



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Sixty-second session

### Summary record of the 1768th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 22 January 2013, at 9 a.m.

*Chairperson:* Mr. Zermatten

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*The meeting was called to order at 9.05 a.m.*

**Consideration of reports submitted by States parties** (*continued*)

*Initial report of Niue on the implementation of the Convention on the Rights of the Child (CRC/C/NIU/1; CRC/C/NIU/Q/1 and Add.1)*

1. **The Chairperson** indicated that the 1768th meeting would be conducted by videoconference.
2. *Communication was established with the delegation of Niue.*
3. **Ms. Jacobsen** (Niue) said that Niue had ratified the Convention on 19 January 1996 and submitted its initial report in 2010. All Niuean children lived in a family environment under the responsibility of an adult. The small coral island was made up of 13 villages connected to one another by a good road network, all of them with Internet access. Each village was governed by a council whose members were democratically elected every three years. There was one nurse and at least one church per village and all children were brought up in the Christian faith.
4. As children made up about one quarter of the population, the country needed only one primary school and one secondary school; the school enrolment rate was 100 per cent. Since 1996, parents with children of school age received an allowance helping them to buy their child a uniform. Education was free from preschool level upwards, as was hospital care.
5. Since September 1974, when a large majority of the population had voted in favour of self-government in free association with New Zealand, Niue had been adopting its own laws, which were still broadly based on New Zealand law. The Legislative Assembly was composed of 20 members, with 1 representative per village (except for the capital, Alofi, which had 2 representatives) and 6 members elected at the national level.
6. The Community Affairs Department coordinated activities to protect women and children.
7. Owing to insufficient resources, Niue would certainly need time to honour the many commitments it had assumed on the international stage. The delay should not, however, be ascribed to a lack of political will.
8. **Ms. Varmah** (Country Rapporteur), regretting that the State party's legislation on children was not comprehensive, asked what progress had been made with drafting a bill on the protection of the family and a bill on mental health, and with reforming the Family Law Code, and what specific efforts had been made to harmonize the various laws safeguarding the rights of the child.
9. She also wished to know whether the State party intended to establish a comprehensive data-collection system covering all aspects of the Convention.
10. The delegation might indicate whether persons working with minors received training in children's rights in their relevant areas, whether those rights were taught in school syllabuses and whether children had Internet access.
11. With regard to the definition of the child, it would be interesting to know whether the State party planned to raise the age of criminal liability and make the marriageable age the same for boys and girls. It would also be useful to know the age of consent to sexual relations for boys, the age at which children could participate in judicial decisions involving them, including in cases of child custody, and lastly, the minimum age for employment in the civil service. Could children under the age of 15 be employed in the private and informal sectors?

12. According to some reports, Niuean girls were often brought up on the assumption that they were second-class citizens and they were discriminated against. She asked for further information on the issue that penalties for sexual violence were less severe when the victim was declared to be mentally retarded. She also wished to know what steps had been taken to protect the privacy of children and adolescents in a country where everyone knew one another.

13. It would be useful to know what rights were enjoyed by children adopted through customary adoption (*tama taute*) and whether it was possible for them to inherit land from their adoptive families. Were adoptions of that kind subject to regular monitoring and were the children in question protected against all forms of violence in their adoptive families? In addition, the delegation could perhaps explain why the State party did not plan to ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

14. Given that sexual abuse of children under 15 years of age was apparently common, she raised the case of sexual violence in which a teenage girl and her family, after filing a complaint against a family member, had been forced to leave the island because they had been ostracized. It would be interesting to know what measures the State party took to combat sexual violence, whether campaigns had been launched to make people aware of the need to denounce the perpetrators of such acts and whether perpetrators were punished regardless of whether they were members of the family.

15. She also wished to know whether the State party had conducted campaigns to raise awareness of the harmful effects of alcohol and drugs — often the root cause of the sexual abuse of minors — and of smoking. Were there campaigns against teenage pregnancy and sexually transmitted infections specifically for adolescents? What measures were taken to encourage children and adolescents, 10 per cent of whom were obese, to eat healthily and engage in physical exercise?

16. She also wondered whether school dropouts had access to vocational training and whether Niue planned to install a special phone line available around the clock and free of charge to allow children's grievances to be heard.

17. **Ms. Sandberg** asked whether all Niuean children had the opportunity to take part in the country's political life and were encouraged to do so, and what means they had available to express their views, in particular before the courts. Were parents themselves encouraged to listen to their children more, especially their daughters?

18. **Ms. Maurás Pérez** asked whether the State party intended to adopt legislation on the prohibition of discrimination on any grounds and a law explicitly prohibiting corporal punishment in all contexts. She also wished to know how many women sat in the Legislative Assembly and how many presided over village councils.

19. **Mr. Koompraphant** asked whether child victims or witnesses of violence could lodge complaints with the authorities.

20. **Mr. Pollar** asked what legal provisions governed the registration of children when the father's identity was unknown.

21. **Ms. Aidoo** asked what obstacles there were to the creation of an early childhood centre and why the education budget seemed to decline over the previous few years. She noted with concern that some teenage girls had apparently become pregnant as a result of an incestuous relationship and enquired about measures taken to combat such practices. Lastly, she asked whether there were legal provisions prohibiting sexual violence against boys.

22. **Ms. Lee** asked whether it was true that the State party was contemplating lowering the minimum compulsory school leaving age to 15 years.

23. **Ms. Wijemanne** asked whether people in contact with children had received training in the Convention and whether the principle of the best interests of the child had been taken into account in laws relating to children. She enquired about the measures taken to improve the health of adolescents and provide them with the necessary services in respect of sexual and reproductive health and the prevention of drug addiction. She also wished to know whether emergency medical services were available in Niue and whether there were plans to open vocational training facilities in the country.

24. **Mr. Kotrane** expressed concern about the public nature of customary adoptions and the lack of respect for a child's privacy which could arise from it. He asked whether police officers had received training in juvenile justice, as referred to in paragraph 371 of the report, and why there were no statistics on juvenile offenders.

25. **The Chairperson** asked whether it would be possible to have special provisions regulating children in conflict with the law, including the holding of trials in camera.

*The meeting was suspended at 10.15 a.m. and resumed at 10.50 a.m.*

26. **Ms. Jacobsen** (Niue) explained that all the Committee's recommendations would be taken into account in the drafting of the family protection bill and the reform of the Family Law Code. Efforts were made to promote the rights of the child throughout the country and encourage the population, in particular women, to report all cases of child abuse. In 2011, a clinic opened at Niue secondary school, providing adolescents with advice about HIV/AIDS and reproductive health. Consultations with a female doctor were organized twice a week. In addition, primary school pupils were guaranteed comprehensive medical care by a nurse.

27. **Ms. Al-Asmar** asked whether the population had been made aware of the provisions of the Convention.

28. **Ms. Jacobsen** (Niue) replied that in 2010, workshops had been organized to raise villagers' awareness of the Convention. Under the rules of the Niuean Public Service Commission, public sector companies did not employ children under the age of 15, but it was not unknown for even younger children to work in family businesses.

29. **The Chairperson** asked whether the work performed by children in a family environment was subject to checks and from what age children were permitted to work.

30. **Ms. Jacobsen** (Niue) replied that children were allowed to work in the public sector from the age of 15 but that no lower age limit had been set for the private sector. No controls were imposed on the working conditions of children in a family environment.

31. In cooperation with the Bureau of the Pacific Community, as part of the informational sessions organized in villages, a wide-ranging programme had been launched to raise young people's awareness of non-communicable diseases and advise them on healthy eating and risks linked to obesity.

32. There was no discrimination against girls and they were treated on an equal footing with boys. Traditionally, however, the respective roles of the two sexes were very distinct. Nor were foreigners discriminated against, enjoying as they did the same rights as Niueans. Likewise, there was no discrimination in practice against children with disabilities.

33. **Mr. Cardona Llorens** pointed out that the terms used in the law were objectively discriminatory and degrading since children with disabilities were qualified as idiots and imbeciles. The law was discriminatory because the penalties incurred for sexual abuse of a

child were lower if the victim had a disability. The law should be amended, even though it had never been applied.

34. **The Chairperson** observed that the inheritance law was discriminatory against girls because land could be passed on only to boys, and highlighted that the law on sexual violence did not establish the rape of a boy as a punishable offence.

35. **Ms. Lee** noted with concern that some girls left school before reaching the minimum compulsory school leaving age of 16 years, since the marriageable age had been set at 15 years for girls.

36. **Ms. Jacobsen** (Niue) recognized that some laws inherited from New Zealand were outdated and had never been revised because they had never been enforced. Customary adoption was linked to land rights. Whereas adopted children with the same lineage as their adoptive parents had unrestricted land rights, those with a different lineage might be granted an acre of land on which to spend their entire life only on condition that they lived in perfect harmony with their family.

37. **Ms. Varmah** asked whether Niue planned to ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

38. **Ms. Jacobsen** (Niue) said that the issue of ratification would probably arise once there was an actual case of international adoption. It was the responsibility of the school principal to allocate a portion of the school budget to preschool education, and at the end of their compulsory education young people could study at a technical institute in New Zealand. The Youth Employment Scheme helped young people prepare for the labour market. Families encouraged girls to finish school so that they would be economically independent of their future husband.

39. In cases of early pregnancy, the family looked after the adolescent. More generally, girls could receive sexual education at the hospital or could meet the nurse individually to talk about contraception.

40. Niuean children were not subjected to corporal punishment. Any court case involving a child was handled with the utmost discretion, and great care was taken not to cause the child any harm. She took note of the Committee's suggestion to establish a telephone line dedicated to reporting violations of children's rights. She explained that marriage separations were not determined in court; rather, there were amicable discussions between the two families, particularly to determine with which parent the children would live.

41. **Ms. Aidoo** asked whether Niue intended to develop a comprehensive national child policy.

42. **Ms. Varmah** expressed her satisfaction at the frankness of the dialogue and her hope that it would help children in Niue to exercise their full rights, especially once urgent steps had been taken to harmonize legislation and provide definitions of the child and of adoption.

43. **Ms. Jacobsen** (Niue) reaffirmed her country's commitment to the Convention and thanked the Committee members for their many suggestions.

44. **The Chairperson** welcomed the commitment of Niue to the rights of the child and the success of the first meeting with a delegation to be held by videoconference.

*The meeting rose at noon.*