



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Consideration of reports submitted by States parties under article 44 of the Convention

Initial reports of States parties due in 1999

**Cook Islands\***

Addendum

Updates on the 2002 to 2008 period

[5 November 2010]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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## Abbreviations

ACP	African Caribbean and Pacific
CFSD	Children and Family Services Division
CLO	Crown Law Office
CSA	Child sexual abuse
CSEC	Child sexual exploitation
CSS	Country Support Strategy
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
EDF	European Development Fund
INTAFF	Ministry of Internal Affairs
JCPC	Juvenile Crime Prevention Committee
MDG'S	Millennium Development Goals
MOE	Ministry of Education
MFAI	Ministry of Foreign Affairs and Immigration
MOH	Ministry of Health
MOJ	Ministry of Justice
NCDs	Non communicable diseases
NGO	Non-governmental organization
NHRD	National Human Resources Department
NSDP	National Sustainable Development Plan
NZAID	New Zealand Development Assistance
OIDP	Outer Islands Development Programme
OPM	Office of the Prime Minister
PPSEAWA	Pan Pacific South East Asia Women's Association
PTI	Punanga Tauturu Inc.
RRRT	Pacific Regional Rights Resource Team
SENZ	Sports Education in New Zealand
TVET	Technical vocational educational training

## **I. Introduction**

1. The Cook Islands welcomes the opportunity to submit this addendum to the initial report to the Committee on the Rights of the Child. It covers the period January 2002 to December 2008.
2. This addendum report updates a range of measures - including legislative, administrative and judicial - adopted during 2002 and 2008 that gives further effect to the provisions and underlying principles of the Convention on the Rights of the Child.
3. Given that this report is short in nature and covers a seven-year period, the approach taken is not to provide an exact historical record of each and every activity but to focus on the most relevant and/or current initiatives being undertaken to improve outcomes for children and young people living in the Cook Islands.
4. Importantly, descriptions of the progress towards lifting of Cook Islands three reservations to the Convention are provided.
5. The Cook Islands looks forward to being able to address, in detail, any of the matters discussed in this report during its presentation to the Committee on the Rights of the Child.

## **II. Purpose and rationale**

6. The Cook Islands acceded to the Convention on the Rights of the Child on 6 June 1997 and prepared an initial report that covered the period after accession to 31 December 2001.
7. Prior to accession, the Ministry of Foreign Affairs and Immigration (MFAI) completed a comprehensive review of existing legislation to ensure that Cook Islands law was in compliance with its provisions and a number of legislative changes were recommended and three reservations to articles 2, 10 and 37 as well as three declarations and a general declaration on the non-direct effect of the Convention in the Cook Islands; article 2, paragraph 1; and a general declaration regarding articles 12 - 16 were entered.
8. The Cook Islands Government has strived to undertake a thorough review of existing legislation and policies to ensure that the Cook Islands are in compliance with the Convention and further wishes to allay concerns that the Convention was foreign to Cook Islands cultural practices and traditions.
9. The Cabinet endorsed the initial national report on the Convention on 1 April 2008 and noted the preparation of the addendum to the initial report (CM 08 182).
10. This addendum closely follows the form and structure of the initial report. A number of annexes are provided for the consideration of the Committee on the Rights of the Child and these include recent facts and figures on the Cook Islands (annex 1) and a revision of all tables to reflect changes during the review period. The rest of the annexes describe major changes in the areas of health, education and disabilities in particular that will impact positively on children.
11. The Ministry of Internal Affairs (INTAFF) is responsible for co-coordinating Convention-related activities including reporting to the Committee in close collaboration with MFAI, Office of the Prime Minister (OPM) and Crown Law Office (CLO), as well as other relevant stakeholders. The National Convention on the Rights of the Child Body has been inactive during this review and INTAFF is looking to rejuvenate this organisation.

12. Stakeholder consultations and discussions on the Convention commenced recently with the participation of the Solicitor General from CLO and INTAFF, Director of Youth attending the Sub-regional Meeting on Legislative Reform and the Convention, conducted by UNICEF, the Government of Vanuatu and USP, Law Campus. The meeting provided an opportunity for the Cook Islands participants to have an initial review of the reservations including discussions with the Chair of the Committee on the Rights of the Child on lifting the reservations, and the drafting of an Action Plan for legislative reform (2009-2012) which included lifting the reservations as well.

13. Stakeholder discussions and consultations continued, with the relevant Government officials during the preparation of the addendum. The consultations noted progress towards the removal of the reservation to article 37 with the enactment of an amendment to the Prevention of Juvenile Crime (Amendment) Act 2007 which requires the Superintendent of the prison to make arrangements as may be necessary to keep the child separate from adult inmates.

### III. General measures of implementation

14. This section demonstrates the significant effort and commitment by the Government and the public sector over the last seven years to give better effect to the Convention on the Rights of the Child.

#### A Domestic implementation of the Convention

15. Since the initial report there are still no known cases of the Cook Islands court having rendered decisions involving treaties and their domestic applicability. Therefore the Cook Islands maintain the need for its general declaration on the non direct effect of the Convention in the Cook Islands to remain.

16. The Cook Islands made a further general declaration as follows which will also remain in place: “The Cook Islands considers that a child’s rights as defined in the Convention, in particular the rights defined in articles 12-16, are to be exercised with respect for parental authority, in accordance with Cook Islands customs and traditions regarding the place of the child within and outside the family.”

#### B Legislation

17. The following table sets out legislation enacted over the reporting period that gives effect to the Convention.

<i>Legislation</i>	<i>Effect</i>
Crimes Amendment 2003/06	Article 35 - Sale, trafficking and abduction
Education Amendment 2003/20	Article 2 – Non-discrimination Article 28 - Education Article 23 - Disabled children
Crimes Amendment 2004/05	Article 34 - Sexual exploitation Article 36 - Other forms of exploitation
Narcotics and Misuse of Drugs Act 2004/17	Article 33 - Drug abuse

<i>Legislation</i>	<i>Effect</i>
The Social Welfare Amendment 2006/2	Article 26 - Social security
Births & Deaths Registration Amendment 2007/06	Article 7 - Name and nationality
Prevention of Juvenile Crimes Amendment No. 2 2007/16	Article 6 - The right to life, survival and development Article 40 - Administration of juvenile justice
The Entry, Residence and Departure Amendment 2008	Article 10 - Family reunification
Prevention of Juvenile Crimes Amendment No. 2 2007/22	Article 6 - The right to life, survival and development
Film and Censorship Amendment 2008/06	Article 17 - Access to appropriate information
Official Information Act 2008/02	Article 16 - Protection of privacy
Disability Act 2008/10	Article 6 - The Right to life, survival and development Article 23 - Disabled children

### **Law Commission**

18. The Law Commission was established in 2008 by Parliament, the purpose of which is to review or propose new legislation as directed by the Attorney General. It is headed by a former Solicitor General and members of the Commission include two High Court judges.

19. The Commission's current work includes reviewing all family law and ensuring that domestic legislation is in compliance with the Convention on the Elimination of All Forms of Discrimination against Women. The Commission has received no instruction to review laws related to children.

20. Government submitted its initial report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in the Cook Islands in 2006. It met with the Committee on the Elimination of Discrimination against Women in August 2007. As one of the results of the consultations with the Committee, various pieces of legislation were identified for review. The Gender and Development Division of INTAFF, under the guidance of a Working Group of heads of selected government ministries, is working with the Law Commission and the CLO to ensure that domestic legislation is compliance with the Convention on the Elimination of All Forms of Discrimination against Women. This legislative review will also take into account amendments that will also ensure compliance with the Convention on the Rights of the Child.

### **C. Administration**

21. The INTAFF is the Ministry responsible for co-coordinating the domestic implementation of the Convention on the Rights of the Child. Its 2008- 2011 Strategic Framework introduces the Strategic Plan by 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. To be sustainable, social and economic development should go hand-in-hand. The Plan provides the following

overarching vision for the Ministry: “Strong families: strong communities in harmony with our culture.”

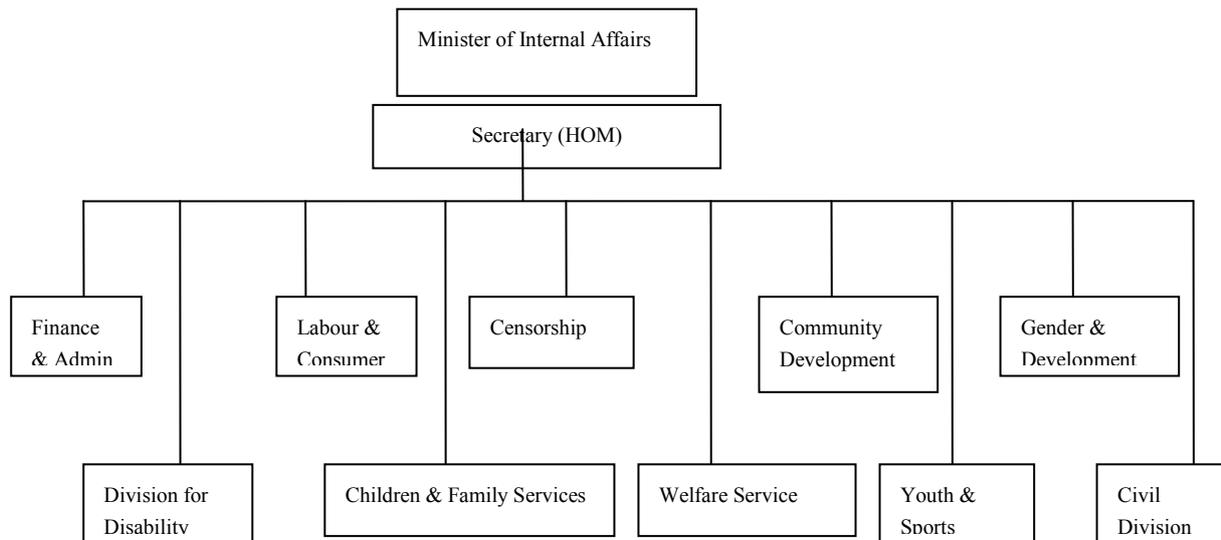
22. The Strategic Plan seeks to enhance intervention programmes with new policies, programmes and benchmarks. These programmes focus on social services such as labour and consumer programmes, activities related to gender equality, vulnerable communities (the disabled, the destitute and infirm, migrant workers, children and families at risk, unemployed, the elderly, and women), and censorship. It also seeks to enhance the development of young people.

23. The Business Plan of the INTAFF has eleven key objectives that include:

- Welfare - Providing a safety net for people in need, and security both for parents and for older people in retirement.
- Children and families - Helping families help themselves, and providing support for children and families when it is needed.
- Youth and sports - Ensuring that young people realize their full potential.
- Disabilities - Promoting and protecting the rights of people with disabilities.
- Gender equality - Ensuring women have equality with men.
- Older people - Promoting and protecting the rights and dignity of older people.
- Communities - Enhancing community-based family support and services for communities.
- Communities – Enhancing Rarotonga community services.
- Labour and consumer services - Promoting and ensuring equity and safety for workers and protecting the rights of consumers.
- Censorship - Enhance the censorship service.
- Policy and management – providing overall policy guidance and management support.

24. All the outputs of INTAFF will have some impact on the welfare and best interests of children.

25. The organizational chart of INTAFF is a flat structure with all those responsible for each division accountable to the Secretary of INTAFF.



26. Of significance during this review period is the development within INTAFF of the Children and Family Services Division (CFSD) which now is responsible for all juveniles, i.e. children under the age of 16.

27. The CFSD case loads are generally referred from the Family Courts. This includes custody, access rights and adoptions where the Court requests an independent report to be completed by CFSD. The report provides an assessment on whether the application for custody, access rights or adoption is appropriate and in the best interest of the child.

28. The CFSD is also a member on the Juvenile Crime Prevention Committee (JCPC) previously the responsibility of Probation Division of the Ministry of Justice.

**The Prevention of Juvenile Crimes Act 1968**

29. This Act provides the legal framework for work with children under the age of 16, especially children who are “delinquent, neglected, not under proper control, [are] persistently truanting or otherwise engaged in troublesome or mischievous behaviour, or living in an environment detrimental to [their] physical or moral well-being”.

30. The Children’s Court and the JCPC, which sits to consider all complaints against children referred to it, were also established under the Act.

31. Since the initial report a number of concerns have been raised with regard to the effectiveness of the JCPC:

- The Act itself is outdated and needs to be reviewed. It does not reflect current lifestyle changes and behaviour, and needs to consider implementing a more restorative justice system rather than the current punitive one.
- The JCPC is not effective. It does very little to deter delinquents from criminal behaviour, and there is no accountability on the part of delinquents to take responsibility for their behaviour.
- Some of the JCPC members are not sufficiently skilled or able to utilize NGOs and community groups or to fully utilize resources available to it in order to be effective in their role. Its members work in isolation and are not readily seen in youth meetings, etc.

- The challenge is to increase the number of well trained and qualified professionals such as social workers, Justices of the Peace and police officers.
- Statistics collected are not used effectively in the planning process.
- Ministries work in isolation from each other instead of collaboratively.
- Reporting and monitoring processes are very slow and time consuming and operate on an ad hoc basis.

32. The role of the Children and Family Services Division of INTAFF is to improve the operations of the JCPC and to monitor the juveniles who appear before the JCPC. Two amendments to the Prevention of Juvenile Crimes Act in 2007 were instituted to allow a more collaborative approach with the Police and to ensure immediate and prompt action. The Act provides “That any person who believes that a child is delinquent or neglected or indigent or not under proper control can report the child to the JCPC and that in the event the JCPC Chairman is unable to call a meeting, the Police now have the power to lay information or complaint in the Children’s Court.

33. The Ministry of Justice (MOJ) remains the secretariat of the JCPC however it is envisaged that this role will be transferred to INTAFF in the next financial year. The MOJ advocates that its role is enforcement and not administration and monitoring of young children.

#### **Youth development**

34. The National Youth Policy 2007-2010 was endorsed by Cabinet in 2007 and the youth age ranges from 15 years to 34 years representing approximately 30 per cent of the population in 2006. The policy identified five key strategic areas for the Government and stakeholders to consider when developing policies and strategies on youth development issues and meeting their needs. The key strategic areas are:

- Advocacy, coordination and networking;
- Governance and leadership integrity;
- Economic empowerment for prosperity;
- Social development towards equity;
- Healthy lifestyles for all;
- Sustainable development for future generations.

35. The Policy notes that while Government is committed to addressing issues of concern as raised by young people of the Cook Islands, the young people themselves are challenged to identify the important issues for them and get actively involved in addressing these issues. It has always been an expectation that families, communities and churches should continue to take a greater degree of responsibility to ensure that the basic needs of our young men and women are met.

36. There is also an expectation that schools provide the day to day support for the development of young people to equip them with basic life skills in the hope that this will encourage them to move on to better things to improve their lives. A strategic and concerted effort is required to facilitate processes that will provide opportunities, open up access and exposure to potential youth leaders to develop a spirit of unity by working in partnership with Government to advance these issues.

37. It is intended that this National Youth Policy will serve as a catalyst for enabling the young people of the Cook Islands to have the confidence to address their concerns, and interests. This Policy is a foundation for future initiatives and is a link between

Government, key stakeholders in youth development and the young people of the Cook Islands in recognizing the needs and aspirations of young people and developing positive avenues for meeting those needs. The implementation of this Policy requires strong commitment from all stakeholders.

38. In terms of regional and international linkages, the Cook Islands have adopted a number of declarations on youth development such as: The Commonwealth Youth Programme Plan of Action for Youth Empowerment (PAYE); Pacific Youth Strategy 2010 (PYS2010); Pacific Youth Charter; Pacific Plan; Pacific Tofamamao 2015 Declaration of the Pacific Youth Summit for MDGs.

39. The Youth and Sports Division of INTAFF is now responsible for all youth and sports affairs.

#### **Non-governmental organizations**

40. Non-governmental organizations continue to play a constructive and complementary role in the Cook Islands in areas where there are gaps. More recently the Government has placed greater emphasis on the important role of NGOs and is working to facilitate and enable a supportive environment for the continuity of these organizations.

41. The organization Punanga Tauturu (PTI) was founded in 1994. Its work with women and children involves the provision of legal advice, support and counselling to victims of domestic violence; it also conducts awareness programmes on domestic violence, child abuse and sexual assault. It works with relevant government departments and NGO agencies on all matters related to human rights and legal literacy, partly through its training/ education/ awareness programmes. PTI's partnerships with the Pacific Regional Rights Resource Team (RRRT), the Fiji Women's Crisis Centre, and now End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) New Zealand further strengthen its work in children's rights and their protection, especially in child sexual exploitation (CSEC) and child sexual abuse (CSA).

42. The Cook Islands Male Advocacy Group focuses on male members of the community in order to change attitudes, educate, advocate, support and reduce domestic violence. This group is fairly new but is already active in the community, both on Rarotonga and in the Outer Islands.

43. PTI includes them as partners in awareness programmes, and they are particularly active in church-oriented organisations, such as the Cook Islands Christian Church.

#### **Coordination and national plans of action**

44. The workshop held to report on the situational analysis of the CSEC in the Cook Islands has called for the National Advisory Body for Child Development formed in 1997 to be re-established. This body will be part of ongoing work in progress for INTAFF over the next two years.

45. In November 2003, the Government established a National Millennium Development Goals (MDG) Working Group to oversee the implementation of the MDG work plan and reporting on progress. Work plan activities include the integration of the MDGs into the Cook Islands National Sustainable Development Plan (NSDP) process. This initial national MDGs report serves as a progress report as well as an information and advocacy tool for the NSDP.

46. In general, key MDGs achievements on the main island of Rarotonga tend to paint the national performance as overly positive when clearly the Outer Islands experiences suggested otherwise. Communities in the Outer Islands and similar pockets of communities

on Rarotonga, mainly outer island migrants, are considered vulnerable and experiencing hardships due to lack of opportunities for employment and access to basic social services.

47. The inter-linkages between the eight MDGs and the 11 strategic priority areas identified that the Cook Islands NSDP cut across the three pillars of sustainable development and demonstrated the relevance and usefulness of the MDGs framework as a tool to monitor the progress of implementing national sustainable development policies.

48. The Cook Islands have already achieved several MDG targets. They are:

- Universal primary education enrolment for boys and girls;
- Elimination of gender disparity in primary and secondary education;
- Low and decreasing child and maternity mortality rates; and
- Access to safe drinking water.

### **National Sustainable Development Plan**

49. The objective of the NSDP is to build a sustainable future that meets our economic and social needs without compromising prudent economic management, environmental integrity, social stability, and our Cook Islands Maori culture, and the needs of future generations.

50. The Government recognizes the development of young people as a vital area for strategic consideration and action. Enhancing our development efforts also means that intervention programmes focusing on vulnerable communities including children, youth and family will be intensified with the setting of new policies, programmes and benchmarks.

51. The NSDP 2007-2010 is a four-year strategic framework for achieving our strategic outcomes and paves the way to realising our national vision.

### **National Vision**

*“To enjoy the highest quality of life consistent with the aspirations of our people, and in harmony with our culture and environment”*

*“Te oraanga tu rangatira kia tau kit e anoano o te iti tangata, e kia tau ki ta tatou peu Maori e te aotini taporoporoia o te basileia”*

52. The Convention on the Rights of the Child is captured under the NSDP Strategic Goal 1: “Equal opportunities for education, health and other social services towards maintaining an inclusive, vibrant, resilient and productive society in harmony with our culture”.

53. The NSDP recognizes the gaps in national planning for programmes that may be needed to fully support the implementation of the Convention on the Rights of the child and as the first plan of many to come, it is hoped that subsequent NSDP’s will be able to address strong programme interventions for the Convention in the Cook Islands.

## **International coordination and cooperation**

### **Training and Dissemination of the Convention**

54. There has been little training and dissemination of the Convention during the review period but with new staff appointments at INTAFF it is envisaged that dissemination will be a priority. Training and dissemination plan of action is still in the developing stages for the Cook Islands and looks to be finalized in 2009.

55. Cook Islands representatives continued to participate in international forums during the review period. These included the Pacific Sub-Regional Meeting on the Convention on the Rights of the Child and Law Reform, Port Vila, Vanuatu, 25 - 28 August, 2008. The objectives of this meeting were to primarily focus on the progress made by the Pacific Island Governments in implementing the Convention and its Optional Protocols and how governments have begun to and can align domestic law with relevant articles of the Convention. The meeting drew upon national experiences and lessons learnt from other Pacific countries and progress in implementing the Convention. A draft National Plan of Action for 2009 – 2012 outlining progressive legislative review was initiated.

#### **Resources for children**

56. The Government has shown increased focus and a higher level of investment in Cook Islands children and young people over the reporting period.

57. Some of these initiatives are with the support of the donor partners. Particular attention has been paid to health promotion and early childhood education as well as inclusive learning. Table 6 provides an overview of donor support programmes that will have a positive impact for children in the Cook Islands.

58. The Cook Islands joined the African Caribbean and Pacific (ACP) group of countries only under the 9th European Development Fund (EDF) in 2000. The Cook Islands was the first Pacific island country to ratify the Cotonou Agreement and was very active in preparing the 9th EDF Country Support Programme (CSP), which was signed in April 2003 and had Outer Islands Development as its single focal sector.

59. The Country Support Strategy (CSS) provides a framework for Cook Islands-EU cooperation under the Cotonou Partnership Agreement. The framework is based on the global objectives of ACP-EC cooperation, the development objectives and strategic priorities of the Cook Islands Government, and a situational analysis of the political and economic circumstances of the country. The CSS prepared in consultation with Government and non-state actors includes the Cook Islands response strategy and Indicative Programme for the 9th EDF.

60. The CSS recognized that the Cook Islands faces key development challenges and identified a number of national disparities that exist between Cook Islanders living on Rarotonga and those living in the poorest islands of the northern and southern island groupings. To this end, the improvement of social services' delivery in the outer islands has been identified as crucial in assisting the pockets of relative poverty in the country and contributing to the future growth prospects of the country.

61. The EU-funded Outer Islands Development Programme (OIDP) objective was to raise the standard of social services delivery in the outer islands by providing improved infrastructure, equipment and supplies and by ensuring that the life of these investments is maximized by adequate maintenance. The programme also assisted in recruiting and retaining teachers and health workers by providing for adequate housing as an important incentive. Through the implementation of projects aimed at improving the delivery of social services on the outer islands, the Government seeks to address national disparities, increase the overall welfare of the outer island population and enhance economic growth and development.

62. The total contribution by various donor partners that will have an impact on children in the Cook Islands is provided in table 6

63. The information in section IV below is provided in summary form under the main sections of the Convention and focuses on major changes in legislation, judicial,

administration and or policies that have been approved during the review period and will impact on the implementation of the Convention.

#### IV. General principles (arts. 1, 2, 3 and 6)

##### Legal context

64. During the review period the legislative changes set out below were passed.

##### *The Education Amendment 2003/20*

65. The Education Amendment 2003/20 provides for changes for those employed by the Ministry of Education (MOE) particularly teacher aides who are responsible for providing teacher support for children with disabilities and special needs. In most cases the teacher aides fall outside the teacher qualification framework. The principal Act is amended by repealing section 39, and substituting the following section;

“Teachers to be registered or have limited authority - (1) No person shall teach in any school unless that person is-

Registered in accordance with this Act; or

Teaching in accordance with a limited authority to teach held by that person.

Subject to subsection (2A), the Secretary may as he or she thinks fit-

Grant conditional registration for a period not exceeding one year, and

Renew such registration (whether granted before or after the coming into force of the Education Amendment Act 2003) for a period not exceeding one year at a time”.

##### *The Prevention of Juvenile Crimes Amendment No 2 2007/16*

66. The Prevention of Juvenile Crimes Amendment No 2 2007/16 provides that Section 18 of the principal Act is hereby amended by adding subsection (3)

“Where the Chairman is for any reason not available or a sitting of the Committee cannot be convened, or the circumstances of the alleged offending so require, a complainant may lay an information in the High Court and thereafter the matter shall be dealt with under Part III”

##### Section 4 Arrest and Custody

(2) Where a Child has been arrested he or she may

(a) Be released on bail by a constable

(b) Be remanded by the Court in custody of a Community Youth Officer or a reputable adult person

(3) the Court may direct that child be detained in a prison if in the opinion of the Court no other course is desirable, having regard for the circumstance.

(4) Where a child is sentenced to a term of imprisonment ..... or is remanded in prison.....the superintendent of the prison shall make such arrangements as may be necessary to keep the child separate from adult inmates.

##### *The Prevention of Juvenile Crimes Amendment No 2 2007/22*

67. The principal Act is amended by repealing Section 5 Constitution of the Committee... “The Solicitor General shall appoint a deputy chairperson of the Committee

hearings in the event that the chairperson is unavailable and shall exercise all the powers and functions of the Chairperson”

Section 4 Information in the High Court – “where information is laid in the High court the informant shall forthwith notify the Registrar”

*The Disability Act 2008/10*

68. The Disability Act 2008/10 is an Act to provide for the government to institute and maintain a Disability Strategy in respect of person with a disability, to make discrimination against a person with a disability unlawful and to ensure that person with a disability has access to certain buildings and to footpaths.

Part 2 Discrimination Section 8 Rights of person with a disability - shall be entitled to the same rights and privileges as all other person and in particular those rights granted by the Constitution of the Cook Islands.

Section 8 Prohibition against discrimination – No person shall discriminate against a person with a disability, and any such discrimination shall be unlawful.

In the area of employment it is now a requirement to

- employ a person with a disability if qualified,
- offer equal terms and benefits
- not to terminate employment

In the event of unlawful discrimination in respect of a person or persons with a disability that person may make a complaint to the Ombudsman.

**Article 2**

69. In considering its position during the review period with regard to article 2 the Cook Islands continues to reserve the right not to apply the provisions of article 2 in so far as those provisions may relate to the conferment of Cook Islands nationality, citizenship or permanent residency upon a child having regard to the Constitution and other legislation as may from time to time be in force in the Cook Islands.

**Implementation of the general principles**

70. The inconsistencies in legislation that currently exist with regard to minimum age have been considered and some of these will be reviewed by the Law Commission during the review of Family Law and matters related to the Convention on the Elimination of All Forms of Discrimination against Women.

71. CFSD deals with all issues related to juvenile delinquents and in as much as time and energy permits the CFSD coordinates where possible with the Ministry of Health (MOH) and the MOE if in the view of the Director it is in the best interest of the child. This may also involve the coordination of family group conferences, counselling, adoption and custody matters, supervision of juvenile delinquents, dealing with placement assessments for children to be returned to the Cook Islands from New Zealand and Australia as well as child neglect and more.

72. The JCPC will oversee transition of full responsibility for The Prevention of Juvenile Crimes Act to INTAFF’s CFSD in the next financial year commencing 1 July 2009. Part of the transition of responsibility for the Act will involve INTAFF taking up the role of Secretariat for the JCPC. Currently this is a shared responsibility with Ministry of Justice.

73. Recognizing the need for more resources INTAFF have employed a new officer in the CFSD to support and improve services for children, develop and maintain a database that will provide up to date information on all children including age, sex, types of abuse, who is the offender, parents, guardians, independent reports, complainants and anonymous reports which will enable a timely response to the Courts and improve monitoring and supervision of juveniles at risk.

74. There is still no child psychologist in the Cook Islands but it is noted that there are now medical experts and counsellors that help assess the problems and needs for children's development.

75. The issue of equal access and therefore non discrimination has always been a challenge for the Government when addressing the outer islands versus Rarotonga. Allocation of funds is limited therefore a minimum of service is always provided in the areas of health and education.

76. To further enhance equity in the provision of services to the outer islands Government has implemented a number of initiatives:

- Tele-health services are now available;
- Scholarships for senior students to attend secondary school;
- Technical training programmes including hospitality, plumbing, and construction, electrical or motor mechanic are paid by the National Human Resources Department either in the outer islands or on Rarotonga;
- Donor resources specifically for the improvement of health and education services;
- Patient referrals from the outer islands to Rarotonga and if necessary to New Zealand;
- Free telecommunications and broadband for education and health;
- Subsidised electricity;
- Free water tanks.

77. INTAFF continues to distribute welfare benefit entitlements and the budget for welfare payments is provided in table 7. The child benefit allowance has increased from \$20 per fortnight to \$30 and is paid fortnightly. A one-off payment of \$300 up from \$150 in 2001 is paid to the parents for each new born child born in the Cook Islands.

78. The incidence of crime by children in the Cook Islands appears to be on the increase as indicated by the number of probation reports ordered by the Court. Table 8 shows that in 2001 there were 22 and in 2008 there are 47 reports for those 16 years and under. The table which provided by the Ministry of Justice includes probation reports for adults and therefore in 2007 there were 75 adults on probation.

79. The programmes undertaken by the CFSD are highlighted in table 9 and of concern as well is the increase in the case load especially in the area of Welfare cases which includes child custody, neglect, maintenance, absconding, abuse (physically, sexually, emotionally) ranging from 121 cases in 2001 to 570 cases in 2008. This represents the case load of the agency and it may include seeing the same client two or three times over a particular period. Of interest are the placement cases from either New Zealand or Australia where requests have been made for children to be returned to the Cook Islands to family. Greater acceptance has been from New Zealand rather than Australia.

80. The CFSD will action referral requests from New Zealand and Australia to reside with families in the Cook Islands and vice versa. In a number of cases the child is referred by the Child Protection Services in New Zealand or Australia in which case CFSD will

provide an independent assessment of the recipient family in the Cook Islands prior to the child being sent. The Report will outline whether the child will receive the necessary care and attention and in some cases whether the Cook Islands family is willing to accept full responsibility for the welfare of the child. Generally there has been greater acceptance from New Zealand than from Australia as the statistics demonstrate. In all of these cases CFSD is required to provide regular reports to New Zealand and Australian authorities on the progress of the child.

81. The MOE has taken over the responsibility for truancy matters from INTAFF since 2008. It has been difficult to determine whether the number of truancy cases has increased but anecdotal evidence suggest that truancy continues to be a significant issue and the Children and Family Division will continue to provide support to MOE on request.

## **V. Civil rights and freedoms (arts. 7, 8, 13, 14, 15, 16, 17, 37, and 40)**

### **Legal context**

82. During the review period the legislative changes set out below were passed.

83. The Births & Deaths Registration Amendment 2007/06 provides for the repeal of Section 15 of the principal Act where a child born outside the Cook Islands is no longer able to be registered in the Cook Islands.

84. The Film and Censorship Amendment 2008/06 amends the principal Act in the following areas:

1. Definitions of film to include digital video discs (DVDs) and anything that depicts a picture.

2. Appointment of inspectors. The Chief Censor will now be able to appoint inspectors.

3. Powers to enter. This provides that inspectors and the Chief Censor now have the power to enter premises.

4. Selling and renting of movies that are not censored by the office of the Chief Censor nor approved for distribution cannot be sold or rented.

85. The Official Information Act 2008/02 Part 1 of the Act sets out the purpose which is to increase the availability of official information to the people of the Cook Islands in order

(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.

S25 (2) A reference to the information on which any findings are based need not be given under subsection 1 (b) of this section if: (c) in the case of a natural person under the age of 18 the disclosure of the information would be contrary to that person's interests.

30. Functions of Ombudsman – (1) It shall be a function of the Ombudsman to investigate and review any decision by which a Ministry or Minister of the Crown or organisation. (3) An investigation and review under subsection (1) or subsection (2) may be made by the Ombudsman only on complaint being made to the Ombudsman in writing.

86. Citizenship Act 1977 [NZ] The new citizenship by birth provisions in New Zealand came into force in January 2006. These allow a child born in New Zealand from that date, to be a New Zealand citizen if at least one parent is a New Zealand citizen, or is entitled to remain in New Zealand indefinitely (for example, is a permanent resident). For citizenship purposes, New Zealand includes the Cook Islands, Niue, Tokelau and the Ross Dependency. Under the new provisions, a child born in New Zealand who is not a New Zealand citizen is deemed to hold the most favourable immigration status of either parent.

87. To ensure compliance with the United Nations 1961 Convention on the Reduction of Statelessness, the Citizenship Act provides that any child born in New Zealand will be a citizen at birth if he or she would otherwise be stateless. In addition, a child will be deemed to be a citizen by birth if he or she is found abandoned and investigations fail to establish the identity of at least one parent.

88. The Prevention of Juvenile Crime Amendment Act 2007 as outlined in the General Principles section applies equally to article 37 and clearly adopts the position of ensuring that “Where a child is sentenced to a term of imprisonment ..... or is remanded in prison.....the superintendent of the prison shall make such arrangements as may be necessary to keep the child separate from adult inmates.

### **Article 37**

89. With the passing of The Prevention of Juvenile Crime Amendment Act 2007 the possible removal of the reservation to article 37 is under consideration by the Government.

### **Implementation of civil rights and freedoms**

90. Consultations during the preparation of this report indicated that the implementation of the Official Information Act has it challenges.

91. There was a 12-month delay in commencement of the Act to enable the Ombudsman’s Office to achieve the following:

- Effective implementation of legislation is the key
- Raise awareness among government departments and the public;
- Review existing information/record keeping of government departments;
- Allow government departments time to improve on record/information keeping;
- Provide adequate resources for improving record systems;
- Create proper infrastructure for responding to requests for information and for proactive disclosure.

92. Entry into force will also be staggered with five Ministries taking up the initial challenge of implementing the Act from 1 February 2009.

93. It has been noted that the Cook island law does not recognize a general right of privacy and therefore it is Governments intention to bring in a Privacy Act which will be read in conjunction with the Official Information Act as soon as possible. The Ombudsman is currently working on the draft Bill and it is expected that this Bill will further protect the privacy of children as does the Official Information Act.

94. Children in the Cook Islands continue to have their voices heard through a dedicated page being available for “children’s voices” every Saturday edition of the daily newspaper, the Cook Islands News and the twice weekly Herald and Cook Islands Times as well as television and radio programmes produced specifically for children.

95. Cook Islands telecommunications are reportedly among the best in the region but very expensive compared to some countries with all inhabited islands except Suvarrow having basic satellite telephone connections that can be used to access the Internet through dial-up systems. A National ICT Policy was completed in 2004 by the Office of the Prime Minister that will support the development of ICT for all and will maximise economic growth and support sustainable development.

#### **Non-governmental Organizations**

96. The Literacy Council of Pan Pacific South East Asia Association (PPSEAWA) have carried out a number of activities in support of article 17 in their belief that empowering children via reading and literacy (Education) helps with their development as future productive leaders in their communities.

- Fifty PPSEAWA "Pepe Packs" which were donated to the Rarotonga Hospital for gifting to all mums and newborn babies. Each pack consists of t-shirts, books and other literature.
- Television literacy advertisements in both Maori and English on Cook Islands Television during school holidays.
- Establish Reading Groups for children.
- Purchased and borrowed books for Reading Groups in the villages, public libraries and certain schools on the island.

## **VI. Family environment and alternative care (arts. 5, 9, 10, 11, 18, 19, 20, 21, 22 and 25)**

#### **Legal context**

97. During the review period the legislative changes set out below were passed.

98. *The Entry, Residence and Departure Amendment 2008* amends the 1971-72 principal Act with respect to Permanent Residence (PR) and now allows the granting of up to 650 PR certificates, 150 more than the current 500. The amendment also requires applicants not only to be of "good character" but to have a proven record of having made a "significant positive contribution to or investment in the Cook Islands in terms of skills, expertise, community work or financial investment." There is also a new separate category allowing unlimited number of PR certificates to be granted to those married to Cook Islanders or PR's but as long as they have been married for no less than five years.

#### **Article 10**

99. In considering its position during the review period with regard to article 10 the Cook Islands continues to reserve the right to apply such legislation, in so far as it relates to the entry into, stay in and departure from the Cook Islands of those who do not have the right under the law of the Cook Islands to enter and remain in the Cook Islands and to the acquisition and possession of citizenship, as it may deem necessary from time to time.

#### **Implementation of family environment and alternative care**

100. A bona-fide visitor (any person who enters the Cook Islands solely for recreation or vacation/holiday), does not require an entry permit, provided he/she possesses proof of onward passage (booked and paid) for stays of not more than 31 days.

101. Extension permits are usually granted for visitors wanting to stay over 31 days. All visitors are required to have a valid passport, proof of onward passage, adequate financial means of supporting stay, and suitable accommodation. Applications can be made upon arrival at the Immigration Department. Extensions are granted on a monthly basis, up to 5 additional months only. A fee is payable with each application within 14 days before the expiration of the permit. Extensions are granted at two levels: Up to three months NZ\$70.00 (15 years and older), up to five months NZ\$120.00 (15 years and older). Children under 15 years of age are exempt from charges but must report to Immigration for official paperwork to be completed.

102. Those wanting to stay in the Cook Islands longer than six months must apply for a visa from their home territory, before their arrival in the Cook Islands.

103. It is no longer necessary for persons normally resident and departing the Cook Islands to satisfy financial obligations to the Ministry of Finance and Economic Management.

104. The Cook Islands is not a party to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction.

105. The National Advisory Body for Children is work in progress and consideration is being given to re-establish the Body.

106. Established in 1994, the aims and objectives of the PTI include, inter alia:

- To provide a supportive environment for women to make decisions themselves and to determine their future when they have become victims of domestic violence and rape;
- To provide a 24-hour crisis telephone service and confidential counseling for victims domestic violence and rape;
- To develop educational awareness programmes (written materials, radio, TV, programmes and community training sessions) for women and children in the community in terms of their rights;
- To review existing legislation dealing with women's and children's rights under the law with regard to domestic violence and rape and make recommendations for improvement.

107. -Statistics over the review period that deals specifically with child abuse is provided in table 10.

## **VII. Basic health and welfare (arts. 24 and 26)**

### **Legal context**

108. During the review period the legislative changes set out below were passed.

109. In May 2005, the Cook Islands Government signed and ratified the Framework Convention Tobacco Control. The Cook Islands Tobacco Product Control Act 2007 was passed on 28 June 2007. Provisions include:

110. The sale and supply of tobacco products to those aged under 18 years is prohibited. There is a requirement for all tobacco products to display a health warning and a power for the Minister to prescribe the form of health warnings. Most cigarettes are imported from New Zealand and Australia, and warnings exceed these requirements. The Act also bans tobacco sponsorship and advertising of tobacco products, prohibits smoking in public places and workplaces, which is either indoors or fully or partly enclosed area and requires

the owners and managers of restaurants and licensed premises to provide non-smoking areas that take up at least 70 per cent of the seating set aside for dining. After the first anniversary of the Act, totally smoke free restaurants and license premises will be enforced.

#### **Tobacco Product Control Action Plan**

111. The Tobacco Control Action Plan 2008 – 2012 has been developed by the MOH with the goal to improve the health of Cook Islands people by reducing exposure to second-hand smoke. It is part of the Health Strategy to improve mental health. The six objectives identified in the Action Plan are:

- To strengthen community action and advocacy
- To promote smoking cessation
- To reduce the availability and supply of tobacco in the Cook Islands
- To reduce tobacco promotion and regulate tobacco product
- To prevent harm to non-smokers from second-hand smoke
- To develop sustainable support for monitoring, surveillance evaluation programmes

112. The target groups identified include discouraging young people from taking up smoking and assisting young smokers to quit smoking. Assisting pregnant women to quit smoking due to the risks smoking will have on the unborn child, themselves and families. Assisting smokers to quit smoking emphasizing to smokers the impact of their continued smoking on their families and encouraging smokers not to place the health of others at risk by smoking around them (particularly around children).

#### **Health Strategy**

113. Cook Islands Health Strategy identifies the Cook Islands priority areas for health. It will guide the development and delivery of health services for the next 5 years and will ensure that all efforts are focused at supporting Cook Islanders to collectively take ownership and responsibility for the health of our people and the environment that we live in. The strategy will focus on delivering services that are people focused, quality driven and provides information so that people are empowered and able to reduce future risks to their health. It recognizes the need to provide a robust infrastructure for health services which will support the future development of the health sector in the Cook Islands.

114. The Health Strategy aims to provide a framework which will deliver improved health outcomes for all Cook Islanders. It has been developed following a process of consultation and discussion with community groups, non governmental organisations, professional groups and health workers.

115. It recognizes the major determinants which influence the health status of the population including children – these include poverty, housing, employment, education, and lifestyle factors. The health sector has a unique and important contribution to make to improve the health status of the population however individuals and communities, non-governmental organizations and other sectors equally have an important role and responsibility to participate in this process.

116. The strategy identifies as its Vision: “All Cook Islanders living healthier lives and achieving their aspirations”

**Social security**

117. The Social Welfare Amendment 2006/2 amends the principal Act 1989 and provides that every child under the age of 12 years.....and a child benefit is paid to each child under the age of 12 yrs.....”

**Implementation of basic health and welfare**

118. Although the implementation of user pay at the hospital has not been well received the MOH has continued to review enforcement of fees. All health services for children continue to be free.

119. Budget appropriations for health are shown in table 11. Donor partners have played a very large part in funding health services in the Cook Islands.

120. This includes funding from the European Union EDF9 Outer Islands Development Programme (OIDP) The objective of this programme was to raise the standard of social services delivery in the outer islands by providing improved infrastructure, equipment and supplies and by ensuring that the life of these investments is maximized by adequate maintenance. The programme will also assist in recruiting and retaining health workers by providing for adequate housing as an important incentive. Through the implementation of projects aimed at improving the delivery of social services on the outer islands, the Government seeks to address national disparities, increase the overall welfare of the outer island population and enhance economic growth and development. The total funding from EU for Health for the 2004 – 2007 was approximately NZ\$1.8million. Traditional partners such as AusAid and NZAid continue to support the MOH through training and specialist care services.

121. The major health strategies that will be implemented over the next five for children and families are provided in annex 2.

**Health indicators**

122. The health of Cook Islands children remains very high compared to other children in the region. Health indicators are provided in table 12.

123. The Cook Islands has already achieved the targeted two thirds reductions in the mortality of under 5 year olds from 26 per 1000 live births in 1991 to 7.7 in 2001. The infant mortality rate dropped from 31.3 infants per 1000 live births in 1991 to 9.8 in 2001. Table 13 provides further statistics with regard to infant mortality. Major diseases reported and treated in the Cook Islands in 2006 are provided as a comparison with 1996 in table 14.

124. There have been significant improvements in women’s access to human resource development programmes over the last six years. However, whilst the maternal health indicators for Cook Islands women were rated amongst the best in the region, there remain some worrying statistics. Teenage pregnancies had been on the increase in the past with 26 per cent of child-bearing women reportedly having children during their teenage years.

125. In general, key health issues affecting mothers and women include the relatively high incidences of cervical and breast cancers, and increasing prevalence of non-communicable disease (NCDs). The major cause of morbidity and mortality in the adult Cook Islands population is NCDs such as diabetes, obesity, hypertension, circulatory illnesses and their complications resulting from changing lifestyles of the Cook Islands population.

**Social security**

126. The Child Benefit is NZ\$60 per month per child up to the age of 12 years. A one-off payment of NZ\$300 is given to mothers for their new born babies. Table 15 provides full details of the Child Benefit by Month: 2002-2007 and table 16 provides welfare appropriations from 1999 – 2008.

**VIII. Education, leisure and cultural activities (arts. 23, 28, 29, 30 and 31)****Legal context**

127. During the review period the legislative changes set out below were passed.

- -The Education Amendment 2003/20 details have been provided in section IV above.
- -The Disability Act 2008/10 details have been provided in section IV above.

128. In 2000, the Cook Islands signed the Asia Pacific Decade Framework of Action on the Full Participation and Equality of Persons with Disabilities.

129. The Cook Islands Education Guidelines and the Cook Islands Administration Guidelines provide schools with statements of purpose and intent and focus areas for policy development. These guidelines provide the mandate for schools to develop policies that meet the needs, and provide opportunities that are appropriate to each local community while still contributing to the overall goals of education in the Cook Islands.

130. Learning and teaching programmes in Cook Islands schools are based on the Cook Islands Curriculum Framework (2002). This framework identifies eight essential learning areas, eight essential skills and a number of values and attitudes that schools should work with in partnership with its local community. All, but the Technology and Enterprise curriculum documents, are completed. The framework is due for review in 2012.

131. The Education Master Plan is a 15 year strategic plan for the education sector in the Cook Islands endorsed by cabinet in 2008. The plan has the metaphor of learning for life. This statement is to be taken both as providing the skills for a desired quality of life and that learning is a life long journey. This plan provides a framework for development, research and action to meet targets that will provide an education system that is robust, dynamic and meets the needs of all Cook Islanders. The plan has four focus areas for education and these are detailed further in annex 3 of the present report.

132. A review of the Education Act 1986/87 is underway with a draft being reviewed by the Education Advisory Committee a Cabinet appointed stakeholder group that provides comment and advice to MOE.

**Implementation of education, leisure and cultural activities**

133. Funding for education has been substantial and table 17 provides the detail of the percentage allocation from the total budget with each year showing a gradual increase. Education budget is 15.9 per cent in 2006/07 meeting the target it set in 1996.

134. Table 18 shows the level of expenditure including per capita expenditure which is showing a small increase each year, due in part to dropping school rolls.

135. Early childhood education and preschool enrolments are provided in table 19. Further discussion on the strategies currently being developed for improving early childhood and primary education is detailed in annex 3.

136. Donor assistance will continue to play a key role in the provision of education services and the EU through the Outer Islands Development Programme (OIDP) since 2004 which has supported improved infrastructure, equipment and supplies as well as assisting in recruiting and retaining teachers by providing for adequate housing as an important incentive. Through the implementation of these projects its aim is to improve the delivery of social services on the outer islands assisting the Government to address national disparities, increase the overall welfare of the outer island population and enhance economic growth and development. EU's contribution since 2004 to education is approximately NZ\$1.2 million plus NZ\$575,000 provided for NHRD. Traditional partners such as NZAid and AusAid continue to provide support as well.

#### **National Human Resources Department (NHRD)**

137. The NHRD was established in 2001, following a review in 2000 of the tertiary education, scholarships and awards functions that were previously located within the Public Service Commission. The intention to sharpen the focus on post-secondary education was an important part of the Government plan to achieve sustainable economic development.

138. The NHRD was created to address the lack of skilled and qualified people in the work force, to act as the focal point for the management of all training programmes, both external and in-country, and to establish a partnership with the private sector to promote and develop trade training. Specific functions also included

- The management of the scholarships award scheme (New Zealand and Pacific Study awards);
- The management of in-country training programmes; and
- Overseas training attachments funded by NZAid

139. The main policy platform upon which day to day work of NHRD is based is on the need to administer the various funding streams. The major part of the funding for human resources development is sourced from donors, although some funding is sourced from the Cook Islands Government. The available funding supports Cook Islands study awards and various other kinds of in-country training including technical, vocational and educational training (TVET) courses.

140. Another important change is merging Hospitality Tourism Training Centre with HRD.

#### **Secondary qualifications**

141. In 2002, to maintain alignment with New Zealand, the Cook Islands changed to the National Certificate of Educational Achievement qualification system (NCEA) as its school based qualification. This qualification has three levels of attainment which align to the final three years of secondary schooling. NCEA is a standards based qualification where students gain credits by providing evidence against particular performance criteria. This evidence can be provided through external examination and/or work completed internally over the school year.

142. The following trends have been noted since this change:

- Student retention in senior secondary school is increasing
- The range of subjects and standards students are accessing is increasing

143. With a falling national population, the retention of students from Senior Level 1, the last year of compulsory education for most students, on to Senior Level 2 and 3 is increasing.

144. The Cook Islands has set the following targets for national achievement in school based qualifications and retention of students in learning:

- Ensuring 75 per cent of student entering NCEA Level 1 for the first time at year 11 will achieve the qualification
- Achieving 90 per cent student retention beyond the minimum leaving age either in formal schooling or another recognized course of learning
- Ensuring that at least 60 per cent of school leavers are participating in some form of tertiary education

145. The lack of retention of boys in school beyond leaving age has recently been identified as an issue for the Cook Islands. Although most are completing Year 11, which is the first year of formal qualification, the majority are not continuing their schooling to higher levels.

146. The education sector is trialling a number of different strategies to try and halt and hopefully reverse this trend and keep young men engaged in formal education for longer. These strategies include:

- Vocational transition programmes which allow students to start trades courses while still in mainstream schooling and achieve credit towards dual qualifications
- Sports education programmes which can lead to opportunity for offshore semi-professional players contracts and in many cases have provided a pathway into tertiary sports courses.
- The running of camps for “at risk” students which will focus on the reengagement and retention of the students with learning.

147. -One of these strategies is support for SENZ (Sport Education in New Zealand) programme which provides an alternative to secondary school and tertiary level programmes and therefore provides a platform for continuing education in academic and technical areas. SENZ was introduced to the Cook Islands in January 2006 as a foundation based training programme for young males, with a talent in sport who have been unsuccessful academically or have recently left the secondary school system.

148. -This programme has a sport focus and provides the young males in Rarotonga and Aitutaki with suitable skills to prepare them for tertiary education and/or employment within the private and public sector. The student’s ages range from 15-19 with the average age being 18-19.

149. -According to statistics boys leave school earlier and therefore the SENZ programme provided an opportunity for those students who and who had no real direction in their lives other than wanting to pursue a sporting career. The programme emphasizes personal development combined with academic requirements. Students who complete the programme successfully will achieve the following qualifications:

- National Certificate in Sport Level 2
- First Aid Certification includes, First Aid, provide First Aid and Resuscitation
- National Coaching New Zealand Level One
- Australian Rugby League Coaching Level One
- Oceania Basic Athletics Coaching award

150. The ‘Success through Sport’ programme provides students identified by SENZ staff and the community with a foundation skills training programme developing their individual skills and talent. This table shows the number of students involved in sports education

programmes. A programme was run in 2007 for female students as well however the completion rate was not as successful so the funding was again provided to increase the intake of young male students for whom reengagement with learning is more of an issue. The programme has also been offered on the outer island of Aitutaki for the first time in 2008.

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*SENZ Program for the Cook Islands*

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	Female	Male	Total
2006	0	12	12
2007	7	17	24
2008	0	24	24

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### **Inclusive education**

151. A significant shift took place with respect to Inclusive Education in the Cook Islands late in 2003. The Ministry made the decision to close the special unit at Avarua Primary School on Rarotonga and make all classrooms in Cook Islands school open to all students. This change has resulted in wider understanding and acceptance of the issues relating to inclusive education and had raised the profile of these issues both within government and the wider community.

152. The Ministry now works 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 teachers in return receive support from the Ministry through the Inclusive Education Advisor.

153. Teacher Aides are funded through the Ministry personnel budget and are allocated on the level of need in a school, for example, some students will receive one on one support all day others may share a teacher aide between two students in the same class who both require support.

### **Disabilities**

154. Key developments in disabilities programmes during this review period include:

- The designation of a desk responsible for government programs for disabilities within the INTAFF, in 2000.
- The establishment of the National Disability Council and Outer Islands Disability Committees, in 2001.
- The National Disability Policy and Action plan, 2003-08, recognized children and youth with disabilities as one of the major objectives and to improve access of all children and youth with a disability to education and vocational training to the highest level possible. This has been achieved in this period as the Special Needs education policy has been implemented which has led to most children of school age with disabilities being included in 'regular' classrooms.
- There was no mechanism available to drive its' implementation therefore, funding assistance was secured from NZAID. Hence the recruitment of the Disability Action Team (DAT) with technical assistance from a New Zealand based specialist in 2005. DAT has carried out training of trainers, established adult learning centres on the outer islands and has also worked with the MOE in identifying children with special needs and introducing them into state schools.

- A Director for disability issues has been appointed as the national focal point for Government and works closely with the Disabilities Council and other related stakeholders. The Director is based with the INTAFF.

155. The Cook Islands identification survey table 20 has been updated to 2008 and similar results have been found compared with 2002. The number of children with disabilities is provided in table 21 showing the comparison with 2002. The decrease in numbers could be a number of reasons the most likely being that they no longer have the disability or they have left the Cook Islands.

156. 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. 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 prevocational/ 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.

157. Disabled people are eligible for an infirm benefit and table 22 shows the number of persons receiving infirm benefits for the period 1998 – 2007.

## **IX. Special protection for exploited children (arts. 32, 33, 34, 35, 36, 37, 38 and 39)**

### **Legal context**

158. During the review period the legislative changes set out below were passed.

159. The Crimes Amendment 2003/06 amends the principal Act after S157 and includes S 157A Sexual conduct with children outside the Cook Islands – Everyone commits an offence who; being a person ordinarily resident in the Cook Islands does outside the Cook islands, any act to or in relation to any child under the age of 16 years if that act would, if done in the Cook islands constitute an offence against any of the following provisions of this Act.

160. The Crimes Amendment 2004/05 amends the principal Act by repealing sections 109B and 109F and inserting after S109A the following new PART VA People Smuggling and Trafficking: S109I provides that “every person is liable to imprisonment for a term not exceeding 30 years or to a fine not exceeding \$800,000 or to both who intentionally engages in trafficking in a person who is a child or is involved in the arranging of trafficking in a person who is a child, regardless of whether the child’s entry into the Cook Islands or any other country is or was arranged by specified means.

161. The Narcotics and Misuse of Drugs Act 2004/1 is an Act to amend the law relating to the importation, exportation, manufacture, sale, distribution, use and possession of narcotics and to make provision for the prevention of misuse of drugs and narcotics.

162. A new Employment Relations Bill has been drafted and is being reviewed and receiving stakeholder input during the writing of this report.

### **Implementation of special protection measures for exploited Children**

163. The minimum wage for all employees, regardless of sex, is now NZ\$5 per hour (as of 1 July 2006). In the private sector the average wage ranges from NZ\$7 for low-skilled workers to NZ\$21 per hour for supervisory positions. The first NZ\$10,000 earned is tax

exempt. There is no government unemployment benefit in the Cook Islands. The unemployed tend to migrate to New Zealand, where, as New Zealand citizens, they are able to access government work and income support.

### **Child sexual abuse and commercial exploitation of children**

164. An overview report on CSEC and CSA in the Cook Islands was undertaken by PTI in collaboration with ECPAT New Zealand for the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) and ECPAT International in November 2007.

165. The researchers believe they have uncovered only a small portion of CSA, and even less of CSEC, occurring in the Cook Islands. There is an important need to conduct in-depth research in order to understand the prevalence and the different forms of sexual abuse, the short and long term effects on victims, the perpetrators, and the potential risks to children and young people.

166. The study found that the situations that allow CSEC to happen are linked to those that allow CSA. The children most at risk are those whose home life is peppered with alcohol abuse, violence, parental neglect and lack of parental supervision.

167. Underlying factors contributing to the risk of CSEC and CSA include financial hardship, the inability to afford basic daily needs, peer pressure, and a cycle of abuse and neglect already present in the family. Other factors include acceptance of corporal punishment of children, a tradition of reciprocity that makes refusal of favours in return for gifts very difficult, and unquestioned themes of sexual abuse in traditional stories and songs.

168. There was only one suspected case of CSEC and this sentence gives the impression that it is a lot more prevalent. While most victims were female, some young men had been abused by other men. More training and better collaboration with relevant professionals including social workers and law enforcers are needed in order to ensure the appropriate provision of care and protection for children.

169. Lack of recognition of CSEC and CSA as forms of abuse often makes it difficult for law enforcement agencies to prosecute offenders successfully.

170. The issue of CSEC needs to be addressed in relation to the growing tourism industry, which is vulnerable to this problem. Awareness programmes about CSEC need to be promoted urgently.

171. The study shows that the importation of pornography appears to be a problem, and one that the authorities currently do not have the power to address. Young women reported being plied with alcohol and drugs in private settings where pornographic display was an intrinsic part of the scene.

172. A study of PTI and MOH records indicates that many more CSA cases are not reported to the police. When they do report the incidents, victims, their parents, or both, sometimes return later to withdraw their statements.

173. The Government adopted the Stockholm Declaration and Agenda for Action in September 2003 in Fiji. The Ministry of Police which signed the document on behalf of the Government has been an active member of the group that developed worked on a regional draft bill on Sexual Offences. This document is supported by its stakeholders and currently sits with the CLO. This document now awaits Cabinet endorsement. The draft legislation addresses CSEC and CSA.

174. The Ministry of Police also houses a Domestic Violence Unit, which was developed to respond to increasing reports of domestic violence. The Unit was revived in 2006, but needs further resources and staff training.

175. The MOE has in the past relied on probation officers and one Child and Family Services officer to cover the area of truancy. The Ministry needs to take ownership of this problem and consider other options to deal with truancy from schools and its root causes.

176. The MOH runs a Public Health Service that enables identification of children at risk. Public health nurses work with mothers and their babies in maternal health clinics and are able to recognize children at risk at an early stage. There is a need, however, to strengthen the reporting system, as there is a tendency to delay cases being dealt with by the police.

177. The Juvenile Crimes Prevention Committee (JCPC), which operates under the Ministry of Justice, deals with all juvenile cases such as child neglect, persistent truancy cases and absconding and minor criminal cases. The Ministry of Justice also houses the Children's Court, where serious child offender cases are dealt with, as well as cases that the JCPC has referred. The JCPC needs to be more proactive in the community, and the outdated Prevention of Juvenile Crimes Act needs to be reviewed.

178. Child and Family Services, which is part of the INTAFF, deals with all issues related to children and their families: coordination of family group conferences, counselling, adoption and custody matters, supervision of juvenile delinquents, dealing with placement assessments for children to be returned to the Cook Islands, child neglect and more. This group needs to be adequately resourced, with more staff and more training, so that it can work more effectively in the community.

## Annexes

### Annex I

#### Facts and figures about the Cook Islands

##### The People

1. Cook Islands total population (tables 1 and 2) on 1 December 2006, stood at 19,569 people, an increase of 8.6 per cent compared to the last census count conducted in 2001. There were 9,932 men and 9,637 women.
2. The total population fell by 5.6 per cent between 1996 and 2001 due to out-migration but increased again by 8.6 per cent within the five years leading to the 2006 census. On a regional basis, the Northern Group population (7.1 per cent) decreased by 24.2 per cent and the Southern Group islands (20.6 per cent) experienced a slight increase of 0.5 per cent during this period. Rarotonga remains the most populous island of the Cook Islands with 72.3 per cent of the population residing there.
3. Average household size dropped slightly from 3.9 persons in 2001 to 3.7 persons in 2006. The assumption is that Cook Islanders are moving away from living with extended family and towards the nuclear type family dwelling.
4. The 2006 Social and Economic Report by the Asian Development Bank noted that there is a growing gap between the total population and the resident population. This gap is made up of the tourist population, foreign workers and investors and returning Cook Islanders. The out-migration has been highest amongst young people of working age, and as a result the population is getting older. The median age of the population and dependency rates are both rising, and older people, especially women, are increasingly left to care for young children.
5. Until recently there was a large enough pool of unemployed to ensure the economy's needs could be met even in the face of this out migration. But this is no longer the case. For the economy to grow, foreign workers have been brought in to replace the departing Cook Islanders. Gaps in education and training opportunities for locals add to the shortage of skilled workers. In the tourist industry of Rarotonga, foreign workers are increasingly required to work in all types of skilled and in recent years even unskilled jobs.
6. While the country is benefiting from new arrivals, it is facing the gradual loss of established communities. There are few signs of a slow down in this trend, and it is unclear what changes it will bring and how to prepare public policy to meet the new challenges emerging. It is the Outer Islands that are most at risk. They are increasingly dependent on cash transfers, in particular the financial support that comes with their role as carers of the young children of absent parents. The sustainability of current service standards is eroded with every year that brings new departures. In contrast, the rising concentration of people and economic activity on Rarotonga and Aitutaki is helping ensure the future of these islands.
7. The number of tourists in the country in 2006 at any one time is estimated to be of the order of 3,000 persons, up from 2,200 persons in 2001 and 1,300 persons in 1996.

## Social indicators

8. The first national Millennium Development Goals (MDG) report, was presented in 2005 and summarises and provides insight on Cook Islands national achievements, trends and some of the challenges to our human development programmes.

9. In terms of national aggregates, the Cook Islands has already achieved two of the MDGs: Goal 3 on gender empowerment and Goal 5 on maternal health. With the exception of Goal 7 on environmental sustainability and an additional Goal 9 on improving governance, the Cook Islands are capable of achieving most of the other MDGs by the year of 2015.

10. The infant mortality rate (IMR) is the most common measurement of early age mortality and it measures the number of deaths before age one year per 1000live births. In the 1996 the IMR was 23.5 persons per 1000 births and 19.4 per1000 births in 2000, however this dropped to 14.2 in 2001 In 2007 this has decreased further to 13.8. (However, this statistic should be treated with caution as a growing number of women give birth in New Zealand and their statistics are not included)

11. The crude birth rate was 27.1 births per 1000 in 1996 gradually declining to 20.3 births per 1000 in 2001 and in 2007 it was 23.1. This compares with a crude death rate of 5.9 deaths per 1000 in 1996 and 4.7 deaths per 1000 in 2001 and 7 in 2007.

12. The most commonly used indicator to describe a country's fertility situation is called the total fertility rate (TFR). This measure gives an indication of the average number of children women would give birth to during their reproductive lives (15-49 years of age). The TFR for the resident population is estimated to be 3.78 for the period 1991-1996 and in 2001 this number had improved to 2.9.

## The economy

13. Rising tourism-based activities continues to support growth in the Cook Islands. Growth of 3 per cent in 2007 was attributable mainly to a 5.1 per cent upturn in tourist arrivals compared to 2006 to 99,300. Data from this period also indicates that if the decline in visitors from the Northern Hemisphere continues it will be of concern to the tourism industry. The improvement in tourism was also reflected in growth in lending by commercial banks to the trading and hotel sub sectors. Tourism's estimated contribution to the economy is approximately between 48 – 53 per cent of GDP.

14. Agriculture and fishing, finance and business services (mainly onshore and offshore banking) are also important economic sectors, have remained reasonably stable representing approximately 12 - 14 per cent and 8 - 10 per cent of gross domestic product (GDP), respectively over the review period 2002 – 2007 (table 4).

15. The economy is estimated to have grown by 2.5 per cent in 2006/07, and is projected to grow by 3.5 per cent in 2007/08 and continue this growth in the out years. The growth rate in the out years may be impacted by slowing tourism numbers and any reduction in spending by visitors. (table 3)

16. Per capita income in 2007 was NZD13,653, an increase of 1.8 per cent over 2006 figures. GDP at current prices experienced an upward trend between 2002 (NZD 220 million) and 2007 (NZD 286 million). GDP at 2000 Average Prices saw a negative growth in 2002 with a major increase in 2003 8.2 per cent thereafter a slow decline and 2007 showing a small increase to 1.3 per cent. Real GDP per capita during 2002 – 2007 have experienced strong growth in 2003 (8.2 per cent) and a negative growth of -2 per cent in

2007. For the year 2007 the real GDP per capita was NZ\$10,488 an increase of NZ\$88 from 2002. (table 3)

17. Use of the New Zealand dollar as the domestic currency means that inflation generally tracks the New Zealand rate, which decelerated in 2007. Also, the Cook Islands removed most import duties from July 2006, which helped offset the effect of higher global oil prices. Subsequently, inflation eased to 2.4 per cent

### **Foreign debt**

18. The overall debt position has been greatly improved in the past 7 years. The gross Government to GDP ratio is about 21 per cent while the net debt (including the loan cash reserves) is only 8 per cent of GDP. Most of the debts in Cook islands have been external. With the strong economic growth, the Government has boosted its revenue while maintaining a sound fiscal balance, with surpluses since 2000. With the debt level declining, the Government could afford to remove most customs duties in the 2006-07 budget. Revenue collections as a ratio to GDP were forecasted to decrease from 29 per cent to 27 per cent over the five years up to 2005-06 and are expected to fall to 24 per cent of GDP in 2006-07. However, revenue collection actually improved over this period. Contingent liabilities are a key problem because of the high risk to natural disasters.

### **Foreign aid**

19. Total aid contributions by donor partners are budgeted at \$29.7 million for 2007-08 at the time of the Supplementary Budget in November 2007. This is an increase of 76.0 per cent over the original budget for 2007-08 mainly due to a general grant fund pledge by the Peoples Republic of China. The use of these funds is yet to be formally earmarked and will need to be considered jointly between the Cook Islands Government and the Peoples Republic of China.

### **Employment**

20. Government spending by major function that impact on children is illustrated in table 5 showing marked increases in education from 9 per cent in 1996 to 16 per cent in 2007. Health has also shown a marked increase from 9 per cent to 12 per cent in the same period. Unfortunately there has been a drop in housing and community services from 15 per cent to 11 per cent.

## Annex II

### Health strategy for children and families

#### Objective 1: To improve the health of children by reducing the mortality and morbidity rate

1. The Cook Islands population has a high proportion of children with 33 per cent of the population being 0-14 years. The leading causes of death in children 0 -14 years in 2004 were:

- (a) Infectious diseases – 1;
- (b) Disease of the circulatory system – 1;
- (c) Disease of the nervous system – 1.

2. The leading causes of hospitalisation for children 0 – 14 years in 2004 were:

- (a) Disease of the respiratory system – 228;
- (b) Disease of the digestive system – 28;
- (c) Certain infectious diseases – 25.

3. Whilst the current immunization rate is 100 per cent for children under 2 years it will be important in the future to continue to monitor the rate to ensure it is maintained, review the immunization schedules and ensure that all children have access to Well Child programs.

4. Breast feeding ensures a healthy start to children in the first years of life. It is recognized that breast milk provides an infant's complete nutritional needs along with a reduced risk of infectious diseases and food allergies. The promotion of breast feeding and ensuring all environments are child friendly will help the growth of children.

5. An ongoing programme preventing child obesity will be the focus of reducing non-communicable diseases in the older age groups.

6. Preventing accidental or non-accidental injuries will remain an area of focus and will strengthen through community action programmes.

#### Objective 1: To improve the health of children by reducing the mortality and morbidity rate

<i>Action</i>	<i>Role</i>	<i>Completion date</i>
1.1 Reduce infant mortality to below 9 per 1000 births by 2008. (WHO recommended rate: 6 – 8 per 1000)	Clinical Services Directorate Public Health Directorate	2008
1.2 Maintain the current 100% immunisation rate for children under 2 years	Public Health Directorate	
1.3 Ensure 100% Well Child checks for children under 5 years by 2007	Clinical Services Directorate Public Health Directorate	2007

<i>Action</i>	<i>Role</i>	<i>Completion date</i>
1.4 Achieve exclusive breastfeeding for all babies up to 6months by 2008	Clinical Services Directorate Public Health Directorate	2008
1.5 Achieve child friendly accreditation for all health services by 2010	Clinical Services Directorate Public Health Directorate	2010
1.6 Determine the incidence and prevalence of accidental and non-accidental injuries in children	Ministry Statistical Unit	2008
1.7 Expand and strengthen the child obesity prevention program for the Cook Islands	Public Health Directorate	2008
1.8 To achieve a dmft of < 3 for children under 5 years	Public Health Directorate	2010

### **Objective 2: To improve the health of young people through reducing the incidence and impact of risk taking activities**

7. The health status of young people in the Cook Islands has progressively improved. However there are still inherent concerns that affect the health of our young people that need to be addressed.

- Road traffic crashes are by far the leading cause of morbidity and mortality amongst young people which are often associated with alcohol and high speed.
- Substance abuse, drugs and smoking continue to be a problem amongst adolescents.
- Teenage pregnancy continues to be a major concern, although statistics have shown a gradual decline in numbers since 1998. There is still an ongoing need to address the issue of teenage pregnancy and counselling of teenage mothers and fathers. Fortunately, there has been no reported case of HIV/AIDS in the Cook Islands involving young people and a proactive public awareness campaign has alerted people of the dangers of unprotected sex, especially with the transient tourist and our mobile population.
- Improving the health of young people requires an approach to service delivery which is youth friendly; where young people are supported in an environment that values their belief systems. Many approaches will require collaboration with other sectors such as education and law and order.

### **Objective 2: To improve the health of young people through reducing the incidence and impact of risk taking activities**

<i>Action</i>	<i>Role</i>	<i>Completion date</i>
2.1 Reduce the incidence of sexually transmitted infections	Clinical Services Directorate Public Health Directorate	

<i>Action</i>	<i>Role</i>	<i>Completion date</i>
2.2 Reduce the rate of teenage pregnancy	Public Health Directorate	
2.3 Reduce the mortality, morbidity and injury rate from suicide and road traffic crashes	Public Health Directorate	
2.4 Achieve youth friendly environment for all health services	Clinical Services Directorate Public Health Directorate	2010
2.5 Strengthen awareness programmes in relation to the dangers involved with alcohol, tobacco and drugs	Public Health Directorate	

### **Objective 3: To improve the health of women and mothers through preventing maternal mortality and reducing morbidity**

8. Women comprise 48 per cent of the population and commonly prioritize the health needs of the family over themselves.

9. Utilizing breast and cervical screening services remains variable with women continuing to be diagnosed late with cancer which affects their health outcomes. The use of urology and gynaecology services is poor resulting in some women suffering from conditions which can be treated effectively.

10. Contraception is available to all women. On average, 294 babies are born each year in the Cook Islands, the majority of which are through natural deliveries supported by qualified health workers. Utilisation of antenatal care remains low during the first trimester but increases during the second and third trimester. Post-natal care is available and well utilized.

<i>Action</i>	<i>Role</i>	<i>Completion date</i>
3.1 Maintain zero maternal mortality.	Clinical Services Directorate Public Health Directorate	
3.2 Reduce the incidence and impact of cervical and breast cancer.	Clinical Services Directorate Public Health Directorate	2008
3.3 Improve the quality and utilization of reproductive health care.	Clinical Services Directorate	2007
3.4 Improve the utilization of specific health services for women.	Clinical Services Directorate Public Health Directorate	2009
3.5 Strengthen counselling and support services for family violence.	Clinical Services Directorate Public Health Directorate PTI	

## Annex III

### Education

1. The Education Master Plan is a 15 year strategic plan for the education sector in the Cook Islands endorsed by cabinet in 2008. The plan has the metaphor of learning for life. This statement is to be taken both as providing the skills for a desired quality of life and that learning is a life long journey.
2. The plan has four focus areas for education
  - (a) *Taku Ipukarea Kia Rangitira* which focuses on all learners developing a strength of identity underpinned by a strength in Maori language and culture and the skills required for engagement with the wider world. It includes research into areas of Cook Islands pedagogy and the aim to strive to be a centre of excellence for all things Cook Islands;
  - (b) Learning and Teaching focuses on providing equitable access for all to quality learning programmes. It considers the experience of success across a range of opportunities and programmes integral to meeting student's individual needs and celebrating and expanding individual talents. It aims to increase participation across the sector from ECE to tertiary education and includes recognition of the wellbeing of the student in a holistic as well as academic framework;
  - (c) Learning and the Community focuses on increasing the level of community involvement in quality education. It includes goals around the areas of inclusive education, parent and community awareness and ongoing learning;
  - (d) Infrastructure and Support requires the provision of the appropriate legislation, research, guidelines and standards to support delivery and enhance opportunities for learning. It requires consideration of quality at all points especially in the area of resources and management systems;
  - (e) The sector has developed action plans that respond to these four areas and are evidenced in the annual business plans submitted through the Public Service Commission to Cabinet.

### Early childhood education

3. The MOE has reviewed its whole approach to Early Childhood Education within the time of this report. This started with the recruitment of a specialist Advisor in the Ministry of the development of an ECE specific curriculum document.
4. This document was developed in 2004 and has the following areas as its focus for early learning: identity, inquiry and involvement.
5. With the implementation of the new curriculum the main focus for Early Childhood Education has been developing quality teaching practices to enhance the learning and development of young children.
6. The actions have included:
  - Re-formatting ECE teaching from a 'formal' to play-based learning environment.

- Providing monitoring, guidelines, support and advice for curriculum implementation, best practice, health and safety, Assessment and Planning.
- Producing a set of Values of Play display mini- posters and a play- based learning booklet.

7. Centres on Rarotonga receive regular visits from Advisory staff. Centres on other islands are supported by visits from Advisory staff that travel to each island on a regular basis.

8. The Ministry supports teacher qualifications in ECE by providing support with university fees (University of the South Pacific) and providing tutorials either on a one on one basis or through national workshops.

9. Basic equipment through the “ECE Furniture Package” has been provided to each school through the utilization of donor funds (NZAID and European Union).

10. The next pathway for development will be that of community/parent/caregiver support as the leaders of their child’s education. This will involve many community based programmes where the Ministry will work in conjunction with other government and non-government organizations to provide information and support to parents as providers and early teachers.

**Early childhood education policies**

11. The change in approach towards early childhood education has prompted the Ministry to review its policies in this area. These changes include:

- Identification of a separate operational budget for ECE centres attached to mainstream primary schools;
- The development and implementation of a separate pay scale for ECE teachers which recognizes their unique qualifications, experiences and responsibilities;
- A review of the staffing ratio for ECE to ensure the needs of smaller isolated communities are met;
- Writing and introducing a set of Professional Standards for ECE Teachers; and
- Writing and introducing a new Appraisal system and performance management system.

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*Pupil-Teacher Ratio for Early Childhood Education.*

	Rarotonga	Southern Group	Northern Group	National
2001	19	11	14	16
2002	14	15	9	14
2003	17	18	18	18
2004	19	16	24	19
2005	21	20	20	21
2007	14.8	13.6	9.2	13

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**Provision of quality primary universal education**

12. Initiatives in the Cook Islands in recent times to ensure quality primary universal education include:

- Numeracy and literacy programmes (see below for more information on literacy programmes that have been introduced)
- Resource production
- Significant developments in the area of inclusive education

### **Numeracy programmes**

13. Improved literacy and numeracy outcomes for all learners is a key goal of the Cook Islands Education Master Plan and as such considerable financial and professional support has been given to these two key areas in the timeframe of this report.

### **Literacy programmes in the primary school**

14. An increase in primary school literacy will lead to a literate adult population.
15. There has been a focus on literacy in both English and Maori language since 2002 with the introduction of specific advisors at first in reading and then literacy.
16. Activities developed under these programmes include:
- Development of “readers” in the dialects of Cook Islands Maori and Pukapuka
  - Development and implementation of in-service programmes including cluster and school based workshops and in school modelling
  - Implementation of a lead teacher programme
  - The development, testing, evaluation and editing of instruments to gather evidence on students reading levels in both English and Cook Islands Maori
  - Research and development of bilingual models suitable to the Cook Islands.
17. Literacy in the primary school has been measured using different instruments. Between 1999 and 2006 formal diagnostic testing at Grade 4 and 6 was used to assess literacy in both Cook Islands Maori and English. In 2007, this changed to use evidence gathered by teachers over the year using newly developed instruments and reported to the Ministry against agreed standards and levels. Results for both sets of available data are shown below.

## Annex IV

## Tables 1 – 22

Table 1  
Population estimates and vital statistics

<i>Period</i>	<i>Total Population Estimate</i>	<i>Total Resident Estimate</i>	<i>Crude Birth Rate</i>	<i>Crude Death Rate</i>	<i>Infant Mortality Rate</i>
1996	20000	18800	27.1	5.9	23.5
1997	18200	17400	23.7	8.3	36.3
1998	17300	16600	23.3	6.5	20.7
1999	16400	15500	23.3	6.2	13.9
2000	17900	15000	20.6	7.7	19.4
2001	18100	14000	22.4	6.3	12.8
2002	18400	14800	19.7	6.6	6.8
2003	18400	13900	21.4	6.3	16.8
2004	20300	13500	22.0	7.3	16.8
2005	20200	12400	22.6	7.3	21.4
2006	20800	11800	23.6	7.2	10.8
2007	21000	12500	23.1	7.0	13.8

*Source:* Ministry of Finance and Economic Management, Statistics Division

Table 2  
Population distribution

Island	Land Area (sq. km)	1991 Census			1996 Census			2001 Census			2006 Census		
		Population Density	Total Population	Percentage Distribution	Total Population	Percentage Distribution	Total Population	Percentage Distribution	Percentage Change over 1996-2001	Total Population	Percentage Distribution	Percentage Change over 2001-2006	
Cook Islands	236.7	76	18,617	100	19,103	100	18,027	100	-5.6	19,571	100	8.6	
Rarotonga	67.1	182	10,886	58.5	11,225	58.8	12,188	67.7	8.7	14,155	72.3	16.1	
Southern Group Excl. Rarotonga	143.9	28	5,463	29.3	5,424	28.4	4,013	22.2	-26.2	4,032	20.6	0.5	
Aitutaki	18.3	106	2,357	12.7	2,389	12.5	1,946	10.7	-18.9	2,194	11.2	12.7	
Mangaia	51.8	14	1,214	6.5	1,108	5.8	744	4.1	-32.8	654	3.3	-12.1	
Atiu	26.9	23	1,006	5.4	956	5	623	3.5	-34.9	572	2.9	-8.2	
Mauke	18.4	25	639	3.4	652	3.4	470	2.6	-28.2	393	2.0	-16.4	
Mitiaro	22.3	10	247	1.3	319	1.7	230	1.3	-27.9	219	1.1	-4.8	
Northern Group	24.4	75	2,259	12.2	2,454	12.8	1,826	10.1	-25.9	1,384	1.1	-24.2	
Palmerston	2.1	23	49	0.3	49	0.3	48	0.3	-2	63	0.3	31.3	
Pukapuka	1.3	511	670	3.6	779	4.1	664	3.7	-14.8	507	2.6	-23.6	
Nassau	1.3	53	102	0.5	99	0.5	72	0.4	-30.3	71	0.4	-1.4	
Manihiki	5.4	96	663	3.6	668	3.5	515	2.9	-22.8	351	1.8	-31.8	
Rakahanga	4.1	39	262	1.4	249	1.3	169	0.9	-35.3	141	0.7	-16.6	
Penrhyn	9.8	36	503	2.7	606	3.2	357	2	-41.1	251	1.3	-29.7	
Suvarrow	0.4	10	10	0.1	4	0	1	0	0	-	0.0	-100.0	

Source: Ministry of Finance and Economic Management Statistics Division

Table 3  
Gross domestic product at current and at 2000 average prices

Calendar Year	<i>At Current Prices</i>					<i>At 2000 Average Prices</i>				
	Mid Year Pop.	GDP (\$' 000)	Growth Rate (%)	GDP per Capita (\$)	Growth Rate per capita (\$)	GDP (' 000)	Growth Rate (%)	GDP per Capita (\$)	Growth Rate per Capita (%)	
1996	20,000	137,002	-3.7	6,850	-6.6	156,958	-0.3	7,848	-3.3	
1997	18,200	130,183	-5.0	7,153	3.9	153,272	-2.3	8,422	6.7	
1998(r )	17,300	141,054	8.4	8,153	14.0	152,089	-0.8	8,791	4.4	
1999(r )	16,400	152,760	8.3	9,315	14.2	156,167	2.7	9,522	8.3	
2000(p)	17,900	177,834	16.4	9,935	6.7	177,834	13.9	9,935	4.4	
2001	18,100	205,679	15.7	11,363	14.4	186,565	4.9	10,307	3.8	
2002	18,400	220,550	7.2	11,986	6.1	191,361	2.6	10,400	1.5	
2003	18,400	246,038	11.6	13,372	11.6	206,976	8.2	11,249	8.2	
2004	20,300	258,428	5.0	12,730	-4.8	215,910	4.3	10,636	-5.4	
2005	20,200	261,347	1.1	12,938	1.6	215,968	0.0	10,691	0.5	
2006	20,800	277,649	6.2	13,349	3.2	217,487	0.7	10,456	-2.2	
2007	21,000	286,711	3.3	13,653	1.8	220,250	1.3	10,488	-0.2	

Source: Ministry of Finance and Economic Management Statistics Division

Table 4  
**Gross domestic product at current and at 2000 average prices by sector**

Calendar Year	<i>At Current Prices</i>				<i>At 2000 Average Prices</i>			
	Total	Agriculture & Fishing	Industry	Services	Total	Agriculture & Fishing	Industry	Services
				( ' 000)				
1996	137,002	15,602	10,701	110,698	156,958	15,665	9,988	131,305
1997	130,183	15,858	9,782	104,543	153,272	16,329	10,110	126,834
1998(r)	141,054	20,931	12,089	108,034	152,089	21,800	11,759	118,529
1999(r)	152,760	23,156	13,004	116,601	156,167	23,804	12,533	119,831
2000(p)	177,834	23,822	14,816	139,197	177,834	23,822	14,816	139,197
2001	205,679	23,662	17,202	164,814	186,565	23,130	16,790	146,645
2002	220,550	27,223	17,660	175,667	191,361	25,316	16,737	149,309
2003	246,038	37,646	21,204	187,188	206,976	32,470	19,538	154,967
2004	258,428	35,271	23,852	199,306	215,910	31,632	21,612	162,666
2005	261,347	33,240	22,132	205,975	215,968	30,522	18,956	166,490
2006	277,649	32,025	24,343	221,281	217,487	29,130	19,233	169,124
2007	286,711	34,952	27,517	224,242	220,250	31,585	20,668	167,997

*Source:* Ministry of Finance and Economic Management Statistics Division

Table 5  
Cook Islands expenditure by function

<i>Year</i>	<i>Administration</i>	<i>Public Order &amp; Safety</i>	<i>Education</i>	<i>Health</i>	<i>Housing/Community Services</i>	<i>Recreation &amp; Culture</i>	<i>Agriculture, Forestry &amp; Fishing</i>	<i>Others</i>
1995/96	18,604	3,317	6,331	5,932	9,972	1,698	3,941	17,040
%	28	5	9	9	15	3	6	25
1996/97	12,013	2,767	4,909	4,678	8,055	464	2,318	20,659
%	22	5	9	8	14	1	4	37
1997/98	13,473	2,974	5,765	5,380	6,546	409	1,586	22,192
%	23	5	10	9	11	1	3	38
1998/99	12,636	3,445	7,995	4,845	6,656	373	1,350	16,286
%	24	6	15	9	12	1	3	30
1999/00	9,244	3,798	6,523	6,195	6,637	463	1,602	28,121
%	15	6	10	10	11	1	3	45
2000/01	15,985	4,455	9,334	9,832	7,159	592	1,790	26,298
%	21	6	12	13	9	1	2	35
2001/02	18,733	4,614	8,087	8,237	12,401	678	1,397	29,391
%	22	6	10	10	15	1	2	35
2002/03	15,653	4,205	11,670	9,516	7,505	690	3,585	28,352
%	19	5	14	12	9	1	4	35
2003/04	14,966	3,926	12,236	9,430	8,109	672	2,181	32,386
%	18	5	15	11	10	1	3	39
2004/05	20,088	4,153	13,651	11,414	9,125	834	2,764	24,366
%	23	5	16	13	11	1	3	28
2005/06	23,537	4,307	14,758	10,865	9,424	664	3,159	28,166
%	25		16	11	10	1	3	30

<i>Year</i>	<i>Administration</i>	<i>Public Order &amp; Safety</i>	<i>Education</i>	<i>Health</i>	<i>Housing/Community Services</i>	<i>Recreation &amp; Culture</i>	<i>Agriculture, Forestry &amp; Fishing</i>	<i>Others</i>
		5						
2006/07	23,212	4,476	14,792	11,542	9,803	699	3,433	24,810
%	25	5	16	12	11	1	4	27

*Source: Cook Islands Statistical Bulletin*

**Table 6**  
**Ministry of Internal Affairs budget for welfare appropriations**

<i>Year</i>	<i>Welfare Appropriation</i>
1996/1997	6,632,834
1997/1998	5,519,300
1998/1999	5,952,001
1999/2000	5,652,000
2000/2001	5,874,230
2001/2002	5,906,310
2002/2003	6,937,290
2003/2004	6,925,000
2004/2005	7,627,620
2005/2006	8,157,950
2006/2007	8,512,950

*Source: Ministry of Internal Affairs*

**Table 7**  
**Probation service reports**

<i>Year</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
1999	94	6	100
2000	88	11	99
2001	102	9	111
2002	62	5	67
(Jan-Sept)			
2003	83	6	89
2004	72	6	78
2005	75	2	77
2006	92	8	100
2007	94	12	106

*Source: Ministry of Justice*

Table 8  
**Probation service reports by location and age groups**

Year	Male	Female	Location		Age Group	Age Group under 15 yrs & under supervision		Total Reports for over 16 yrs	Total
			Rarotonga	Outer Islands		Female	Male		
2001 (June-Dec)	12	10	22	0	15 -13	1	2	19	22
2002	17	11	28	0	15 - 12	0	3	35	38
2003	25	12	37	0	16 - 12	2	5	30	37
2004	14	1	9	6	14 -13	0	12	3	15
2005	26	nil	26	0	15 - 13	0	11	15	26
2006	29	nil	29	0	16 - 13	0	14	15	29
2007	28	3	2	7	15 - 9	0	9	22	31
2008	43	4	9	2	16 -12	2	7	38	47

Source: Ministry of Internal Affairs

Table 9  
**Child Family Welfare Division programmes**

Programme	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Truancy	34	42	24	25	134	178	239	302	398	214	106
Welfare General Cases basically relates to: child custody, neglect, maintenance, absconding, abuse (physical, sexual, emotional)	22	92	91	121	71	59	63	71	42	68	137
Juvenile Crime Prevention Committee	5	5	4	3	25	12	11	4	2	0	0
Adoption		5	4	1	0	9	2	2	8	6	1
Custody		7	2	nil	nil						
Children's Court	4	4	5	3	11	6	8	4	2	11	15
Family Group Conference				14	14	27	33	25	11	9	26
Children's Court					7	6	8	4	2	11	15
High Court					-	-		-	1	4	5
Civil Court					-	-	4	3	5	4	5
Total Number	65	155	130	167	262	297	368	415	471	327	310
Placements From NZ Child Youth Protection Family Services							1		6		

<i>Programme</i>	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Proceeded						1		3			
Did not Proceed											
Family Services Australia											
Proceeded								1			
Did not Proceed										1	
					1					deceased	

*Source:* Ministry of Internal Affairs

Table 10  
**Cases reported to the Ministry of Internal Affairs**

<i>Types of Cases</i>	2001	2002	2003	2004	2005	2006	2007	2008
Child Custody	21	19	17	18	9	17	21	23
Neglect	9	6	7	9	6	8	24	39
Maintenance	18	15	16	22	14	18	36	43
Physical abuse	16	2	3	2	1	4	5	9
Emotional abuse	5	2	3	4	3	2	5	
Sexual abuse	-	-	-	1	-	-	-	3
Absconding	6	7	6	8	4	6	7	11
Behavioural problems	6	8	11	7	5	4	13	9
<b>Total</b>	<b>71</b>	<b>59</b>	<b>63</b>	<b>71</b>	<b>42</b>	<b>59</b>	<b>111</b>	<b>137</b>

*Source:* Ministry of Internal Affairs

Table 11  
**Health budget**

<i>Year</i>	<i>Budget</i>
1997/98	3,400,000
1998/99	3,291,493
1999/2000	3,722,499
2000/01	5,402,967
2001/02	6,481,359
2002/03	7,364,000
2003/04	7,101,000
2004/05	8,131,544
2005/06	8,330,904
2006/07	8,699,186
2007/08	9,816,955

*Source:* Ministry of Health

Table 12  
Health Indicators

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Percentage of population less than 15 years	35%	35%	35%	35%	35%	30%	30%	30%	30%	30%	26%	
Crude Birth rate per 1000 population	26.7	21.6	20.4	23.3	21.2	21.9	19.8	21.2	23.2	24	25.9	25.8
Crude Death rate per 1000 population	5	7	6	6.2	8.7	5.6	6.8	6.3	7.9	7.7	8	8.1
Rate of natural increase in population	21	15	17	17	13	16	13	15	15	15	16	16
Life expectancy at birth (years)	56	57	66	67	65	71	70	71	68	69	70	68
Infant mortality rate per 1000 live births	23.5	34	18	16.6	19.4	9.8	3.4	16.9	15.8	9.9	9.7	24.8
Maternal mortality rate per 1000 live births	0	0	0	0	0	0	0	0	0	0	0	0
Percentage of population with access to local health services	100	100	100	100	100	100	100	100	100	100	100	100

Source: Ministry of Health

Table 13  
**Infant and child mortality**

Cause of death	1996			2006		
	Under 1	1-4 years	5-14 years	Under 1	1-4 years	5-14 years
Septicaemia	1					
Other malignant neoplasms	1					
Other diseases of respiratory system		1				
Pneumonia	4	1	1	1		
Appendicitis			1			
Congenital Anomalies	1			1		
Certain conditions originating in the perinatal period	4			1		
Injuries and poisoning		2				
Intracranial and internal injuries		1				1
Accidents		2				
Other						1

Source: Ministry of Health

Table 14  
Major diseases in Cook Islands children

	1996			2006		
	Under 1	1-4 years	5-14 years	Under 1	1-4 years	5-14 years
Infectious and parasitic disease	7	5	16	1	6	16
Neoplasms	2	0	1	1	0	0
Endocrine, nutritional and metabolic diseases	0	0	1	0	2	3
Diseases of blood and blood forming organs	2	0	3	1	1	2
Diseases of nervous system and sense organs	2	4	5	0	3	10
Diseases of circulatory system	0	0	4	0	0	7
Diseases of respiratory system	22	34	13	41	55	82
Diseases of the digestive system	4	6	8	4	10	16
Diseases of the genitourinary system	0	3	2	0	2	5
Diseases of skin and subcutaneous tissue	0	5	3	8	4	7
Diseases of the musculoskeletal system and connective tissue	0	2	4	1	2	5
Congenital anomalies	6	3	4	4	3	1
Symptoms, signs and ill defined conditions	3	16	24	4	6	13
Injuries and poisoning	3	16	24	2	24	27

Table 15  
**Child benefit by month**

<i>Month</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
January	3672	3516	3,463	3,373	3,372	3,270	3,239	3,798
February	3639	3474	3,453	3,368	3,405	3,263	3,252	3,811
March	3645	3497	3,459	3,360	3,395	3,277	3,260	3,822
April	3669	3441	3,447	3,359	3,372	3,294	3,226	3,820
May	3540	3496	3,475	3,375	3,354	3,272	3,253	3,826
June	3629	3469	3,466	3,359	3,355	3,240	3,256	3,814
July	3598	3489	3,468	3,374	3,329	3,252	3,666	3,833
August	3625	3476	3,445	3,386	3,334	3,274	3,815	3,863
September	3563	3463	3,415	3,386	3,342	3,262	3,834	3,829
October	3540	3458	3,393	3,388	3,327	3,239	3,811	3,835
November	3543	3478	3,419	3,389	3,325	3,240	3,820	3,819
December	3479	3460	3,367	3,343	3,297	3,256	3,829	3,793

*Source:* Ministry of Internal Affairs

Table 16  
Welfare appropriations

<i>Breakdown</i>	<i>1999-2000</i>	<i>2000-2001</i>	<i>2001-2002</i>	<i>2002-2003</i>	<i>2003-2004</i>	<i>2004-2005</i>	<i>2005-2006</i>	<i>2006-2007</i>	<i>2007-2008</i>
Child Benefit	1,992,000	1,800,000	1,718,400	2,160,000	2,487,600	2,397,600	2,664,000	2,923,200	2,815,200
Child New Born Allowance	-	-	-	-	-	18,500	64,000	67,200	96,000
Destitute	88,320	70,800	60,000	60,000	68,400	63,000	90,000	99,000	108,000
Infirm	295,680	308,400	288,000	288,000	343,200	414,000	432,000	432,000	450,000
Care-Givers	-	-	-	-	-	-	-	-	-
Old Age Pension	3,276,000	3,336,000	3,360,000	3,408,400	3,740,400				
a) 60+ years	-	-	-	-	-	1,377,240	1,497,600	1,512,000	1,612,800
b) 65+ years	-	-	-	-	-	986,280	1,245,000	1,275,000	1,365,000
c) 70+ years	-	-	-	-	-	1,686,000	1,653,600	1,684,800	1,762,800
<b>Total</b>	<b>5,652,000</b>	<b>5,515,200</b>	<b>5,426,400</b>	<b>5,916,400</b>	<b>6,639,600</b>	<b>6,942,620</b>	<b>7,646,200</b>	<b>7,993,200</b>	<b>8,209,800</b>

Source: Ministry of Internal Affairs

Table 17  
**Education budget as percentage of Government Budget**

<i>Year</i>	<i>Total National Budget</i>	<i>Education Budget</i>	<i>% of Government Budget</i>
1997/98	49,702,703	5,517,000	12.5
1998/99	27,424,802	3,044,153	10.59
1999/00	31,753,838	3,524,676	10.69
2001/02	60,776,090	6,746,146	11.1
2002/03	81,175,000	11,670,000	14.4
2003/04	83,906,000	12,236,000	14.6
2004/05	86,396,000	13,651,000	15.8
2005/06	94,880,000	14,758,000	15.6
2006/07	92,767,000	14,792,000	15.9

*Source:* Ministry of Education

Table 18  
**Ministry of Education expenditure**

<i>Year</i>	<i>Education Expenditure</i>	<i>School Population</i>	<i>Per Capita Expenditure</i>	<i>% Govt Expenditure</i>	<i>% GDP</i>
1997/98	5,922,738	4,950	1,197	12.5	9.0
1998/99	5,822,028	4,767	1,221	10.59	9.0
1999/00	6,195,949	4,548	1,362	10.69	10.0
2000/01	6,346,146	4,657	1,363	15.0	13.0
2002/03	11,670,000	4,612	2,530	9.4	5.0
2003/04	12,236,000	4,631	2,642	9.0	4.9
2004/05	13,651,000	4,573	2,985	9.5	5.3
2005/06	14,758,000	4,570	3,229	9.2	5.4
2006/07	14,792,000	4,461	3,316	9.9	5.2

*Source:* Ministry of Education

Table 19  
**Preschool enrolments**

<i>Year</i>	<i>Pre School Enrolments</i>
1996	530
1997	447
1998	460
1999	422
2000	465
2001	451
2002	399
2003	457
2004	472
2005	473
2006	475
2007	479

*Source:* Ministry of Education

Table 20  
Age and gender - disabilities summary

Ages	0-5		6-14		15-20		21-30		31-40		41-50		51+	
	2002	2008	2002	2008	2002	2008	2002	2008	2002	2008	2002	2008	2002	2008
Disability														
Autism	1	0	1	0	0	1	2	1		0		0		0
Behaviour Problems	2	0	9	2	5	2	2	0	5	2	8	4	6	3
Cleft Palate	4	0	8	1	6	1	6	0		0	3	0	5	0
CP		0		3		2		4		0		1		1
Deafness/Spe/Hearing	2	0	8	6	6	6	20	5	9	5	9	2	15	5
Down Syndrome	1	0	29	1	2	2	4	2	4	3		2		0
Epilepsy	3	0	6	2	8	2	14	4	19	6	11	9	7	2
Haemaplegia		0	9	0	3	1		0		0		0	1	1
Hydrocephaly		0	1	0	1	1		0	1	0		0		0
Intell. Dis.	5	0	1	6	23	9	46	18	47	19	24	16	25	13
Mental illness		0	23	0	0	0	2	0	6	1	6	1	13	3
Multi-disabled	4	0	6	2	3	1	3	1	3	0	1	1	2	0
Other Illness	2	0	5	0	3	1	5	7	3	7	2	8	22	27
Other/illness		0		2		1		2		1		1		3
Phys.Dis.	4	0	9	0	9	0	14	0	26	1	22	0	73	5
Slow Learner	3	0	28	5	28	3	5	3	6	2	9	3	2	1
Speech	1	0	1	1	1	0	6	0	5	1	4	3	1	1
Talipes	2	0	4	3	4	2	5	1	1	2		0	4	1
Visual Impairment	3		12		12		3		6		4		26	
Total	37	0	160	34	114	35	137	48	141	50	103	51	202	66

Source: Ministry of Internal Affairs

Table 21  
**Children with disabilities**

<i>Island</i>	<i>No of school aged children</i>		<i>No. currently attending school</i>		<i>No. currently not attending school</i>	
	2002	2008	2002	2008	2002	2008
Aitutaki	16	12	6	6	10	6
Atiu	2	2	1	1	1	1
Mangaia	10	9	6	4	4	5
Manihiki	4	3	1	2	3	1
Mauke	6	2	1	2	5	1
Mitiaro	24	19	23	18	1	1
Nassau	0	0	0	0	0	0
Penrhyn	2	0	0	0	2	0
Pukapuka	5	2	0	0	5	0
Rakahanga	9	5	8	4	1	1
Rarotonga	41	22	14	14	27	8
<b>Total</b>	<b>119</b>	<b>76</b>	<b>60</b>	<b>51</b>	<b>59</b>	<b>24</b>

*Source:* Ministry of Internal Affairs

Table 22  
**Infirm and destitute**

<i>Month</i>	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
January	318	313	294	272	267	225	227	221	220	222
February	323	313	288	271	226	225	227	221	220	222
March	319	310	286	268	226	225	227	221	220	222
April	320	309	283	262	226	225	227	221	220	222
May	318	308	283	268	226	225	227	221	220	222
June	318	307	281	270	226	225	227	221	220	222
July	313	303	279	263	226	225	227	221	220	222
August	319	304	279	263	226	225	227	221	220	222
September	319	302	275	265	226	225	227	221	220	222
October	315	301	265	266	226	225	227	221	220	222
November	317	299	271	262	226	225	227	221	220	222
December	316	295	271	263	226	225	227	221	220	222

*Source:* Ministry of Internal Affairs