



Convention on the Rights of the Child

Distr.: General
4 July 2019

Original: English
English, French and Spanish only

Committee on the Rights of the Child

Eighty-third session

13–31 January 2020

Consideration of reports of States parties

List of issues in relation to the combined second to fifth reports of the Cook Islands

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 October 2019. The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

Part I

1. Please provide information on the steps taken to withdraw the reservations to articles 2 and 10 of the Convention and the declaration on article 2 (1) of the Convention. Please update the Committee on the measures taken to implement the Family Protection and Support Act of 2017, in particular to provide training and raise awareness of the Act among relevant professionals and the public, to harmonize domestic law with the Convention, and to ratify the Optional Protocols to the Convention.
2. Please inform the Committee how child-related policies, including the National Policy Framework for Children 2017–2021 (*Te Pito Manava o te Anau*), the National Youth Policy 2015–2020, and the Disability Inclusive Development Policy and Action Plan 2014–2019, are being implemented. Please indicate the human, technical and financial resources allocated to implement these policies, as well as the time frame for establishing the National Advisory Committee for Children's Rights, approved on 12 October 2017.
3. Please indicate the measures taken to establish a budgeting process with clear allocations, specific indicators and a tracking system with regard to children's rights, as well as a centralized data-collection system. Please inform the Committee if the recommendations of the scoping team on a national human rights institution were considered and if any decision was taken (CRC/C/COK/2-5, para. 52), and whether children are aware of the Ombudsman as a complaint mechanism.
4. Please inform the Committee on measures taken to raise the minimum age of marriage to 18 years and to amend the discriminatory provisions against adopted children concerning inheritance rights in the Cook Islands Act of 1915. Please indicate possible consideration of amending the new Crimes Bill, drafted in 2017, to ensure that children of or above 16 years are protected in the provisions on grooming and depiction in child sexual abuse material and that adolescents engaging in consensual sexual activity, including sexting, are not criminalized.
5. Please clarify in which types of court proceedings the measures to protect the privacy of children under the Family Protection and Support Act may be available. Please



provide information on measures taken to explicitly prohibit by law all forms of corporal punishment in all settings, including “lawful correction of the child”. Please also describe the impact of measures to raise public awareness of the harmful effects of corporal punishment, including through the *Te Kakaia* Programme of the Ministry of Education.

6. Please provide information on the measures taken to address instances of child abuse and neglect, sexual abuse and domestic violence, including efforts to change societal attitudes and the impact of the work of *Vaka* constables (CRC/C/COK/2-5, para. 182).

7. Please indicate the steps taken to:

- (a) Provide affordable childcare in all parts of the State party;
- (b) Establish a legal framework and a policy for supporting and monitoring family-based care, including in the *uipaanga kopu tangata* system (CRC/C/COK/2-5, para. 122).

8. Please provide information on measures taken with regard to children to:

- (a) Reduce disparities in health care between Rarotonga and the Outer Islands;
- (b) Reduce pneumonia, diarrhoea, early pregnancies and sexually transmitted diseases;
- (c) Implement the Cook Islands Mental Health and Wellbeing Strategy 2016–2021 and the National Suicide Prevention Strategy 2016–2020;
- (d) Ensure access to age-appropriate sexual and reproductive health education.

9. Please inform the Committee of the impact of the Education Master Plan 2008–2023, particularly with regard to decreasing the disparities in educational services between Rarotonga and the Outer Islands, including early childhood development and vocational training. Please explain how child protection issues have been taken into consideration in national disaster risk management plans and in the legislative framework (civil, criminal and administrative) applicable to business enterprises, especially in the tourism industry.

10. Please provide information on the measures taken to develop a comprehensive juvenile justice system, in particular, to:

- (a) Increase the minimum age of criminal responsibility and amend the Prevention of Juvenile Crime Act of 1968 to cover children between 16 and 18 years;
- (b) Use non-custodial measures, such as *Te Koro Akaau* (CRC/C/COK/2-5, para. 186);
- (c) Provide protection to child victims and witnesses in criminal proceedings.

Part II

11. The Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report with regard to:

- (a) New bills or laws, and their respective regulations;
- (b) New institutions (and their mandates) or institutional reforms;
- (c) Recently introduced policies, programmes and action plans and their scope and financing;
- (d) Recent ratifications of human rights instruments.

Part III

Data, statistics and other information, if available

12. Please provide consolidated information for the past three years on the budget lines regarding children and social sectors by indicating the percentage of each budget line in terms of the total national budget and the gross national product. Please also provide information on the geographic allocation of those resources.

13. Please provide, if available, updated statistical data disaggregated by age, sex, type of disability, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on:

- (a) Children living in poverty;
- (b) Cases of violence against children, including sexual violence, child neglect and abuse, and the number of investigations and prosecutions carried out and sentences issued;
- (c) The number and type of calls received from or on behalf of children by the confidential helpline operated by Youthline New Zealand and the 24-hour helpline for victims of domestic violence by the non-governmental organization *Punanga Tauturu*;
- (d) The prevalence of anaemia among children;
- (e) Obesity among children;
- (f) Teenage pregnancy;
- (g) Sexually transmitted diseases;
- (h) Suicides and children receiving mental health services;
- (i) Tobacco and alcohol consumption and drug abuse among children;
- (j) The percentage of school-aged children benefiting from early childhood education and attending primary and secondary school;
- (k) Children residing in the Outer Islands who benefit from the distance learning programme *Te Kura Uira*;
- (l) Children dropping out of school and the ratio of children who have benefited from vocational training, such as the Dual Pathway and Lifeskills programmes;
- (m) Children benefiting from the Cook Islands Tertiary Support Programme *Te Reinga Akatuanga 'anga*.

14. Please provide data, if available, disaggregated by age, sex, socioeconomic background, ethnic origin and geographic location regarding the situation of children deprived of a family environment, for the past three years, on the number of children:

- (a) Living with relatives, including children taken care of by their extended family in the context of the *uipaanga kopu tangata* system under part 5 of the Family Protection and Support Act;
- (b) Placed in institutions;
- (c) Placed in foster families;
- (d) Adopted domestically or through intercountry adoptions, including children adopted through an informal system known as *tamariki angai* (CRC/C/COK/2-5, para. 135).

15. Please provide data, if available, disaggregated by age, sex, type of disability, ethnic origin and geographic location, for the past three years, on the number of children with disabilities:

- (a) Living with their families or with their extended families;
- (b) Attending regular primary schools;

- (c) Attending regular secondary schools;
- (d) Attending special schools;
- (e) Benefiting from personalized teacher aide support (CRC/C/COK/2-5, para. 171) and the development of Individual Education Plans (CRPD/C/COK/Q/1/Add.1, paras. 34–38);
- (f) Benefiting from training through the Outer Islands Learning Centres;
- (g) Out of school;
- (h) Abandoned by their families.

16. Please provide, if available, updated statistical data disaggregated by age, sex, type of offence, ethnic and national origin, geographic location and socioeconomic status, for the past three years, on children in conflict with the law who have been:

- (a) Arrested;
- (b) Referred to the Juvenile Crime Prevention Committee;
- (c) Referred to diversion programmes, including through the process of *Te Koro Akaau* (CRC/C/COK/2-5, para. 186);
- (d) In pretrial detention;
- (e) Serving a sentence in detention, including data on the length of the sentence;
- (f) Serving a sentence in detention facilities for adults;
- (g) Provided with legal aid in criminal cases through the Ministry of Justice;
- (h) Supported by a lawyer or have received other legal assistance in civil proceedings.

17. Please provide information on how the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals integrate a child rights-based approach, including with regard to child participation and data collection, and how they promote the realization of children's rights under the Convention.

18. Please provide the Committee with an update of any data in the report that may have become outdated by more recent data collected or other new developments.

19. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.
