



**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities

**Implementation of the Convention on the Rights
of Persons with Disabilities**

**Initial reports submitted by States parties under article 35 of
the Convention**

Cook Islands*

[9 December 2011]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been edited.

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Abbreviations

AUSAID	Australian Assistance for International Development
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CICCT	Cook Islands Creative Centre Trust
CIIEP	Cook Islands Inclusive Education Policy
CIHR	Cook Islands International Health Regulations
CINDC	Cook Islands National Disability Council
CIS	Community Initiative Scheme
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organization
DAT	Disability Action Team
DD	Disability Division
DPO	Disabled Persons Organization
ECE	Early Childhood Education
EMCI	Emergency Management Cook Islands
ERB	Employment Relations Bill
ESR	Event Surveillance and Response
FLB	Family Law Bill
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
MFEM	Ministry of Finance and Economic Management
MIA	Ministry of Internal Affairs
MOU	Memorandum of Understanding
NGO	Non-government Organization
NSO	National Statistics Office
NSDP	National Sustainable Development Plan
NZ	New Zealand
NZAID	New Zealand Agency for International Development
OIA	Office of Island Administration
PIFS	Pacific Islands Forum Secretariat
POC	Pacific Operations Centre
PRSD	Pacific Regional Strategy on Disability

UDHR Universal Declaration of Human Rights

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I. Introduction

1. The Cook Islands Government is pleased to present to the Committee on the Rights of Persons with Disabilities the Cook Islands' initial report under the Convention on the Rights of Persons with Disabilities (Convention). The Cook Islands ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol in its own right on 8 May 2009. In becoming a party to the Convention, the Cook Islands affirmed its commitment to improve the situation of persons with disabilities in the Cook Islands.

Other international conventions (covering disability)

2. The Cook Islands acceded to the Convention on the Rights of the Child (CRC) on 6 June 1997, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 11 August 2006.

Preparation and structure of report

3. The report sets out to recognize progress made, including the measures that have been taken in a wide range of areas within the different government ministries, as well as to identify challenges and obstacles that hinder the full participation of persons with disabilities in the Cook Islands. The report reflects in detail the progress of implementation under Articles 1 to 33 of the Convention.

4. The report also considers the Cook Islands National Sustainable Development Plan and other regional disability commitments, including the Pacific Regional Strategy on Disability, the Pacific Education Framework and Biwako Millennium Framework. Further references have been made to the Cook Islands Government report on the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

Consultation with stakeholders

5. The consultation process for this report commenced in February 2011 between government ministries, non-governmental organizations and private sector on both Rarotonga and outer islands, via electronic questionnaires as well as in-depth interviews and discussions with disability-focused group.

6. The Government recognizes the importance of outer islands' contributions to this report, however, due to financial constraints, Aitutaki was the only outer island visited in the consultation process. Consultations were held with the traditional and island government leaders, disabled persons-focused organizations and individual persons with disability.

7. A national consultation was held with most government ministries and non-governmental and disabled persons' organizations to brief stakeholders on the details of the requirements of the Convention.

Status of the Optional Protocol

8. To date, the Cook Islands has received no communication under the Optional Protocol.

The Cook Islands

Land and people

9. The 15 tropical islands that make up the Cook Islands lie scattered 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. The country comprises of two main island groups. Of the 15 islands, 12 are inhabited, namely: Aitutaki, Mangaia, Atiu, Mauke, Mitiaro, Manihiki, Nassau, Penrhyn, Palmerston, Pukapuka, Rakahanga and Rarotonga.

10. The Southern Group (Rarotonga, Aitutaki, Mangaia, Atiu, Mauke, Mitiaro, Manuae 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, Rakahanga, Penrhyn, Pukapuka, Nassau, Palmerston and Suvarrow) are low-lying, sparsely populated, coral atolls with lagoons and sparse vegetation.

11. The Cook Islands have strong and deep-rooted traditions that have been handed down through countless generations, and such traditions are particularly strong in small village communities. Each individual plays his or her part in the social fabric of the community and the role that each person has in their community is determined by a number of factors, one of which is how an individual is perceived by other members of the community.

12. The traditional view that people with disabilities are to be looked after or cared for, and cannot be expected to take a full and active part in the life of the village community is changing. It is only in the last few decades, in fact, that people with disabilities in any part of the world have begun to be recognised as full and active members of society.

Political situation

13. In August 1965, the Cook Islands became a self-governing parliamentary democracy in free association with New Zealand. The country is fully responsible for its internal affairs, while New Zealand retains responsibility for external affairs and defence in consultation with the Cook Islands. The Head of State is Queen Elizabeth II, represented in the Cook Islands by an appointed Queen's representative. The legal system of the Cook Islands is based on New Zealand law and English common law.

14. Members of Parliament are elected every four years and there are 24 Members of Parliament. The last general election was held in November 2010; four political parties contested in the election: Cook Islands Party, Cook Islands Democratic Party, Independent Party and Te Kura o te Au Party.

Economic situation

15. Tourism is vital to the Cook Islands economy and remains the primary industry estimated to account for around 60% of GDP. Visitor numbers in 2009-10 held up despite the global economic downturn, reaching an all-time annual high of more than 99,000. This number is projected to rise to over 101,000 in 2010-11, with New Zealanders making up the majority of visitors (63.4%). The introduction of low-cost airfares from New Zealand has grown the industry significantly. The Cook Islands Government has also launched new tourism branding and marketing, targeting Australia and Northern Hemisphere markets, and the Tourism Board continues to explore expanding airline services to access those markets.

16. The Cook Islands 2010-11 budget decreased government expenditure from \$215.5 million to \$186.4 million, reducing planned uptake of foreign loans. Tourism is anticipated

to grow modestly in the 2010-11 financial year. The Government's economic focus is on improving tourism links, expanding the black pearl industry and improving infrastructure.

17. The marine sector, both the pearl industry and fishing, is a significant export earner although it has not performed to its potential or to expectations. The pearl industry is important to the economic development of the remote Northern islands, and improvements in farming techniques is expected to lead to an increase in export earnings from pearl farming.

18. Population loss remains a concern to the Cook Islands and is an economic risk. The 2006 figures put the total population at 19,342 and the resident population at 15,324 (the difference between total and resident populations is attributed to the presence of tourists and short-term visitors in the Cook Islands on census day). However, by early 2010, the resident population had declined to about 12,000. The remote outer islands are experiencing a steady decline: about 65% of the population now live in Rarotonga. Cook Islanders can live in New Zealand and Australia, because of their New Zealand citizenship. Labour shortages, particularly in the tourism sector, are being addressed through the employment of foreign workers, particularly from Fiji and the Philippines. Foreign workers are estimated to account for around 10% of the resident population.

19. New Zealand remains the largest donor, while Australia and the Asian Development Bank (ADB) provide significant inflows geared towards capacity-building, outer island development and human resource development. The World Health Organization is the fourth largest donor and provides support for human development for health, health-care delivery and outer island devolution. Other United Nations agencies, as well as agencies based in the Pacific region and two bilateral donors make up the remaining donor support to the country. Cook Islands has received ad hoc grants and technical support from the governments of China and Japan and has progressed significantly in aid discussions with the European Union.

Development cooperation programme

20. New Zealand and Australia run an integrated development cooperation programme in the Cook Islands, totalling more than \$17 million (NZ\$15 million plus AUS\$2 million) in 2010-11. Focus areas are economic growth and infrastructure (\$7.8 million), health and education (\$4.8 million) and governance (\$2 million). Australia will separately be providing - from a regional thematic programme - a \$500,000 incentive grant for fisheries.

Disability policy

21. In 2002, Government and organizations of persons with disabilities, with assistance of the United Nations Economic and Social Commission for Asia and the Pacific and the Pacific Operation Centre (EPOC), worked together to develop the National Policy on Disability and Action Plan 2003-2008. The Policy was adopted by the Government and its development is driven by both Government and disabled persons' organizations. Thus Government agreed to use the Policy to guide the efforts of government agencies, community organizations, the private sector and traditional and religious leaders in promoting and protecting the rights of persons with disabilities. The policy was the result of extensive consultation with organizations of persons with disabilities, non government organizations, civil society organizations, families of persons with disabled persons, persons with disabilities and government ministries on most of the islands in the southern and northern groups of the Cook Islands.

22. The goal of the Policy is:

“to promote and protect the rights of persons with disabilities so that they can participate fully in community life”

23. The objectives of the Policy are:

- (a) To raise awareness of families and island communities throughout the Cook Islands on human rights and disability issues and all have access to information on disabilities;
- (b) Encourage the participation of people with disabilities in all levels of family, community, island and national life;
- (c) Support the development of self-help groups and organisations for people with disabilities;
- (d) Improve the position of the most disadvantaged and vulnerable of those with disabilities, particularly women and girls;
- (e) Improve access of all children and youths with a disability to education and vocational training to the highest level;
- (f) Develop early intervention measures for children from 0 to 4 years old;
- (g) Development of more disability prevention measures;
- (h). Further develop and strengthen rehabilitation services;
- (i) Make more assistive devices available of improved quality;
- (j). Improve access to buildings and public places;
- (k) Improve livelihood and income generation opportunities and the delivery of life skills training programmes actively involving people with disabilities;
- (l) Strengthen the gathering of information in all sectors on the prevalence of disability and related issues and ensure that this information is accessible by all and utilised in policy-making;
- (m) Increase support to Care Givers; and
- (n) Improve the coordination of services of both government and non-government organizations.

24. All 14 objectives of the Policy are being implemented by Government and stakeholders. Following a review of the National Policy in 2007, the Disability focused organizations has moved to strengthen their capability and capacity to carry out their work, including strengthening partnership with the Disability Division of Government.

25. Work in implementing the Policy included developing closer working relationships between Government and NGOs/DPOs. A number of programmes and projects have been undertaken by NGOs as part of implementing the National Policy on Disability. For example:

- Cook Islands National Disability Council (CINDC), with the Disability Division of Internal Affairs (DD), is the lead group implementing the National Policy;
- Deaf and Autism organizations are promoting the rights of hearing impaired and autistic people and building the capacity of their members;
- Te Vaerua Community Rehabilitation Service Incorporated is active in promoting the rehabilitative programme for persons with disability and other stricken category of persons;
- Cook Islands Creative Centre Trust engages in a range of activities including public awareness raising, advocacy, community access and rehabilitation programs and

offers daily life skills program, and healthy and nutritious meals using local products; and

- The Outer Island Learning Centres are actively teaching life skill lessons and performing therapies and promoting the rights of persons with disabilities on their islands.

26. The Policy has a five-year Plan of Action which verifies appropriate and responsible government as well as NGO mechanisms to implement relevant objectives of the Policy. It also identified the types of activities that each government ministry or NGO groups are to do accordingly within allocated timeframe. It identified various risks in implementing the Policy which are challenges that need to be alleviated so that persons with disabilities and their issues are promoted, understood and recognised by everyone in the country.

27. During the review of the National Policy in 2007, assessments were made of the country's progress in implementing the Policy and its extension to 2012 to coincide with the end of the Asia/Pacific Biwako Millennium Framework for Action on Disability.

28. As a result of the review, almost all of the objectives of the Policy have been implemented but require more strengthening and resources to enable quality and sustainable services by all involved towards persons with disabilities. Government recognises the great work disability focus groups are doing for persons with disabilities so have established funding assistance to support them.

29. The first Cook Islands National Disability Identification Survey was conducted in 2001 which gathered a total of 642 persons with disabilities from year 0 to 51 years and over. The survey covered all 12 inhabited islands of the Cook Islands conducted by trained civil service personnel as well as service providers from the community. The survey accounted for 18 types of disabilities. To date the population of persons with disabilities is 296 which represent 1.9% (using 15400 as the current population). Most recently the Cook Islands has taken the initiative to review the framework of its current database in order to adapt the World Health Organization's International Classification of Functioning, Disability and Health in order of defining and classifying disability.

Table 1: Age and gender - disabilities summary 2011

Disability	Ages	0-5		6-14		15-20		21-30		31-40		41-50		51+		Total	Gender	
		m	f	m	f	m	f	m	f	m	f	m	f	m	f		m	f
Autism		0	0	0	0	1	0	0	1	0	0	0	0	0	0	2	1	1
Behaviour Problems		0	0	0	0	3	2	0	0	0	2	1	2	4	0	13	8	6
Cleft Palate		0	0	0	0	1	1	0	0	0	0	0	0	0	0	2	1	1
Cerebral Palsy		0	0	1	0	0	2	2	2	0	0	0	0	1	1	9	4	5
Deafness/Speech/Hearing		0	0	2	0	5	2	3	2	6	2	1	0	1	5	29	18	11
Down Syndrome		0	0	0	1	0	0	2	1	0	3	0	2	0	0	9	2	7
Epilepsy		0	0	0	2	1	0	3	2	1	3	5	3	2	2	24	12	12
Hemiplegic		0	0	0	0	0	0	1	0	0	0	0	0	0	1	2	1	1
Hydrocephaly		0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	1
Intellectual Disability		0	0	4	1	1	3	9	10	12	9	7	9	6	7	78	39	39
Mental illness		0	0	0	0	0	0	0	0	0	1	0	0	3	0	4	3	1
Multi-disabled		0	0	1	0	1	1	1	0	0	0	1	0	0	0	5	4	1
Other Illness		0	0	0	0	1	0	3	3	2	4	5	3	19	7	47	30	17
Other/illness		0	0	1	1	1	0	0	1	2	0	0	1	2	1	10	6	4
Physical Disability		0	0	0	0	0	0	0	0	1	0	0	0	5	1	7	6	1
Slow Learner		0	0	2	0	4	1	4	0	0	1	1	1	1	1	16	12	4
Speech		0	0	1	0	0	0	0	0	0	1	1	1	1	1	6	3	3
Talipes		0	0	2	0	1	0	2	0	3	0	0	0	0	1	9	8	1
Visual Impairment.		0	0	2	1	0	1	2	2	1	0	3	0	3	7	22	11	11
Overall total		0	0	16	6	19	14	32	24	28	26	25	22	48	35	296	169	127

30. The last Census of population in 2006 recorded the country's residential population just below 15,500 with about two thirds on Rarotonga. Disability was included in the national Census.

Table 2: Resident Population by Sex, Island and Five Year Age Group

Region	Total	Total		0-14		15-44		45-59		60 & over	
	Persons	M	F	M	F	M	F	M	F	M	F
Cook Islands	15,324	7,822	7,502	2,454	2,248	3,329	3,294	1,190	1,097	849	863
Rarotonga	10,226	5,218	5,008	1,553	1,424	2,319	2,319	825	743	521	522
Southern Group*	3,729	1,877	1,852	624	576	716	712	271	282	266	282
Northern Group	1,369	727	642	277	248	294	263	94	72	62	59

*(excl. Rarotonga)

31. In 1999 the Cook Islands ranked first on the Human Development Index among Pacific Developing Member Countries and second on the Human Poverty Index and in 2004 ranked highly as a middle-income country¹ internationally. The country's gender-based indexes of development are also high. The high ranking HDI reflects the history of government's grave investment in health, education and welfare.

32. As a result, the Cook Islands Millennium Development Goal (MDG) Report 2009 confirmed the country's achievement in implementing three of the 8 goals of MDG and these include:

- Eradicate extreme poverty and hunger
- Reduce child mortality
- Improve maternal health

33. Work towards the National Sustainable Development Plan (NSDP) 2011-2015 is in Progress with the main objective of "delivering the plan and measuring our success" ensuring a vibrant economised Cook Islands where our people can build businesses, prosper and participate in the social, economic, political and cultural life of our communities and fulfil their potential because they are empowered and have strong families and communities and where they also share a strong national identity and sense of belonging. It is envisaged that further progress achievements by the country in implementing MDG will be highlighted in the NSDP in areas such as primary education and global partnership for development. Persons with disabilities issues are captured under the NSDP Strategic Goal 3: "Our people fulfil their potential because they are empowered and have strong families and communities"

34. Other than the Constitution, the Disability Act 2008 deals with complaints of Discrimination whether it is physical or verbal abuses. The Act also stipulates the key role of the Ombudsperson in dealing with complaints by persons with disabilities or their family members on grievances or violation of their human rights.

¹ United Nations Development Programme (UNDP), 2004, 139-142

Regional Commitment

35. The Cook Islands was part of the inter-governmental meeting to conclude the UNESCAP Asian and Pacific Decade of Disabled Persons, held in Otsu, Japan, in October 2002, which adopted the Biwako Millennium Framework for Action (BMF²).

36. The Cook Islands government was part of the 2002 Forum Education Ministers meeting discussed education for children and youth with disabilities. Access to appropriate education and training is fundamental for persons with disabilities to earn livelihoods and break out of the cycle of dependence and poverty.

37. As a Pacific Islands Forum member, the Cook Islands Government was one of the Pacific countries to participate in the Thirty- Fourth Pacific Islands Forum Leaders' Meeting, held in Auckland New Zealand in 2003. In their 2003 meeting communiqué Forum Leaders acknowledged that an immediate priority for Pacific Governments should be to address policy that would dismantle barriers and improve access and coordination for people with disabilities. They also encouraged regional and international organizations to continue coordinated research that would assist policy development and enhance awareness in Pacific communities. Leaders also endorsed the BMF as providing a set of goals for Pacific countries to work towards over the next ten years.

38. The Cook Islands Government has recognised and witnessed that in the last two decades, the approach to disability has moved from a 'charity' or welfare approach, to a human rights based issue. Disability concerns are implicit in various international conventions and agreements including our own Convention of the Rights of Persons with disabilities.

39. Pacific Islands Forum Leaders in 2003 also endorsed the BMF as providing a set of goals for Pacific countries to work towards over the next 10 years.

40. The Cook Islands Government also took part at the Pacific Island leaders Forum that adopted the Pacific Plan for Strengthening Regional Cooperation and Integration in 2005. The overall emphasis of the Pacific Plan is to create stronger and deeper links between the sovereign countries of the region. Disability progress and development is reflected in Initiative 12.5 of the Plan.

41. The Cook Islands was part of the 2009 Pacific Islands Forum Leaders' Meeting held in Cairns Australia that reiterated support for people with disabilities and reaffirmed the need for more attention to be directed to the most disadvantaged group who are among the poorest and most vulnerable. They acknowledged that people with disability face many barriers to full participation in society. Leaders further noted that the Regional Disability Strategy should focus attention on the need to address issues facing persons with disabilities in the Pacific, to build greater awareness on the importance of allowing access to greater and more equitable opportunities to enhance their quality of life and full enjoyment of all inalienable human rights.

42. Since the government of the Cook Islands ratified the Convention on the Rights of Persons with disabilities (CRPD), it stated its intention to be part of the binding treaty that provides a universal standard for the human rights of persons with disabilities. The CRPD

² Biwako Millennium Framework (BMF): The BMF is a policy document and blueprint for action to achieve an inclusive, barrier-free and rights-based society for persons with disabilities in Asia and the Pacific by 2012. It builds on the agenda for action which guided the first decade. It outlines a set of principles, strategies, goals, targets, and directives for action, and forms a comprehensive set of guidelines for countries to use in developing policies and planning and implementing programmes for persons with disabilities.

promotes a shift in understanding that recognises the limitations created by disability not as a problem of a person but as a problem of barriers created by society. The CRPD can provide specific guidance and a framework for national action even for countries that have not yet ratified.

43. The Cook Islands was part of the Forum Disability Ministers Meeting (FDMM) in October 2009 held in the Cook Islands at which they adopted the Pacific Regional Strategy on Disability (PRSD). Report of this meeting was fully endorsed by the 2010 Pacific Islands Forum Leaders meeting held in Vanuatu.

44. The purposes of the Pacific Regional Strategy on Disability 2010 – 2015 are to:

- Support Pacific Island Forum member countries to protect and promote the rights of persons with disabilities;
- Provide a framework for the coordination of development partners, governments and civil society in building a disability inclusive Pacific; and
- Strengthen commitment of all stakeholders towards implementation of the Convention on the Rights of Persons with Disabilities and other human rights instruments which/that relate to disability.

45. The Pacific Regional Strategy on Disability (PRSD) provides a strong rationale for regionalism by identifying specific areas where a cooperative regional approach will support national action. With the conclusion of the 'Biwako Millennium Framework for Action' (BMF, covering Asia and the Pacific) in 2012, the PRSD builds on work to date and takes a Pacific-specific approach. The Convention on the Rights of Persons with Disabilities (CRPD) is the foundation for the PRSD; the Strategy should support those countries that have signed and/or ratified, as well as supporting the use of the CRPD as a tool for inclusive development for those countries that have not yet signed.

International conventions (covering disabilities)

46. The Cook Islands acceded to the Convention on the Rights of the Child (CRC) on 6 June 1997 and the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) on 11 August 2006.

International aid and assistance

47. Under its bilateral agreement with the government of the Cook Islands, the New Zealand Agency for International Development (NZAID) financially supported Government in the following projects:

- First national workshop for all disability stakeholders both government and civil society and persons with disabilities which saw the inauguration of the Cook Islands National Disability Council;
- Advocacy training for persons with disabilities, carers and supporters;
- National Disability Identification Survey 2001;
- Implementation of the National Policy on Disability 2005-2008; and
- Drafting of the Disability Act in 2008.

Multilateral linkages

48. The Cook Islands has entered into a wide range of bilateral and multilateral treaties and has become a member of a number of regional and international organisations.

49. The Cook Islands is a member of the Asian Development Bank (ADB), the Food and Agriculture Organisation (FAO) of the United Nations, the International Civil Aviation Organisation (ICAO), the World Health Organisation (WHO) the United Nations Educational, Scientific and Cultural Organisation (UNESCO), and the International Maritime Organisation (IMO). It is also a member of regional organisations such as the Pacific Islands Forum and the Secretariat of the Pacific Community.

II. General provisions of the Convention (arts. 1-4)

50. The Government of the Cook Islands currently has specific legislation on the promotion and protection of rights of persons with disabilities. The Disability Act 2008 currently has provision for: discrimination; complaints and special jurisdiction of Ombudsman; access to buildings; offences and penalties. The Disability Act 2008, under Section 8, states that “every person with a disability shall be entitled to the same rights and privileges as all other persons, and in particular those rights granted by the Constitution”³.

51. The Disability Act 2008 provides the Government with the means to institutionalise and maintain a disability strategy, to make discrimination against a person with disability unlawful and to ensure that persons with disabilities have access to certain buildings and footpaths. Section 9 of the Disability Act 2008 states that discrimination⁴ against a person with disability is unlawful. Section 11 of the Disability Act 2008 provides for discrimination against a person with a disability in the workplace is unlawful.

52. The Government of the Cook Islands provides NZ\$ 200,000 of its annual budget towards addressing civil society issues. The monetary allocation caters for Non-Government Organisations (NGOs) and Civil Society Organisations (CSOs) that carry out programmes for persons with disabilities and other vulnerable groups. Of the amount allocated, NZ\$120, 000 is provided specifically for disability core funding in the outer islands of the Cook Islands.

53. The Government of the Cook Islands currently employs a Disability Officer placed in the Ministry of Internal Affairs. The Disability Officer is mandated to coordinate government programmes and activities for persons with disabilities. The Disability Officer also provides professional advice and assistance to Government and NGOs on issues relating to persons with disabilities. The overarching vision of the Division for Disability is “to promote and maintain an inclusive, vibrant, resilient and productive society that recognizes and value the human rights and well-being of persons with disabilities” at local and national levels and with the following objectives:

- ensure compliance by all to the Disabilities Act 2008;
- promote the Convention on the Rights of Persons with Disabilities (CRPD in understanding the rights of people with disabilities;
- incorporate disability issues into mainstream development planning processes;

³ Art 64 of the Cook Islands Constitution: “non discrimination on the grounds of race, national origin, colour, religion, opinion, belief or sex....right to life, liberty and security of the person... equality before the law....freedom of thought, conscience and religion....freedom of speech and expression....freedom of peaceful assembly and association.....”

⁴ Discrimination under the Disability Act 2008 is defined as “to make a distinction, exclusion or restriction against a person with disability on the basis of that person’s disability or to subject a person with a disability to a detriment in circumstances in which other persons who do not have a disability would not be subjected to such detriment”

- ensure persons with disabilities effective participation in decision-making at all levels; and
- foster closer working relations between and amongst Government agencies, the private sector and non government organizations.

54. The Cook Islands National Disability Policy defines disability as an evolving concept, with focus on the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full, equal and effective participation in society. This definition emphasises the impact of environmental barriers and attitudes within communities that may limit access and mobility of persons with disabilities, including hindering their ability to carry out certain activities within the workplace. This definition reflects the shift in our understanding of disability, from something that is attributed entirely to the individual, to highlighting the onus on society to eliminate barriers that may limit the full participation of all people in everyday life. Definitions often determine the way we address the issues. By shifting the emphasis away from the individual, we are highlighting the important role that all members of society have a part to play in ensuring that rights are protected for all.

55. The Disability Act 2008 defines a person with a disability as any person who has a congenital or permanent physical impairment, including any sensory impairment, or who has an intellectual or developmental disability, or a person with a loss or abnormality of physiological or anatomical structure or function, or a person with a psychiatric disability and may further include any person certified by a Registered Medical Practitioner approved by the Minister for the purpose to be a person with a disability⁵.

56. The Disability Act 2008 encompasses a Disability Strategy⁶ which under Section 4, aims at detailing the objectives of the Government in respect to persons with disabilities and the provision of disability support services. Section 5 of the Disability Act 2008 includes a provision on consultation with relevant stakeholders representing persons with disabilities and with any other such organisations or individuals. Section 6 of the Disability Act 2008 stipulates that the Disability Strategy be made available to the general public and presented to the Parliament of Cook Islands.

57. The Disability Strategy includes a provision on reporting any amendments or replacement to the Strategy to Parliament every year thereafter. The Minister of Internal Affairs is also responsible for the delegation of a report to the authorities, or Ministries concerned, in relation to the implementation of the Strategy. The report from the Minister to Parliament and from any other Minister to the Minister of Internal Affairs shall include a statement that if any legislation proposed or passed during the preceding report period has or could affect the rights of persons with disability, those rights have been recognised and appropriate provisions have been included in proposed or enacted legislation.

58. The Inclusive Education Policy 2010 aims at, among other things, making education for persons with disabilities mandatory. There is a need for more advocacies amongst schools in Cook Islands to adopt the Inclusive Education Policy to allow for persons with disabilities to be mainstreamed in the school system. There is also a need for Government to make budgetary allocation to progress the policy.

59. The Ministry of Internal Affairs has consulted with relevant disability CSOs and NGOs on their knowledge and application of the rights of persons with disabilities as stipulated by the Disability Act and the Convention on the Rights of Persons with

⁵ Section 2 of the Disability Act 2008 – Interpretation

⁶ Disability Strategy shall mean the Cook Islands National Policy on Disability and National Action Plan 2008 – 2012 endorsed by cabinet in January 2008.

Disabilities. They were also informed of the requirement to report to the UN Committee on the Convention on progress in implementing the Convention. The Ministry of Internal Affairs developed a set of questionnaires that were distributed to outer island CSOs and NGOs and outer islands disability focal officers. Individual meetings and interviews were also facilitated with persons with disabilities for their input to the report.

III. Specific provisions

Article 5: Equality and non-discrimination

60. Article 64 1 (b) of the Constitution of the Cook Islands guarantees that all individuals regardless of their physical characteristics, personal beliefs or any other distinguishing features are equal before the law and have equal protection of the law. The Constitution of the Cook Islands states that “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 – (b) the right of the individual to equality before the law and to the protection of the law”⁷. Section 8 of the Disability Act 2008 provides that every person with a disability shall be entitled to the same rights and privileges as all other people and in particular, those rights granted in the Constitution of the Cook Islands. The Disability Act 2008 under Section 10 states that no person shall discriminate against a person with a disability on any of the following grounds – (a) the physical disability or impairment of the person with a disability; (b) any illness of a person with a disability, whether as part of their disability or otherwise; (c) any psychiatric illness of the person with a disability; (d) any intellectual disability or impairment of the person with a disability; (e) the reliance by the person with a disability on any assistive device including an assistive animal; (f) the presence in the body of the person with a disability of organisms capable of causing illness; (g) the personal status of the person with a disability, which shall include the age, marital or relationship status, gender, or sexual orientation of the person with a disability or whether the person with a disability has responsibilities for others including children or other dependents; or (h) the ethnic or national origin of the person with a disability, which includes nationality or citizenship.

61. Section 9 of the Disability Act 2008 specifies that no person in the Cook Islands may discriminate against a person with disability. Wide education awareness on the rights of persons with disability according to the Disability Act and Convention on the rights of persons with disabilities is ongoing and there is positive acceptance and attitude towards persons with disabilities in the wide community.

62. The Race Relations Act 1972, section 3 prohibit discrimination on the basis of colour, race, or ethnic or national origins of a person. It therefore affirms and promotes racial equality in the Cook Islands and is intended to support the implementation of the Convention on the Rights of Persons with Disabilities.

63. The Constitution of the Cook Islands does not have specific grounds for non-discrimination based on disability. This report acknowledges that the Cook Islands Government will need to consider including “disability” as grounds for non-discrimination in the Constitution. There are currently no affirmative action legislations or policies in place to enhance the status of persons with disabilities in Cook Islands.

⁷ Article 64 1 (b) of the Constitution of the Cook Islands

Article 8: Awareness-raising

64. The Government Disability Office within the Ministry of Internal Affairs is responsible for producing a monthly radio programme on issues pertaining to persons with disabilities. The work of the office also includes disseminating related news to local newspapers, national radio and television. The Disability Office also conducts awareness on the Convention on the rights of persons with disabilities in the outer islands during additional office work missions. The office also provides input to the newsletter by the Cook Islands National Disability Council (CINDC).

65. The Cook Islands National Disability Council produces quarterly newsletters reporting on events and programmes held by various disability groups locally and nationally. It also promotes the principles of the Disability Act and Convention on the rights of persons with disabilities.

66. The Cook Islands Ministry of Internal Affairs, together with the Australia Human Rights Commission, facilitated a human rights training programme focusing on the Convention on the Rights of Persons with Disability and the Pacific Regional Disability Strategy. The aim of the training programme was to increase the knowledge of Disabled Persons Organizations and senior government representatives on the Convention on the Rights of Persons with Disabilities and its accompanying obligations in relation to ratification.

67. The Government Disability Officer also worked closely with the disability desk of the Pacific Islands Forum Secretariat in 2009 to convene the Forum Disabilities Ministers meeting held in the Cook Islands. The outcome of the Ministers meeting saw the realisation of the Pacific Regional Strategy on Disability⁸. Furthermore, the Government of the Cook Islands works collaboratively with the Pacific Disability Forum⁹ through the CINDC in advancing disability-inclusive development in the Cook Islands.

68. The Ministry of Internal Affairs has produced brochures on the Disability Act 2008 and the Convention on the Rights of Persons with Disabilities. The brochures have been translated to the local language – Cook Islands Maori. The brochure was aimed at demystifying the Disability Act 2008 and the Convention on the Rights of Persons with Disabilities and its implications on the people of Cook Islands. The brochures have been distributed to persons with disabilities and their families.

69. The Australian Human Rights Commission and Pacific Disability Forum, with the support of the Pacific Islands Forum Secretariat, convened a training workshop for persons with disabilities in April 2010 in Rarotonga, Cook Islands. The workshop was aimed at linking the CRPD and Cook Islands Disability Act 2008 and national policies on disability to the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC) and Convention on the Elimination of all forms of Racial Discrimination (CERD).

70. Further, to the aforementioned training, Government and Disable Persons Organization representatives are now applying the skills acquired at the workshop in the outer islands of the Cook Islands. These follow-up training sessions are mainly conducted

⁸ Regional Disability Strategy details the action plan of the six thematic areas and monitoring frameworks focusing on issues pertaining to persons with disabilities for forum island countries.

⁹ Pacific Disability Forum is a regional disability organization of and for persons with disabilities in the pacific region.

by the Cook Islands National Disability Council and disabled persons who have successfully gained positive responses from the wider community in the islands. The Community Initiative Scheme is facilitating funding of this awareness activity.

71. The Ministry of Internal Affairs has been facilitating ongoing national forum meetings and workshops on the Cook Islands National Disability Policy, legislation and the CRPD. The key objective of this activity is to raise awareness on Government's commitment to the issue and the need for strong stakeholder partnerships to progress disability inclusive development activities and programmes. The ongoing forum also emphasises the rights-based approach in addressing issues and needs of persons with disabilities.

Article 9: Accessibility

72. Part 4 of the Disability Act 2008 provides a legislative requirement for all buildings and facilities to be accessible for persons with disabilities. The maximum penalty for an infringement of this provision is a fine of \$100,000 and \$10,000 per day for each day of the offence in reference to section 40 of the Act.

73. The Cook Islands National Building Code¹⁰ outlines specific requirements on accessibility for persons with disabilities. It stated that access for people with disabilities must be provided to buildings by means of continuous path of travel – (a) from the boundary allotment; from any car park space on the allotment (whether within or outside the building) – (i) that is set aside for people with disabilities using the building; or (ii) if there are no car park spaces set aside for them, from any car park area that serves the building; and (c) from any other building on the allotment to which access for people with disabilities is required.

74. Parts of building to be accessible: (a) access for people with disabilities must be provided – (i) from the doorway at the entrance floor providing access to any sanitary compartment required for the use of people with disabilities; and (ii) to areas normally used by occupants, excluding any plant room, commercial kitchen, cleaners store room, maintenance access way, rigging loft, or the like; (b) a path of travel providing required access must not include a stairway, turnstile, revolving door, escalator or other impediment which would prevent a person in a wheelchair using it; (c) access, finishes and fittings, including passageways, ramps, step or kerb ramps, passenger lifts, signs, doorways and other parts of the building.

75. However, there is a need to further enforce the implementation of the national Building Code. Inclusive in this process is the need to review the Building Code so it is aligned with the Convention on the Rights of Persons with Disabilities and national policies and legislation on disability.

76. Part 4 of the Disability Act 2008 requires that all public buildings being erected or altered must also provide ways of accessing, parking provisions and sanitary facilities for persons with a disability who may be expected to visit or work in that building.

77. The Cook Islands National policy on Disability and National Action Plan 2008-2012 (as provided in the Disability Act 2008) is targeted towards dealing with issues regarding audit. There is no legislation which provides for the technical guidelines.

78. Plans are underway for a disability audit for all public buildings and facilities. This will be done jointly with Cook Islands National Council for Disability and the Ministry of

¹⁰ Endorsed in 1990

Internal Affairs. The result of this disability audit will provide the necessary information to enhance access for persons with disabilities in all public buildings and facilities.

Article 10: Right to life

79. Article 64 (1) of the Constitution of the Cook Islands stipulates the right of the individual to life, liberty and security of the person and the right not to be deprived thereof except in accordance to law. Article 64 (1) (a) states that “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 the person and the right not to be deprived thereof except in accordance with the law...”. However it does not specifically make reference to persons with disabilities.

80. Part VIII of the Crimes Act 1969 section 171 (1) Everyone who has charge of any other person unable, by reason of detention, age, sickness, insanity, or any other cause, to withdraw himself from such charge, and unable to provide himself with the necessaries of life, is (whether such charge is undertaken by him under any contract or is imposed upon him by law or by reason of his unlawful act or otherwise howsoever) under a legal duty to supply that person with the necessaries of life, and is criminally responsible for omitting without lawful excuse to perform such duty if the death of that person is caused, or if his life is endangered or his health permanently injured by such omission. Therefore, no person may intentionally (directly or indirectly) take the life of another.

Article 11: Situations of risk and humanitarian emergencies

81. The Emergency Management Cook Islands (EMCI) is a statutory arm of Government responsible for issues regarding the protection and safety of Cook Islanders during natural disasters. The EMCI does not specifically address persons with disabilities. In times of disaster, the Cook Islands Red Cross is the fore mechanism in evacuation and assisting people from affected areas with assistance from government and community.

82. Emergency Management Cook Islands’ role is to work collaboratively with the Ministry of Internal Affairs to have their policies and response plans in cases of a disaster. It is envisaged that in future more collaborative efforts will be made to ensure that rights of persons with disabilities are included in the Emergency Management Cook Islands plans and or policies.

83. Currently, there is nothing specific on the protection and safety of people in national emergency protocols. However, a lot of these issues are now being discussed so eventually will become part of government’s ongoing planning processes and operation. This report is of the view that in future persons with disabilities will be included in the development of emergency protocols. The inclusion of persons with disabilities in the development of emergency protocols will be in alignment with the principles of inclusiveness and participation.

84. EMCI’s role is to identify the responsible or leading agency and assist them to ensure they do have their Strategic Operational Plans in place in dealing with humanitarian emergency. The recent cyclone in Aitutaki saw the Red Cross partnering with government to provide the basic essentials to people in the islands inclusive of persons with disabilities. The Ministry of Infrastructure is responsible for relief homes for people in Aitutaki including persons with disabilities. The Ministry of Internal Affairs assisted in the

rehabilitation process including counselling for people in Aitutaki including persons with disabilities.

Article 12: Equal recognition before the law

85. The right of the individual to equality before the law and in the protection of the law is stipulated under Article 64 (1) (b) of the Constitution states “the right of the individual to equality before the law and to the protection of the law” furthermore article 64 (2) states that “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 an 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...”. These rights and responsibilities include persons with disabilities.

86. Subsequently, the Disability Act 2008 states that every person with disabilities shall be entitled to the same rights and privileges as all other persons in particular the rights granted by the Constitution of the Cook Islands.

87. Article 64(1) (c) of the Constitution of the Cook Islands also provides the right of the individual to own property and not to be deprived of those rights except in accordance with the law. There are no express provisions with Cook Island legislation that prevents people with disabilities from full participation in society and controlling their own affairs, such as applying for bank loans, mortgages.

88. Persons with disabilities have been informed on their Constitutional rights through ongoing workshops and training. Consultation with persons with disabilities on their national policies and legislation focused on their Constitutional rights. The result of this consultation is reflected in the Disability Act 2008.

Article 13: Access to justice

89. Part 3 of the Disability Act 2008 provides an avenue for complaints of discrimination against persons with disabilities. Section 16 of the Disability Act 2008 allows for any person, whether a person with a disability, his/her parent, guardian agent or otherwise, to make a complaint to the Ombudsman in any format acceptable to the Ombudsman should they believe there has been unlawful discrimination against a person with a disability.

90. Furthermore, the Disability Act 2008 also requires that a complaint be made within six months of the date of the alleged discrimination, or within such further time as the Ombudsman shall allow. The Ombudsman shall consider the complaint, and after seeking any further information which may be required from the complainant, the Ombudsman shall, decide whether to proceed to investigate the complainant or not to proceed. The Ombudsman may decide not to proceed to investigate the complaint if, the complaint is trivial, frivolous, vexatious or not in good faith, or if in all the circumstances of the complaint, it is unnecessary to take further action¹¹.

91. In cases where the Ombudsman continues with the investigation, the complainant shall be advised and the person against whom the complaint is made that the Ombudsman intends to investigate the complaint and shall : (a) give details of the complaint; (b) invite

¹¹ See Part 3, sections 17-19 of the Disability Act 2008.

the person against whom the complaint is made to respond to the complaint within a period of not less than 21 days; (c) advise the parties that upon receipt of any response or upon expiration of the time allowed, the Ombudsman may seek any further information in relation to the complaint or response; and (d) advise the parties that in absence of any response, the Ombudsman may make a recommendation in respect of the complaint¹².

92. Ways of access for persons in wheelchairs to public buildings such as the Courthouse and Police posts are required under Part 4 of the Disability Act 2008. Section 34 of the Disability Act 2008 lists the provision for access to public buildings and facilities for persons with disabilities apply without any limitation.

93. Furthermore, Part 3 of the Disability Act 2008 provides any complaints in respect of discrimination against persons with disabilities in terms of inaccessibility to public buildings can be made to Ombudsman, who has the authority to investigate any such complaints and can either try to facilitate a settlement between the two parties or any complaint can be referred to the Attorney General under section 27 of the Act for prosecution.

94. Part 5 of the Disability Act 2008 provides where any person commits an unlawful discrimination against a person with a disability, and is convicted by a Judge of the High Court, they may be penalised by a fine of up to \$50,000 or imprisonment not exceeding one year. The Court can also order a person to pay compensation to the aggrieved party of up to \$50,000.

95. Furthermore, inmates incarcerated will be advised of his/her privileges such as legal assistance, even to refuse to be interviewed by the police if they so wish. The Prison system does not have the appropriate resources to address this issue except with the identification of persons with mental disability and the type of risk they pose. The result of this diagnosis is referred to the Ministry of Health for their assistance in the administration of medication and legal aid.

96. There is no provision which determines reasonable accommodations in the legal process that ensures effective participation for all types of persons with disabilities even children and young persons with disabilities in the Justice system in whatever role they may find themselves in. The same also applies to anyone without a form of disability.

97. All provisions above should be accessible in all forms including Braille, sign language, digital and the local language. It is important to note that government does not have the resources to fully ensure that access to information is accessible to persons with disabilities. It will work towards ensuring that persons with disabilities are provided with these means in order to progressively realise the rights that are due to them in this process.

Article 14: Liberty and security of person

98. Article 64(1) (a) of the Constitution of the Cook Islands provides everyone in the Cook Islands the right to life, liberty and security of the person while the Disability Act 2008 ensures that these rights also apply to people with disabilities. The endorsement of the Cook Islands National Policy on Disability and enactment of the Disability Act 2008 support the Constitution of the Cook Islands in ensuring that persons with disabilities enjoy the right to life, liberty and security of the person.

99. Section 8 of the Disability Act 2008 affirms that “Every person with a disability shall be entitled to the same rights and privileges as all other persons, and in particular,

¹² Part 3, section 20 of the Disability Act 2008.

those rights granted by the Constitution of the Cook Islands.” This follows that a person with disability is accorded the fundamental rights and freedoms recognised in the Constitution. Among the fundamental rights and freedoms guaranteed under Part IVA of the Constitution, is the right of an individual not to be deprived of the right to life, liberty, and security of the person – unless in accordance with the law.

100. The Cook Islands has no legislation which permits the institutionalisation or deprivation of liberty for persons with disability. The enactment of the Disability Act 2008 by the Cook Islands and endorsement by Cabinet of the Cook Islands National Policy on Disability and National Action Plan 2008-2012, shows Government’s commitment in firstly, recognising persons with disabilities when formulating its national policies for the Cook Islands; and secondly, providing the necessary support services for persons with disability in accordance to Part 1 of the Disability Act 2008.

101. Persons with mental disabilities who have committed criminal acts or are a danger to the community are removed to more appropriate facilities in New Zealand. Cook Islands government does not have the facilities and expertise to address this issue. This process is done in conjunction with the necessary medical advice, law and consultation with the person’s family and the community.

102. Under the Ministry of Internal Affairs Special assistance programme, persons with severe disabilities who have no residing homes are assisted with standardized accessible houses and if they have families of their own, they are also accommodated there. Caregivers’ allowance is also provided for an approved person caring for them. The Constitution also state an individual’s right to own property and not be deprived thereof except in accordance with the law.

Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment

103. Article 65(1) (b) of the Constitution of the Cook Islands provides that no laws shall be construed or applied so as to impose or authorize the cruel and unusual treatment or punishment of any person. It is a fundamental principle in medical ethics that any procedures or treatment may only be conducted with the informed consent of the patient and guardian is applicable, this is upheld in Article 64(1) (a) of the Constitution.

Article 16: Freedom from exploitation, violence and abuse

104. Article 64(1) (a) of the Constitution of the Cook Islands provides that everyone has the right to life, liberty and security. There exists a draft family law bill which when adopted by Cabinet and Parliament would ensure the protection and safety of persons with disabilities from all forms of exploitation, violence and abuse.

105. The Crimes Act 1969 is the legislation which governs criminal offences against the State. It is applicable to every person who commits an offence committed in the Cook Islands. The general provisions relating to murder, assault, etc – apply equally to persons with disability. What is interesting is section 171 which imposes a duty to provide the necessities of life. It essentially provides that any person who has charge of any other person unable, by reason of detention, age, sickness, insanity, or any other cause – is under a legal duty to supply that person with the necessities of life and can be held criminally responsible for failing to do this. An offence against this section attracts a maximum penalty of 7 years term of imprisonment.

106. The Ministry of Internal Affairs is responsible for the coordination of the domestic implementation of the Convention on the Rights of the Child. Its 2008 – 2011 Strategic Framework introduces the Strategic Plan stating that social development promotes the well being of all people across a wide range of sectors including social support, health, education, employment, and justice and community safety. The Strategic Plan seeks to enhance intervention programmes with new policies, programmes and benchmarks. These programmes focus on social services such as labour and consumer programmes, activities related to gender equality and vulnerable communities including the disabled, the destitute and infirm, migrant workers, children and families at risk, the elderly and women.

107. The Cook Islands Government is in the process of reviewing the gender policy which provides equality and empowerment of women through specific measures under the six priority¹³ outcomes that will cater and recognise girls and women with disabilities activities and programmes upon endorsement by Cabinet.

108. Family mediation is called by Child and Family Division of Ministry of Internal Affairs to all parties involved to help and support a child whether in situations of neglect, violence and abuse and the same applies for children with disabilities. Community support groups also intervene in such cases, whether support is needed for able-bodied people or persons with disabilities.

109. The Ministry of Internal Affairs currently coordinates all disability activities in Cook Islands. It also serves as the Government focal point for disability for Cook Islands and other stakeholders in the region. The Ministry of Internal Affairs is also responsible for providing quality and timely advice on disability inclusive development strategies, work plans, programmes and activities. Included in this approach is the monitoring and evaluation of the inclusive development strategies, work plans, programmes and activities.

110. The Cook Islands National Disability Council is a statutory arm of government responsible for coordinating disabled people's organisation at the national level. The CINDC also represents people with disabilities in Cook Islands to regional and international forums. CINDC works in collaboration with Ministry of Internal Affairs to promote and enhance disability inclusive development in the country.

111. The Disability Act 2008 authorises the Ombudsman to receive, and investigate complaints of discrimination based on a person's disability. There is a provision whereby the Attorney General Cook Islands will intervene should the Ombudsman fail to make a determination. The Attorney General can also decide if the complaint should proceed by way of prosecution for unlawful discrimination to the High Court. To date the Ombudsperson's office has not received any complaint of any kind from a person with disability or their family members of any mistreatment or abuses on them.

112. The Universal Periodic Review (UPR) can also provide for independent monitoring in relation to the full realisation of the fundamental human rights encapsulated under the Convention on the Rights of Persons with Disabilities. The recommendations from the Human Rights Council can be used as a guiding tool for enhancing the status of persons with disabilities. Furthermore, the recommendations can also be used to monitor Cook Islands progress in relation to its commitment to the CRPD and more importantly the full realisation of fundamental human rights for persons with disabilities at the international

¹³ (i) Gender responsive government's programs and policies; (ii) equitable participation of women and men in decision-making and governance systems; (iii) enabling environment for the full participation of women in economic development; (iv) improved capacity of women and men to contribute to climate change adaptation strategies; (v) improved capacity of women and men to address health issues; (vi) elimination of violence against women.

level. New Zealand will, in its second round of reporting on the UPR, provide an update on the status of the rights of persons with disabilities in its report for Cook Islands. Also, the Office of the High Commissioner for Human will compile a report for the HRC and highlight the work done from the first round of recommendations from the HRC. Different human rights issues will attract work from the relevant UN bodies.

113. The Convention on the Rights of Persons with Disabilities also provides for a mechanism in which Cook Islands compliance on its obligations can be measured against. DPOs and CSOs can use the CRPD to monitor their own organisational commitments and obligations towards persons with disabilities at the national level. Regional organisations can also use the CRPD to develop their own regional disability strategies, assist governments in developing rights based approach policies and legislation including implementation, monitoring and evaluation.

114. International treaties acceded to by Cook Islands such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child can also act as independent monitoring instruments for persons with disabilities - in particular women and children with disabilities. The report acknowledges that more needs to be done to ensure that issues pertaining to women and children living with disabilities are adequately covered in the named UN treaties.

115. The Pacific Islands Forum Secretariat Disability Officer provides quality and timely advice on issues relating to disability-inclusive development in member governments. As a member of the Pacific Islands Forum, the Cook Islands may request related assistance from the Forum Secretariat.

116. Counselling services are provided to youth and families of persons with disabilities and by Child and Family Unit of the Ministry of Internal Affairs which works collaboratively with the Ministry of Justice. They also monitor the welfare of such persons and their families in order to identify other necessary support from other supportive agencies.

117. Punanga Tauturu Incorporated, an NGO, also plays a pivotal role in assisting families and or victims of violence in the Cook Islands. However, they are not specifically equipped to provide such services. There is a need to improve this area in particular provision of human and financial resources to provide appropriate and professional services to victims of violence including persons with disabilities.

118. The Cook Islands Crimes Act 1969 provides for prosecution of any act or forms of violent against any person regardless of the situation. Furthermore the Crimes Act, under section 214, states “everyone is liable to imprisonment for a term not exceeding two years who- (a) assaults any child under the age of fourteen years; or (b) being a male, assaults any female. The Crimes Act 1969, section 215, also states that everyone is liable to imprisonment for a term not exceeding five years who, having the custody, control, or charge of any child under the age of sixteen years, wilfully ill-treats or neglects the child, or wilfully causes or permits the child to be ill-treated, in a manner likely to cause him unnecessary suffering, actual bodily harm, injury to health, or mental disorder or disability.

Article 17: Protecting the integrity of the person

119. Article 65 s(1)of the Constitution guarantees all persons who are protected by law against cruel and unusual treatment and therefore any procedures performed on the person can only be undertaken with their fully informed consent.

120. Furthermore, the onus rests with the designated guardian, in ensuring that medical treatment was provided to a disabled person in his/her care. Consent is usually provided by

the next of kin – and applies in other medical cases (not necessarily affecting disabled persons) – for example, those in a coma – requiring further medical treatment (maybe elsewhere in NZ) – but may need to get the consent of next of kin.

121. For this part, there is no related legislation – the Ministry of Health has invoked this method of seeking consent as part of medical practice.

122. Abortion is illegal in the Cook Islands. The Crimes Act 1969 makes abortions in the Cook Islands illegal. Section 202 (1) (2) of the Crimes Act 1969 imposes an imprisonment term of not exceeding 7 years on individuals who causes the death of any child that has not become a human being. It further states that no one is guilty of any crime who before or during the birth of any child causes its death by means employed in good faith for the preservation of the life of the mother.

123. Furthermore, section 203 (1) (a) (b) (2) of the Crimes Act 1969 imposes an imprisonment term not exceeding seven years for intent to procure the miscarriage of any woman or girl, whether she is with child or not, (a) Unlawfully administers to or causes to be taken by her any poison or any drug or any noxious thing; or (b) Unlawfully uses on her any instrument. The woman or girl shall not be charged as a party to an offence against this section.

124. Also, section 204 (1) (2) of the Crimes Act 1969 imposes an imprisonment for a term not exceeding five years for intent to procure the miscarriage of any woman or girl, whether she is with child or not, unlawfully uses on her any means whatsoever, not being means to which section 203 of this Act applies. The woman or girl shall not be charged as a party to an offence against this section.

Article 18: Liberty of movement and nationality

125. All persons born in the Cook Islands are New Zealand citizens as provided for in the New Zealand (NZ) Citizen Act 1977. This includes persons with disabilities. If born outside of the Cook Islands (including NZ), Cook Islanders may apply to be recognised as NZ citizens by descent. To date, no Cook Islands Government has seen any need to have Cook Islands citizenship or nationality laws put in place.

126. The Cook Islands does not issue visas. For most travellers to the Cook Islands, what is generally required is either an entry permit or an exemption from the requirement for an entry permit. Persons who are entering the Cook Islands as bona-fide visitors are not required to hold an entry permit.

127. All non-Cook Islanders can enter the country and may be exempted from holding an entry permit for up to thirty days. All Cook Islanders as defined in section 2¹⁴ of the Entry, Residence and Departure Act 1971-72 can enter and leave the Cook Islands whenever and for as long as they wish. Non-Cook Islanders can apply for permanent residency after living in the Cook Islands continuously for 10 years. Unless incarcerated or prevented from doing so by the judiciary, there are no laws preventing the departure of people from the Cook Islands. The law apply to persons with disabilities as well.

¹⁴ Cook Islander means a person belonging to the part of the Polynesian race indigenous to the Cook Islands; and includes any person descended from a Cook Islander.

Article 19: Living independently and being included in the community

128. There is no system in place which provides personal assistants for persons with disabilities. The Government of Cook Islands is currently working on what it can provide given its limited resources. The priority for the government of Cook Islands is to ensure that persons with disabilities know their rights; better able to access public facilities and services and are integrated into public institutions such as schools.

129. The Ministry of Internal Affairs provide a caregivers allowance to those looking after persons with disabilities. These can be family members of the disabled persons or a qualified person in caring for them. This allowance is paid monthly at NZ\$150. In order to get this allowance, the family has to select their suitable member to be the carer before making application to the Welfare Division of the Ministry of Internal Affairs. The family is also required to obtain a medical report from a medical doctor on the condition of the person regarded as disabled and which requires full time care.

130. Persons with severe forms of disabilities are provided with health and rehabilitative services in their homes. Those services are provided by specialised non-government organizations such as Te Vaerua Community Rehabilitation Service Incorporated, a supportive organization which assist immobile persons with disabilities in their homes making allowance for them to remain within the family environment.

131. There are no options of residential services for living arrangements, including shared and sheltered accommodations which take into account any form of disability at this stage. However, it is envisaged that this will be addressed by the State in the future. Persons with disabilities live with and are cared for by their families, therefore, share everything with them. However, it is only when they are referred on severe medical circumstances to the hospital, that they are admitted to the public hospital where everyone has access– able and non-able people.

132. People with disabilities generally have access to community services and facilities such as hospitals, places of worship, parks, sports and cultural activities and other social gatherings. There is no restriction on anyone in the Cook Islands to any public place where services are provided for everyone. Everyone is at liberty to come and go to any place as individuals or corporately, including persons with disabilities.

Article 20: Personal mobility

133. In order to assist the mobility of persons with disabilities, donated assistive devices are provided by organizations such as the Cook Islands Rotary Club, international Rotary Clubs and other charitable organizations outside of the Cook Islands. However there are still a lot that the country has to pursue in order to cater the needs of persons with disabilities such as signal indicators, street signs. However it is a challenge at this stage as the state has very little or limited resources but government will try and address this in the future.

134. Although this has not been a concern in the past but since the Cook Islands is in the process of reviewing it's Information and Communication Technology (ICT) Policy, consideration to integrate disability has been recommended to the ICT division of the Office of the Prime Minister.

135. This has been a part of the Ministry of Education teacher aide training programme practicum module and is still carried out by the Ministry of Education. With limited resources, the Ministry is taking every step to strengthen this programme with teacher aides across the country.

136. There are no set measures in place in-country, however, in order to get appropriate assistive devices or aids for certain persons with disabilities, specific measurements and needs are taken prior to ordering of equipments to the appropriate suppliers in New Zealand. Generally, assistive equipment is sent to the Cook Islands on a donated basis.

Article 21: Freedom of expression and opinion, and access to information

137. Article 64(1) (e) of the Constitution provides all people in the Cook Islands have the freedom to speech and expression. Article 64(1) (b) of the Constitution provides that all individuals have a right to equality before the law and protection of the law. This would include access to information. Persons with disabilities share the same right as able people to the media whether it be newspaper, television or radio.

138. The Cook Islands Official Information Act (OIA) 2008 has the purpose (a) to increase the availability of official information to the people of the Cook Islands in order to enable their more effective participation in the development and administration of laws and policies.

139. Further purposes of the OIA are, where consist with the principle of the Executive Government's responsibility to Parliament - (a)(i) to enable their more effective participation in the making and administration of laws and policies; and (ii) to promote the accountability of Ministers of the Crown and officials, and thereby to enhance respect for the law and to promote the good government of the Cook Islands; (b) to provide for proper access by each person to official information relating to that person; (c) to protect official information to the extent consistent with the public interest and the preservation of personal privacy.

140. Most of the public documents are accessible to persons with disabilities and at any time they want for their respective purposes which also comply with international requirements.

141. The Official Information Act 2008 provides all people living in the Cook Islands rights to access official information including information held about themselves in medical reports, and health information. Even though this is available it does not specify the need to deliver this information to persons with disabilities via Braille or sign language.

142. Although there are no measures in place to provide accessible information and services for persons with disabilities, the media is open for awareness and reporting purposes of persons with disabilities. All media groups in the country freely air disability issues and welcomes persons with disabilities on national television to raise their issues.

143. A sign language literature had been compiled and recorded by the Cook Islands Deaf Club and is yet to be released to the public. A training class of sign language has also been established. There is no legislative measure in place yet that officially recognises sign language but this will be addressed in future by government in collaboration with the deaf association.

Article 22: Respect for privacy

144. Article 64(1) (a) of the Constitution of the Cook Islands provides that the right of the individual to life, liberty, and security of the person, and the right not to be deprived except in accordance with law. This includes the right of the individual to privacy and a fundamental principle of the medical ethics is the preservation of confidential information.

145. The Ministry of Health has a procedural guideline in treating all information on every person including persons with disabilities confidential. The Cook Islands national database on persons with disability also has information on such persons that is retained where the privacy of persons with disabilities are kept protected.

146. Article 64 (a) of the Constitution of the Cook Islands states the right of the individual to life and security of the person and the right not to be deprived thereof except in accordance with law which also apply to persons with disabilities. Therefore the misconception to conceal persons with disabilities on the basis of protecting their privacy is not acceptable. With the many awareness campaigns on the rights of persons with disabilities, the attitude of people have been positively receptive towards them and they are more visible and accepted in society today.

Article 23: Respect for home and the family

147. The Marriage Act 1973 does not forbid persons with disabilities from entering into a marriage contract. The only situations where a person would need to gain the consent of a guardian or the Court to marry is for minors. Section 8 of the Disability Act 2008 provides that every person with a disability shall be entitled to the same rights and privileges as all other persons in the Cook Islands. Therefore all disabled people within the Cook Islands have the right to marry and make a family in accordance with the law.

148. As Article 64 of the Constitution of the Cook Islands again declares the right of anyone to life, liberty and security so that also gives persons with disability the right to access family planning, assistive reproduction and adoption or fostering program. Also s(d) and s(e) of the same article declare freedom of thought and expression so persons with disabilities are entitled to those rights in deciding what they want to do for themselves.

149. The families of persons with disabilities provide assistance and support to maternal mothers while in the process of raising their children. Also the Public Health Nurses assist all new mothers by visiting them in homes during post natal stages and at such stages when they and their children need to be monitored. Such assistance also applies to persons with disabilities.

150. In rare cases where the mother of the child is unable to care for the child because of the severity of her disability, families will take responsibility for the child.

151. The Ministry of Internal Affairs, through the Welfare system and Child and Family services, provide support for adoption and custody matters to the family and child. Community organization such as child welfare, church and women's groups, disability focus groups give support to parents and families of boys and girls with disabilities by visiting and taking those children to day care centres and even state schools.

152. There is no institutionalisation measure in place for boys and girls with disabilities whose parents are unable to care for them. This matter lies entirely with the families of the disabled child and assistance from the Child and Family Division of Ministry of Internal Affairs in determining the care of the child since the fundamental issue lies in the interest of the child as declared by the Convention of the Child.

153. Article 64 of the Constitution of the Cook Islands again declares that everyone has freedom of thought and conscience, therefore, women and girls have the right to express what they want and do not want to be done to their lives. However, at times families try to make decision for them for protective reasons.

154. The ongoing lobbying for the amendments of the existing policy with the Ministry of Health on voluntary tubulisation (sterilisation) form to recognise women's right to

health. As at date the form has been amended however, practice of health personnel needs to be monitored.

Article 24: Education

155. Education in the Cook Islands, in the main, is provided by government institutions. There are 31 providers including 24 Early Childhood Education (ECE) Centres (predominantly attached to primary and area schools), 13 primary schools, 4 secondary schools and 12 area schools.

156. All private schools, church and independent, receive 100% of the equivalent allocation of funds that they would as a government school from the national budget. All government and private schools are required to be open to both educational and financial audit.

157. Governance for public schools sits with the Ministry of Education. However, each school has its own stakeholder committee which makes decisions on individual school policy.

National summary of enrolment and teacher numbers

158. The total enrolment of students for 2010 is 4186. This continues the annual decline that the Ministry of Education has seen for the last five years from 4573 in 2005. This decrease is consistent across most levels of schooling and geographically. Primary and secondary education in particular shows a continued decline in enrolments while ECE recorded an increase of 5% from the previous year.

159. The total number of teachers this year is 275, which is also the lowest recorded compared with the past five years, with the highest of 292 in 2008. Of note is the decrease in the number of teachers at secondary level. This decrease is not attributed to any one school or region.

Table 3: Total Student Enrolment 2010

	2005	2007	2008	2009	2010
ECE	473	479	470	430	452
Primary	2,201	2,031	1,979	1,940	1,841
Secondary	1,899	1,951	2,017	1,947	1,893
Total	4,573	4,461	4,466	4,317	4,186

Source: Ministry of Education Statistics Report 2010

Note: Data for 2006 is not available due to database error.

160. The Ministry of Education, Ministry of Health and Ministry of Internal Affairs including relevant NGOs and stakeholders have begun discussions on an early identification and intervention system that identify children “ at risk” including children with disabilities early and intervene early. The MoU between these government departments is to be finalised sometime this year.

Early childhood education (ECE)

161. ECE is one of the three main foci of the Ministry of Education for 2008 - 2012. The Ministry has reviewed its approach to the development of ECE with the recruitment of a specialist ECE Advisor and the development of an ECE specific curriculum document. Considerable investment has also been made into ECE specific training and upgrading the qualifications of teachers. The Ministry is investigating the financial implications of lowering the entry eligibility for ECE from 3.5 years to 3 years, in line with the National Sustainable Development Plan (NSDP).

Table 4: ECE Enrolment by Gender and Region 2010

Region	Gender	ECE	% by Gender
Rarotonga	Female	141	47
	Male	160	53
Southern Group	Female	47	41
	Male	67	59
Northern group	Female	19	51
	Male	18	49
National	Female	207	46
	Male	245	54

Table 5: ECE Enrolment 2005-2010

Year	Northern Group	Southern Group	Rarotonga	National
2005	80	119	274	473
2007	57	108	314	479
2008	64	148	258	470
2009	42	125	263	430
2010	37	114	301	452

Source: Ministry of Education Statistics Report 2010

Note: Data for 2006 is not available due to database error.

162. With the implementation of the new curriculum, the focus of the Ministry has been on developing quality teaching practices and supporting teacher qualifications in ECE. National workshops and smaller group tutorials have also been carried out.

163. The Ministry of Education has an Inclusive Education Policy that ensures that early identification and intervention will be finalised by end of June 2011. There will need to be advocacy in schools as well to ensure that every child with disability have access to education. The Ministry of Education is currently working to support all children to attend school and provides support for individual children and their families through classroom based teacher aides. Teacher aides and classroom teacher in return receive support from the Ministry through the Inclusive Education Adviser.

Table 6: Early Childhood Education (Grades 1 and 2)

<i>School</i>	<i>Type of special needs</i>	<i>Gender</i>	<i>Number</i>
Araura Primary	Chronic Health Condition	Female	1
Araura Primary	Multiple disability	Male	2
Saint Josephs	Autistic	Female	1
Avatea	Autistic/ Pervasive developmental delay	Female	2
	Autistic / Pervasive developmental delay	Male	2
Rutaki	Autistic / learning difficulty	Male	2
Black Rock	Speech and language difficulty	Male	1
Oneroa School	Hemiplegic	Female	1
Ivirua School	Speech and language difficulty	Male	1
Vaitau School	Learning Difficulties	Female	2

Total: Females: 7 Boys: 8

Source: Ministry of Education Inclusive Unit

164. Student achievement outcomes are desegregated by gender. There is minimal disparity in access and participation at any level in terms of outcomes disparity has been identified in the lower achievement of boys in literacy. Each essential learning area statement addressing inclusiveness notes the requirement for the curriculum to be gender inclusive. There is a national gender policy.

165. The Preamble of the Cook Islands Inclusive Education Policy (CIIEP), 2010 states that the aims at ensuring that the education system is inclusive, equitable, fair and just and that the teaching curriculum of the MOE is accessible by all children of the Cook Islands.

166. The overarching aim of the policy document is aligned with the definition of Inclusive Education and the spirit of the document and that is to ensure that stakeholders continually engage in dialogue and processes that will bring about changes in school settings to ensure that the school culture is promoting principles of Inclusiveness that builds a system where everyone is “valued and does belong”.

167. Furthermore, the CIEP encourages schools and learning institutions and all Educational Stakeholders to reflect on their policy and practices to ensure that they promote Inclusiveness (a way of living where everyone feels that they belong). The CIRP encourages schools to make the necessary changes in order to recognise the diversity and different educational needs that all children as well as all members of the school community bring with them to a school setting.

168. Currently there are no specific skills training services provided due to the nonexistence of students who are blind and deaf. However there is a mandatory provision given under the Inclusive Education Policy which states that teacher education programmes shall be provided including the: provision of professional development in inclusive education best practices and approaches, for in service teachers through school based professional development sessions; ensuring that inclusive education practices are an integral part of the training college curriculum; completion of a special education course by

trainee teachers as a compulsory part of the training college curriculum; training of teacher aides for the support of teachers in the education of students with special learning and teaching needs and preparation and development of course materials aimed at up skilling in service teachers on special topics.

169. The Ministry of Education works in collaboration with CINDC and other Non Government Organisations in promoting sign language for deaf persons. This is currently piloted in Te Uki Ou School. The Ministry of Education provides support to the initiatives of the deaf society.

170. The Cook Islands Inclusive Education Policy is about personalising education. The broad terms of the special educational needs policy ensure that all schools will take into account the varying degrees of special needs for children in any learning institution or setting. There are guidelines provided by the policy to ensure that education is delivered in the appropriate languages, modes, means of communication and the necessary accommodation made to school environment.

171. Special education needs are defined as : students with sensorial impairment (auditory or visual disabilities); students with intellectual impairment (ranging from cognitive delay to gifted students); students with physical impairment (where mobility or functions requiring motor movements are affected); students with behavioural differences (differences in social, emotional or spiritual domain of development due to various environmental external or internal factors such as childhood trauma or victims of bullying); students with communication differences (e.g. delayed speech, difficulties in language acquisition or other communication disabilities); students with chronic health ailments or injuries that is either congenial or acquired; students with multi disabilities (combination of one or more of the impairments, e.g. a child with visual and hearing impairment is unable to see and hear)

172. There are professional development programmes on disability within the education system to address the educational needs of children with disabilities in schools. The Ministry of Education embarked on a project entitled “Towards inclusive education in the Cook Islands” in 2008 – 2010. The purpose of the training programme was to advocate on the differences between special needs and inclusive education and to collect information to write the new inclusive education policy. The aforementioned training and consultation included all stakeholders and persons with disabilities.

173. There are no available mechanisms in place to collect and analyse data in relation to percentage of children with disabilities in tertiary education and the percentage of students with disabilities by gender and fields of study. However, the Ministry of Education, Ministry of Internal Affairs, and Ministry of Health have developed a data base to collect relevant information with regards to the above.

174. Currently, Ministry of Internal Affairs, Ministry of Health and the Ministry of Education and some NGOs are engaged in a minor project initiative titled “Early Identification and intervention in the Cook Islands”. The purpose of this initiative is to bring about better coordination system for identification and intervention purposes. The outcome of this project will be a MoU that clarifies different roles that each government department and NGOs have agreed to in undertaking the management and administration of the database.

Budget

175. The Ministry of Education develops an annual business plan and budget for consideration by the government appointed budget committee and central agencies. When preparing its submission, the Ministry considers the national priorities and how these can be supported through the education sector.

Table 7: Education Budget Estimates

Financial Year	Government Estimate	POBOCs	Donor AID
2005/2006	\$ 8,729,114.00	\$ 1,040,100.00	\$ 2,850,000.00
2006/2007	\$ 9,178,455.00	\$ 1,252,433.00	\$ 2,250,000.00
2007/2008	\$ 9,938,591.00	\$ 1,316,017.00	\$ 2,150,000.00
2008/2009	\$10,070,622.00	\$ 1,656,076.00	\$ 2,600,000.00
2009/2010	\$ 9,928,085.00	\$ 1,620,079.00	\$ 1,825,000.00

Source: Ministry of Education Statistics Report 2010

Article 25: Health

176. The Ministry of Health strategy (July, 2006) for the next five to 10 year period has four goals:

- (i) Improve and protect the health of all Cook Islanders;
- (ii) Encourage healthier lifestyles and safer environments;
- (iii) Support community developments; and
- (iv) Strengthen infrastructure and health systems.

177. All aspects of the health system can impact on persons with disabilities in one way or the other. The Health strategy highlights a few key objectives specific to persons with disabilities including:-

- To strengthen health support services for older people
- To strengthen health services which supports independence for persons with disabilities
- To strengthen mental health services including alcohol, drugs, tobacco, cessation and gambling services.
- The strategy also notes the importance of intersectoral partnerships...locally with civil society, nongovernmental organisations, community and church groups.¹⁵

Community Health Services

178. The main output of the Community Health Services Directorate is to provide equitable health care services in the community setting with a key focus on primary care services, and preventing and protecting against disease and injury while promoting healthier living for improved population health outcomes. This will be achieved through the provision of safe, quality, evidence base, accessible and affordable preventative and curative health services for all population groups including children, adolescents, adults and older people in schools, churches, the workplace and other community settings.

179. A core public health function is to protect the Cook Islands population from national and international public health threats and emergencies including communicable diseases such as Dengue fever, sexually transmitted infections, HIV/AIDS, and Avian influenza.

¹⁵ The Cook Islands Health Strategy, Ministry of Health, Government of the Cook Islands, July, 2006. Pg. vii

Meanwhile, non communicable diseases are a serious issue. According to the NCD steps Survey conducted in 2004, it revealed that the prevalence of hypertension was 29.5% and diabetes 23.7%; 88.5% of the population is overweight and 61.4% obese¹⁶ and 74% have low level of physical activity.

180. The implementation of the Cook Islands International Health Regulations (CIIHR) 2008-2010 work plan included the establishment of the Event Surveillance and Response (ESR) unit in 2008-2009. Phase 2 will focus on the activation of this unit and activities to ensure the Cook Islands health system will meet CIIHR requirements by 2010. This work will contribute directly to the strengthening of national health surveillance and response systems including border control at all ports of entry, closer working relationships between the Ministry of Health and Ministry of Agriculture and the detection, investigation and management of outbreaks. Other programs include the implementation and enforcement of the sanitation (2008) and food regulations (2008). Programmes focused on the elimination of Filariasis as well as reducing the risk for Dengue fever becoming endemic.

Health Protection Unit

181. The Ministry of Health has procedural system where persons with disability are exempted from fees in all public hospitals only. This means, persons with disabilities are to enjoy free treatment and medicines while the state assumes the costs of those services.

182. Persons with disabilities have access to community health nurses who play a key role as front line social service providers. Close coordination and collaboration with other social services providers, particularly, Internal Affairs welfare officers, and disability centre staff in the outer islands which are important for effective support for persons with disabilities. The health strategy, provides a foundation to build or to building greater support and services for persons with disabilities and improving coordination and collaboration between government agencies as well with civil societies for both the outer islands and in Rarotonga. However, there is a need to encourage health workers to work closely with other social sector workers, particularly those working in disability centres, teachers, and teacher aides.

183. Since the Ministry of Health system prioritizes primary health care, it therefore centres on protecting mothers and children, preventing epidemics and combating common diseases. Clinical services are in place in which public health nurses carry out vaccinations before and after pregnancy in order to safeguard the health of mother and child in public hospitals both in urban and outer islands.

184. The Ministry of Health works in collaboration with NGOs such as Te Vaerua Community Rehabilitation Service Incorporated, Cook Islands National Disability Council, Te Kainga, Creative Centre, Family Welfare Association in support general public health campaigns ensuring and making them accessible to persons with disabilities.

185. There is currently no measure in place to train doctors and other health professionals on the rights of persons with disabilities. However, with the ratification of CRPD by the Government of the Cook Islands, it is envisaged that training will be conducted in the near future since doctors and health professionals have an important part to play in ensuring that the rights of persons with disabilities are upheld. In the outer islands, some doctors and nurses have been involved in the CRPD training programmes and have good understanding of the rights of persons with disabilities.

¹⁶ Cook Islands National Strategy and Action Plan to Prevent & Control non Communicable Diseases, 2009-2014

186. There is no legislation or any measure that provides persons with disabilities free and informed consent on any health treatment. However, Ministry of Health has a standard consent form for sterilisation available to anyone including persons with disabilities who wish to undergo some form of health protection especially high risk patients.

187. There are no measures in place that ensure protection against discrimination in access to health insurance.

188. The Cook Islands National Building Code provides specification on constructing and layout of sanitation facilities for persons with disabilities. It states the requirement to compulsorily comply with the New Zealand Standard 4121 on sanitary facilities. Therefore in compliance, the facilities are both available and accessible to persons with disabilities.

189. The Community Health of Ministry of Health has HIV/AIDS, leprosy and non communicable diseases awareness programs and is only available in plain English and Cook Islands Maori languages.

Article 26: Habilitation and rehabilitation

190. The Ministry of Health and Te Vaerua Community Rehabilitation Service Incorporated are the only existing rehabilitation organisation that deal specifically with the employment of therapists and provision of physical rehabilitation services in the Cook Islands. There currently exists a Memorandum of Understanding between the Cook Islands Ministry of Health and the Te Vaerua Community Rehabilitation Service Incorporated. The purpose of the mutual agreement is to work in cooperative partnership to provide rehabilitation and treatment to persons with disabilities in the Cook Islands at Rarotonga hospital and at their domestic residence and to build the capacity of persons working as health service providers in respect of the provision of services to persons with disabilities.

191. Both the Ministry of Health and the Te Vaerua Community Rehabilitation Service Incorporated agree that it is important to: give persons with disabilities a chance to reach their maximum potential notwithstanding their physical or mental challenges; and all persons with disabilities should have access to healthcare, health services and rehabilitation required to improve the quality of their lives.

192. Furthermore, the goals of Ministry of Health and Te Vaerua Community Rehabilitation Service Incorporated through the memorandum are to: provide a multidisciplinary approach with regards to the provision of rehabilitation services to persons with disabilities at Rarotonga Hospital and within the community; identify equipment requirements for patients and to provide access to resources for rehabilitation for persons with disabilities; provide training for staff working at Rarotonga Hospital in respect of rehabilitation; and collect data regarding the provision of health and rehabilitation services to persons with disabilities for research and development purposes.

193. As part of the collaborative approach to rehabilitation for persons with disabilities in the Cook Islands the Ministry of Health and Te Vaerua Community Rehabilitation Service Incorporated agree to cooperate in: collecting data and providing reports to monitor access to and provision of rehabilitation services; developing and implementing training and capacity building for staff working with persons with disabilities both at Rarotonga Hospital and within the community; provide a multidisciplinary approach with respect to the provision of rehabilitation services to persons with disabilities both at Rarotonga Hospital and within the community.

194. Furthermore the Cook Islands National Policy on Disability and Action Plan 2008 – 2012 has recommended that under objective 8 that the Ministry of Health and Ministry of Internal Affairs conduct an assessment of rehabilitation strategy consistent with the Health

Strategy which calls for strengthened services which support independence for persons with disabilities, consistent with priorities in the Convention on the Rights of Persons with Disabilities¹⁷.

195. The Cook Islands recognises the importance of psychological, social, educational and vocational habilitation. That process should encourage self-reliance, integration or reintegration into society by restoring the individual's potential skills.

196. With joint effort of the Ministry of Health and Te Vaerua Community Rehabilitation Service Incorporated, habilitation and rehabilitation services had been effective with persons with disabilities in day centres, at home or in schools for children with special needs. Persons with disabilities have been receptive to the services given by the therapists.

197. There are five learning centres in the country that train persons with disability life skill lessons with the aim of integrating them into the workforce as well as encourage them to live independent lives.

198. There is a public vocational training centre in Rarotonga for auto mechanics, carpentry and hospitality in which persons with disability are accepted. Even though opportunities are available but persons with disabilities and their families need a lot of encouragement to participate.

199. There is no available or continuous training for professionals and staff working in rehabilitation and habilitation programmes in-country. Training is provided by professionals on contract from New Zealand at the request of relevant rehabilitation group or Ministry of Health. This is an important area for the Ministry of Health to consider and address as soon as possible.

200. External disability-related organizations have generously provided assistive devices and material resources for habilitation and rehabilitation for persons with disabilities especially those with specific needs. However, it is an important issue for Government to address in the near future.

201. Persons with disabilities are taught to use relevant assistive devices and technologies designed for their use by professionals or day centre staff in relation to habilitation and rehabilitation.

Article 27: Work and employment

202. In ratifying the Convention on the Rights of Persons with Disabilities in particular Article 27, the Cook Islands recognised the right of persons with disabilities to work on an equal basis with others. There is currently an Employment Relations Bill in place however, has lacked the inclusion of persons with disabilities in employment and submission has been made to the Parliamentary Committee of the Bill to include persons with disabilities in this Bill by the Disability office.

203. Submission to the Employment Relations Bill Committee involves the inclusion of persons with disabilities and their issues to clauses 2, Part 3, Part 5 & 6 of the Bill so it becomes an inclusive legislation. It is perceived the Bill will be presented to Parliament during its sitting in December 2011.

204. The Employment Relations Bill (ERB) aims to provide fair employment law for employers and employees. The Bill creates a framework for negotiation of individual or collective employment agreements between employers and employees. The Bills sets out

¹⁷ Cook Islands National Policy on Disability and Action Plan 2008 – 2012 : Objective 8.

minimum terms and conditions of agreements, leaving employers and employees free to negotiate other terms and conditions appropriate for their businesses and workplaces.

205. Section 57 of the Employment Relations Bill provides protection coverage for discrimination in employment. Furthermore section 58 of the Employers Relations Bill does not provide any coverage to recognise the rights of persons with disabilities in employment. The prohibited grounds of discrimination under the Employers Relations Bill are (a) race or ethnic; skin colour or appearance; (b) national origin; (c) opinion and belief; (d) religion; (e) gender or sexual reference. In its draft stage, the prohibited ground of discrimination does not cover persons with disabilities, however with the submission made by the Disability Office, it is envisaged that discriminatory against persons with disability will be made in the Bill.

206. The ERB was designed to provide the basic and minimum standards of employment to enable employment parties to negotiate collectively their relevant terms and conditions of employment agreements including individual agreements. The Bill does not differentiate clauses for the several types of employment parties however; it provides the framework for negotiation of individual or collective employment agreements between employers and employees. In its current state, the Bill does not reflect specific clauses targeting employment for persons with disabilities nor a set standard for people with disabilities however, with the submission to include persons with disabilities this will be addressed in the Bill.

207. Section 37 of the Employment Relations Bill provides coverage for all employees that the minimum period of notice of termination shall be one calendar week, Section 41 – In the event of restructuring or relocation, it provides notice to employees affected by the redundancy of not less than four weeks notice provided that such notice is not deemed to run during any period where the employee is on annual leave.

208. The Employment Relations Bill Sections 59 and 60 – provides specific clauses for sexual and racial harassment. Section 59 states that “an employee is sexually harassed in that employees employers or a representative of that employer – (a) directly or indirectly makes a request of that employee for sexual intercourse, sexual contact, or other form of sexual activity that contains – (i) an implied or overt promise of preferential treatment in that employees employment; or (ii) an implied or overt threat of detrimental treatment in that employees employment; or (iii) an implied or overt threat about the present or future employment status of that employee; or (b) by – (i) the use of language (whether written or spoken) of a sexual nature; or (ii) the use of visual material of a sexual nature; or (iii) physical behaviour of a sexual nature, - directly or indirectly subjects the employee to behaviour that is unwelcome or offensive to that employee (whether or not that is conveyed to the employer or representative) and that, either by its nature or through repetition, has a detrimental effect on that employees employment, job performance, or job satisfaction”. With the written submission from the Disability Office, we are confident prevention of harassment of persons with disabilities will be covered by the Bill.

209. The Race Relations Act 1972 section 5 prohibit discrimination in employment by; (a) refusing or omitting any person on work of any description which is available and for which that person is qualified (b) refuse or omit to offer or afford any person the same terms of employment, conditions of work, and opportunities for training and promotion as are made available for persons of the same qualifications employed in the same circumstances of work of that description; (c) to dismiss any person in circumstances in which other persons employed by that employer on work of that description are not or would not be dismissed by reason of the colour, race or ethnic or national origin of that person as defined by section 3 of the Act.

210. The Department for National Human Resources have vocational training centre that offers training to the public including persons with disabilities in auto motive mechanics, hospitality and carpentry. A Government Ministry has recruited some young men with disabilities on two outer islands and is training them in automotive mechanics. This is a good example of engaging persons with disabilities in the work force.

211. Affirmative responses will be concluded only after the necessary data collection and survey is conducted by the Cook Islands National Disability Council and relevant stakeholders. This role is not part of the Labour Office's responsibilities.

212. Part I of the Bill provides for freedom of association thus providing all employees the rights to belong to any trade unions to promote their trade union rights and so forth therefore, this will include persons with disabilities in the workplace.

Affirmative responses will be concluded only after the necessary data collection and the relevant stakeholders carry out the necessary survey as none was carried out.

213. The Disability Act, section 13 states that "where any employee is a person with disability, it shall be unlawful for an employer, or person acting on behalf of an employer, by reason of the disability of the employee, to terminate the employment of that employee, or to subject the employee to any detriment, in circumstances in which the employment of employees employed in similar work would not be terminated or in which other employees employed in similar work would not be subjected to such detriment".

214. In celebrating the annual International Day for Persons with Disabilities, persons with disabilities hold exhibitions at which their products and artefacts are sold. This initiative is conducted throughout the Cook Islands on this day as well as on other national or island commemorative days in the Cook Islands. Persons with disabilities are encouraged to continue making various products in order to utilise their skills.

215. Once a disability audit is conducted with various data collected by the Ministry of Internal Affairs and CINDC, there will be a clear indication of how many students with disabilities have the same access to the general labour market as students without disabilities.

216. No initiative has been carried out but this will be an area that the Ministry of Internal Affairs and CINDC will address in future when conducting disability audit.

Article 28: Adequate standard of living and social protection

217. The Welfare Act (Cook Islands 1989) provides relief to "destitute person and infirm person". The Welfare Amendment 1989, No. 34 defines "blind persons" as a person so blind as to be unable to perform any work for which eyesight is essential and (b) "infirm persons" also includes any blind person.

218. The Cook Islands Government provides a Special Assistance fund to assist with building access ways into homes of persons with disabilities. This includes building accommodation for them in particular those persons with disabilities who have no home of their own. Provision of proper sanitation facilities are provided in this project too. There is criterion to be adhered to in order to qualify for this assistance.

Table 8: Number of Recipients of Special Assistance Projects 2006-2010

Year	2004	2005	2006	2007	2008	2009	2010
Special Assistance Projects	17	17	8	12	16	17	10

Source: Ministry of Internal Affairs

219. With limited resources, the Ministry of Internal Affairs also provides special funding for special or appropriate devices for persons with disabilities which is covered under the Special Assistance policy of the Ministry.

220. Welfare Benefit is administered by Ministry of Internal Affairs and can be accessed by persons with disabilities for their livelihood. This welfare benefits has been in place since 1967 and has consistently supported many families and individuals with disabilities over the years.

221. There are no current public housing programmes in place for the purpose of persons with disabilities. The welfare benefit supports them for the rest of their lives if they are unable to get employment. Day programmes are available in the Life Skill and Learning Centres for persons with disabilities.

222. The Cook Islands, a high income country with a population of just under 16,000 is considered a developing nation with a GDP of \$14,623 per capita at current price and \$11,902 per capita at constant price.¹⁸ Persons with disabilities are looked after by families with the financial support by Government towards their welfare.

223. The Cook Islands Household Income Expenditure Survey 2006 explains that poverty in the Cook Islands is a relative concept, it therefore refers to those households and people who cannot afford to have basic necessities of life compared to their neighbours.

224. Although disability is known to be a cause and consequence of poverty, the Government of the Cook Islands is aware of the immediate need to put measures in place to discover the connection between poverty and disability. It is envisage that the Prime Minister's office work together with the Ministry of Internal Affairs to attend to this important task in the future.

Table 9: Number of Recipients of Infirm Allowance 2006-2010

BENEFIT	2006	2007	2008	2009	2010
Infirm	221	232	228	230	227

Source: Ministry of Internal Affairs (INTAFF)

Article 29: Participation in political and public life

225. In ensuring that all citizens of the Cook Islands enjoy equally the basic rights that are guaranteed by the Constitution and, in particular, the right to participate in political and public life, Article 28 provides for the right of the individual to equality and protection before the law. Furthermore, Article 64(1) (f) of the Constitution provides for the

¹⁸ Cook Islands Statistical Bulletin 2010.

fundamental human right to freedom of peaceful assembly and association. This same right applies to persons with disabilities.

226. In addition, the Electoral Act 2004 section 60 states that “blind, disabled or illiterate electors – If at any polling booth any elector is blind, or is unable to read or write (whether because of physical handicap or otherwise), and so desires, the Presiding Officer shall, together with any scrutineers present not exceeding one for each candidate, and if necessary an interpreter, retire with the elector into the inner compartment and there in the sight and presence of Presiding Officer and scrutineers’ mark the voting paper according to the instruction of the elector, and the Presiding Officer shall sign his or her own name at the foot thereof”.

227. Furthermore, section 61 of the Electoral Act 2004 stated on “special care electors unable to attend polling booths – (1) If any elector is precluded by reason of old age, illness or disability from attending at any polling booth, that elector shall in writing, no later than noon on polling day, apply to the Returning Officer for a certificate enabling the elector to vote as a special care elector”.

228. The Electoral Amendment Act 1998 makes provision for electors who are physically disabled to register as electors. Special provision is also made for blind, disabled or illiterate electors or those who are of old age or who are ill to vote. The Electorate Amendment Act 1999 provides for special consideration for blind, disabled or illiterate electors. Section 8L also of the Electorate Amendment Act 1999 provides that where for the purpose of a petition, any elector is blind or is unable to read or write (whether because of physical handicap or otherwise), his declaration may be signed by the Presiding Officer. Section 8M also of the Electorate Amendment Act 1999 further provides that electors by reason of old age, illness or disability are unable to attend a place for the conduct of a petition, may be registered as a special care elector. This section also applies to blind, disabled or illiterate electors.

229. Sections 60 and 61 of the Electoral Act 2004 provides for procedures in situations where a person may be unable to attend the polling booths or unable to fill out the voting forms, where on a polling day the Presiding Officer or Returning Officer can make various arrangements.

230. Section 60 of the Electoral Act 2004 provides that if any elector is unable to read or write (due to physical handicap or otherwise), and wishes to vote, the Presiding Officer with any scrutineers present enter into the polling booth and in the sight and presence of the Presiding Officer and scrutineers mark the voting paper according to the instruction of the elector with the Presiding signing their own name at the foot.

231. Section 61 of the Electoral Act 2004 provides if any elector is unable to attend polling booths due to old age, illness or disability they may write to the Returning Officer for a special care elector certificate. The Returning Officer is to make arrangements to provide a mobile booth.

232. In the outer islands, the same procedures stipulated by sections 60 and 61 of the Electoral Act 2004 also apply as Returning Officers and officials are trained by the national Electoral office to carry out electoral duties on those islands.

Article 30: Participation in cultural life, recreation, leisure and sport

233. The Ministry of Cultural Development Act 1992 is generic and does not make any distinctions between disabled and abled people.

234. The Ministry of Education supports funding request for project initiatives by the Cook Islands Society for Hearing Impaired. The Ministry of Education has in partnership

with the University of the South Pacific facilitated sign language courses for families with disabilities – especially those with hearing impairments.

235. The Rarotonga based Cook Islands Creative Centre Trust has developed a programme with the objectives that include personal goal and career pathway, greater community participation and employment opportunities. The Cook Islands Creative Centre Trust is a disability support NGO that offers a full time day programme for adults with disabilities. It has also provided a respite unit for members below the age of 16. It aims to achieve an environment in the Cook Islands where able bodied peers treat people with disabilities as equals through developing prevocational / vocational skills and support those in the centre and in paid employment, teaching independent living skills, providing rehabilitation services, developing and implementing alternative communication programmes, increasing public awareness and ensuring all activities are inclusive.

236. The Centre engages in a range of activities including public awareness raising, advocacy, community access, and rehabilitation programmes, and offers daily health meals and nutritious lunch meals using local products. The Centre provides post secondary school training and life skills programme for young people and adult with disabilities.

237. All major venues in the Ministry of Cultural Development (National Museum, national Library, National Archives and the National Auditorium) have good access for persons with disabilities. Unfortunately the office of the Secretary of Culture and the Auditorium stage is inaccessible.

238. The newly established national Telecom Sports Arena is fully accessible to persons with disabilities with accessible facilities provided to accommodate their needs.

239. The Intellectual Property laws for the Cook Islands has not been enacted, thus Government sees an opportunity for persons with disabilities issues to be included in the consultation process. The enactment of the Intellectual Property Law will allow persons with disabilities to have access to cultural materials and to participate at the international level.

240. There is no current measures to promote deaf culture, however, a group of volunteers working with persons with disabilities have started the Cook Islands Deaf Club which promotes sign language classes and fund raise to help with their programmes.

241. The Cook Islands National Olympic Committee recognizes the value of sports inclusiveness. The Southern and Northern Group of the Cook Islands organize annual athletics including persons with disabilities. Persons with disabilities compete on an equal level with able bodied people and are rewarded accordingly on the medals tally.

242. Children with disabilities are included in recreational, leisure and sporting activities including access to sporting facilities. The Education system provides ‘special needs’ classes for those who need assistance with learning. There is a need for the Education system to strengthen the right to participation in play, recreation, leisure and sport for persons with a disability. These will be in line with the Convention on the Rights of the Child which the Cook Islands had ratified.

IV. Specific provisions for women and children

Article 6: Women with disabilities

243. In the Cook Islands initial report on the implementation of CEDAW, Government realises that the advancement of women is a cross-cutting issue in all its work. However more work is needed to ensure all women benefits from the economic and social changes.

There exists a draft Family Law Bill 2010 that seeks to ensure that all matters related to family relations included in this Bill are consistent with the Cook Islands' commitments to human rights and gender equality, and specifically to:

- (i) enact provisions consistent with the United Nations Convention on the Elimination of Discrimination against Women; and
- (ii) enact provisions consistent with the United Nations Convention on the Rights of the Child; and
- (iii) enact provisions consistent with the United Nations Convention on the Rights of Persons with Disabilities.

244. Government has endorsed the National Policy on Gender equality and empowerment of women and Strategic Plan of Action 2011-2016. The Policy has four objectives: (1) define agreed priorities for empowering women and achieve gender equality (2) create an enabling environment for translating Government commitment to gender equality and women's human rights into reality (3) align national plans to implement Government's international and regional commitments on gender equality and women's empowerment (4) define a mechanism for monitoring and reporting on the progress in line with the Cook Islands commitment to regional and international state obligations.

245. The Cook Islands has made great strides in reducing the maternal mortality ratio and infant mortality rate and the reproductive health standards are good. The prevalence of contraceptive use is approximately 44%. However the adolescent fertility rate is as high as 68 births for 1000 women among women aged between 15 to 19 years.¹⁹ In addition, concern remains in the consistent prevalence of STI's among our younger men and women which reach 46%.

246. The Constitution of the Cook Islands declares that fundamental human rights are to be enjoyed by both gender. However, contrary to the given constitution provisions, there still exists persistent gender inequalities in relations that need to be addressed for the full realisation of fundamental human rights.

247. Girls and women with disabilities are twice or three times disadvantaged as their male counterparts, they are treated differently because they are women, disabled and further if they are living in the outer islands, from limited access to special care services, inadequate infrastructures, prejudices, high dependency to their relatives, and exclusion from civil, political, economical, social and cultural lives. Accessing Government social welfare benefits is not enough; they have the right to live a fulfilling life and participate in the development and benefits of their communities. Special measures need to be taken for promoting their education, develop their skills, access employment, and participate in the governance system as much as their condition permitted²⁰.

Article 7: Children with disabilities

248. Even though children's rights have been made more visible in the Cook Islands Inclusive Education Policy 2010 - specifically in the IEP (Individual Educational Plan) process that defines an IEP as "...a plan, developed by the student and /or family , teacher, teacher aide, and any other people who support the student..." (The Cook Islands Inclusive Education Policy 2010; pg 34) there is still more work needed to be carried out on

¹⁹ ADB. Gender Profiles of Asian Development Bank's Pacific Developing Member Countries, 2008.

²⁰ Cook Islands National Policy on Gender Equality and Women's Empowerment, May 2011.

advocacy for these rights and the recognition of this policy in terms of its impact on the changes it implies in school culture.

249. It is the view of the Ministry of Education that the rights of students with disabilities as always have been enshrined within the Education Act 1986-87, and in all its policies e.g.- Special Needs Education Policy, 2002, and strengthened in the new Cook Islands Inclusive Education policy and also Education Master plan 2008-2023. The documents does not discriminate between any student- wherever the mention of the word “student”, “learner” “children”, ‘child” in any law or policy, this would generally refer to ALL students, learners, or children of the Cook Islands. The education policies emphasise the word ALL to mean all children [including children with disabilities no matter how severe their disabilities are]

250. The Ministry of Education acknowledges that school cultures need to change to effect these changes as even children without disabilities may still find that the disciplinary measures and policies in the current school culture may not allow children to express themselves freely in any school.

251. The differences in the situation among boys and girls with disabilities depends on the severity of the child’s disability. However there is an open policy in education where children with disabilities are expected to attend school regardless of their disability. The Cook Islands Inclusive Education policy 2010 takes into account the differences in disability amongst children and has put in place special measures which accounts for special needs of children with disabilities.

252. The Cook Islands Inclusive Education Policy 2010 and the Education Master Plan 2008-2023 does not specifically mention boys and girls or children with disabilities– it is expected that wherever the Ministry of Education Act 1986-87, policy or master plan appears the word “children” or child or student as mentioned in the above would generally apply to ALL children of the Cook Islands.

253. The Ministry of Education is mindful that the above may not be so in schools however, the new policy will advocate on the rights of ALL children to be regarded as rights bearers inclusive of children with disabilities.

V. State party obligations

Article 31: Statistics and data collection

254. The Cook Islands is aware of the importance of collecting statistics, data and research, and the part they play in devising strategies, policies and programs that will ensure the advancement and protection of persons with disabilities. The process of collection and use of statistics also complies with internationally accepted practices and principles.

255. Since the Ministry of Internal Affairs, Health and Te Vaerua Community Rehabilitation Service Incorporated have reviewed the national data base to align with international standard, it is envisage that more information on persons with disabilities will be captured to enable policy makers to formulate policies, budgets and implementation by all.

256. In the Cook Islands, data is collected on every man, woman and child, able and disabled in every national Population Census. A question on disability is included in the national Population Census and this is to gauge the size or extent of the disabled population and to develop a survey frame so that researchers and agency responsible for disability can

further collect information on living conditions of disabled persons, or obstacles that affect their lives, programmes and services available to disabled persons.

Article 32: International cooperation

257. The Cook Islands recognizes the support international partners give towards persons with disabilities and their organizations. Under their harmonized funding packages, NZAID and AUSAID have included persons with disabilities and their organizations as one of the core groups to be funded in their programmes. The harmonised programme has human rights as a cross cutting theme and core funded NGOs with a disability component include support for the Disability Action Team, Creative Centre and the Cook Islands Red Cross. The Disability Action Team was instrumental in promoting the rights of persons with disabilities.

258. Under the Department of Humana Resources in-country scholarship scheme and in collaboration with the University of the South Pacific (Cook Islands), the Cook Islands have engaged with the Southern Institute of Technology (SIT) of Invercargill, New Zealand in conducting training towards the Cook Islands National Certificate in Community Service.

259. The course involves training and practical components for all involved in disability and health work. This training is delivered in the Cook Islands using New Zealand Qualification Authority (NZQA) standards. This National Certificate training will also provide a solid foundation and encourage Cook Islanders to continue ongoing study. This is a four-phase training course which runs for just under two years and persons with disabilities are involved in this course.

260. The New Zealand Head of Mission Fund (NZHMF) and Community Initiative Scheme (CIS) guarantee funding provisions for NGOs including organizations of persons with disabilities. These funds are mainly to support projects and programmes administered by persons with disabilities in the country. Disability focused organizations can apply directly with the office of the New Zealand High Commission in country for the Head of Mission fund.

261. As for the CIS fund, there is a Board set up by Government responsible for this fund and organizations of persons with disabilities can apply to the coordinator of the scheme for any of their projects with the Ministry of Finance and Management. Persons with disabilities are one of seven priority areas of the Scheme. There is a limit of \$20,000 per project (in exceptional cases the limit is \$50,000) for the amount an organization can apply at any one time, provided they abide by the criteria set for the fund. CIS funded a number of disability projects which brought services to people with disabilities who had previously had no recognition and no access to support. Community awareness of disability has increased.

262. However information of this funding package needs to be disseminated to the northern group as well as technical assistance provided in order for the northern group islands organization of persons with disabilities have the knowledge to access this fund.

263. Upgrading of facilities in one of the Outer Island Disability Learning Centre and core fund support to a disability focused organization on Rarotonga are two projects conducted with the purpose to up-skill persons with disabilities life skills. The current fiscal year has seen an approval of 16.9% from a total budget of \$300k allocated to all non government organizations and civil society including Persons with disabilities from the Community Initiative Scheme.

Cook Islands Creative Centre Trust

264. The Cook Islands Creative Centre Trust (CICCT) is a disability support NGO that offers a full-time day programme for adults with disabilities. Its mission statement is “to support and encourage members to develop their skills and personality as part of achieving their full potential”. It aims to achieve an environment in the Cook Islands where able-bodied peers treat people with disabilities as equals through developing per-vocational/vocational skills and support to those in the centre and in paid employment, teaching independent living skills, providing rehabilitation services, developing and implementing alternative communication programmes, increasing public awareness and ensuring all activities are inclusive.

265. NZAID’s decision to fund the CICCT arose from a recommendation in the Cook Islands Disability Design Study in 2004. The NZAID funding arrangement covers partial core funding for personnel (a full-time coordinator, a disability worker and a part-time administrator), administration and programme expenses, and replacement of materials and equipment destroyed by cyclones Percy and Olaf (in 2005/06). NZAID has provided \$280,000 since 2005-2006.

Table 10: NZAID Funding to the CICCT 2004/05-2007/08

Year	Amount (\$)	Cumulative Total (\$)
04/05	0	0
05/06	120,000	120,000
06/07	80,000	200,000
07/08	80,000	280,000

Source: NZAID- AMD Division

The objectives of the funding include:

- to contribute to the inclusion of people with disabilities in Cook Islands society;
- to increase public awareness of the needs and acceptance of people with disabilities;
- for CICCT staff to act in an ethical and professional manner;
- to be an effective and efficient organisation.

Disability Action Team (DAT)

266. The Cook Islands has made significant strides in promoting an inclusive society. The Government became a signatory to the Asian and Pacific Decade for the Disabled Person in 2000 and formed a Cook Islands National Disability Council. It launched a National Policy on Disability and a National Action Plan in 2003 after consultation and work by government agencies and members of the CINDC with support from UNESCAP. The policy articulated fourteen objectives and under the various tasks noted the involvement of government agencies (MIA, OIA, DNHRD, MOE, MFEM, MOH, NSO), outer island Councils, the CINDC and the Cook Islands Creative Centre Trust.

267. A report²¹ on how NZAID might support the implementation of the Cook Islands National Policy on Disability (2003) & National Action Plan (2003-2008), identified a clear need to address issues of coordination, capacity building, implementation of the policy and

²¹ McCullouch, Rebekah, 2004 Cook Islands Disability Design Project Report – A report prepared for NZAID.

action plan and advocacy. It proposed that the way forward was to establish a Disability Action Team (DAT) as an NZAID/Cook Islands Government project. The team was to work closely with people with disabilities and relevant government and non-government agencies.

268. The project became operational in August 2005 with four objectives:

- establishment, coordination and on-going support of local and overseas networks
- capacity building for key stakeholders including people with disabilities, families, Cook Islands National Disability Council (CINDC), Island Disability Committees, government ministries and departments, disability NGOs and other relevant partners
- awareness and education for key stakeholders
- advocacy for disability issues.

269. The Disability Action Team comprised three people: a Team Leader, an Administrator/ Development Worker and a NZ Disability Specialist, all contracted to NZAID and managed by a Project Coordinating Committee comprising the Cook Islands Government (MIA), the CINDC and NZAID.

270. Over the four year period NZAID has provided almost \$500,000 to the DAT Project. This has been used to fund the team members, administration and overhead costs, capacity building and two national conferences.

Table 11: NZAID Assistance to the DAT Project 2004/05-2007/08

Year	Annual Total (\$)	Cumulative Total (\$)
04/05	20,993	20,993
05/06	193,721	214,714
06/07	163,644	378,358
07/08	116,010	494,368

Source: NZAID

271. During NZAID's recent review for CIS, disability focused organizations and persons with disabilities were very much involved in the consultation process. The review looked at how effective the scheme had been in assisting organizations of persons with disabilities, their programs and how they perceive it to be of greater assistance to them in the future. It has been recommended that the Ministry of Internal Affairs is the appropriate ministry of government to coordinate this fund in the next financial year since this Ministry coordinate funding assistance towards all non government organizations including disability focused organizations.

272. One affirmative action that is in place is that all cabinet submissions must take into consideration the social impacts of policy decisions including those of persons with disabilities. A good example of inclusion is the Ministry of Education's Inclusive education policy where children with disabilities are mainstreamed into the formal education system.

273. The inclusion of issues on persons with disabilities in the National Sustainable Development Plan (NSDP) (2007-2010) is another affirmative action that Government made. Under Goal 1 of the NSDP (2007-2010), it strategized the need for increased community based support for persons with disabilities, aged and other beneficiaries. Government has initiated this through the numerous supports toward persons with disabilities in the form of welfare benefits, organizational and individual project funding.

274. The degree of participation by persons with disabilities in the design, development and evaluation of programmes and projects is based on the partnership between the Ministry of Internal Affairs and National Disable Persons Organizations. A good example of this is the newly developed database framework between Te Vaerua Community Rehabilitation Service Incorporated in collaboration with the Ministry of Internal Affairs, Ministry of Health and Education, Office of the Prime Minister and the national Statistics office. Government is in the process of linking all its agencies data so information can be accessed by all in relevant areas in the process of policy and program development at the national level.

275. The Creative Centre in partnership with the Ministry of Education has developed a vocational training curriculum. The curricular was collectively developed by staff of Creative Centre and persons with disabilities for people with disabilities. The Department of National Human Resources have partnered with Te Ao Aroa Group, a disability support group, in working towards accreditation and physio rehabilitation for persons with disabilities, carers and service providers.

276. There is indeed a need to build capacity of mainstreaming disabilities into national and local programmes. Currently disabilities mainstreaming is minimal and sometimes approached as an afterthought. Ideally, we would like to mainstream disabilities better into policy decisions. While during the preparation of cabinet submissions head of ministries are meant to consider disabilities as part of the social implications. There is awareness of disability mainstreaming in infrastructure development but this needs to be strengthened. There needs more awareness building on why disabilities should be mainstreamed and improved checks and balances as to how this can be done.

277. The Cook Islands Government is aware of the need to put more effort in linking the Millennium Development Goals to the Convention on the Rights of Persons with Disabilities. Although persons with disabilities and their issues are mentioned under Goal 1 of the NSDP but there is still a need to ensure that disability issues linked to the MDG are adequately covered - such as education, health and gender. However, there has been some progress in the achievement of education goals.

Article 33: National implementation and monitoring

278. The Ministry of Internal Affairs is Government's focal point for matters relating to the implementation of the Convention on the Rights of Persons with Disabilities. The Ministry of Internal Affairs currently employs a Disability Officer who is mandated to advance the Convention on the Rights of Persons with Disabilities. The Ministry of Internal Affairs works in partnership with Ministries of Education, Health and Infrastructure for matters relating to the implementation of CRPD. While each Ministry has responsibility for specific areas of the Convention, all work in close partnership. The Disability Officer within the Ministry of Internal Affairs also works in partnership with disability focus organisations in advancing the CRPD, developing work plans and activities to advance the CRPD.

279. According to the CINDC national action plan, it will continue to be an advocacy body for persons with disabilities, and a convening and coordinating body for disability stakeholders in the Cook Islands including government agencies, NGOs, church groups to ensure the issues affecting persons with disabilities are adequately addressed.

280. In the preparation of the CRPD report the Ministry of Internal Affairs conducted a one day meeting with relevant disability stakeholders on the government report. The disability focal officer also liaised with outer island Members of Parliament and Island Council members with their views on the government report. Questionnaires were

developed and sent to outer island disability focal officers for their input to the national report. Women and girl child with disabilities were also interviewed with regards to their views on disability issues in Cook Islands.

Conclusion

281. This report marks an important step for the Cook Islands. There are some areas where persons with disabilities and their issues are making progress, such as Education, Health and Internal Affairs. Progress in some areas is slow but gradual. Constitutional and specific legislation on disability provide protection from discrimination for persons with disabilities which also guarantee their full participation in all areas of social and family life.

282. Government recognises the need for more work to be done and is committed to making more progress to meet the specific needs of persons with disabilities in the Cook Islands. Many challenges still remain, especially dealing with environmental issues, transportation issues, training institution issues and securing persons with disabilities safety.

283. The good work of disability organizations and other NGOs to promote the development and advancement of persons with disabilities will continue to be supported by Government so that all people of the Cook Islands can advance forward together.

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