

UNITED NATIONS COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN

39TH SESSION

INITIAL REPORT OF THE COOK ISLANDS

INTRODUCTORY STATEMENT

by

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Introduction

Distinguished Chairlady and members of the UN CEDAW Committee,

KARAKIA (TRADITION)

*Te Atua nui saruru ki henua
E Kui Moana e, uru mai
Akatautea mai
Seihia mai to sei rauru
Parehia mai to pare maka
Akavahinematua mai
Teia o mihanga
Teia o turuturu
Teia o hono, e tangi akaroroko atu nei
Kite kava o to hiahia*

Translation:

O Mighty God who resounds across the land
Mighty Guardian of the Sea
Adorn yourself
Place the garland over your hair
Wear your hat of many seasons
Be a woman of great wisdom
Here are your supporting pillars
Here are your people, lamenting
Over the deepness of your desire

I started my statement with a *karakia*. It is a sacred exposition in my own dialect that is relevant to this occasion. This is a historical date for the people of the Cook Islands and in particular for the pathway to eliminate all forms of discrimination against women who are Cook Islanders.

KO AI TATO (WHO WE ARE)

Madam Chair,

I am greatly honoured to represent the Cook Islands here. By appearing before you and the Committee to make the inaugural presentation on the efforts of the Cook Islands to eliminate all forms of discrimination against women in our country and for all Cook Islands women is so far the highlight of my political career. At this moment I hold mixed feelings of humility and pride that we have come this far and I know that we will go much, much further.

My name is Wilkie Rasmussen and I am the Minister of Foreign Affairs and Immigration for the Cook Islands. I also hold the portfolios of Marine Resources, Cultural Development and Tourism. I am a lawyer and an anthropologist by trade and am the eternal optimist.

With me today is:

- Mr Tamari'i Tutangata, Secretary, Ministry of Internal Affairs and Social Development;
- Ms Ruth Pokura, Director, Gender Development Division, Ministry of Internal Affairs and Social Services; and
- Ms Myra Moeka'a-Patai, International Legal Advisor, Ministry of Foreign Affairs & Immigration.

I also acknowledge the presence of Mrs Vaine Wichman, Ms Ann Taruia and Ms Kairangi Samuel. They represent Non Governmental Organisations (NGO's) in the Cook Islands. The fact that there are two men in the delegation is a twist of fate and not a deliberate act to block women from making the presentation on behalf of the Cook Islands. For me I so happen to be the Minister that resubmitted the CEDAW Report to our Cabinet after it rejected the report twice before. Digging in against ignorance won the day and here I am. The other man in our team happens to be the Head of the Ministry that will forge thorough bureaucracy and obstacles to ensure awareness of CEDAW by Cook Islanders and also to ensure its implementation. He and I are both temporary officeholders but share the passion for the progression of gender issues in our country as do all of us representing the Cook Islands here.

Let me now convey to you all the warm greetings of the Government and people of the Cook Islands.

TETAI AU TURANGA O TATOOU (SOME ASPECTS ABOUT US)

Madam Chair,

The Cook Islands is a composite of 15 islands with a resident population of less than 20,000 people. These islands are spread over an Exclusive Economic Zone of over two million square kilometers of ocean. Its main revenue comes from tourism but it is active in the trade of fish, black pearls and specialised fields such as offshore asset protection. It has a central commercial vibrant island called Rarotonga where Government administration works to service the outer islands.

These outer islands are less developed and are divided into the Northern Cook Islands and the Southern islands. More than 40,000 Cook Islanders live in New Zealand with an increasing number now making Australia their home.

The Cook Islands has a Parliament of 24 Members elected every four years. It has six Cabinet Ministers including the Prime Minister and its parliamentary system is based on the Westminster System. It has a Constitution by way of an Act of Parliament that cannot be amended unless a two thirds majority is achieved. It encompasses fundamental rights for all Cook Islanders, such as freedom of expression, right to elect and stand for Parliament, etc. It enjoys and values a relationship of free association with New Zealand, a friend that extends to Cook Islanders automatic rights to New Zealand citizenship.

TETAI AU AKAMEITAKIANGA (SOME ACKNOWLEDGEMENTS)

I acknowledge with appreciation the support that we have had over recent years from the New Zealand Government, the Secretariat of the Pacific Community (SPC), UNIFEM, UNFPA, the Pacific Islands Forum Secretariat (PIFS) and UNESCAP in helping to enlighten us, in the Cook Islands on matters pertaining to CEDAW. Such support has provided us, amongst other things, with a deeper understanding of the globally shaped and accepted definitions of women's rights as embodied in the Convention as well as the challenges that Cook Islands women face everyday - challenges that might otherwise have gone unnoticed in our continually evolving community.

TE VAKA MOANA (OUR CANOE JOURNEY)

Cook Islanders firmly believe that they live in a fair and equal society and women are treated fairly and equally. That belief is based on its laws, history and traditions, and its perception of the world. I believe they hold this view with respect to women. It is a view that is however taken for granted. I will elaborate on this later. But the following examples can attest to boosting that view:

When the Cook Islands attained self-government from New Zealand in 1965, a woman was appointed to the position of Speaker of Parliament - a post of *mana* (authority) and distinction. She held the position for nearly two decades. We now have a woman as a Deputy Speaker. We have a woman Cabinet Minister. There are now three women MP's in the country. Mrs Vaine Wichman was in fact a former MP and a very successful businesswoman in her own right.

We have women holding Paramount Chiefly titles – the highest in the order of customary titles. In fact more women hold such titles than men. We have an increase in the number of professional women such as lawyers, accountants and some enterprising women head their own businesses. We have had women serving as Head of Overseas Mission for the Cook Islands Government and as Heads of Ministries.

Women in the Cook Islands are generally regarded as the *ivi tua* (backbone) of any man and the family – both nuclear and extended. This analogy is a form of praise and acknowledgement of the strength of women in the community – as the Cook

Islands is indeed a very communal society. That is, social relations exist and thrive because of the kinship connections of Cook Islands people. It is commonly understood by Cook Islanders that there is greater strength and effectiveness in collectivity rather than individualism. And in my view women play the greater role in keeping things ticking than men do in the community.

Madam Chair,

There are many other examples that could well win songs of praise as to whether women are being treated fairly and equally and are given opportunities to better themselves. Let me say that on the outset the voyage of Cook Islands women to have equal status with men began right from the start of civilization on the various islands of the Cook Islands. Traditional values had drawn boundaries for women and men as they co-exist and indeed this juggling of gender roles was punctuated with new or different boundaries drawn by the arrival of Christianity and a number of other influences. For instance, the introduction of Western political and legal institutions also played a pivotal role in defining gender activities and roles.

But the formal recognition that this journey is about the elimination of all forms of discrimination against women began in 1985 when CEDAW was adopted by the Cook Islands. This culminated in September 2006 when the Cook Islands acceded to the Convention after the Cook Islands Cabinet of Ministers formally approved for the country to abide with its provisions a month earlier.

TO TATOU KAVEINGA (OUR DIRECTION)

Madam Chair,

Where to from here?

I made the statement earlier that Cook Islanders take for granted the view that women are treated equally and fairly in the Cook Islands. But if we for instance, as a way to approach the matter, contextualize the place of women and their role in various Cook Islands villages and organizations, we will see a very different picture.

For example, many Cook Islands women lack opportunities for education. As basic and as easily available as education may be as a requirement for every Cook Islander, women in the outer islands do not necessarily find education easily forthcoming. There appears to be inherent difficulties such as early pregnancies or clear designations of a woman's domestic duties. Another example is that Cook Islands women find it very difficult to break the *tapu* (taboo) that makes it virtually inadmissible for women to enter the church as clergies.

What are proving to be the greatest challenges that my government faces in seeking to ensure compliance nationally with CEDAW are the following matters:

- The far-flung nature of our islands made much more difficult by the extremely high costs of travel and communications; and
- Difficulties in convincing our men in particular to accept the significance to our national development aspirations of the inequalities that exist between men and women in our communities.

Madam Chair,

In relating the foregoing, I am conscious that given our relatively long association since 1985 with CEDAW, that there might well be an expectation that the Cook Islands should be much further advanced than we are in our national efforts to comply with CEDAW. We had tried and the following explains our involvement. We have:

- adopted the Nairobi Forward Looking Strategy in 1985;
- participated in the Conference that formulated the Nairobi Strategy;
- consented to New Zealand acceding to CEDAW on our behalf in 1985; and
- Hosted the third Pacific Islands Regional Conference on Women also in 1985.

However, the reality is that our efforts to integrate CEDAW into our governance structure and community in that first decade of our association with CEDAW were intermittent and disjointed.

The year 1995 was to have been a pivotal year for women in the Cook Islands and CEDAW. In that year, our Government:

- participated in the Beijing Conference and adopted the resulting Beijing Platform of Action (BPA);
- endorsed a 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 with 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).
- Adopted a 'Plan of Action' to achieve the goals and objectives of the Policy, based on the BPA.
- Translated both documents into the Cook Islands Maori language and widely disseminated them throughout the islands.

Sadly, 1995 also heralded in the worst economic recession that the Cook Islands has ever experienced since self-government. By 1997, the government service was reduced to less than half the number of public servants and the promising upsurge in interest and commitment towards CEDAW waned and a huge surge of people left the Cook Islands for greener pastures in New Zealand and Australia.

Nevertheless, there have been some positive outcomes that have endured from this period of heightened awareness and commitment towards CEDAW. For instance, in spite of the significantly reduced resources devoted by government towards women and related development activities, there has been a gradual build up in our understanding and appreciation of the potential significance of CEDAW to Cook Islands women as well as to us as a nation and as a member of the global community. That build up has been greatly assisted in no small measure by the invaluable contributions of our dynamic Non Government and community organisations established by and devoted to the advancement of women.

In addition, cooperation between the National Council of Women (NCW) and the Cook Islands Government has strengthened. As an example, since 1995, NCW and government have worked collaboratively in organising the biennial National Conference on Women with government, amongst other things, providing the

funds to bring two representatives from each of our Outer Islands to Rarotonga for that Conference.

AKAMOUANGA E TE TOPIRIANGA (Accession to CEDAW)

Madam Chair

Your Committee's equitable approach towards its participating countries, combined with our increasing understanding of the provisions of the Convention itself, has contributed towards encouraging my Government to accede to CEDAW in our own right. As you know, that process was completed last year.

CEDAW Reservations

Further, my government's enhanced understanding of CEDAW and its relevance to the situation in our country, coupled with our recognition of the evolving nature of our society led my government, as recently as last week, to lodge our instrument for the withdrawal of all three of our reservations to CEDAW with the Secretary General of the United Nations. This action was unanimously supported by our Cabinet and Government Caucus.

These were:

1. general reservations to the recruitment of women into active service in the armed services;
2. reservation to articles 2(f) and 5(a) with respect to the inheritance of chiefly titles; and
3. Reservation to article 11(2)(b) relating to maternity leave protection.

In respect of the armed services, we have had women police officers serving and currently serving in a peace mission in Solomon Islands. We also have Cook Islands women serving as soldiers in the New Zealand and Australian army and I recently learned that there are several in the US Army. We also have Cook Islands women in the New Zealand Air Force and Navy.

With regard to traditional and cultural practices, five weeks ago, the *Koutu Nui*, an advisory body of traditional leaders to government on matters relating to customs and land, accepted my government's proposal to remove its reservation on the application of sub-articles 2(f) and 5(a) to the Cook Islands. And I refer you and the Committee to my earlier comments about the role and indeed the paramountcy of women in traditional chiefly titles.

In relation to maternity leave Cabinet approved of "*Government undertaking to provide for maternity leave as part of the labour legislative reform package.*" We expect that this reform package will be completed and processed through parliament by the end of this year.

TETAI AU MEA KE ATU (Other specifics & CEDAW)

Madam Chair,

If I may, I would now like to refer to some aspects in our recent history that might assist the Committee in assessing the current status of women and their rights as spelt out in CEDAW in the Cook Islands:

1. The Land Court, established in 1902, recognized women's rights to own land and property in equal measure to men. Consistent with the evolving community attitudes towards traditional chiefly titles, the Court also recognized women's rights to such titles.
2. Since becoming self-governing in 1965, women have had the right to vote and to stand for Parliament.
3. The Convention was translated into the Cook Islands Maori language in 2001 through a consultative process involving NGOs and Government agencies with the resulting translation being disseminated widely throughout the Cook Islands.
4. Copies of the Convention were also distributed to all government ministries and agencies as well as to all the gender-based Non Government Organisations.
5. In producing the Government's Initial Report, nation-wide consultations were undertaken through a series of workshops and national conferences. Special efforts were made to engage women in the outer islands, women's organisations, women in sports, business and professional women, women with disabilities, women in religious denominations, women in traditional leadership roles, young women and women with no affiliation to any NGO network in the consultative process. In addition, the draft report was widely disseminated for public comment.

6. Government's budget continues to accord the highest priority towards providing equitable access to health and education to both women and men including those in the Outer Islands. Some of the Millennium Development Goals have already been attained by our country such as free universal school enrolment for all children up to the age of 15 coupled with a high literacy rate as well as low child and maternity mortality rates.
7. The first woman (not a Cook Islander but a New Zealander) to be a Judge in the High Court was appointed this year. A number of Cook Islands women hold the position of Justices of the Peace – they preside over legal matters over disputes in land ownership for example. Or they take pleadings in criminal matters.
8. The theme for the most recent biennial Conference on Women held in April was: "*Me and my rights*" who focused on women's rights in CEDAW. The resulting two-year action plan endorsed by that Conference accordingly focuses on action to be undertaken in advancing the implementation of the Convention.
9. Early last month, we were most fortunate in securing the support of UNIFEM, the New Zealand Government, the Government of Fiji and a member of this Committee in conducting a training exercise for us in Rarotonga as part of our preparations for this consultation. Unfortunately, time and resources has not allowed us to address the numerous sound advices that we received from the panel of three who provided us with the training.

10. Early this year, a Law Reform Committee was formed to spearhead the nation's law reform process. This will facilitate the CEDAW-related legislative reforms that have already been identified through a study that was undertaken two years ago.

Ratification of the Optional Protocol to CEDAW

In addition, Government is currently considering the merits of accepting the competence of the Committee as established under the Optional Protocol with a view towards acceding to the Protocol in the next few weeks.

E AA TE TAKAIANGA (UNDERTAKINGS)

Madam Chair,

The Cook Islands gives the following undertakings:

- The need to intensify our efforts towards eliminating all forms of discrimination against women. This will require, amongst other things, the formulation and adoption of a National Gender Policy in the near future.
- Strengthening government's capacity and resources in order to more adequately address issues pertaining to women's rights including gender mainstreaming within key Government Ministries and Agencies, legislative reforms, gender training, awareness raising.

- The definition of discrimination (as contained in the Convention) to be incorporated into domestic legislation.
- Special measures to be identified in order to increase the participation of women in decision making positions.
- Implementation of a comprehensive programme of law reform to ensure that Cook Islands laws are consistent with the Convention. Priorities for law reform relate to laws addressing women's right to:
 - a) Safety and security (including reform of criminal laws on sexual offences)
 - b) Labour and employment protections,
 - c) Equality in Marriage and family life,
 - d) Protection from discrimination
 - e) Protection of vulnerable women and girls such as:
 - Women with disabilities,
 - Migrant women
 - Women living in rural and remote areas

TE IKU (CONCLUSION)

Madam Chair,

In conclusion, we welcome this opportunity for commencing dialogue with you and the members of this Committee. We now have a glimmering of and understanding about the numerous shortcomings of our Initial Report and look forward to receiving the advice of the distinguished members of this Committee to guide us in addressing such shortcomings. More importantly, we look forward to your guidance during this dialogue as to the options available to us in seeking to accelerate the pace in which we can implement and comply with the requirements of the Convention.

As you would have read we have used the metaphor of a *vaka* (canoe) during this presentation. This is because Cook Islanders are Polynesians and are the descendants of skilful navigators. On this matter your course setting and our navigation should get us to the place that we all desire where we achieve the aspirations of CEDAW.

No reira. Kia Manuia

Wilkie Rasmussen

