



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues prior to the submission of the combined second and third periodic reports of the Cook Islands*

1. Please inform the Committee about the progress made and the challenges encountered in implementing its previous recommendations (CRPD/C/COK/CO/1), particularly in the areas of legislative reform and the adoption of policies in accordance with the Convention and the human rights model of disability. Please provide information on the implementation of each previous recommendation.

A. Purpose and general obligations (arts. 1–4)

2. Please inform the Committee about:

(a) Any review undertaken by the State party of its legislation, since the consideration of its initial report, in view of harmonizing it with the provisions of the Convention;

(b) Any efforts made to mainstream the rights of persons with disabilities in public policies and strategies, including persons with disabilities living in the outer islands and women and girls with disabilities, and to include the sufficient human, technical and financial resources for their implementation;

(c) The implementation of the Cook Islands Disability-Inclusive Development Policy 2014–2019, including information on the time frame and resources, as well as information regarding the impact assessment of the policy from 2014 to 2018 and whether the policy will continue after 2019;

(d) The participation and involvement of persons with disabilities through their representative organizations in public decision-making processes, including the proportion of persons with disabilities who participate in such processes in elected positions or as members of Government-appointed boards and committees, and the availability of funds and accessible information to organizations of persons with disabilities that are led, directed and governed by persons with disabilities and whose membership in its clear majority comprises persons with disabilities themselves.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

3. Please provide information on the measures taken to ensure that the anti-discriminatory frameworks in article 64 (1) of the Constitution and other legislation, such as the code of conduct enshrined in sections 20 to 22 and schedule 4 of the Public Service

* Adopted by the Committee at its twenty-first session (11 March–5 April 2019).



Act 2009, prohibit discrimination on the grounds of disability, including multiple and intersecting discrimination, in line with the Committee's general comment No. 6 (2018) on equality and non-discrimination.

Women with disabilities (art. 6)

4. Please inform the Committee on the steps taken towards the promotion of the full inclusion of women and girls with disabilities in line with the Committee's general comment No. 3 (2016) on women and girls with disabilities, and provide information on:

(a) The measures taken to address the risk and marginalization factors specific to women and girls with disabilities identified by the State party (CEDAW/C/COK/2-3, para. 124);

(b) The participation of women and girls with disabilities through their representative organizations in the design and implementation of policies, strategies and projects, including the Cook Islands National Policy on Gender Equality and Women's Empowerment (2011–2016), the Cook Islands Disability-Inclusive Development Policy 2014–2019 (priority area 9) and the Cook Islands Women and Girls with Disabilities Strategic Plan 2018–2022.

Children with disabilities (art. 7)

5. Please provide information on:

(a) The existing mechanisms to ensure the meaningful representation, including self-representation, of children with disabilities and free expression by them, and the financial and other support provided to them in this regard;

(b) Guidance provided to government officials to implement the principle of the best interests of the child (article 7 of the Family Protection and Support Act 2017) in the design, implementation and monitoring of legislation and policies concerning children with disabilities;

(c) The time frame for the adoption of the draft children's policy, the extent to which it covers the rights of children with disabilities, and the participation of children with disabilities through their representative organizations in developing the policy.

Accessibility (art. 9)

6. Please indicate:

(a) The progress of implementation of the Cook Islands National Infrastructure Investment Plan of 2015 with respect to making buildings, transport and infrastructure that are open or provided to the public fully accessible to persons with disabilities, and whether an audit of the compliance of public buildings with part ND3 (entitled "Access for people with disabilities") of the National Building Code of 1990 has been undertaken;

(b) Whether monitoring and enforcement mechanisms on accessibility have been established and, if so, their nature, including the sanctions imposed for non-compliance with accessibility standards under section 40 of the Disability Act 2008;

(c) Whether persons with disabilities are able to receive financial support, either through the Special Assistance Fund or through other mechanisms, to make their homes accessible;

(d) The steps taken to ensure accessibility in the sphere of information and communications technology and standards, as well as to ensure equal access to digital services;

(e) Any training programmes provided to different stakeholders in the public and private sectors on accessibility through universal design, and the measures taken to involve organizations of persons with disabilities in the design and provision of such training.

Situations of risk and humanitarian emergencies (art. 11)

7. Please provide information on:

(a) Any follow-up plan to the National Action Plan for Disaster Risk Management 2009–2015 and whether it is in line with the Sendai Framework for Disaster Risk Reduction 2015–2030 and accounts for the heightened risk of persons with disabilities in the outer islands, particularly to make facilities of the village disaster risk management committees accessible to persons with disabilities;

(b) The consultation and participation mechanisms for persons with disabilities in the development, implementation and monitoring of strategies, plans and protocols in disaster risk reduction and humanitarian emergencies;

(c) Any early warning and alert systems in place in case of risk and humanitarian emergency and whether these provide information in accessible formats;

(d) Whether a national emergency call system is accessible throughout the State party for all persons with disabilities, regardless of impairment;

(e) The status of the disability-mapping database that was being developed by Emergency Management Cook Islands for inclusion in its Geo-Portal for Disaster Risk Management and island council disaster risk management plans (CRPD/C/COK/Q/1/Add.1, para. 46).

Equal recognition before the law (art. 12)

8. Please provide information on:

(a) Any steps taken to abolish substituted decision-making regimes and replace them with supported decision-making regimes;

(b) Any measures taken to ensure that the support provided respects the rights, autonomy, will and preferences of persons with disabilities and safeguards them from undue influence, misconduct and conflicts of interest, and the extent to which persons with disabilities have access to remedies against such situations;

(c) The repeal of sections 436, 474, 494–495 and 502–503 of the Cook Islands Act 1915 through the Cook Islands Amendment Act of 2007 and whether all restrictions of the rights of persons with disabilities to own and inherit land have been eliminated through those amendments.

Access to justice (art. 13)

9. Please provide information on measures taken to provide procedural accommodation for persons with disabilities in different proceedings, including data on the number of available sign language interpreters, the physical accessibility of court buildings and the availability of official documents in proceedings in accessible formats, including Braille and Easy Read.

Liberty and security of the person (art. 14)

10. Please provide information on measures taken to:

(a) Ensure that persons with disabilities have access to procedures to challenge the legality of their deprivation of liberty;

(b) Increase resources allocated to persons with disabilities, particularly persons with psychosocial disabilities, in community-based outpatient services;

(c) Repeal any laws, particularly part 21 of the Cook Islands Act 1915, that allow the deprivation of liberty of persons with disabilities against their will based on an order of medical custody. Please indicate the number of persons with disabilities deprived of their liberty in the State party and removed to neighbouring countries based on such an order, disaggregated by year, age, sex, type of impairment, type of facility and length of detention, and any steps taken to end this practice and deinstitutionalize such persons.

Freedom from exploitation, violence and abuse (art. 16)

11. Please inform the Committee of the number of cases of violence against women and children with disabilities reported to the Ombudsman's Office and to the Juvenile Crimes Prevention Committee respectively, and the number of prosecutions and convictions since 2015, disaggregated by year, age, sex and type of impairment, offence and sanction. Please also provide information on the measures taken to establish protection mechanisms, including shelters and legal redress that are accessible to persons with disabilities.

Protecting the integrity of the person (art. 17)

12. Please inform the Committee of the status of the review of the criminal code and other relevant laws to prohibit sterilization and any other medical intervention without the free and informed consent of persons with disabilities. Please indicate how persons with disabilities, especially women and girls with disabilities, through their representative organizations, are being consulted during the review.

Living independently and being included in the community (art. 19)

13. Please provide information on:

(a) Measures taken to ensure that persons with disabilities can live independently, and whether existing measures and eligibility criteria in this regard are in line with general comment No. 5 (2017) on living independently and being included in the community, namely the Infirm Allowance, the Caregiver's Allowance and the special assistance provided on the basis of an income and asset test; for each allowance scheme, please include data on the amounts provided and the number of recipients, disaggregated by, inter alia, sex, age, type of impairment and location;

(b) The number and proportion of persons with disabilities and their families receiving support for community living;

(c) The support services in place to promote the right to independent living and living in the community.

Freedom of expression and opinion, and access to information (art. 21)

14. Please provide information on steps taken to:

(a) Recognize sign language as an official language;

(b) Provide information in accessible modes, means and formats of communication, including sign language, captioning, Braille and Easy Read;

(c) Increase the availability of accessible mass media to persons with disabilities.

Respect for privacy (art. 22)

15. Please provide information on the legal safeguards in place to ensure the principle of respect for the privacy and confidentiality of information of persons with disabilities, particularly those who are still living in institutions.

Education (art. 24)

16. Please update the Committee on:

(a) The progress made to implement the Inclusive Education Policy of October 2017, including a description of the policy's achievements and shortcomings;

(b) Any plans for a review of the Inclusive Education Policy or for an assessment of the accessibility of mainstream schools, similar to the disability access assessments undertaken in Rarotongan schools in 2014 (CRPD/C/COK/Q/1/Add.1, paras. 90–91), and for persons with disabilities and their representative organizations to be involved in such review and assessment processes;

(c) The education establishments that have been transformed into inclusive settings since the Inclusive Education Policy was adopted (including the number,

percentage and types), the number of students with disabilities attending such establishments, disaggregated by age, sex, type of impairment, type of school, and municipality, and the support that such students receive according to their requirements.

Health (art. 25)

17. Please inform the Committee of:

(a) The budget allocated to health-care services in the outer islands and the share of the budget allocated to ensure equal access to health-care services for persons with disabilities;

(b) Any plans to increase the availability of health-care personnel and clinics in the outer islands;

(c) The number of persons with disabilities resident of the outer islands who have been entitled to fly for medical care to Rarotonga, and the criteria used to determine access to services on Rarotonga for persons with disabilities from the outer islands;

(d) The number of women and girls with disabilities who have received education and training on their sexual and reproductive health and rights in appropriate and accessible formats.

Work and employment (art. 27)

18. Please describe:

(a) Any mechanisms in place to monitor compliance with the Employment Relations Act 2012, and indicate the number of complaints for non-compliance that have been lodged by persons with disabilities as well as their outcomes;

(b) Any vocational training offered to persons with disabilities and any measures, including financial incentives for employers, to promote the employment of persons with disabilities;

(c) Any mechanisms in place to ensure that persons with disabilities receive equal pay for work of equal value, including work within the family setting.

C. Specific obligations (arts. 31–33)

International cooperation (art. 32)

19. Please provide information on measures taken to ensure that the implementation of the 2030 Agenda for Sustainable Development and development programmes financed through international cooperation are accessible and disability-inclusive. Please indicate how persons with disabilities, through their representative organizations, are involved in the implementation of the Sustainable Development Goals.

National implementation and monitoring (art. 33)

20. Please describe the State party's mechanisms for intersectoral coordination of disability-related action in public policies and strategies and specify whether the State party has appointed one or more focal points within the Government for the implementation of the Convention.