



COOK ISLANDS GOVERNMENT

RESPONSE

**TO THE UNITED NATIONS QUESTIONNAIRE
ON THE IMPLEMENTATION OF THE
*BEIJING PLATFORM FOR ACTION AND THE
OUTCOME OF THE TWENTY-THIRD SPECIAL SESSION OF
THE GENERAL ASSEMBLY***

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COOK ISLANDS GOVERNMENT'S RESPONSE TO THE UNITED NATIONS QUESTIONNAIRE ON THE IMPLEMENTATION OF THE BEIJING *PLATFORM FOR ACTION*

Part One: Overview of achievements and challenges in promoting gender equality and women's empowerment

National Policy on Women.

The Cook Islands Government endorsed the 1995 National Policy on Women to signal its commitment towards ensuring that issues of equality, development and peace are addressed for all women in the Cook Islands under five areas prioritized for implementation:

- Women in Economic Development;
- Women in Social Development;
- Mechanisms to promote the advancement of women;
- Women and Leadership and Decision making; and
- Women and Natural Resources (the Environment).

The *Division of Women's Affairs* will oversee the implementation of the Policy in co-operation with the *Cook Islands National Council of Women*. Together, they will plan, appraise, implement, monitor and evaluate the implementation of the Policy in regular consultation with the public and private sectors and community organisations.

In addition, the Cook Islands Government adopted the 1996 -2000 'National Plan of Action' to achieve the goals and objectives of the National Policy on women, based on the BPA.

Impact of Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)

The Cook Islands became party to the Convention on the Elimination of all forms of Discrimination Against Women through New Zealand, which signed the Convention on 17 July 1980 and ratified it on 10 January 1985. At the time, the Government of the Cook Islands made a number of reservations to the Convention: in relation to article 11(2)(b) which relates to maternity leave and articles 2(f) and 5(a), "to the extent that the customs governing the inheritance of certain Cook Islands chief titles may be inconsistent with those provisions." In addition the Government also reserved the right not to apply the provisions of the Convention in so far as they are inconsistent with policies relating to recruitment into or service in the Armed Forces (in situations involving armed combat) and law enforcement forces "in situations involving violence or threat of violence."

In becoming party to the Convention, the Cook Islands affirmed its commitment to improve the situation of women in the Cook Islands. Translated the CEDAW Articles into the Cook Islands Maori language and widely disseminated them throughout the islands.

The Cook Islands completed its initial and subsequent reports covering the period up until 30 June 2005, entitled '*Government of the Cook Islands, State Party Report on CEDAW – December 2005*', this was submitted to the CEDAW Committee, and the first dialogue between

the Cook Islands Government and the CEDAW Committee was held in August 2007, during the 39th CEDAW Session at the UN Headquarters.

In 2006, the Cook Islands Government acceded to CEDAW, in its own right and in 2007 withdraws all reservations made to the Convention and also acceded to the CEDAW Optional Protocol

CEDAW Committee concluding comments

The Gender and Development Division prepared an Implementation Plan to guide the process and measure progress, aligning the activities in accordance to the recommendations by the Committee as stated in the Concluding Comments. In doing so, categorized principal concerns under seven (7) thematic areas as follows:

1. *National Machinery for the Advancement of Women*
2. *Violence Against Women (VAW)*
3. *Women in the Labour Force*
4. *Gender Equality in Political & Public Life*
5. *Education and training*
6. *Sexual & Reproductive Rights & Health Rights*
7. *Gender Equality In The Law*

Under each thematic area key actions, specific activities, resources, timeframe and responsible agencies have been identified and outlined in the plan, which the Gender & Development Division is the lead agent to coordinate the implementation of the plan.

National Sustainable Development Plan (2007-2010)

The Government of the Cook Islands endorsed a National Sustainable Development Plan, *Te Kaveinga Nui* – Pathway for Sustainable Development in the Cook Islands. The aim is to ensure a coordinated approach to national development, including work towards the implementation of the Millennium Development Goals, international obligations, and regional inter-government Pacific agreements and initiatives.

Government recognises the importance of intervention programmes focusing on gender equality related activities and it states in this plan under Goal 1: *Equal opportunities for Education, Health, and other Social Services for Strengthening and Maintaining an inclusive, vibrant, resilient and productive society in harmony with our culture.*, two major challenges firstly, the low representation of women in politics, high level decision making positions, policy making and other leadership roles, and secondly, limited access to quality health services for women and young adults. The strategies stated in the plan for the promotion of gender equality and empowerment of women is to improve and increase participation of women in the development of the Cook Islands with key strategic targets for the stated period from 2007 to 2010 as follows:

- Endorse and Implement the National Policy on Gender by the end of 2007
- Review and update the National Policy on Women by the end of 2007
- Integrate Gender equality policies into all sectoral plans by 2010

- Achieve equitable remuneration scale and career advancement in all sectors
- Increase the number of businesses owned or co-owned by women

Millennium Development Goal

The Cook Islands Millennium Development Goals National Report 2005, reveal that in terms of national aggregates, the Cook Islands have already achieved two of the MDG's: Goal 4 on Reducing Infant Mortality and Goal 5 on Maternal Health, with the exceptions of Goal 7 and Goal 9, it is recorded that the Cook Islands is capable of achieving most of the other MDG's by the year 2015.

The Cook Islands MDG's status at a glance in particular under Goal 3: *Promote Gender Equality and Empower women*, it was reported that this goal will *probably* be reached by 2015 and the level of National support towards achieving this goal is *fair*.

Government Policy discussions.

Maternity leave and sexual harassment in the workplace

Government through the Labour & Consumer Division of the Ministry of Internal Affairs is still coordinating discussions on the draft Labour Bill – Employment Relations Bill. For discussions is the issue on: *maternity leave is available in all public and private sector employment, with pay or with comparable social benefits, as well as prohibiting sexual harassment in the workplace.*

Voluntary tubal-ligations Policy

Government through the Ministry of Health made amendments to the existing policy: *requiring women to obtain her husband or male partner's permission to undergo voluntary tubal-ligation;* by ensuring that both male and female give consent to the procedure.

Sector areas – specific policies, strategies and/or action plans for promotion of gender equality and women's empowerment

i) CEDAW Law Reform Programme

The Government approved the 2008/09 CEDAW Law Reform Programme, of legislative consistency with CEDAW, with the focus and priorities given to laws relating to:

- Safety and security (including reform of criminal laws on sexual offences)
- Labour and employment protections,
- Marriage and family life,
- Equality and protection from discrimination
- Protection of vulnerable women and girls (such as those with disabilities, migrant women and outer islands women)

ii) Police Department - Domestic Violence Unit

The Cook Islands Police Department established a Domestic Violence Unit in 2008, and employed a female police officer, as the "Domestic Violence Coordinator". The Unit is mandated to provide effective and efficient services to promote the elimination of domestic violence in the country.

iii) Gender sensitization training of law enforcement officials.

In 2008 a training workshop was conducted by the Ministry of Justice in collaboration with NGO Punanga Tauturu Inc. for all law enforcement officials including judicial officers, Justice of the Peace, lawyers and prosecutors, so as to establish firmly in the country a legal culture supportive of women's equality and non-discrimination.

iv) Education Master Plan 2008-2013

The Ministry of Education launched the Education Master Plan (2008 – 2013) *Education for all*; it stipulates the greater opportunities, strengthening and access within the Education sector for all, including women and girls.

v) Reproductive Health Policy 2008

The Ministry of Health adopted a National Policy on Reproductive Health 2008, as well as a National Strategic Plan to guide the implementation of the policy. This was a result of various consultation meetings with Stakeholders including Gender & Development Division and Women Organisations. The policy stipulates under *Outcome 3: Gender equality is advanced and women and girls are empowered to enable them to exercise their reproductive rights and to be free of discrimination and violence, through more effective policies and strengthened community interventions.*

vi) National Policy and Priority Strategies for the Prevention and Control of Sexually Transmitted Infections (February 2009)

The Ministry of Health in collaboration with the National AIDS Committee adopted the HIV/AIDS Policy which stipulates that as a principal strategy under the heading of *Prevention, Treatment and Care - STI prevention and control services will address the needs of both males and females.*

In addition, the Cook Islands HIV Implementation Plan 2009 addresses the issue of HIV transmission thru *Parent/Mother to Child Transmission (PMTCT)* in accordance to the following preventative strategies:

- *Undertake baseline and follow-up survey on HIV/STI and sexual behaviour practices among pregnant women*
- *Produce and distribute information materials on the prevention of HIV transmission from mother to child, to pregnant woman and partners*
- *Adapt UNICEF regional policy on PMTCT of HIV*
- *Conduct training for health care workings on PMTCT and the Cook Islands policy and protocols*
- *Provide voluntary HIV test to all pregnant women with appropriate counselling*
- *Ensure access to ART (Anti-retroviral Therapy) drugs when needed thru the GFATM HIV prescription at Fiji Pharmaceutical services*

vii). Disability Act 2008

The Cook Islands Government passed the 2008 Disability Act. Under Part 2, no. 10. *Unlawful discrimination ... the personal status of the person with disability, which shall include age, marital, gender...provides gender responsiveness.*

In addition, the Government endorsed the revised National Policy on Disability 2008 and National Action Plan 2008-2010. Under the goal: *promote and protect the rights of persons with disability so that they can participate fully in community life* an objective specific to women equality and

empowerment stipulates *improve the position of the most disadvantaged and vulnerable of those with disabilities, particularly women and girls.*

Partnerships – NGO & CSO, private sector and other stakeholders

The Cook Islands National Council of Women was established in 1984 and has pioneered many of the advances for women, including supporting and working with Government to develop the National Policy on Women (1995-2000).

Other organisations have also grown, around specific issues, for example Punanga Tauturu Inc provides counselling and assistance for victims of domestic violence as well as conduct legal literacy training for law enforcement officials as well as the general public.

Formal agreement - Memorandum of Understanding

The Ministry of Internal Affairs signed on the 17th July 2008, a Memorandum of Understanding (MOU) with the National Council of Women, to achieve the following mission goals:

- work towards eliminating all forms of discrimination against women in line with the CEDAW convention
- serve as a voice and advocate nationally and globally for important governance, development, cultural, religious, and environment issues that affect the lives of our women and their families
- promote gender awareness, planning and analysis in order to support ongoing efforts to improve the status of women

Engagement of men and boys in the promotion of gender equality.

Since 2002, a team of identified Gender Trainers was established within the Gender and Development Division of the Ministry of Internal Affairs for the purpose of conducting gender analysis training targeting Government Ministries and Agencies, Heads of Ministries and Managers to tailor the integration of gender issues at the policy and planning levels within specific Government Ministries. The team comprises of more men than women who are passionate in this training. Today the team advocates and promotes gender issues within their own Ministries: Education, Government Policy & Planning Office, Crown-law Office and Religious Advisory Council. A unique feature of the team is the adoption of the budding-system where when a request for training is filed gender trainer's pair up (one man and one woman) to conduct the training.

Major obstacles encountered in all critical areas can be categorized as follows:

a) *Geography*

The scattered nature of our islands across 1,942,500 sq km (750,000 sq miles) of the Pacific Ocean makes the delivery of basic economic, communication and social services very costly and a significant challenge to promoting gender equality and empowerment of women.

b) *Institutional capacity*

The national machinery for gender equality and the advancement of women within Government is yet to be afforded the institutional capacity, resources and authority it requires to promote the full and effective implementation of the Beijing Platform of Action and CEDAW Convention in the Cook Islands.

With the inadequate resources allocated it is complicated to manage the multiple gender-based issues at the policy and operational efficiency including to monitor and evaluate the progress of gender-based programmes and projects outside of the Gender Development Division's coordination's, for example the coordination with the Outer Islands' Women's Development Officers under the leadership of the Island Administration.

c) Sex disaggregated data.

There exists a plethora of data. Statistics and information tend to be collected without sex disaggregation between women and men's cases. Researchers in many fields of studies do not integrate a gender perspective into their research findings and the lack of sex-disaggregated data affects gender development planning because women's problems have not been truly revealed and the progress in women's development has not been followed up. Furthermore, while the same issue is collected by more agencies, the overlapping responsibilities and the lack of host agency contribute to unsystematic information database.

d) Lack of gender sensitivity.

In some cases, Government officials, whether male or female are not gender sensitive. Many do not understand specific problems faced by women in society. Therefore, it is very difficult to convince those in decision making roles and in particular men to accept the significance to our national development aspirations of the inequalities that exist between men and women in our communities to ensure gender equality. Also in many cases gender issues are overlooked in law drafting and policy-making processes.

Part Two: Progress in implementation of the critical areas of concern of the Beijing Platform for Action and the further initiatives and actions identified in the twenty-third special session of the General Assembly.

Much progress has been attained since the last Cook Islands Government report in February 2000 to the BPA. Outlined below are the major highlights of progress and priority gaps identified under the following critical areas of concern:

Examples of policies, legislative changes, programmes and projects

Women and Poverty

- Gender-based methodologies developed to conduct island based training workshops to raise the awareness and understanding of the consequences of violence to address the feminisation of poverty.

Priority gaps identified:

- Cook Islands have yet to determine a national definition of poverty.
- Limited available data that can be used to derive information on the indicators of poverty in the Cook Islands.

Education & Training of Women

- *Masters of Business Administration (MBA-2007-2008)*: Out of the total of 26 students enrolled in the course 14 Females enrolled and 12 graduated. The intake for 2009-2010, consist of a total of 19 females enrolled into the program.
- *Cook Islands Trade Training School Program*: women interested in the area of trade – such as carpentry and mechanical skills have increased since 2006. Greater emphasis is priority for more women from the Outer Islands.
- *Hospitality & Tourism Training Centre*: its accreditation to the Wellington Institute of Technology enables world wide recognition qualification and opens higher learning and more employment opportunities in country and abroad.

Priority gap identified

- Insufficient information and attention given to the link between women's enrolment and graduations in higher education institutions and labour dynamics.

Women & Health

- Improvements in policy and delivery of services include the screening program for prostate, cervical and breast cancer which has greatly improved early detection and management.
- The Ministry of Health increased its appropriations of funds towards supporting Non-government organisations to improve the Mental Health services and programs provided to the public.

Priority gap identified

- limited gender specific health research in technology,

Violence against Women

- The 2008-09 gender based violence training report on each Outer Island briefly highlighted on the root causes of gender based violence, consequences and to an extent recognise the need for effective prevention measures to be put in place.
- Formal Partnership between Government and NGO: Memorandum of Understanding between the Police Department and Punanga Tauturu to address violence against women.

Priority gaps identified

- Inadequate sex-disaggregated data on violence and socio-cultural attitudes.
- Lack of coordinated multi-disciplinary approach for services providers when to responding to violence against women which includes the health system, the workplace, the media, the education system as well as the justice system is still limited.

Women and Armed Conflict

- The Government withdrew the reservation made to the CEDAW article which relates to armed forces or armed conflict.

Priority gap identified

- Given that data and relevant information is not readily available, this is a recognizable area that needs attention.

Women and the Economy

- NZAID Community Initiative Scheme (CIS): provides available funding to community women's and youth groups.
- Outer Islands Development Grant Fund: is available for rural (outer islands) for private sector income generating initiatives.
- Government Welfare Special Assistance Funds: provided for elderly and disabled people as well as care-givers.

Priority gap identified

- However, a level of recognition must be pertained for a system of equal pay for equal work to eliminate disparities in pay has been identified as the priority gap.

Women in Power & Decision Making

- A National Workshop on Temporary Special Measures to promote gender balance in Parliament (2009) agreed and presented an outcome document, which highlighted the various measures to be actioned in preparation for the 2010 National General Elections.

Priority gap identified

- Lack of mechanisms and measures in place to ensure that the women candidates are supported in their campaign

Human rights of women

- Cabinet approval for the office of the Ombudsman to house the human rights commission in the Cook Islands.
- Ongoing Gender sensitivity training for law-enforcement and judicial officials including Justice of the Peace, lawyers and prosecutors.
- Legal literacy training programmes on all islands.

Priority gap identified

- Outdated crimes act and the slow process of law reform.

Women and the media

- On going regional journalists gender-sensitizing training provides the opportunity for local journalists and reporters to be gender sensitized.

Priority gap identified

- Need for mechanism to ensure that the Media promotes a balanced and non-stereotyped portrayal of women.

Women and the Environment

Agriculture

- Young Farmers Enterprise Funding scheme: available to young women and men in the Cook Islands, with a special focus on those in rural areas such as the Outer Islands.
- The 'Maire' (Alyxia Oliviformis) development project: to enhance the sustainability of the industry on *Mitiaro, Mauke and Mangaia*.
- Flori-culture development project targeting women and young women on *Rarotonga* and *Aitutaki*. Orchids in 2008, Anthorium in 2009. The intended outcome of these training is that women and girls will eventually generate small business development.

Disaster Risk Management Action Plan –Draft 2008

- Recognition of the importance of promoting gender equality and empowerment at all stages and the involvement of women at all levels of decision-making.

Priority gaps identified

- Need for recognition of women and their contribution to the sustainability of the environment and for more women participation in decision-making processes so that their needs are adhered to.
- Lack of holistic and multi-disciplinary approach in dealing with environmental issues, in regards to the linkages between poverty, health problems, natural disasters, unsustainable development and gender inequalities

The Girl Child

- The Cook Islands overview report on CSEC (Convention on the Sexual Exploitation of Children and Child Sexual Abuse) has been presented. A recommendation from the report includes the establishment of a working group under the leadership of the Ministry of Internal Affairs.

Priority gap identified

- Need for coordinated approach between relevant agencies to eliminate any form of discrimination against the girl child.

Lessons Learned

a) Importance of stakeholder involvement at all stages of development

Early involvement of stakeholders at all stages of any development to promote gender equality ensures ownership, overall acceptances and the recognitions of different perspectives, needs and issues affecting various groups of people and organisations.

Involvement of different stakeholders early in the process brings out insights and first-hand experiences, including specific concerns of some groups emerged and considered which could otherwise not have been captured in the official process.

b) Importance of effective relationships in adopting a whole-of-government approach

As the Cook Islands continues to address the critical concerns of the Beijing *Platform for Action* to mention a few measures such as formulating National Policy and Action Plan, law reform and so forth, it becomes imperative for government agencies to maintain effective working relationships with each other and with external stakeholders to facilitate information and data sharing, provide focus to priority areas, and address both government-wide and population-specific concerns more effectively.

Part three: Institutional development

a) National mechanisms

A special Government unit focussing on women development has existed since 1993. Today, the Gender and Development Division sits within the Ministry of Internal Affairs and has two staff, a Gender Snr Programme/Research Officer including a Director. The Division's budget provisions covers for personnel and operational costs only, therefore it relies heavily on Donor Agencies for funding of Programmes, Projects and Technical Assistances in order to achieve its outputs. Since 2007, the overarching vision of the Division is: *'women share with men significant leadership roles in Government, in business, and in the community. Women also have opportunity and choices to use their skills, knowledge and experience, and to be equitably remunerated for it'*. The Division has an annual work programme and works closely with other Government Ministries and Agencies, Women's Organisations and women in the Outer Islands.

At the Outer Islands level, there are *Women Development Officers (WDO)* employed on fulltime as well as part time basis administered by each Island Administrations. The Women Development Officers are responsible to the Island Secretary and have a range of functions including being the focal point for information and contact about issues of concern on women and to raise awareness of island and national matters in response to the concern. The officers also provide advisory services and technical assistance to women groups on their respective islands; work with the Island Women Council to ensure the progress of women and develop annual work programmes, including training programmes for small businesses involving handicrafts.

b) Focal points – working groups

The "*Pathways to Development*" report approved by Cabinet the formulation of the following Working Group to guide the implementation of the Reports recommendations in conjunction with the Law Reform Committee based at the Crown Law Office and the group comprised of the Head of Ministries and Agencies from: *Crown law Office, Ministry of Education, Health, Justice, Internal Affairs, Office of the Prime Minister, Office of the Minister of Islands Administration (OMIA), and the Department of Police*

The Gender and Development Division is to provide secretarial services to the working group.

Cabinet approved the "*CEDAW Law Reform Programme*", and further approved the scoping work to be undertaken on a review of relevant parts of family law and review of some parts of the Constitution being undertaken as well as preliminary research being undertaken on whether civil legal aid and victim assistance should be explored. The foregoing work to be monitored by the Working Group of selected Heads of Ministries which has already been established by Cabinet in relation to CEDAW legislative consistency.

e) Monitoring mechanisms

The monitoring mechanisms established to measure progress in the promotion of gender equality is coordinated by the Gender and Development Division in partnership with the National Council of Women. The practice is that within specific programmes, projects and workplans core sets of indicators are developed and used to monitor the progress against objectives and outcomes.

These key indicators are continually refined and additional indicators are selected as they are developed to enhance the monitoring process. Avenues used to monitor progress are through consultation meetings, forums and bi-annual conferences with Government Ministries and Agencies, NGO's, Civil Societies and Private Sectors.

f) Indicators – data and statistics

As indicated in this report, lack of sex-disaggregated data is a barrier to the promotion of gender equality. The areas where data is still a problem relates to violence against women, sexual harassment, prostitution and the girl child, while the new type of data needed to be collected is that of ICT. On the contrary, the sex-disaggregated data on education, health and decision - making areas are being effectively used to inform policy- making and planning in the country.

g) Challenges in Capacity-building

The remaining challenges in the area of capacity-building are as follows:

- Most Government Officials are not yet aware of and/or does not have the understanding of gender equality in the public administration. This is partly because it is not in line with traditional principle of the system
- Members of different sectors do not consider gender equality significant, especially the administrators who do not regard gender issues as the organization's priority.

h) Roles of different stakeholders

Many stakeholders are involved and play a vital role in the promotion and implementation of the concern areas indicated in the BPA, CEDAW and other instrument. Cabinet approves submissions seeking their support and endorsement including legal and financial implications. Parliament Select Committees are formed when necessary. Women Parliamentarians plays an advocacy role at the high level of decision-making. In additions, NGO's are important stakeholders in the promotion of gender equality.

Part Four: Remaining challenges and actions to address them

Further actions and initiatives

There is a need to intensify our efforts towards eliminating all forms of discrimination against women. This will require, amongst other things the following:

- a) The review of the 1995 National Policy on Women, and the formulation and adoption of a National Policy on Gender and Empowerment of Women in the near future.
- b) To develop the national machinery's capacity to coordinate the use of the gender mainstreaming strategy across all sectors and levels of government, including through the use of gender-responsive budgeting processes.
- c) The implementation of the CEDAW Law Reform Programme 2008/09.
- d) Introducing Temporary Special Measures to increase women's participation in parliament in preparation to the upcoming 2010 General Election.
- e) The establishment of the nomination services within the Gender Development Division of the Ministry of Internal Affairs that will continue to promote gender balance in decision-making by providing nominations of appropriately skilled, qualified and experienced women to statutory boards in the public sector. It aims to increase the percentage of women on those bodies to 50% by 2014.
- f) To develop a formal understanding between the Island administration offices and the Ministry of Internal Affairs, to monitor and evaluate women's development in the Outer Islands.

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