaining nurse aides in the Outer Islands and Rarotonga; and up-skilling of nurses in the Outer Islands. Locally, a basic Diploma of nursing programme was launched in June 2003 for 3 years. An eighteen-month Enrolled Nurse programme is being proposed for February 2008.

12.28 There are 165 female health workers employed by the Ministry of Health. In 2005 there were four Cook Islands women who are doctors in the Cook Islands. In the last few years there have been difficulties in retaining nursing staff, particularly at Rarotonga Hospital. Nurses from other parts of the Pacific Region, including Fiji and Vanuatu, have been employed.

12.29 Consultation with NGOs indicates that pay disparities between the public and private sector are an issue along with an apparent occupational segregation as more females are employed as nurses while more males are doctors.

Mental health

12.30 The Cook Islands Act 1915 contains some provisions for persons of unsound mind and their detention in medical custody. However, this law is showing its age in the modern Cook Islands context and does need updating. In the absence of law reform, the Government has developed a co-operative approach and has worked to support services being provided by NGOs.

12.31 The primary provider is the Cook Islands Mental Health and Wellbeing Centre (Are Pa Taunga), which was established in 1998 by the Richmond Fellowship New Zealand (Inc.). The Centre provides clinical services free of charge and has a philosophy of providing services in a community setting, in an effort to integrate their clients and ensure recovery from their illnesses.

12.32 Referrals to Are Pa Taunga have increased over time, from 24 referrals in 1998 to 317 in 2002. The Ministry of Health, Police, Probation Services, Social Welfare, Prison Services and other Government agencies all refer persons requiring assistance with mental illness to the Centre. Other referrals are from family, friends, lawyers and voluntary admissions. Clients include young and old and men and women.

12.33 The Centre has noted that many people with mental illnesses (especially younger persons) are not followed up regularly (if at all) by the Community Health Nurses, and therefore their illnesses are not managed properly. Where possible, the Centre provides follow-up services to these persons. Some improvements have been made. For example, as a result of difficulties in providing adequate facilities for counselling in the prison setting, prisoners are brought to the Centre for counselling.

12.34 There are significant mental health issues for some women in the Cook Islands. For example, information from Are Pa Taunga shows that between 1998 and 2003, more women than men attempted suicide and more women than men sought assistance for dealing with stress, particularly stress related to their caregiving roles. Cook Islands women carry significant caregiving responsibilities, in addition to caring for young children, particularly people with intellectual disabilities and the elderly. NGOs remain concerned at the low government budget in this area and are also concerned that mental health issues should be given a higher government priority.

12.35 Are Pa Taunga has found that women caregivers are often without means of support and the Centre has recommended that caregivers irrespective of sex should receive some financial assistance from Government. There is some anecdotal evidence of women with mental illnesses who have been forced to resign from their place of employment as a result of this condition and who are not entitled or eligible for a disability benefit. This is an area that the Government continues to monitor closely.

12.36 In June 2004 another provider, Te Kainga, was established. Te Kainga provides four main mental health services. The first are mental health services including psychiatric services, crises, assessment and treatment, counselling and a drug and alcohol programme. The others are Family Services, Support Services (respite care) and Information, Education and Research Services.

Domestic violence

Criminal and Civil Law

12.37 The Cook Islands Constitution guarantees of the right to life, liberty and security (article 64) and is supported by provisions of the Crimes Act 1969 and other provisions of general law. Other laws that supplement the Constitutional protection and make specific provision for security and safety include the Crimes Act 1969 and the Cook Islands Act 1915. The Crimes Act 1969 contains a range of criminal provisions related to bodily harm, including male assaults female (section 214) and grievous bodily harm. These offences are used for more serious assaults. Prosecutions appear infrequent.

12.38 Proposals to reform the law relating to violence against women (including sexual crimes) have been under consideration for some time. The proposals flowed from recognition that there were some significant gaps in the law, for example section 141 of the Crimes Act defines the offence of rape and specifically excludes marital rape unless a decree of divorce is in place. Sexual offences against women with disabilities are outdated and, more generally, the Crimes Act contains some provisions reflecting outdated New Zealand and British law such as the prohibition against witchcraft (section 165) and killing by influence on the mind (section 183).

12.39 A new Sexual Offences Bill has been drafted with the assistance of the Pacific Islands Forum, but it has not been introduced to Parliament.

12.40 Civil protection from domestic violence is possible under section 539 of the Cook Islands Act 1915, which allows an order forbidding trespass and molestation against a woman by her former husband. In 1994 the Act was amended to provide for separation, occupation and non-molestation orders. There is no civil protection for married but not separated women, for unmarried women, nor any civil provision relating to children who are victims of domestic violence.

The current context and work of NGOs

12.41 Domestic violence is a problem in the Cook Islands. Recently the Cook Islands Women's Counselling Centre, known as Punanga Tauturu (PTI), reported an increase in complaints of domestic violence to the police from 159 in 2003 to 180 in 2004. In 2004 the police recorded 59 assaults on females.

12.42 Significant progress has been made in the last ten years, particularly after PTI was established to provide a supportive environment for women who are victims of domestic violence and rape. PTI has been a strong advocate on the issue of domestic violence, and uses CEDAW in its work to raise public awareness and to seek change. PTI has publicly decried the existence of violence against women, has advocated the need for government agencies to improve their responsiveness, and had actively campaigned against domestic violence.

12.43 PTI has been instrumental in encouraging government agencies to take the issue seriously and has arranged training workshops with the assistance of the New Zealand Police for the Police, Ministry of Health and Probation Services. PTI provides counselling services; anger management services; information about using the legal system, police procedures and medical examinations; and support and assistance while going through medical and police procedures and the court system.

12.44 NGOs have raised concerns about the lack of facilities for women who do not have a refuge to go to when faced with violence within the family. Ad hoc procedures are in place, whereby some women have, with the assistance of PTI, been placed with other relatives, friends or PTI volunteer counsellors.

12.45 Prior to public campaigns by PTI to raise awareness about violence against women, many people in the community saw domestic violence as being a private matter; an issue to be dealt with by the two conflicting parties. However, perhaps due to sustained media awareness on this matter, it is being talked about more openly and there is a noticeable increase in the number of women now reporting domestic violence to the police.

12.46 However, some difficulties remain. For example, there have not been adequate mechanisms to monitor and collate data on all complaints to the police about violence against women. The formation of the Community Orientated Policing unit within the Ministry of Police has helped.

12.47 Changes in policing and police practice have taken time and need to be sustained. In the past, the police found that women would file a complaint of domestic violence and then withdraw the charge a few days later. More recently, the police have developed a “no-drop” policy whereby each time a woman files a complaint of domestic violence the case will be taken before the courts, irrespective of whether the woman wishes to withdraw the case.

Future implementation

12.48 The Government remains strongly committed to securing the best possible health for Cook Islands women. Health spending comprises approximately 11 per cent of the Government budget and will continue to be a high priority. Future implementation involves a range of issues including the need to ensure an up to date policy infrastructure (highlighted by the need for law reform) and adequate programme delivery within available resources. Progress in dealing with domestic violence issues is also needed. A major issue is maintaining momentum so that changes in policy and practice are able to be sustained over time and women’s safety enhanced as a result.

Article 13: Economic and Social Life

States parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;*
- (b) The right to bank loans, mortgages and other forms of financial credit;*
- (c) The right to participate in recreational activities, sport and all aspects of cultural life*

Family benefits

13.1 The Government does not provide social assistance in the form of family benefits. Social assistance is provided to parents by way of a child benefit payable for the maintenance and education under the Welfare Act 1989 until the child reaches ten years of age. The benefit is paid directly to the parent (usually the mother) unless the Chief Examiner decides otherwise. A payment of \$200 is also made on the registration of a child’s birth.

13.2 In 2005 about 3,240 children received this benefit. There have been suggestions that the age limit for benefit entitlement should be increased from 10 to 12 and then 15 years of age. Changes to entitlement ages are to be phased in from 2006.

13.3 Older women are paid an Old Age Pension from age 60. This increases by \$10 for every 5 years of age. There were 753 women receiving this benefit in 2005.

Access to credit

13.4 Other than the Constitution, there is no law dealing with discrimination against women, such as in the area of credit and finance. There appear to be mixed views about whether any discrimination

exists in practice. Some consider there is no evidence of such discrimination, with banks in the Cook Islands tending to take a very commercial approach to lending. Others report women being required to have their father's or husband's consent to credit arrangements, even though this may not be necessary for commercial purposes.

Small business enterprise

13.5 Since the economic reforms in 1995, an increasing number of women have started small business. Women's share of employment has substantially increased, especially in the service sector. The Small Business Enterprise Centre was established in 1998 to provide effective help for small businesses and to promote sustainable development in the Cook Islands. NZAID the Government both support the operations of SBEC. Among the services it provides at no cost are: the provision of advice on starting a small business, production of business plans, loan and grant fund proposals, advice on record-keeping systems, marketing plan development, sourcing suppliers from overseas, feasibility studies, market research and providing business mentors. It targets people at the grass roots level in particular those who would like to work for themselves.

13.6 Since SBEC's inception, there have been 1,003 requests for assistance. Of these, 482 were from women (48 per cent). SBEC clients include those who seek assistance with business start ups, existing businesses and business advice. In 1999, funds of \$482,271 were provided to SBEC clients either through banks or through aid agencies. \$351,662 (or 73 per cent) of those funds were accessed by women. There are also other women running small businesses or participating in other businesses.

13.7 The establishment of a market place on Rarotonga, Punanga Nui, has provided niche markets for women to sell unique items of craft and other products.

Participation in cultural life

13.8 The Constitution protects cultural rights in two areas: those relating to land and those relating to custom, tradition, values and usage more generally. In the first area, custom is protected for the purpose of ascertaining rights to customary land and titles (sections 421, 422, 426 Cook Islands Act 1915).

13.9 In the second area, following an amendment to the Constitution in 1994-5, Parliament has power to make laws recognising or giving effect to custom and usage. Wider than matters relating to land and titles, the amendment provides that "customs, traditions, usages, and values shall have effect as part of the law of the Cook Islands." For the purposes of the Constitution, the opinion or decision of the Aronga Mana of the island or vaka to which the custom, tradition, usage or value relates about the existence, application or extent of custom "shall be final and conclusive and shall not be questioned in any court of law."

13.10 This provision does not apply in relation of any custom, tradition, usage or value "that is, and to the extent that it is, inconsistent with a provision of this Constitution or of any enactment"

(section 7 Constitution Amendment no. 17 1994-95). This would include the Constitutional protection from sex discrimination.

Future implementation

13.11 The Government will continue to monitor women's access to credit and to foster the development of women's business enterprise and cultural participation.

Article 14: Rural Women

1. *States parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.*
2. *States parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:*
 - a) *To participate in the elaboration and implementation of development planning at all levels;*
 - b) *To have access to adequate health care facilities, including information, counselling and services in family planning;*
 - c) *To benefit directly from social security programmes;*
 - d) *To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;*
 - e) *To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;*
 - f) *To participate in all community activities;*
 - g) *To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;*
 - h) *To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.*

Cook Islands context

14.1 In this country report "rural women" means women in the Outer Islands, beyond Rarotonga. All women and men in the Cook Islands have equal legal access to health, education, agriculture, welfare benefits and other services. However, in practice, the widely dispersed populations, remoteness and sometimes limited communications of some Outer Islands means real constraints on equal access and on the efficiency of nation-wide service delivery. Not all Outer Islands have doctors and some are managed by health practitioners.

14.2 All islands have access to electricity, running water and telephones. Telecommunications are improving although some islands cannot receive or tune in to the national radio.

14.3 In each Outer Island community there is a mix of income groups, and there is a strong tradition of mutual support among extended families. Settlement in the Southern Group islands is concentrated in two or three main villages, some inland and others on the coast. On the atolls of the Northern Group, two or three villages are located on the large islets with frequent movement by motor boats between these large sand cays and small uninhabited motu or islets.

Island administration

14.4 Outer Islands administration is by governed the Outer Islands Local Government Act 1987. This Act establishes Island Councils and provides for their role in establishing local by-laws and liaison with Government. The Ministry of Outer Islands Development works to ensure the good governance of Outer Islands affairs with Island Councils. In addition, a number of government departments provide services including Internal Affairs, Health and Education.

14.5 The Government is planning to repeal the 1987 Act and replaced it with a new law. A Bill was drafted and submitted to Parliament, but was unable to be progressed.

14.6 There are women's development officers on each of the Outer Islands. These officers were administered by INTAFF, but are now administered by the Office of the Minister for Island Administration. Women's development officers are responsible to the Island Secretary and have a range of functions including providing a focal point for information and contact about issues of concern to women and to raise awareness of national, regional and international matters. The officers also provide advisory services and technical assistance to women's organisations; work with the Island Women's Council to ensure the progress of women and develop annual work programmes, including training programmes for small businesses involving handicrafts.

14.7 NGOs do have some concerns about women's involvement in the Outer Islands Administration. For example, there are few women on the Island Councils. Suggestions have been made the new legislation about the governance of the Outer Islands, should include a requirement for adequate gender representation. This has not yet been done.

Economic participation

14.8 On some islands women have access to and participate in small markets where they sell produce, bakery products and handcraft. Others, particularly in Aitutaki where there is a large tourism industry, have established their own cafes, restaurants, small retail shops and tourist services. In smaller southern group islands such as Atiu, Mauke and Mitiaro, some women have small retail outlets. In Manihiki and Penrhyn, two women operate their own pearl farms.

14.9 There are vaine tini (women's) groups which are primarily concerned with 'women's crafts' (tivaivai-making and weaving) which operate as collectives but only for the purpose of selling and exhibiting their products.

14.10 A draft pricing policy for handicrafts and other produce was formulated in 1998 to assist women to understand the mark-up that was being placed on their goods for sale in shops on Rarotonga. However it was never formalised. It seems evident that there is now less need for such a policy because women have become more accustomed to dealing with the market themselves. Where women in the Outer Islands still require assistance to sell their handicrafts or are unable to source a market, GADD has provided assistance.

14.11 Revolving loan schemes were started on some islands (Penrhyn, Mangaia, Mitiaro, Mauke and Manihiki) but were disbanded after problems with repayments.

Agriculture

14.12 Women are predominantly involved in **maire** collection for local and national purposes and assist in meeting export demands. Table 21 shows agricultural activity for households in the Outer Islands in 2001.

Location of Household	Total by Age Group				Male by Age Group				Female by Age Group			
	Total	< 15	15-64	> 65	Total	< 15	15-64	> 65	Total	< 15	15-64	> 65
Rarotonga	3,096	888	2,072	136	1,641	492	1,071	78	1,455	396	1,001	58
Southern Is	3,131	1,190	1,728	213	1,613	621	872	120	1,518	569	856	93
Northern Is	852	303	529	20	440	162	268	10	412	141	261	10
Total	7,079	2,381	4,329	369	3,694	1,275	2,211	208	3,385	1,106	2,118	161

14.13 The Northern and Southern have marked differences in their agricultural activities. The Northern Group islands are relatively isolated from the Southern Group islands. The involvement of the people in the Northern Group in the agricultural sector seems to be diminishing due to pearl farming activities, which is becoming a profitable venture, particularly in the islands of Manihiki and Penrhyn. There are high expectations for new seaweed farming in Pukapuka for export markets.

14.14 In the Southern Islands agriculture is the main activity, except on Rarotonga where trade, tourism and the service-related sectors dominate. The Southern Group continues to practice a more diversified agricultural industry and has the benefit of cooler climate and more fertile soil enabling a wider variety of agricultural production. Regular air and sea transportation enhances export opportunities, particularly to New Zealand. The main crops are banana in Aitutaki; taro in Atiu and Mangaia; and pawpaw, citrus, nono, taro and vegetables in Rarotonga.

14.15 Regardless of age and household membership status, the number of males who worked on holdings out-numbered the females by more than 3 to 1 (2,040 males, 611 females). However, more females than males worked on the holdings in an unpaid capacity. Male farm operators also outnumbered female operators. Male workers spent longer hours (around 8 hours per week) on the holding than their female counterpart (around 6 hours per week). The 2000 Census of Agriculture and Fisheries found that agriculture and fisheries are the principal productive sectors, contributing an estimated 15.2 per cent (at average 1990 prices) of the country's GDP in 2000.

Pearl Farming

14.16 In recent years pearl farming has become a significant industry in the Northern Group. In 2003 men outnumbered women in the pearl farming industry by a ration of 4:1, including among those who do unpaid work. However, a number of women own pearl farm operations and assist with pearl farm work. Of the total household members working in the pearl farms, 63 per cent came from Manihiki, 29 per cent from Penrhyn and the rest from Rakahanga.

14.17 Most pearl farming activities are part-time and net incomes vary based on individual contracts. In 2003, each paid worker in the pearl farm received an average monthly part-time net wage of NZ\$460. The workers residing in Penrhyn received higher net part-time wages (by NZ\$178) than those residing in Manihiki. Rakahanga-based pearl workers received the least, about NZ\$125 net part-time wages per month.

Other Outer Islands activities

14.18 NGOs either from Rarotonga or based on each Island, undertake promotional activities of women's rights in the Outer Islands. CINCW is affiliated to some Outer Islands and there some active women's organisations on some Islands. Concern about ambivalence towards domestic violence has led to awareness programmes to ensure women know their rights.

14.19 Scholarship assistance is available to Outer Islands students where they travel to Rarotonga to continue their education. An allowance of \$18 per child per month is payable towards their upkeep and all school fees are paid. Students also have opportunities to study through the University of the South Pacific extension studies courses.

14.20 An Outer Island Development Grant Funding scheme and a Community initiative scheme have been developed. The schemes are available to women who wish to apply for funding for community projects. European Union funding scheme is also available and is monitored by the government in partnership with the Cook Islands Association of Non-government Organizations.

Future implementation

14.21 The Government continues to provide assistance and support to the Outer Islands. In 2005 a series of cyclones badly damaged some islands in the Northern Group. The priority has been to seek to re-established basic services and to rebuild necessary infrastructure.

Article 15: Equality Before the Law and in Civil Matters

1. *States parties shall accord to women equality with men before the law.*
2. *States parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.*
3. *States parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.*
4. *States parties shall accord to men and women, the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile*

Equality and legal capacity

15.1 The Constitution provides that all persons are equal before the law (Article 64(1)(b) of the Constitution). There are no legal restrictions on the capacity of women to enter into contracts. Women have the same rights as men to administer property and to be executors or administrators of estates. Irrespective of whether they have acquired property during or before marriage or are unmarried, women have the right to administer property without interference or requiring the consent of a male.

15.2 Women can sue and be sued in their own name. Women lawyers are entitled to represent clients before courts. The Evidence Act 1968 has been amended to allow victims of rape to testify in a court of law without the requirement for corroboration.

Access to justice

15.3 Women are equal under the law but there are some factors which may prevent them fully utilising the court system. These include: the cost of legal services; difficulties in obtaining information about when, whether and how to access justice; difficulties obtaining time off work to pursue a case; or being in the Outer Islands

15.4 There have been problems for women in domestic violence cases. Women are frequently afraid of being subjected to further violence if they pursue their cases. Sometimes, the police do not inform women when their case will be decided in court.

15.5 PTI has attempted to resolve some of these problems by providing information on the justice system. For example, PTI has produced pamphlets on issues such as maintenance, affiliation, divorce, custody and de facto relationships. PTI also accompany women to court to provide emotional and legal support.

Jury service

15.6 Section 3(3) of the Juries Act 1968 exempts a woman from serving on a jury if she notifies the Registrar of the High Court in writing that she does not wish to serve. On doing so, her name shall be

struck from the list. In 2005, the Ministry of Justice reported that this exception was seldom sought by women and that in general women were participating in jury service.

15.7 Some people have expressed concerns that in practice this law runs counter to the principle that a jury should be representative of a cross section of the community chosen at random and increases the likelihood of an all male jury. Others consider that it could be considered as discriminating against men who may not wish to serve on a jury because there is no similar provision for men.

Legal aid

15.8 Legal aid for criminal cases is available through the Ministry of Justice in limited circumstances. About \$30,000 is budgeted annually for legal aid and is given at the discretion of the Head of the Ministry of Justice. Legal aid is not available for civil cases.

15.9 For some years the Business and Professional Women's Group lobbied government and the local business community for financial contributions to start a legal aid fund for civil cases. This followed from concerns for women who were unable to seek assistance in civil cases due to financial difficulties. BPW subsequently submitted a proposal to the Law Society for further consideration.

Residence

15.10 There is no restriction on women choosing their place of residence or domicile. Migrant women who live and work temporarily in the Cook Islands have the same right as migrant men to have their spouses, partners and children join them.

Future implementation

15.11 While the equal legal status of women is clear, more work needs to be done to ensure that women are fully aware of their equal status in legal matters and that this is realised for them in practice. Promotion of the Convention and on-going legal literacy programmes will be an important aspect of future work. While some lawyers provide pro bono (free) legal advice, legal aid and court assistance for victims of domestic violence with no financial means is an area requiring attention.

Article 16: Equality in Marriage and Family Life

1. *States parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:*
- (a) *The same right to enter into marriage;*
 - (b) *The same right freely to choose a spouse and to enter into marriage only with their free and full consent;*
 - (c) *The same rights and responsibilities during marriage and at its dissolution;*
 - (d) *The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount.*

- (e) *The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;*
- (f) *The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;*
- (g) *The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;*
- (h) *The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.*
2. *The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.*

Marriage

16.1 The Marriage Act 1973 provides that a marriage licence shall not be issued to any person under the age of 16 years. Marriage must be between a man and a woman. Where there is to be a marriage of any person under the age of 16 years or a minor (a person under 21 years) approval of the parents or guardians is required. There is some history of arranged marriages in some families for purposes of retaining traditional titles and land, but that appears to have been a custom within certain families and not the norm in the general population. Today, people freely choose their spouses.

16.2 Some marriage related customs remain in some areas. For example, when a couple from one of the three islands of Nga-pu-toru (Mauke, Mitiaro and Atiu), gets engaged, the future husband's family is required to seek permission from the family of his future bride for the union to take place. The future husband accompanied by senior family members will present his future bride's family with pigs, chickens and vegetables to appease their 'loss' of their daughter or to seek a favourable response.

16.3 O'ora or the exchange of gifts is also tradition practiced at marriages in the Cook Islands whereby the family of both partners to a marriage offer gifts of tivaivai (bed spreads), woven mats, woven hats, bed sheets, cushion and pillow covers. It is a gift from the families to the couple and is not a bridal price or dowry because it is not a condition or requirement for a valid marriage. On the island of Aitutaki, it is the wife who presents gifts to the husband and his family. Although the husband is not obliged to reciprocate, he will usually provide gifts of food to his wife's family. The purpose for the gifts is to celebrate the start of a new life together.

Choice of family name

16.4 Although there is no law governing the matter, the tradition of adopting the husband's family name upon marriage remains strong. However, there is a noticeable trend among women on the island of Rarotonga to use both their maiden name and their husband's family name.

16.5 Cook Islands women who give birth overseas are entitled to re-register their child in the Cook Islands for land purposes. Some mothers who have taken this option have noted that the forms only require the father to state his profession or occupation and not the mother.

16.6 People from Nga-pu-toru also perform a 'naming ceremony' whereby the husband is given a marriage name by his wife's family and vice versa. It is expected that after the wedding ceremony the husband or wife will be referred to by their marriage name. Although, some families still practice this tradition, others go through the ceremony by giving marriage names but continue to refer to the person by their registered or pre-marriage name.

16.7 The Births and Deaths Registration Act provides that both parents are responsible for registration of a child's birth.

Matrimonial property and divorce

16.8 There is no law requiring joint ownership of property or joint decision making regarding assets by the husband and wife during marriage. However, the equal sharing principle does not have to wait until separation and a woman can obtain a determination of her property rights during the marriage.

16.9 Divorce in the Cook Islands is still fault based and is based on old British law. A spouse can apply for a divorce on the grounds his/her spouse has committed adultery. There is a provision which provides that the husband petitioner can apply to the Court to have the person who is alleged to have had adultery with his wife joined as a co-respondent in the petition for divorce. The implication is that only a husband may obtain a decree of divorce on the grounds of adultery.

16.10 Although there is no case law on the point, the provision is discriminatory. In 1982 Parliament passed legislation to make as additional grounds for divorce those contained in the Family Proceedings Act 1980 which provided separation of four years as a ground for divorce. Consequently, the Cook Islands has an odd hybrid of fault and no-fault grounds for divorce. The Government has identified this an area needing law reform.

16.11 Significant changes to matrimonial property law were made in 1992. The Matrimonial Property Act 1992 is largely based on New Zealand legislation, with some changes to meet local circumstances to take account of the different system of land ownership in the Cook Islands. The Act provides for a fairer distribution of property as between a husband and wife following divorce. Matrimonial property includes the matrimonial home, chattels, and other property accumulated during the marriage. Financial contribution is rated no more highly than non financial contributions, such as child raising and management of the home. Matrimonial property is divided equally for marriages of more than 3 years duration.

16.12 Some complications do arise in relation to the protection of native land. While leases form part of matrimonial property, occupation rights and native land do not. If a wife lives on her husband's native land or occupation right, and all the couple's matrimonial property is invested into it, on separation the wife will get nothing. The Court can, in dividing property, take into account the fact

that one of the couple benefits from having the matrimonial home on his/her land. However, this may be of limited practical benefit if there is little other property.

Non-married cohabitants

16.13 The long-standing tradition amongst many Cook Islands Maori of cohabiting in a de facto relationship and marrying only after the birth of one or more children remains. There is no statutory law covering the division of property when de facto couples separate and the Courts are generally reluctant to extend the rules in the Matrimonial Property Act 1991-92 to de facto couples stating that law reform is for Parliament.

16.14 In the absence of clear legislation, the division of property accumulated during the relationship is determined by the English common law rules relating to constructive trusts. The couple's respective shares are determined by assessing the 'contributions' (both financial and non-financial) of the parties to the relationship. After the separation of a de facto couple, there is often a disparity in income between men and women largely caused by interruption to her career for family responsibilities during the relationship. NGOs report that women from de facto relationships are forced to bargain and will settle for less to avoid going to court where the amount received is insignificant.

Property distribution on the death of a spouse

16.15 The rules of equal sharing have not been extended to the distribution of property on death of one of the spouses. In the Cook Islands many people die intestate (without a will). In those cases the Administration Act 1969 applies. Under this Act the surviving spouse gets the chattels and the first \$12,000 worth of property. The balance is divided 2/3rds children and 1/3rd for the spouse. If there are no children the spouse gets 2/3rds with the other 1/3rd going to the parents of the deceased. If the deceased's parents are also dead the spouse is entitled to all the property. Given that in the Cook Islands for most couples the principal bread winner remains the husband, there is a real concern that current law provides women with inadequate property protections in the event of the death of her husband.

16.16 While there have been few court cases involving the Matrimonial Property Act 1992, anecdotal evidence suggests that the Act has encouraged parties to settle such matters in accordance with the Act's provisions and has resulted in a fairer distribution of matrimonial property in those cases.

Property and native land title

16.17 Cook Islands law is a hybrid of English common law and customary law of the indigenous Cook Islands Maori people. Ownership of freehold land and succession to hereditary titles, for example, are primarily governed by custom. Generally, customary law is now gender neutral. However, the traditional system for the inheritance and use of land was complex and cannot be stereotyped as having excluded women per se. Traditional forms of succession are very important in

the Cook Islands, as all land is native land held in fee simple (except land held by the Crown or churches). All children by blood and in some cases adopted children; succeed to each of their parent's rights in land. The law of succession is inviolate; consequently, the acceptance of a woman's right to inherit has been an important empowering provision for them. Related to this is the cultural acceptance of the ability of women to succeed to hereditary chiefly titles. This resulted, on the main island of Rarotonga, in five of the six titles currently being held by women in 2003.

Domestic violence laws

16.18 Until 1994 only a single law dealt specifically with domestic violence. Section 539 of the Cook Islands Act 1915 made it an offence for a former husband to trespass against his former wife and the offence was punishable by a fine of up to \$40 or imprisonment not exceeding three months.

16.19 In 1994 the Act was amended to provide for separation, occupation and non-molestation orders. Non-molestation orders can now be obtained by virtually anyone against another person and are used in domestic violence cases. These amendments have significantly improved Cook Islands law.

16.20 However, there is no provision for non-violence orders where couples continue to live together. Many more women, anticipating their partners are likely to assault them, but not wanting to see their partners in Court or in prison, may be less reluctant to seek the assistance of the police if they know that their partners will be held in custody for only a limited period and then released without charge.

16.21 As noted in Article 12 of this report, domestic violence is a problem in the Cook Islands. In addition to issues of legal coverage, there are issues of consistency of law enforcement and the need for judicial training. Withdrawal of domestic violence charges requires leave of the Court. Recently, with the appointment of women Justices of the Peace, there have been some instances where the Court has not granted leave to withdraw charges.

Children

16.22 Matters of maternity and the upbringing of children in traditional Cook Islands society were very different to the norms adhered to in the west. Traditionally the upbringing of children was as much a village responsibility as it was a parental one. Women often bear children young and customarily the first child will be adopted and brought up by the grandparents of either the mother or father. In fact, many children are reared by close relatives and, given the strong sense of extended family which persists, this system worked well.

16.23 However, the adequacy of this system of parentage has been questioned in recent years as people have become more internationally mobile. This has resulted in a number of women being left with children and unable to extract any economic or other support from the father of their children.

16.24 Women have the right to decide freely the number and spacing of children. The Ministry of Health actively encourages women to space their children.

Child custody

16.25 The Infants Act 1908 provides the framework for custody matters and provides that the interests of the child to be paramount in custody matters. The Cook Islands is not a party to the Hague Convention and custody orders are not enforceable in Australia or New Zealand. Nor are orders made in those countries were enforceable in the Cook Islands.

16.26 While the law can set out legal rights of custody, guardianship and access, more work needs to be done to encourage parents to take full responsibility for their children, including emotional support and encouragement. This can only be achieved through the expectation and social pressure created by customs and norms. Cook Islands culture is in a state of flux. For an increasing number of women the extended family not be relied for caregiving.

Child maintenance

16.27 All children, regardless of sex or the status of their parents are treated equally for the purposes of child maintenance which is governed by the Cook Islands Act 1915. In the majority of cases where couples with children are not living together, the mother will be awarded custody of the child and the father will continue to in paid work. The Act distinguishes between applications by married and unmarried mothers. These distinctions need removing.

16.28 In theory there are severe penalties for failure to obey a maintenance order, with non-payment liable to attract a term of imprisonment of up to two years. In practice, however, prosecutions for failure to pay maintenance are rare. Section 565 of the Cook Islands Act 1915 provides that a court cannot award past maintenance exceeding \$100. This has been criticised as creating an incentive for fathers not to pay maintenance until the court orders them to do so. There are also gaps. For example, where a father is ordered to pay maintenance and leaves the country, there are few options for enforcement.

16.29 Few women know that they can apply to the court to prevent the father on a return visit from leaving until adequate security for maintenance has been provided. Those that are aware of this right, are often intimidated by court action and cannot afford the expenses involved in litigation.

16.30 Child maintenance orders are enforced by INTAFF although INTAFF reported difficulties in enforcing orders, especially where liable parents have moved to New Zealand. INTAFF has indicated this part of the Cook Islands Act is out of date and needs to be rewritten to align with relevant aspects of immigration law and international information sharing with New Zealand and Australia. In addition, there are some aspects which discriminate against women, such as section 546 which requires a mother's evidence of affiliation to be corroborated, whereas a father's evidence does not require corroboration.

Adoption

16.31 Children may be adopted under the Cook Islands Act 1915 up until the age of 21. The primary consideration is the welfare and best interests of the child. A child's consent to the adoption must be obtained if the child is over 12 years of age. The adopting parent must also be a fit and proper person to have the care and custody of the child and of sufficient ability to maintain the child.

16.32 The Cook Islands Act 1915 does distinguish between Europeans and "native Cook Islands Maori." The Act makes it a crime for a Maori couple or a sole Maori to adopt a foreign child, yet, a sole European, European couple, and/or a Maori and European married to each other can adopt a foreign or local child. This is due to the land laws in the Cook Islands.

Age of sexual consent

16.33 The Crimes Act 1969 provides legal protection to children who are physically or sexually abused and neglected. Assault, rape, defilement, incest and prostitution are all criminal offences that carry penalties. Sexual intercourse or indecency with a girl under the age of 12, or a girl between 12 and 15 carries a heavy term of imprisonment. Consent of the girl is no defence, nor that the person charged believed the girl was over the age of 12 or 15 as the case may be. Similar provisions in respect of male children protect male children from sexual abuse.

Future implementation

16.34 There are a number of significant issues both of law reform and practice, which remain to be addressed in this important area. Reform of domestic violence laws and improvements in practice to increase women's security, are high priorities, along with aspects of the administration of child maintenance.

Summary

This report marks an important step for the Cook Islands. There are many areas where the Cook Islands women are making progress, particularly in education and health. Progress in other areas is slow but steady. Constitutional protection from discrimination and high rates of participation by women in many areas of social and family life provide a good base for the future and the Government is working with NGOs on women's development.

The Government recognises that more work is needed. In some areas the pace of change has slowed and in others work has stalled. However, the Government is committed to making more progress to meet the specific needs of Cook Islands women and men. Many challenges still remain, including providing a secure economic base for the country, dealing with environmental issues, and securing women's safety. A programme for law reform has been identified and a working group has been established.

The good work of women's organisations and other NGOs to promote the development and advancement of women will continue to be supported by Government so that the people of the Cook Islands can go forward together.

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