



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

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**Committee on the Elimination of Discrimination
against Women**
Thirty-ninth session

Summary record of the 808th meeting

Held at Headquarters, New York, on Friday, 3 August 2007, at 3 p.m.

Chairperson : Ms. Šimonović

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Initial periodic report of the Cook Islands (continued) (CEDAW/C/COK/1; CEDAW/C/COK/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of the Cook Islands took places at the Committee table.*
2. **Ms. Chutikul** asked whether the reporting State had ratified or intended to ratify the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. She would welcome additional information on the attitude of the police force to crimes connected with the growth of the tourism industry and also clarification as to whether domestic anti-trafficking legislation contained the definition of trafficking and the distinction between trafficking and smuggling established in that protocol. It would be interesting to learn more about the Government's plans to provide assistance and protection to the victims of exploitative sex and trafficking; she hoped that research would be carried out in those areas and the findings included in the country's next report.
3. **Mr. Rasmussen** (Cook Islands) said that the Crimes Act contained provisions that allowed for the prosecution of modern forms of slavery and trafficking. In addition, there were strong social pressures that prevented those crimes from being perpetrated because society did not tolerate that kind of treatment of fellow human beings. His delegation was not aware of any cases of prostitution and tourists paying for sex that had been prosecuted under the Crimes Act. Counselling had been offered to young people to warn them of the dangers of the tourism sex trade but it was difficult to prevent young people from attending night clubs that were frequented by tourists. A group of paedophiles had been caught paying children for sex on one of the Outer Islands where the tourism industry was thriving, and those individuals had been prosecuted with the assistance of the New Zealand authorities. In order to combat sexual crimes the police had established contacts with Interpol and with the New Zealand police force. The Government was not aware of the scale of

prostitution on the islands, but it was clear that attitudes were changing and there was a greater awareness of the importance of the use of condoms.

4. The Government was considering ratification on an urgent basis of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. The police had become better equipped to handle child prostitution and child pornography crimes. Although the Government had not ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, there were provisions in domestic legislation that dealt with trafficking and sexual crimes. There were no data available on commercial sex activities but his delegation had taken note of the suggestion to carry out research in that area.

Articles 7 to 9

5. **Ms. Neubauer** said that the data in the initial report seemed to indicate that no progress had been made in increasing women's participation in political and public life. Some women had been appointed to government boards and committees but the Government needed to adopt a more proactive approach in that area. She asked what measures the Government intended to take to increase women's participation.
6. **Ms. Shin** said that it would be interesting to learn more about women's participation in the diplomatic corps and to know whether women held any senior positions in diplomatic missions. The boundaries between church and State seemed to be blurred and there could be no doubt that the church played an important role in public life. Given that Christianity relegated women to stereotypical roles, it would be interesting to know whether there were any plans to reform the church.
7. **Ms. Belmihoub-Zerdani** said that it was essential for women to have equal opportunities to aspire to political posts. Given that women had played an important role in political life in the past, there did not seem to be a history of discrimination. It would be interesting to learn more about the rights of the inhabitants of the Cook Islands with regard to nationality.
8. **Mr. Rasmussen** (Cook Islands) said that increasing women's participation in political and public life was a slow process. Although women were

given an equal opportunity to apply for jobs in ministries, cultural and political factors often prevented them being elected to public office. However, the Gender and Development Division was providing training to women to prepare them for participation in political parties and elections. With regard to women's participation in the diplomatic corps, women had held high-ranking positions at the diplomatic missions in Wellington and Auckland.

9. The church had a pivotal role in public life, and public events were blessed by a prayer ceremony at the beginning and end. During the two-year conference of ordained ministers of the Christian Church of the Cook Islands, which had been held in Rarotonga in 2007, a woman who had been ordained in the Presbyterian Church in New Zealand had been admitted as an observer. Her presence at that conference had represented a breakthrough.

10. Turning to Ms. Belmihoub-Zerdani's comment on nationality, he said that the issue was a sensitive one. He clarified that the Cook Islands was not a full member of the United Nations, although it was a member of the World Health Organization and other international organizations, and it maintained diplomatic relations with 36 countries. It appeared that the Cook Islands would be eligible to join the United Nations in its own right, but that would mean severing its special relationship with New Zealand, a move that many Cook Islanders would oppose, as that relationship entitled them to New Zealand citizenship and to travel freely to New Zealand and Australia.

11. **Ms. Arocha Domínguez**, noting that literacy rates among the Cook Islands Maori people were not known, enquired why that information was not available and how the Government planned to rectify the situation. The report indicated that data on school dropout rates were not regularly collected because the problem was not considered to be significant. She would recommend that the Government begin collecting data in order to determine the true extent of the problem, which might turn out to be more serious than had been assumed. Information on literacy among the Maori and on school dropout rates should be included in the State party's next report.

12. The report also said that the Government provided no programmes for students who dropped out of school before the school leaving age. That was worrying as there might well be girls leaving school

early because they were pregnant or because they were obliged by their families to stay at home and perform domestic duties. The Government should help girls in such situations to return to school.

13. **Ms. Zou Xiaoqiao** sought additional information about the disparity in educational opportunities between Rarotonga and the Outer Islands, mentioned in paragraph 10.5 of the State party's report. She was particularly interested in hearing how those disparities affected girls and what steps the Government was taking to ensure equal educational opportunities for all, in accordance with its Education Act.

14. Noting that the report indicated that some older school resources contained stereotypes relating to the roles of men and women, she enquired whether those resources came from New Zealand or had been produced in the Cook Islands and whether the Government had conducted any assessment of the curriculum and other teaching materials to see whether the principle of gender equality was included.

15. **Ms. Chutikul** said that the report gave the impression that not much attention had been given to early childhood education and said that the Government should ensure that affordable childcare and preschool programmes were available, especially for poor families. She would like to hear more about human rights education in schools in the Cook Islands and would also like clarification of whether the Cook Islands had a specific law against sexual harassment and, if so, how it was enforced in workplaces, especially schools.

16. **Mr. Rasmussen** (Cook Islands) said that sexual harassment was covered under the Crimes Act of the Cook Islands and that several cases of sexual harassment in the workplace had been prosecuted. The Ministry of Education had a complaints policy, and all complaints, including those concerning sexual harassment, were investigated by the head of the school where the alleged incident had occurred. Special committees and parent-teacher associations also played a role in hearing complaints. If the complaint was of a criminal nature, the police would also be involved. The outcome of the investigation would vary, depending on the seriousness of the offence. The offender might be suspended or, in the case of a teacher, lose his or her teaching credential. Sexual harassment cases that were deemed to constitute crimes under the Crimes Act would be prosecuted.

17. With regard to data on early school leaving or dropout, some information did exist but it was rather disorganized. Schools kept records of school leavers, and in 2006 the Ministry of Education had started collecting data on truancy. Those data appeared to indicate that the dropout rate was higher among males. The Government would endeavour to incorporate more information on the subject in its next report.

18. Concerning early childhood education, on the island of Rarotonga, 260 males and 216 females had been enrolled in early childhood education in 2005, while in the first year of primary school there had been 193 males and 174 females. He was unable to provide any more specific information at present, but data were being collected and would be included in the next report. The Committee might be interested to know that there was a strong emphasis at the early childhood level in some schools on teaching the Maori language because, as English became increasingly dominant, it was feared that Cook Islands Maori might disappear.

19. Literacy and education levels among the Maori people depended on where they lived. On Rarotonga, those levels were relatively high. On the more remote islands, the levels were lower because access to educational opportunities was more limited. Previous generations of students from the Outer Islands had benefited from special programmes of assistance which had enabled them to study either on Rarotonga or in Fiji or New Zealand. Now, such opportunities were more rare, and most scholarships were based solely on academic merit.

20. With respect to gender stereotypes in textbooks and school curricula, the educational system in the Cook Islands was closely linked to that of New Zealand and the Cook Islands was following New Zealand's policy of eliminating such stereotypes from its schools, although it was adapting the policy to suit its particular needs.

21. **Ms. Patten**, referring to article 11 of the Convention, enquired whether the new Labour Bill established a mechanism for its implementation, including a complaints procedure, and whether it also called for the creation of a labour inspectorate. She would like to know what sanctions would be provided under the new law for violations and whether it would recognize comprehensive bargaining as a right. In addition, she wondered what legal provisions existed to ensure the protection of trade union officials in the

discharge of their duties and what measures were being taken to promote the election of women trade union officials.

22. She was pleased to hear that the Cabinet had approved the inclusion of maternity leave in the labour legislative reform package, but wondered whether women in both the private and the public sector would be entitled to the same benefits. If so, the Committee would be interested in learning how the Government had managed to overcome the private sector's historical resistance to maternity protection and what provisions would be put in place to ensure that private sector employers did not discriminate against women on the basis of their reproductive role, for example by denying them employment or dismissing them if they were pregnant.

23. Lastly, she was concerned about the Public Service Act 1995-96, which did not appear to contain any explicit provision aimed at eliminating discrimination against women in the field of employment. Was any review and amendment of that Act envisaged?

24. **Mr. Rasmussen** (Cook Islands) said that the Labour Bill aimed to introduce uniformity and consistency in the management of employment relations. It did include implementation mechanisms, particularly in relation to the rights and working conditions of women. Currently, only women employed in the public sector were entitled to paid maternity leave, which was 30 days in duration, but could be extended to six weeks in some cases. The Government was engaged in discussions with employers in the private sector about schemes whereby the Government might provide matching funds to cover the cost of maternity benefits.

Articles 12 to 14

25. **Ms. Begum** requested information on the support provided to elderly and disabled women. She also asked for details on the number of women infected with HIV/AIDS and the State programmes and education institutions involved in AIDS awareness campaigns. She enquired whether the Government had put together a plan and set aside resources to address the domestic violence and sexual harassment which, according to NGOs, were the root causes of a growing mental health crisis in the Cook Islands.

26. Affordable and accessible reproductive health services were essential, and she wished to know whether they were available in the remoter islands and whether the shortage of health-care workers there was being tackled. Lastly, given that a woman needed her husband's consent to have a tubal ligation procedure performed, she enquired whether a man needed his wife's permission to undergo surgery of any kind.

27. **Ms. Pimentel** asked whether the school curriculum covered reproductive and adolescent health issues and whether the expansion of the private health care sector was a sign that State health services were inadequate. Regular and frequent health checks were necessary to tackle the growing incidence of breast and cervical cancer, and the national budget needed to allocate funds accordingly. She expressed concern that neither the Ministry of Health nor the police had a policy for reporting cases of sexual and physical assault. The State party might wish to take the Convention, and general recommendation 24 and general recommendation 25 in particular, into account when drawing up and implementing health plans.

28. **Mr. Rasmussen** (Cook Islands), responding to the questions posed by Ms. Begum, said that the Government provided financial assistance to elderly women and there was a retirement home in the capital. With regard to health care, he said that there was conflicting information on the number of HIV/AIDS cases in the islands, but that he was aware of two. New immigration laws were being implemented with a view to preventing the spread of infectious diseases, including AIDS, and the presentation of a medical certificate would be a condition for entry to the Cook Islands in the near future. Mental health services were provided by two NGOs with Government support, but more trained mental health specialists were needed. The Ministry of Health was considering doing away with the consent requirement for tubal ligation, but no time frame had been established for the corresponding amendment. Statistics for the cities showed that 40 per cent of women of childbearing age were using contraceptives in 2005. No data were available for the Outer Islands, however, although improvements in reproductive health in those remote areas had been noted since the establishment of clinics there. Telehealth services were also under consideration.

29. **Ms. Tan**, referring to page 63 of the report (CEDAW/C/COK/1), asked whether the Government had taken any initiatives, such as affirmative action, to

increase women's involvement in decision-making and politics and whether the proposed amendment to the Outer Islands Local Government Act aimed to increase the number of women sitting on island councils.

30. She expressed concern that revolving loan schemes on some islands had been disbanded after problems with repayments and asked for data on the number of women borrowers involved because women usually were very good borrowers. She also asked what steps the Government was taking to increase women's participation in the highly profitable pearl farming industry.

31. **Ms. Simms** urged the Government to stem the flow of people leaving the outer islands in search of better education and health services in New Zealand. Revitalizing the island economies and providing adequate services would encourage people to stay and would enable them to benefit from the pearl industry. Otherwise those islands would be bought up by foreigners.

32. **Ms. Dairiam** asked whether the Gender and Development Division had actually been able to second female personnel from other Government entities to work with the two members of staff it currently had and whether the new Gender Policy had a greater impact on the Outer Islands than its forerunner, the National Policy of Women. The distinction between NGOs and the Government seemed to have been blurred, and she wondered whether NGOs were able to bid for Government funding. She was also interested to know how the drive to open the economy and develop the pearl industry was being reconciled with the protection of women's rights.

33. **Mr. Rasmussen** (Cook Islands) clarified that rural women were considered to be those living on the Outer Islands or on the outskirts of the main island. The Local Government Act, which had failed to pass, had gone through eight versions. There had been a major dispute over the consultation process and input by island councils. Under the devolution policy, each island had its own administration in an effort to decrease the size of the central Government. Some of the mixed reaction to the Act had been due to the variations among islands in the type of administrative facilities available. As for affirmative action, the Gender Division provided training for women candidates for office.

34. With regard to the revolving loan schemes mentioned by Ms. Tan, pearl farming was a long-term, labour-intensive process which needed to be done on a large scale in order to generate a profit. Many entrepreneurs had gone into the business without sufficient preparation, which had led to their collapse. One of the largest pearl farmers still in business was a woman, however, and women had a high level of involvement in the industry.

35. The depopulation of the Outer Islands was a problem for which solutions were still being sought. NGOs were making a significant contribution in that area.

Articles 15 and 16

36. **Ms. Tan** asked if any progress had been made in the reform of the grounds for divorce, as mentioned on page 69 of the report. A number of questions remained about the division of marital property if the marriage had lasted under three years and about plans by the Government to harmonize customary property law with civil law. She wondered if de facto unions came under the same property schemes as conventional marriage. She asked if there were plans to reform the laws governing the distribution of the assets of a husband who had died intestate. It was also a matter of concern that women in de facto unions could not take out legal orders of protection against their partners. Finally, she would like to know if there were any measures planned to increase the penalties for sexual assault.

37. **Mr. Flinterman** said that legal literacy and women's awareness of their rights was an area in need of attention. He viewed women's exemption from jury service as discriminatory and asked if there were any plans to remove it. He also asked if the Government would bring the minimum age of marriage into line with article 16 of the Convention and with the Convention on the Rights of the Child, and whether it planned to raise the age of sexual consent to 18 in order to protect all girls from sexual assault.

38. **Mr. Rasmussen** (Cook Islands), in reply to questions on marital property, said that title to land was not transferred on marriage and rights to land were not relinquished in a divorce. Land could not be willed, but the wife of a man who died intestate could be given a life interest in his land; on her death it would return to his family. The contractual arrangements covering

property in de facto unions were identical to those for conventional marriage.

39. Replying to questions put by Ms. Dairiam, Ms. Tan and Ms. Pimentel, he said that non-governmental organizations could indeed bid for government funding. Orders of protection were granted on the basis of an oral application to a justice of the peace or the police and were issued without delay; many such requests were withdrawn, however. Currently there were no plans to increase the penalties for sexual assault.

40. **The Chairperson** said that the Committee was relying on the Government of the Cook Islands to ratify the Optional Protocol and to withdraw its reservations to the Convention. Temporary special measures were important to increase women's participation in society, especially in politics.

41. **Mr. Rasmussen** (Cook Islands) reiterated his commitment to the full implementation of the Convention and hoped that progress would be demonstrated by the time it submitted its next report. The immediate priority was legal reform.

The meeting rose at 5.30 p.m.