



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Pre-session working group**

**Thirty-ninth session**

23 July-10 August 2007

**List of issues and questions with regard to the consideration  
of initial reports**

**Cook Islands**

1. The pre-session working group examined the initial report of the Cook Islands (CEDAW/C/COK/1).

**General**

2. Please provide additional information on the process of preparing the initial report. This information should indicate which Government departments were involved and the nature and extent of their participation, and whether consultations were held with women's groups and the Aronga Mana.

3. Please indicate whether the Government intends to withdraw its reservations to articles 2 (f), 5 (a) and 11 (2) (b) of the Convention, within a given time frame.

**Articles 1 and 2**

4. Article 64 of the Constitution guarantees fundamental human rights and freedoms without discrimination on the basis of sex, but there does not seem to be a provision modelled on article 1 of the Convention, prohibiting both direct and indirect discrimination. Please provide information on steps considered to include such a provision in the Constitution or other appropriate legislation, within a given time frame.

5. Please provide information on any Government plan to offer legal assistance to women seeking redress in cases of discrimination.

6. Please provide information regarding the status and impact of customary law, including an indication of which law prevails where there is a conflict between customary law, national law, and international human rights norms.

7. The report notes (para. 2.5) that a 2005 report showed inconsistencies in some areas between the laws of Cook Islands and the Convention. Kindly provide further explanation regarding the inconsistencies highlighted in the report, and the workplan of the Working Party established to lead the reform of these laws.

**Article 3**

8. Please provide information about the challenges faced by the Gender and Development Division of the Ministry of Internal Affairs in the implementation of national policy and the extent of its cooperation with the women's development officers on the Outer Islands.

**Article 4 (temporary special measures)**

9. The report notes (para. 4.1) that steps have been taken, including through legislation and awarding scholarships, to "reflect gender diversity", but that such initiatives may not be supported by women themselves. Has any consultation taken place with women's groups regarding this matter? Please provide information on measures to accelerate the realization of women's de facto equality with men, and on steps taken by the Government to raise awareness about the purpose of such measures, including temporary special measures in accordance with article 4, paragraph 1 of the Convention and the Committee's general recommendation 25.

**Article 5**

10. The report notes that both Government agencies and non-governmental organizations have undertaken public campaigns to promote gender equality and the elimination of stereotypes. Please provide information about the scope, content, and impact of measures that have been undertaken by the Government and other actors to raise awareness about cultural practices and attitudes that discriminate against women and the need for their elimination.

**Article 6**

11. Kindly provide information on the results of the law reform (para. 6.2), specifically the Crime Act of 2004, that addresses the security and trafficking in persons, and on the implementation of the law.

**Articles 7 and 8**

12. Women are well-represented in traditional leadership roles that lack political power, but remain underrepresented in senior decision-making levels in both public service and Parliament and in the governance of the Outer Islands. What steps are being taken by the Government to ensure the full implementation of article 7 (b) of the Convention, including the use of temporary special measures?

**Article 10**

13. Please provide information about the proposed legislative reform of the Education Act (para. 10.32) and how it seeks to translate educational attainment into career achievement, particularly as it pertains to women. Please also provide information on the University of the South Pacific including the number of students,

the percentage of female students, the available subjects of study and the choice of subjects by female students.

#### **Article 11**

14. According to the report, there are currently no laws or policies in place to protect female employees from sexual harassment in the workplace. Please provide information on steps taken to formulate legislation on sexual harassment in the workplace and a time frame for enactment of such legislation.

15. The report notes the absence of legal requirements for the private sector to provide maternity and paternity benefits to employees. There is also no legal prohibition for termination of employment for reasons of pregnancy and childbirth. Please provide information on the status of a new labour bill to provide maternity protection for women in all sectors, including prohibition of dismissal for reasons of pregnancy or maternity, as well as maternity and paternity benefits for parents.

16. Given the prevalence of foreign labour in the Cook Islands, please provide information on steps undertaken by the Government to address the lack of safeguards for women migrant workers, including information on outcomes of the review of immigration policies, actions taken as a result of that review, and whether a gender perspective was, or will be mainstreamed into the analysis, development and implementation of policies and programmes stemming from the review.

17. The report notes that there is a high rate of out-migration of the Cook Island population, including women. Please explain the reasons for the prevalence of out-migration, whether it is permanent or temporary migration, and what steps have been taken to advise women on the potential risks of migration.

#### **Article 12**

18. The report acknowledges that women have expressed concern at the lack of female health-care providers as a limitation to their access to sexual and reproductive health care, especially on the Outer Islands. Most pregnant women from the Outer Islands are referred to the hospital on Rarotonga for obstetric care and delivery, and, for more complex cases, to New Zealand. Please provide information on steps taken to increase the quality of, and women's access to, sexual and reproductive health care, including obstetric care in the Cook Islands, especially in the Outer Islands.

19. According to the report (para. 12.19), the Ministry of Health has a policy to require consent of a woman's husband or partner prior to performing voluntary tubal ligations. Please provide information on the application of this policy, and steps taken to review and revise this policy to bring it in line with articles 12 and 16 of the Convention, and the Committee's general recommendation 24.

#### **Violence against women**

20. Please provide an update on the status and provisions of the proposed Sexual Offences Bill (para. 12.39) and a time frame for its adoption.

21. According to the report (para. 16.21), violence against women is infrequently prosecuted, there is a lack of training at the judicial level and there are problems of inconsistency in law enforcement. What specific steps have been taken to overcome

these challenges? In this regard, please provide information on the impact of the “no-drop” policy in the Government’s efforts to prevent violence against women (para. 12.47).

22. According to the Criminal Act of the Cook Islands, marital rape is excluded from the definition of rape and there is no civil protection for married but not separated women or for unmarried women (para. 12.40). Does the Government of the Cook Islands plan to amend the Criminal Act to criminalize marital rape?

23. Please outline steps being taken or contemplated by the Government to put in place a system of data collection on all forms of violence against women, including domestic violence.

**Article 13**

24. Please indicate steps taken or contemplated to eliminate the de facto discrimination women face in their access to credit.

**Articles 15 and 16**

25. Please provide information on actions taken to remove distinctions between married and unmarried women, as regards child maintenance, and the requirement of corroboration of a woman’s evidence in matters of child maintenance under the Cook Islands Act 1915 (para. 16.30).

**Optional Protocol and Amendment to article 20, paragraph 1**

26. Please indicate what steps are being taken or considered towards ratification of, or accession to the Optional Protocol. Please also describe progress towards acceptance of the amendment to article 20, paragraph 1, of the Convention.

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