Cook Islands Announces CEDAW Law Reform

[Rarotonga – May 27th, 2008] - Cooks Islands is ready to undertake a reform of their domestic laws to make them more compliant with Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). This was announced by Minister for Internal Affairs Hon Ngamau Munokoa at the launch of a new publication; “Translating CEDAW into Law: CEDAW Legislative Compliance in the Cook Islands” in Rarotonga today.

CEDAW, which is also known as the International Bill of Rights for women, defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. Countries that have ratified CEDAW are legally bound to put the provisions of the Convention in place and are also required to submit reports on measures they have taken to comply with their obligations.

The joint UNDP Pacific Centre and UNIFEM Pacific Regional Office publication “Translating CEDAW into Law: CEDAW Legislative Compliance in the Cook Islands” is an important resource that can be used as the Cook Islands develops and implements law reform.

“We would certainly make use of this report as a guide to the work of consistency to CEDAW,” said Hon. Munokoa.

The report reviews the Constitution and national law of the Cook Islands against all of the 113 indicators developed to measure legislative compliance with each of the 16 articles of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

The indicators used to measure legislative compliance with CEDAW include legal guarantees of fundamental rights and freedoms to men and women equally, including in political, economic, social, cultural, civil or any other field. The indicators reflect CEDAW’s examination of the guarantee of equality between men and women and include both direct and indirect discrimination, the requirement to legislate special measures provisions; and the importance of anti-discrimination provisions. CEDAW and the legislative compliance indicators cover a wide range of equality issues including: sexual assault issues, the exploitation of women, direct and indirect discrimination in
employment, equality before, during, and upon the breakdown of relationships, including
de facto relationships, and many more.

Hon Munokoa highlighted that the Cook Islands cabinet had noted the UN CEDAW
Committee’s concluding comments to the Cook Islands and was looking at implementing
them. She also said that Cook Islands government had established an inter-ministerial
working group to undertake a systematic approach to CEDAW law reform.

“This working group has met in the past three weeks to develop a systematic programme
of law reform to demonstrate implementation, and to adhere to a clear timetable for
completion of the necessary legislative reform,” said Hon Munokoa.

She acknowledged the important role that NGOs have played and continue to play in
CEDAW implementation.

Cook Islands Women’s Counseling Centre’s Nani Samuela, who spoke at the launch on
behalf of the Cook Islands NGOs, said the work done by the Cook Islands government
and development partners in the area of CEDAW implementation was commendable.

“We as NGOs will be referring to these compliance indicators not only as a checking and
monitoring mechanism in measuring progress but also as part of advocacy and training
tools,” said Ms Samuela.

She said that the Cook Islands Women’s Counseling Centre was currently holding a
workshop for Justices of the Peace from the Southern Cook Islands in Rarotonga on
Human Rights instruments and their application to domestic law, policy and practice. In
anticipation of the launch, the CEDAW legislative compliance indicators were included
as part of the training.

“CEDAW legislative compliance indicators provides a one stop shop in identifying
inconsistent legislation, the policy reasons that explain how and why the law should assist
in advancing equality and suggestions for change. An outcome of this training is for JPs
to identify Human rights implications in their decisions and to also be advocates for
Human rights in their capacities as recognised opinion shapers and leaders within our
community,” said Ms Samuela.

The United Nations Development Programme Resident Representative and United
Nations Resident Co-ordinator for Cook Islands, Niue, Samoa and Tokelau, Ms Naheed
Haque told guests at the launch of the “Translating CEDAW into Law: CEDAW
Legislative Compliance in the Cook Islands” that it was no coincidence that the launch
was taking place in conjunction with the Sub Regional Workshop on MGD-based
Planning, Costing and Budgeting for Polynesian Countries.

“This is a reflection of the centrality of gender equality to all that the UN does,” said Ms
Haque.
She said that while many important advances to gender equality have been made, women continue to face systemic discrimination in the legal, social, political and economic spheres in all Pacific Island countries, including in Polynesia.

“It is important to keep in mind that there is no such thing as a ‘gender-neutral budget’ – the impact of every fiscal policy, be it relating to taxation, or resource allocation, must be assessed in terms of its impact on the lives of both men and women.”

Ms Haque commended the work of all members of Parliament as well as that of the NGOs and civil society in advancing CEDAW in the Cook Islands.

“The UN CEDAW Committee has clearly recommended that the Cook Islands take steps required to ensure that the national legal framework is brought into line with the Convention. The publication we are launching today provides a detailed roadmap to assist with that process and very clearly and concretely specifies the law reform that is required,” said Ms Haque.

The new Cook Islands report is a companion to a publication launched by the UNDP Pacific Centre and UNIFEM Pacific in 2007 entitled *Translating CEDAW Into Law: CEDAW Legislative Compliance in Nine Pacific Island Countries* which examined the legislative compliance with CEDAW of nine Pacific Island countries; FSM, Fiji, Kiribati, the Marshall Islands, Papua New Guinea, Samoa, Solomon Islands, Tuvalu, and Vanuatu.

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For further information, contact: Shobhna Decloitre, Media, Communications and Advocacy Officer at the UNDP Pacific Centre on shobhna.decloitre@undp.org or on (+682) 75282 (cell)