



UNPRPD MPTF
Partnership on the Rights of Persons with Disabilities



UNITED NATIONS
COOK ISLANDS, NIUE, SAMOA AND TOKELAU

SITUATIONAL ANALYSIS OF THE RIGHTS OF PERSONS WITH DISABILITIES

COOK ISLANDS



COUNTRY BRIEF



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COUNTRY BRIEF

November 2022

Disclaimer

This brief was prepared by the Technical Secretariat. It summarizes the key findings from the situational analysis report and does not necessarily reflect the position of the UNPRPD MPTF.

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ACRONYMS AND ABBREVIATIONS

ACI	Autism Cook Islands
CIDA	Cook Islands Deaf Association
CIDSA	Cook Islands Down Syndrome Association
CIDRG	Cook Islands Disabilities Reference Group
CIDSI	Cook Islands Dyslexia Society Inc
CINDC	Cook Islands National Disability Advisory Council
CINDIDC	Cook Islands National Disability Inclusive Development Committee
CINDID	Cook Islands National Disability Inclusive Development Policy
CISCO	Cook Islands Civil Society Organisation
DRG	Cook Islands Disabilities Reference Group
CIIC	Cook Islands Investment Corporation
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organization
DAP	Disability Action Plan
DSO	Disability Service Organization
ICI	Infrastructure Cook Islands
INTAFF	Ministry of Internal Affairs
MOE	Ministry of Education
MPTF	Multi-Partner Trust Fund
NSDA2020+	National Sustainable Development Agenda 2020+
NSDP	National Sustainable Development Plan
OO	Office of the Ombudsman Cook Islands
OPDs	Organizations of Persons with Disabilities
SDGs	Sustainable Development Goals
SWMIS	Social Welfare Management Information System
TMO	Te Marae Ora (Ministry of Health)
UN	United Nations
UNCT	United Nations Country Team
UNPRPD	United Nations Partnership on the Rights of Persons with Disabilities
USP	University of the South Pacific

1 BACKGROUND

The United Nations Partnership on the Rights of Persons with Disabilities Multi-Partner Trust Fund (UNPRPD MPTF) is a unique partnership that brings together United Nations (UN) entities, governments, organizations of persons with disabilities (OPDs), and broader civil society to advance the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) and disability-inclusive Sustainable Development Goals (SDGs) at the country level around the world.

The UN entities participating in UNPRPD are ILO, OHCHR, UNDESA, UNDP, UNESCO, UNICEF, UNFPA, UN Women and WHO. Other UNPRPD members include the International Disability Alliance and the International Disability and Development Consortium (IDDC). The main contributors to the UNPRPD MPTF are Australia, Finland, Norway, Sweden and the United Kingdom.

In 2020, with the Strategic and Operational Framework 2020-2025, UNPRPD adopted a new programme design approach. The Framework moves towards proactive, results-oriented joint programming to drive implementation of the CRPD and disability-inclusive SDGs.

In the same year, the UNPRPD launched its fourth funding call and invited UN Country Teams (UNCTs) to submit proposals for joint country-level programmes with the objectives of advancing CRPD implementation and improving the implementation of disability-inclusive SDGs. The 26 selected teams (see Annex 1) were then allocated an initial budget to deliver an induction training, conduct a country situational analysis and complete a full joint programme proposal based on the findings of the situational analysis.

The 26 countries each conducted a comprehensive multistakeholder situational analysis to identify gaps and opportunities around preconditions to CRPD implementation and agree on a set of recommendations to address them.

From March 2021 to February 2022, the Cook Islands UNCT conducted the situational analysis. The methodology included a desk review of relevant literature, key informant interviews and focus groups, stakeholder mapping exercises and consultative workshops with key stakeholders.

The full situational analysis report can be found [here](#).

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WHY A COUNTRY ANALYSIS?



Many countries still struggle to transform the CRPD into concrete policies, systems, programmes and services that uphold the rights of persons with disabilities. It is urgent that governments and their implementation partners deliver on their SDG commitments through CRPD-compliant interventions. To support countries in the most catalytic way requires understanding the main bottlenecks and priorities in each country in relation to the fulfilment of the CRPD. We needed to know who the key stakeholders are, how implementation/monitoring mechanisms are functioning (or not), which capacities stakeholders may need to improve, and which ongoing development processes could be leveraged to become more disability inclusive.

The situational analyses were carried out to:

- Inform the design of future PRPD funded programmes in the country and serve as a baseline for them;
- Inform UNCTs of gaps in achieving disability inclusion in ongoing national processes and programmes and recommend further, in-depth analysis where needed;
- Build a base of mutual understanding and working relationships among UN entities, government, OPDs and other civil society organizations, as well as the private sector and academia, as the basis for future co-design of joint programmes;
- Strengthen the capacity of those stakeholders to more effectively include and address the rights of persons with disabilities as outlined in the CRPD; and,
- Serve as an advocacy tool for ODPs and other civil society partners, both national and international.

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INTRODUCTION TO DISABILITY CONTEXT IN COOK ISLANDS

 Population	17,434 [2016] ¹
 Disability Prevalance	16.7% [2016]

The Cook Islands is a small South Pacific state that consists of 15 islands divided into two groups, Southern and Northern, spread across almost two million kilometres of ocean. The population totals approximately 17,434 people. Approximately 2,914 people – almost one-quarter of the population - reported having a physical disability or a health problem lasting six months or more.

The country has enjoyed self-governance in free association with New Zealand since 1965. It is a parliamentary democracy based on New Zealand law and English common law. Persons with disabilities are protected primarily under the Disability Act (2008) and the Ombudsman Act (1984) and are supported by the Welfare Act (1989). Disability-related issues are managed under three portfolios: the Ministry of Internal Affairs (INTAFF), Te Marae Ora/Ministry of Health (TMO), and the Ministry of Education (MOE).

The Government of Cook Islands ratified the United Nations CRPD and its Optional Protocol in May 2009. The Cook Islands was the first country in the Pacific to report to the United Nations Committee on the CRPD and submitted its first State Party report in 2011. The Cook Islands has adopted a National Disability Inclusive Development Policy (CINDID) 2020-2025, which should guide stakeholders. The implementation process has been very slow so far.

FINDINGS

4.1 Stakeholder coordination mechanisms

The key stakeholders responsible for implementing and monitoring the CRPD are highlighted below. The full report includes a comprehensive list of stakeholders.

Government

- **Public Service Commissioner** appointed by the Queen's Representative on the advice of the Prime Minister, is jointly accountable, together with Cabinet, for the performance of the public service. The Commissioner provides strategic policy advice to Cabinet and is the Manager for the Heads of Ministries. By legislation, the Commissioner's office is responsible for human resources, policies and procedures. Mandatory induction training and development is conducted for all public servants. However, the two-day induction training does not include specific disability training.
- **Office of the Ombudsman (OO)** is responsible for coordinating, monitoring and reporting on formal complaints under the Disability Act, the Police Act (2012) and the Official Information Act (2009). The Cabinet tasked the OO with establishing a national human rights mechanism within the Cook Islands and overseeing issues related to the Disability Act, the Police Act and the Official Information Act.
- **Ministry of Internal Affairs (INTAFF)** is the lead ministry for coordinating disability-related issues and is responsible for social welfare and financial benefits mandated under the Welfare Act (1989) and protection under the Disability Act. INTAFF administers the CINDID 2020-2025. It has designated a national disability coordinator to coordinate government ministries and disability sector stakeholders to deliver on the outputs of the CINDID policy. This person is intended to support, promote and provide technical expertise regarding the rights of persons with disabilities to stakeholders.
- **Ministry of Education (MOE)** is responsible for 31 educational providers, including 24 early childhood education centres, 13 primary schools, four secondary schools, and 12 area schools. MOE also supports the Cook Islands Tertiary and Training Institution and the University of the South Pacific (USP). The MOE has a comprehensive inclusive education policy and programme. Aides and classroom teachers receive support from the Ministry through the inclusive education advisor.

- **Te Marae Ora/Ministry of Health (TMO)** is the main healthcare provider in the Cook Islands and is responsible for setting national health policy and managing the day-to-day delivery of health services: public health, oral health, primary care, hospital health, and planning and funding. TMO provides disability-specific services in partnership with the disability service organizations (DSOs), Te Vaerua and Creative Centre, including support to long-term residential clients and provision of assistive devices and mental health care. Te Vaerua manages assistive devices and employs one occupational therapist, a registered nurse and a physiotherapist. Health officials have noted a shortage of qualified specialists to respond to the needs of persons with disabilities.
- **Infrastructure Cook Islands (ICI)** is responsible for major government capital infrastructure projects across the Cook Islands and also has some regulatory responsibilities. The National Infrastructure Investment Plan under development will provide an opportunity to close some of the gaps identified in the 2018-19 building audit and ensure that all new buildings are accessible to persons with disabilities.
- **Pa Enea (Outer Islands)** The Island Councils govern the Pa Enea and their coordination is structured differently from that of Rarotonga. An Executive Officer appointed by the Office of the Prime Minister sits on the councils. INTAFF has representatives in all islands except for Nassau and Palmerston. There are six disability centres – on Aitutaki, Mauke, Atiu, Mitiaro, Mangaia and Pukapuka.

Organizations of persons with disabilities (OPDs)

Five OPDs operate in the Cook Islands: Autism Cook Islands (ACI), Cook Islands Deaf Association (CIDA), Cook Islands National Disability Advisory Council (CINDC, also known as CINDAC), Cook Islands Down Syndrome Association (CIDSA), and the Cook Islands Dyslexia Society Inc (CIDSi). Three OPDs are registered as incorporated organizations, one falls under the CINDC umbrella, and the last is a newly formed organization.

- **CINDC** is the Cook Islands umbrella organization for OPDs. It serves as an advisory body and advocate for the rights of persons with disabilities, using the human rights framework and disability legislation to speak up for persons with disabilities. **CIDA** falls under the CINDC. It actively promotes sign language and has a growing social media presence via CINDC's accounts.
- **ACI** was established to support awareness, advocacy, resources and information on autism spectrum disorders.
- **CIDSA** brings families together to raise awareness of Down Syndrome to create a more inclusive community.
- **CIDSi** is a newly formed organization dedicated to providing support and access to resources and programmes for students identified as having dyslexia. Its main objective is to identify barriers and obstacles that limit students from achieving curriculum outcomes.

Civil society

■ Cook Islands Civil Society Organisation (CICSO)

147 CSOs are listed in the CICSO registry. The Incorporated Societies Act 1994 does not require CSOs to join CICSO. CICSO provides consultation services and workshops to support CSOs, DSOs and OPDs.

■ Cook Islands Child Welfare Association

This association's mission is to monitor and support mothers and their babies, especially young new mothers and babies with special needs. It provides awareness and education sessions on issues affecting infants, mothers and the family, including domestic violence, HIV, nutrition, child safety and general health.

■ Cook Islands Family Welfare Association

This association was incorporated in 2009. It promotes the freedom to make choices about sexuality and well-being for all people, in a world free of discrimination. Building on a proud history of over 65 years of achievement, it is committed to leading a locally owned, globally connected civil society movement that provides and enables services and champions sexual and reproductive health and rights for all, especially the underserved.

UN System

United Nations cooperation includes, but is not limited to, UNPRPD, UNDP, UNEP, UNESCO, UNICEF, ILO and the Secretariat of the Pacific Regional Environment Programme.

Three entities are responsible for disability-specific monitoring and coordination:

- Cook Islands National Disability Inclusive Development Committee (CINDIDC) which monitors the CINDID. It is led by the Minister of Internal Affairs. The Committee includes MOE, TMO, CIIC, ICI, Ministry of Agriculture, CINDC, Creative Centre, Te Vaerua, Te Kainga, Autism Cook Islands and Are Pa Metua. Reports on policy implementation are to be issued biannually and submitted to the National Sustainable Development Commission for review, but none have been issued to date.
- Disability Reference Group (DRG) is a specific reference group established to support the Rise and Shine project. This group is composed of members of the CINDC board.
- The Cook Islands Persons with Disabilities Reference Group, known as Stronger Together (Arāngatū Me Okota'i), works to deliver on the outcomes of the UNPRPD programme. The group focuses on bringing community sectors together to share knowledge and resources.

Finally, a number of individual partnerships exist among OPDs, DSOs, CSOs and government ministries to deliver on outputs specific to their needs.

Summary of stakeholder coordination analysis

- Stakeholder coordination and mobilization is sporadic and weak. Coordination mechanisms exist but need greater capacity and effective structures to deliver outputs, monitor the realisation of the rights of persons with disabilities and, in particular, ensure timely implementation of the CINDID policy.
- Government stakeholders identified the need for training on topics specific to disability and in relation to their own roles, primarily in accountability, accessibility and providing reasonable accommodation.
- Inter-agency and organization coordination exists, but access and outreach to the most vulnerable groups, such as persons with multiple disabilities, children with disabilities and Pa Enea (Outer Islands), could be improved.
- OPDs' organizational capacity and resources are limited. Some OPDs work in silos.
- Persons with disabilities are not included in important national coordination mechanisms, such as the National Health Emergency Taskforce, the Disaster Risk Management Council and the National Budget Committee.

4.2 Preconditions for disability inclusion

In its Strategic Framework, UNPRPD has identified five preconditions as foundational elements that must be in place to address the rights of persons with disabilities across sectors. The following findings focus on these preconditions in the Cook Island context.

- 1 Equality and non-discrimination
- 2 Accessibility
- 3 Inclusive service delivery
- 4 CRPD-compliant budgeting and financial management
- 5 Accountability and governance

Equality and non-discrimination

While many acts supplement the protection of persons with disabilities, two laws specifically protect and support them: the Welfare Act 1989 and the Disability Act 2008. Both were developed and adopted before CRPD ratification and do not fully comply with it. Harmonization with the CRPD will ensure that future legislation, policies and strategies meet minimum standards for the rights of persons with disabilities. This will require significant resources and time, including improved capacity and effectiveness of coordination and monitoring mechanisms.

Despite its flaws, the Cook Islands Disability Act 2008 goes a long way in ensuring non-discrimination. It states that the Minister of Internal Affairs has the responsibility and obligation to develop a disability strategy. It must consult persons with disabilities and OPDs and make the strategy available to the public and to Parliament. As a result, the CINDID 2020-2025 was developed and adopted. It sets out to improve the quality of life and realize the rights of persons with disabilities by empowering them: enabling inclusion and participation in all aspects of life. It acknowledges disability inclusion as a national effort, referring less to disability and more about ability.² Implementation of legal provisions and policy commitments has been slow.

Parliament is reviewing the Crimes Act (1969) and the Ombudsman Act (1984) with the intention of establishing the OO as the national human rights institution. The opportunity exists to promote its role and functioning in monitoring complaints under the Disability Act. Only one such complaint has been handled to date.

OPDs indicated that persons with disabilities are not familiar enough with their rights to recognize when they have been violated and/or do not understand how they can be protected by law. They experience high levels of stigma and discrimination. The organization for women and girls with disabilities has disbanded and findings on the experiences of this vulnerable group are inconclusive.

Key findings

- Cook Islands' laws have limited ability to protect the rights of persons with disabilities. The Disability Act 2008 is outdated and should be harmonized with the CRPD. In addition, it should be supplemented by other legislation
- Acceptance and celebration of difference should be promoted and normalized. Persons with disabilities still experience high levels of stigma and discrimination. A gap in knowledge exists regarding types of disabilities and the best ways to provide reasonable accommodation.
- Persons with disabilities do not have enough knowledge of their rights to recognise when they have been violated and/or do not understand how they can be protected by law
- Public awareness of the roles and functions of the OO is minimal. An opportunity exists to align the Ombudsman's work with the Paris Principles on governance frameworks for human rights.
- Resources and knowledge are the critical barriers to implementing these policies. The capacity of duty-bearers and rights-holders needs to be enhanced. Training should be provided on understanding and implementing policy and legislation to further strengthen capacity to monitor and evaluate such policies and laws.
- The public and OPDs lack awareness of human rights. OPDs need support to advocate effectively for themselves and others and make complaints as a unified force. Legislation and policy should be translated into easy-to-read formats.

Inclusive service delivery

Disability assessment and referral services

The TMO is responsible to provide adequate and qualified assessment, diagnoses and referrals to services. It is the key provider of mental health services. However, it cannot currently conduct formal health and needs assessments to diagnose persons with disabilities (particularly mental illness, intellectual disabilities, Down syndrome, autism and dyslexia) and refer them to appropriate services. TMO suffers from serious capacity gaps in terms of human and financial resources as well as poor outreach to some islands.

Organizations and people with knowledge of and experience in working with persons with disabilities, such as Te Kainga o te Pa Taunga, Autism Cook Islands and the Inclusive Education Officer at MOE, have taken steps to conduct health and needs assessments to address this deficit.

Disability support services

Te Vaerua and TMO are the primary organizations that conduct inventories of and supply equipment and assistive devices to persons with disabilities, including on the Pa Enea. Neither organization can be sure that it will have adequate equipment, assistive devices or other rehabilitation services available when required. Also, information sharing between stakeholders is hindered by technical obstacles such as licenses. This makes access to services cumbersome for persons with disabilities who seek support.

To ensure that the disability sectors continuously plan and deliver the optimum support and that the systems, devices and resources can be delivered to persons with disabilities, greater collaboration is needed among service providers and organizations of persons with disabilities to ensure that the training content is aligned with the CRPD.

Mainstream services

Outcome 3 of CINDID 2020-2025 seeks to ensure that “persons with disabilities have equal opportunities to education, health, social protection and employment.” The following sections review the experiences of and opportunities for persons with disabilities under each area.

Social protection

The Cook Islands’ fragile health care system, shortage of medical professionals and limited intensive care facilities are among the most critical barriers facing persons with disabilities. The Ministry of Health Workforce Plan 2016-2025 aims “to have a workforce with the capability and capacity to provide quality health care services to achieve better outcomes for all people living in the Cook Islands.”³ The purpose of the mental health plan is to provide and strengthen leadership in mental health services to deliver quality, holistic and evidence-based mental health services. However, these plans are progressing slowly.

Health

The Inclusive Education Policy (2017) requires the education system in the Cook Islands to be inclusive, equitable, fair and just, with curricula and programmes that are accessible to all learners. The MOE has a dedicated inclusive education advisor to implement this policy. The advisor is active in the OPD sector and responsible for a total of 119 students across the schools. This number indicates that most children with disabilities are still out of school. The Ministry provides an inclusive education programme whose budget totals US\$1,689,174, or approximately 8.3 percent of the total education budget. Of that inclusive education budget, 99.22 percent is spent on personnel, with just .78 percent on operations.

Education

Outcome 2, Aim 3 of CINDID 2020-2025 aims to provide social protection to allow persons with disabilities and their caregivers to enjoy an adequate standard of living. Some persons with disabilities are unable to participate gainfully in the workforce and those who care for them need support due to the level of provision of care. To support these persons and their caregivers, INTAFF provides 12 benefits under the Welfare Act (1989) and four additional benefits: the Christmas Bonus, Special Assistance Fund, Power Subsidy and the Care Order. The infirm, old age pension and caregiver benefits specifically support persons with long-term impairments and disabilities. Based on the 2016 census, which indicates a population of 2,914 persons with disabilities, only 10 percent (236) receive the infirm benefit. The census lists 37 caregivers who receive an allowance of \$200 per month, provided they are not working. The social protection floor in the Cook Islands includes free education, free or highly subsidized health services, and a basic social work system.

Employment

Outcome 3, Aim 3 of CINDID 2020-2025 seeks to promote employment opportunities for persons with disabilities, stating that “[i]f people are actively engaged in the labour market, they will have control of their life choices and transitions.”⁴ Persons with disabilities have low rates of employment, with approximately 375 persons employed out of the total 2,914 persons with disabilities recorded.

Key findings

- Health policies lack adequate funding for accurate and continued programme implementation. The TMO also lacks qualified personnel. An opportunity exists to upskill TMO personnel via the New Zealand Certified Nursing Training Diploma to be introduced in 2022 at the USP, Cook Islands Campus. This is a collaboration between USP, TMO, and Whangaparaoa Nursing School in New Zealand.
- Assessments and referrals are infrequent and are subject to the availability of health specialists via the Health Specialist Visitation (HSV) programmes. Early intervention and access to information for families were identified as critical issues.
- Persons with disabilities, particularly those in rural areas, experience difficulties accessing disability assessment services. The lack of disability-specific specialists on islands leads to misdiagnosis by unqualified volunteers and support persons.
- OPD representatives highlighted their concern that health care professionals and public health experts lack the necessary training to provide inclusive health care and meet the specific needs of persons with disabilities and their families.
- The social services sector faces significant capacity and resource shortages. The TMO in particular is under-resourced and overworked due to border closures and the pandemic. An opportunity exists to train health care personnel on disability inclusion and improve service delivery for persons with disabilities, especially for triage.
- More qualified teacher’s aides are needed to support inclusive education students. Further training opportunities can be developed for aides and family members and caregivers.
- An opportunity exists to develop a second step along the employment pathways for persons with disabilities. The Rise and Shine Disability Employment Pathway project seeks to transition persons with disabilities to employment. When completed, it could lead to internships, work experience, further education, employment and/or membership in the CINDC.

Accessibility

Several Cook Islands laws state that persons with disabilities have the right to physical access to all public buildings. The most critical concern is lack of enforcement and adherence to the building code. In consultations with OPDs, they noted that they have long fought for accessibility to buildings and car parks and for sign language. Access to information is a concern for OPDs, particularly CIDA. Representatives reported feeling marginalized when they were unable to understand the government’s official media COVID-19 announcements.

Access to information is crucial to implementing any inclusive policy or programme. OPDs can be empowered to understand their rights, access the essential tools and knowledge to make informed decisions, and be able to understand the laws that protect, and in some cases, do not protect them.

The Cook Islands Investment Corporation (CIIC) is planning a new modern government hub, with construction starting in the next five years. Its central location will give persons with disabilities access to most government agencies, as a one-stop shop. The multi-storey building will have lift access. No alternate access has been planned in the event of emergency, but CIIC notes that the plans have not been finalized.

Key findings

- **Persons with disabilities are denied access to information and services**
due to the community's lack of knowledge of reasonable accommodation required to support their meaningful inclusion. Accessible easy-to-read public documents are not provided and sign language is not recognized as an official language. An opportunity exists to translate public documents into accessible formats and include them on the centralized disability platform. Placing these documents on this platform will make it easier to monitor and ensure that they are updated regularly.
- **Most government buildings are inaccessible.**
Footpaths and roads for ease of access are lacking. Only 7 percent of buildings were reported as accessible in the 2018-2019 building audit. Inaccessible infrastructure in public places (workplace, schools, courts and churches), transport and information affect the full enjoyment of rights by persons with disabilities. An opportunity exists to strengthen the building code by including accessibility considerations in the Cook Islands Tourism Accreditation Scheme and the Building Guide.
- **The public needs to be more aware of the Building Code.**
The public lacks knowledge on accessibility and reasonable accommodation.

CRPD compliant budgeting and financial management

The three social sector ministries have allocated budgets to disability programming. The MOE has allocated \$1.6 million to inclusive education for public and private sector schools combined. The national budget allocated specifically to inclusive education, gender and vulnerable communities totals approximately \$30 million. INTAFF makes budget contributions to the social protection scheme: infirm benefits (\$1.46 million); old age pensions (\$13.03 million); the Social Impact Fund (\$1 million); and the Special Assistance Fund (\$250,000 to disability-specific projects focused on access). There is no framework to ensure that disability inclusiveness is considered in general social or economic sector budget decisions and programmes.

Key findings

- The national budget lacks disability considerations in budget planning, proposals, and delivery. Persons with disabilities are not represented in the budgeting decision-making processes.
- Understanding of the CRPD remains limited.
- This limited knowledge results in poor understanding of disability-inclusive approaches, for example, ensuring reasonable accommodation and budgeting for disability inclusion. Many OPDs wish to be more involved in the decision-making and have the capacity to support development processes.
- Few programmes and services have budgets for inclusion and reasonable accommodation.
- The lack of mainstreaming of issues that affect persons with disabilities in the national budget has led to a lack of access to certain constitutionally mandated services for persons with disabilities.
- All OPDs rely on the same funding pool, the Social Impact Fund.

Accountability and governance

Inclusive evidence and data gathering systems

The disability and social sector entities use a variety of data collection systems. Because each uses its own questions and methods to collect and store information, data collection can be ad hoc and inconsistent.

The sources below provided data on persons with disabilities in the Cook Islands between 2016-2021:

- 2016 Cook Islands Census, which is collected manually and then entered into an electronic system. Although the World Health Organization recommends using Washington Group Questions for persons with disabilities, they were not used;
- National Disability Database, which is a redundant and outdated system;
- Social Protection Database, which is based on data extracted from Infirm benefit applications and managed manually using an Excel spreadsheet;
- Social Welfare Management Information System (SWMIS), which is being developed to replace the Social Protection Database. It is designed to integrate with TMO's Medtec system, MOE's Edge System and Customs. This system will include the national identification system and SWMIS will be built into it;
- 2021 Emergency Management Cook Islands Geo Portal, which collects data using a tablet and is managed through an online information system;
- TMO MedTech health database, which is electronic; and,
- OPD member databases, which are collected on an ad hoc basis.

OPDs collect their own data. The Creative Centre collects the most comprehensive information, maintaining up-to-date data that captures care needs, diagnosis, mobility,

reading and writing, present status, next-of-kin and support networks, source of information, household management, medication, health management, financial management, significant life events, emotional needs, dietary requirements, behavioural needs, past/present behaviours of concern, drug and alcohol history, social/recreational needs, cultural, spiritual, vocational service and personal goals.

INTAFF manages the National Disability database, but the data and system are not functional and are outdated. A system upgrade is underway.

The Ministry of Justice does not keep information about persons with disabilities, but is working to establish a national identification reference for all persons in the Cook Islands, pending Cabinet approval to proceed. The Ministry hopes to have this project underway by 2022.

National accountability mechanisms

The Cook Islands is guided by the disability, gender and child protection frameworks set out in the Conventions of the United Nations: the CRPD, the Convention on the Rights of Children, and the Convention on the Elimination of All Forms of Discrimination against Women.

Additionally, the country falls under the United Nations Pacific Strategy (UNPS) 2018-2022, which is a five-year strategic framework that outlines the collective response of the UN system to the development priorities in 14 Pacific Island countries and territories.

A number of regional guiding frameworks exist to support persons with disabilities in the Cook Islands, including the Incheon Strategy to 'Make the Right Real' for Persons with Disabilities in Asia and the Pacific 2013 -2022. It provides the first set of agreed disability-inclusive development goals and comprises 10 goals, 27 targets and 62 indicators, building on the CRPD and the Biwako Millennium Framework for Action and Biwako Plus Five.

Six outcomes of the government's NSDA 2020+, released in December 2021, are directly applicable to persons with disabilities focusing on well-being, reducing inequality and poverty, and meeting a responsibility to children, young people, the elderly and vulnerable people. The CINDID 2020-2025, under the Disability Act 2008, exists in addition to these international and national commitments.

However, the mechanisms to ensure compliance and implementation of these commitments are weak. For example, a disability action plan (DAP) for the implementation and monitoring of commitment is lacking. As mentioned in the stakeholder analysis, existing committees and reference groups set up for such purposes lack capacity and are ineffective. Effective engagement with OPDs is not occurring.

The OO, which has a formal mandate to monitor human rights implementation, has not been active. In fact, public awareness of its roles and functions is minimal. OPDs indicated that they are largely unaware that the OO is responsible for managing complaints. There has been only one formal disability complaint to the OO to date. There is an opportunity

to align the work of the OO with the Paris Principles on governance frameworks for human rights and to establish it as the national human rights institution.

Key findings

- **There is no overarching DAP managed by the OPDs with agreed outcomes for long-term sustainability and accountability.**

The CINDID 2020-2025 outlines a comprehensive direction for the disability sector. Its vision aligns with the views of OPDs and embodies the preconditions of the CRPD; it has an accountability mechanism for its outputs and facilitates the coordination of multiple agencies and OPDs. However, it does not define timeframes or measurable targets or allocate responsibilities or budgets.

- **Reliable disaggregated year-on-year data for persons with disabilities from across all sectors, especially regarding children, is lacking.**

Adequate data is not available for making informed decisions in the best interests of persons with disabilities. OPD databases are kept manually and subject to human error. An opportunity exists to use the soon-to-be-released results of the Cook Islands Census 2021 as a baseline for year-on-year data collection.

- **OPDs are concerned that uninformed decisions are being made regarding policies and procedures without significant statistical evidence and the contribution of OPDs.**

An opportunity exists to increase consultations, engagement and participation and make genuine efforts toward inclusion on all issues that affect persons with disabilities by engaging CINDC and new OPDs.

- **CRPD country reporting is delayed.**

The UNCRPD Country Reports for 2015 and 2019 have not been drafted, which suggests that government accountability, capacity and support for the disability focal points should be strengthened. An opportunity exists to leverage the CINDIDC and the Stronger Together Alliance to deliver on these requirements. The Stronger Together Reference Group includes 40 active core members and 210 peripheral members.

- **Both duty-bearers and rights-holders lack the capacity, time and resources to deliver on obligations and policies and to advocate and engage in evidence-based and data-driven policy dialogue on disability-focused areas and for general disability mainstreaming in sector policies and programmes.**

An opportunity exists to use the NSDA 2020+ to guide and monitor new processes and practices for accountability through the CINDIDC and the CINDC.

- **An independent monitoring framework and civil society involvement are lacking.**

An opportunity exists to develop the Stronger Together Alliance into an independent monitoring framework with defined roles and duties, promoting consistency in approach, disseminating good practice, and ensuring effective monitoring and evaluation.

4.3 Cross-cutting approaches: Participation, gender, inequalities

The UNPRPD has adopted three cross-cutting approaches to be intrinsically applied across all of UNPRPD MPTF's work, including its structures, programmes, and processes to ensure full and meaningful participation of all persons with disabilities.



Participation:

Enabling full and effective participation of persons with disabilities



Inequalities:

Ensuring the inclusion of marginalized and underrepresented groups of persons with disabilities



Gender:

Addressing gender inequality and advancing the rights of women and girls with disabilities

Participation

Persons with disabilities and OPDs are not yet engaged meaningfully in consultations on many important policy making and budgeting processes, such as the health and education sector plans and disaster risk management plans. Existing coordination platforms for monitoring the National Disability Policy are ineffective and both rights-holders and duty-bearers lack sufficient capacity (personnel, knowledge, resources and mandate) to engage meaningfully. An exception is said to be the development of the most recent NSDA2020+, which OPDs refer to as inclusive.

To improve the participation of persons with disabilities, OPDs identified capacity building, communication and accessibility as priority areas to address.

Gender

Little information or data is available from the government, OPDs, service providers or civil society about the challenges that women, girls and groups of marginalized persons with disabilities experience.

Clearly, community outreach to, as well as participation by and representation of, the most vulnerable groups, such as persons with multiple disabilities, intellectual and psychosocial disabilities (mental illness), children with disabilities and the Pa Enuu can be improved. This will require deliberate measures and budgets.

Respondents offered mixed views on the intersecting discrimination of women with disabilities. Many respondents expressed the view that the realities of men and women with disabilities are the same and could not identify distinct discriminatory practices. However, gender and diversity literature documents that women and girls with disabilities are among the most marginalized and discriminated people in the world. Gender-based violence is much higher in this group.

Inequalities

Underrepresented groups of persons with disabilities are further marginalized in The report highlights a lack of representation of underrepresented groups of persons with disabilities such as women with disabilities, persons with multiple disabilities and those with intellectual and psychosocial disabilities.

4.4 Disability inclusion in broader development, humanitarian and emergency contexts

National Development Plans

In December 2021, the Cook Islands Government released its new NSDA2020+, which sets out the government's current five-year outcomes, 25-year strategy and 100-year agenda. In developing the NSDA2020+, the previous National Sustainable Development Plan was assessed to determine areas for improvement.

Under the plan, six outcomes are directly applicable to persons with disabilities, focusing on well-being, reducing inequality and poverty, and a responsibility to our children, young people, elderly and vulnerable people.

During consultations for this analysis, OPD representatives indicated that consultation on the development of the NSDA2020+ was adequate. One OPD leader mentioned that they were happy with the NSDA2020+ and felt “confident that [their] input was heard and put into good use.”

Climate change, disaster risk reduction and humanitarian action

COVID-19 has highlighted the need for more inclusive emergency communications and support for persons with disabilities. An opportunity exists for CINDC, supported by the CINDIDC, to lead a partnership with the Cook Islands Red Cross Society and the Disaster Risk Management Council to create more inclusive and consultative processes in emergency and disaster risk management, working with the Disaster Risk Reduction and COVID-19 programme officer at the CINDC.

COVID-19

Social protection has been central to the government's national response to the COVID-19 pandemic. The significant support that was provided to vulnerable people, in part through the social protection system, has helped to maintain people's economic and social well-being.

A rapid assessment of the COVID-19 national response and vulnerable groups in the Cook Islands highlighted that the impact of COVID-19 has intensified and drawn attention to existing social inequities. The assessment concludes that the COVID-19 response has mitigated the negative consequences associated with the sudden loss of revenue and income associated with the tourism industry.

5 CONCLUSIONS

Although the Cook Islands is making progress in advancing the rights of persons with disabilities, gaps still exist in the key stakeholders' ability to translate the policies into concrete action. Comprehensive policies aimed to address the issues faced by persons with disabilities exist in the Cook Islands, particularly CINDID 2020-2025. Rather than develop new policies, the focus should be to build on the existing foundation established by CINDID and continue to develop inclusive coordination and monitoring mechanisms in order to deliver on the outcomes. Overall, the recommendations below were highlighted in the situation analysis report. Further details may be found in the full situational analysis report.

- Strengthen understanding of the legal provisions addressing the human rights of persons with disabilities and initiate a revision of the legislation to comply with the CRPD.
- Strengthen the capacity of duty-bearers and rights-holders to translate legal and policy commitments into practical action and implementation, including budgets.
- Increase public awareness, accessibility and stakeholder coordination for change.
- Empower and strengthen capacity at the system level to support informed decision-making, accountability and governance to advancing the rights of persons with disabilities.
- Improve community-level accessibility for persons with disabilities for more meaningful opportunities and experiences.

ANNEX 1: 26 SELECTED COUNTRIES

Argentina
Colombia
Guatemala
Panama
Trinidad & Tobago

AMERICAS

Cameroon
DRC
Eswatini
Ghana
Rwanda
Sierra Leone
Tanzania
The Gambia
Tunisia
Zimbabwe

AFRICA

Montenegro
North Macedonia
Republic of Moldova

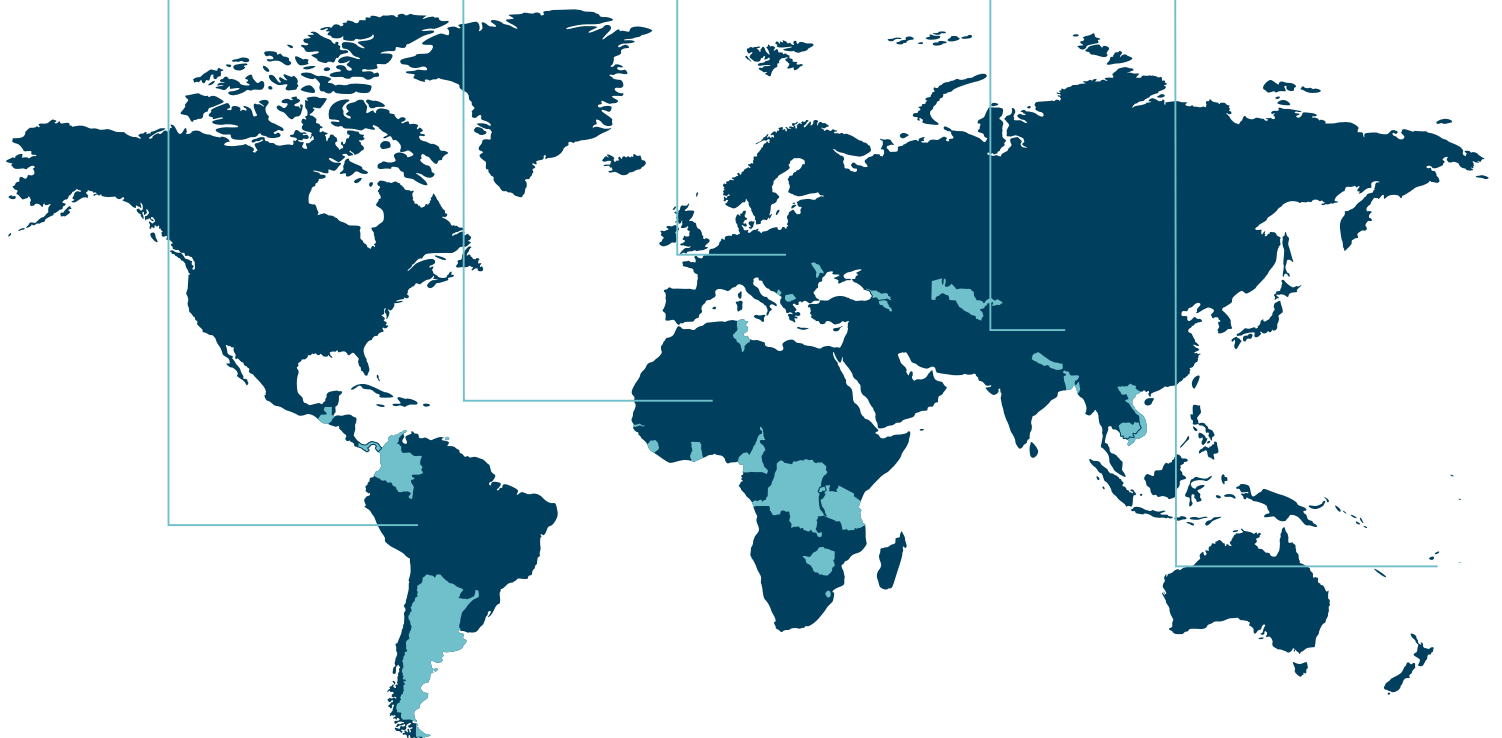
EUROPE

Armenia
Bangladesh
Cambodia
Georgia
Nepal
Uzbekistan
Vietnam

ASIA

Cook Islands

OCEANIA



ENDNOTES

- 1 2016 Cook Islands Census
- 2 Cook Islands National Disability Inclusive Development Policy (CINDID) 2020-2025
- 3 <https://www.health.gov.ck/wp-content/uploads/2017/12/Cook-Islands-Health-Workforce-Plan-2016-2025.pdf>
- 4 <https://www.intaff.gov.ck/wp-content/uploads/2020/09/cidid-policy-book-21-9-2020.pdf>



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