

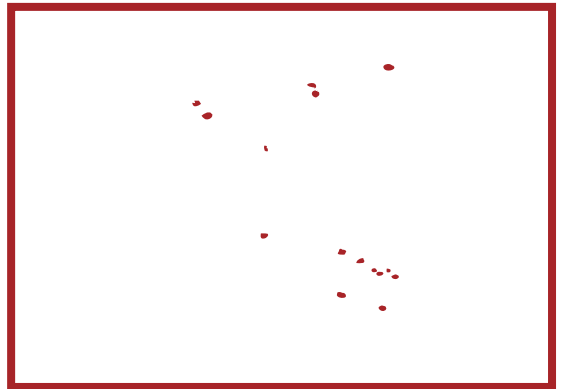


Global Monitoring



Report on the
status of action against commercial
sexual exploitation of children

COOK ISLANDS



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LE GOUVERNEMENT
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Ministère des Affaires étrangères



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Glossary of terms and acronyms

AIDS: Acquired Immune Deficiency Syndrome

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

CBO: Community-based organisation

CEDAW: Committee on the Elimination of Discrimination against Women

CICP: Pacific Islands Chiefs of Police

CRC: Convention on the Rights of the Child

CSA: Child sexual abuse

CSE: Commercial sexual exploitation

CSEC: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

HIV: Human immunodeficiency virus

ICH: Internet content hosts

INGO: International non-governmental organization

IT: Information technology

MoU: Memorandum of Understanding

NGO: Non-governmental organization

NPA: National Plan of Action

OHCHR: Office of the High Commissioner for Human Rights

PTI: Punanga Tauturu Inc.

RRRT: Pacific Regional Rights Resource Team

UN: United Nations

UNESCAP: United Nations Economic and Social Commission for Asia and the Pacific

Foreword

The First World Congress against Commercial Sexual Exploitation of Children (CSEC) was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

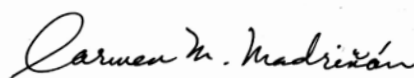
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have connected, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161- and the World Congress III in Rio de Janeiro in 2008, which included delegations from 170 countries) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, such as the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on action taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights: the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the ECPAT Secretariat and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.

They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the *Agenda for Action*. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); and (vi) priority actions required.



COOK ISLANDS

There is very little information available on the extent that commercial sexual exploitation of children (CSEC) occurs in the Cook Islands,¹ however, while it is widely acknowledged that child sexual abuse (CSA) occurs in the country, it is apparent that some CSEC cases have also occurred over the last few years.² In 2007, the UN Committee on the Elimination of Discrimination against Women (CEDAW) noted with concern that due to the country's economic dependence on tourism, there was a need for the Government to be vigilant regarding prostitution in the Cook Islands, particularly the links between prostitution and trafficking and prostitution and tourism, as it has already been witnessed in other countries (note: the Committee's concerns were not specific to child prostitution).³ At the Regional Stakeholders Consultation and Planning Workshop on the Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific, held in Suva, Fiji from 19-21 November 2007, it was reported that between 2002 and 2005, the Ministry of Justice recorded 12 cases of commercial sexual exploitation of children.⁴ However, this number does not match police records, which may be due to different interpretations of the definitions of commercial sexual exploitation of children and child sexual abuse. In 2007, there was one officially recorded case of CSEC, although some cases of sexual abuse and exploitation were also reported from the outer islands of the country.⁵ The lack of reported cases do not however always indicate that abuse and exploitation does not happen, as very often, due to other factors involved, for example, accessibility of reporting and referral systems, availability of appropriate laws and their enforcement means that cases can go undetected.

Children in the Cook Islands are also affected by domestic violence and sexual abuse. An average of eight cases of child sex abuse are said to be reported annually.⁶ However, according to Punanga Tauturu Inc. (PTI), a local NGO, it is believed that many cases go unreported, in part due to a "huge reluctance" to report cases to the police.⁷ According

to a 1995 study on women's health, half of the sexual assault cases reported to the main hospital between 1993 and 1995 involved children.⁸ Most of the victims were between the ages of 10 and 14; five involved children between the ages of five and nine; one involved a four-year old child.⁹ The doctors who carried out the study believed that they had only uncovered the tip of the iceberg.¹⁰ Unfortunately, no further studies that would give the much needed information on the sexual assault of children after 1995 are available.

There are a number of obstacles to addressing the risks of sexual violence to children in the Cook Islands. Although the Government has increased its commitment to addressing commercial sexual exploitation of children by adopting the *Stockholm Declaration and Agenda for Action* in 2003, a 2007 study found that limited financial and human resources have hampered the efforts to effectively address the problems.¹¹

Incidents of sexual abuse and exploitation of children are underreported

In 2006, a group discussion with public health nurses who also work on the outer islands raised the issue that sexual abuse and exploitation were reported not only on the islands of Rarotonga and Aitutaki, but also on the outer islands. However, these cases mostly went unreported due to a number of factors, including the shame that the family feels such an issue brings, the fact that abusers can be family members and a general lack of trust in police due to their inexperience and lack of training in dealing with sex-related crimes.¹²

These problems appear to be prevalent throughout the Pacific region. According to the UN Office of the High Commissioner for Human Rights (OHCHR), most countries in the region do not have the capacity to address problems such as poverty and violence against women and children.¹³ A draft report presented by the Pacific Islands Forum Secretariat, the New Zealand Human Rights Commission and the Fiji Human Rights Commission reiterated this fact, finding that Pacific States are challenged in the area of human rights due to inadequate resources.¹⁴ Other factors presenting challenges include a lack of knowledge of international human rights standards and lack of national coordination.¹⁵

The Cook Islands also experience significant out-migration. According to Punanga Tauturu Inc., unusually high migration of families were witnessed in the wake of people being unemployed due to the economic downturn in 1996. Fifty per cent of those leaving the Cook Islands between 1996 and 2001 were between 15 and 34 years of age, 30% were under 14 years of age.¹⁶ Young people are reported to migrate in search of education or employment.¹⁷ The report however did not indicate to what extent children may have been migrating unaccompanied.

In 2006, the Government reported that there was no reliable data on organised prostitution in the Cook Islands.¹⁸ A study on commercial sexual exploitation of children and child sexual abuse conducted in 2007 reveals that, although it is not a common practice in the society, prostitution of children occurs in a non-organised and secretive manner, which makes assessing the problem an even greater challenge.¹⁹ Also, as has occurred in other countries, the same study notes that children are reported to be sexually abused by family members and other people they know, sometimes in exchange for food or money.²⁰ A study carried out by Punanga Tauturu Inc. in the Cook Islands, stated that boys are exploited for sexual favours by men in exchange for money, alcohol and cigarettes.²¹ Since homosexuality is illegal in the Cook Islands, sexual exploitation of boys may be much under-reported to the police as the victims may fear being criminalised.

It is also noted that the Cook Islands has experienced commercial sexual exploitation of children committed by child sex abusers who travelled to the country. In the 1980s, a brothel in Avarua permitted its women and girls to board cargo and freight ships for the purposes of “entertaining” the crews.²² However, more recently there is only one documented case involving travelling child sex abusers.²³ A German visitor who attempted sexual intercourse with a child under the age of 12, and two counts of indecent assault for incidents occurring in 1996, 1997 and 2001.²⁴ The man was reported to have befriended local families, sometimes providing financial assistance, food and gifts, and then to have sexually molested their children, all young girls under the age of 12.²⁵ The man was sentenced to three years’ imprisonment but only served a few months before he was deported to Germany.²⁶

Tourism is the Cook Island’s most important income generator.²⁷ In its 2006 report to CEDAW, the Government acknowledged that tourism was its primary industry, responsible for 37% of the GDP in 1998.²⁸ During the 2004-2005 period, tourist arrivals increased by 8.8% from the 2003-2004 period.²⁹ As illustrated earlier, the development of infrastructures and facilities to support the growth of the tourism industry have been utilised by travelling child sex abusers visiting the country to gain access to the children. Unfortunately, the extent to which commercial sexual exploitation of children may be occurring in the tourism sector is not well documented.³⁰

As with the other manifestations of CSEC, it is also unclear the extent to which commercial sexual exploitation of children is occurring online. In 2008, it was reported that a team of investigators were following the trail of a suspected paedophile ring operating in the Pacific Islands and connecting with children via social networking sites.³¹ However, as the

case was still being investigated, the report did not specify whether or not the Cook Islands was also a target for the operation of the paedophile network.

The persistence of traditional attitudes and practices also present child protection challenges. Doctors who undertook a 1995 survey of women's health that included information on sexual assault identified a need to change male attitudes towards women.³² They also noted that sexual assault is a taboo subject and that victims are provided inadequate community support to come forward and take action.³³ Another report identified pervasive violence and a culture of secrecy, among other factors, for increasing rates of violence against children, including sexual violence, in the Pacific.³⁴ A 2007 report found that a strong Pacific Island tradition of reciprocity and the culture of respecting requests or demands in return for favours or gifts were exploited by ill-intentioned persons to gain access to children and later engage them in commercial sexual exploitation.³⁵ In some of the outer islands, reciprocity is still endured as a traditional practice involving support and sharing of resources.³⁶ Coupled with the practice of respecting requests in return for gifts or favours and the taboo on sexual activities in society, the same report notes that some children were commercially and sexually exploited through the abuse of these traditional practices and culture.³⁷ However, this form of commercial sexual exploitation of children is still largely unrecognised in the country.³⁸

Culture of Tolerance Towards Commercial Sexual Exploitation of Children

In 2007, a study on commercial sexual exploitation of children and child sexual abuse in the Cook Islands reported an incident of young girls accepting factory jobs in exchange for providing sexual favours to the owner of the factory. No legal complaint was filed against the owner as he (and his factory) was regarded as a source of employment and regular incomes.³⁹

NATIONAL PLAN OF ACTION

Following a study on commercial sexual exploitation of children and child sexual abuse in 2006,⁴⁰ key government agencies in the Cook Islands, in collaboration with non-governmental organisations, are making progress in an effort to address the commercial sexual exploitation of children. Government, civil society and religious institutions have acknowledged the existence of CSEC in the country and are working together to develop a national framework, the *National Plan of Action on Sexual Exploitation of Children*:

Protecting Our Future. The commitment of the Government to ensure the protection of children from sexual exploitation will however be evident through the adoption and effective implementation of the National Plan of Action.

Following completion of a study entitled *Overview of Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Cook Islands*, jointly conducted by Punanga Tauturu Inc. and ECPAT New Zealand (in 2006), with support from UNESCAP and ECPAT International, representatives from government and non-governmental agencies participated in a Regional Stakeholders' Consultation and Planning Workshop on Commercial Sexual Exploitation of Children and Child Sexual Abuse⁴¹ in the Pacific, in Fiji, in November 2007. The workshop was organised in partnership between UNESCAP, ECPAT International and Save the Children Fiji, in collaboration with UNICEF Pacific. The workshop provided a venue for participants from governmental and non-governmental agencies, involved in conducting studies on commercial sexual exploitation of children and child sexual abuse in their respective countries, to discuss and share the findings of each country's study and identify appropriate responses for the country. In this workshop, the Cook Islands and some other participating countries identified a specific national plan of action as a key framework for the country to 'coordinate actions against CSEC by States, all sectors of society, and national, regional and international organisations, as well as contribute to building a protective environment to increase protection of children from such abuse'.⁴²

Since then, the consultation process led by Punanga Tauturu Inc. to draft the *National Plan of Action on Sexual Exploitation of Children: Protecting Our Future*, has begun. The Ministry of Internal Affairs and other key stakeholders, including relevant ministries and individuals, have been involved in the consultation process by providing suggestions for improvements to ensure that the Plan is sufficiently comprehensive and feasible in its implementation through the collaborative efforts of relevant stakeholders. The final draft of the Plan (with inputs from the ministries and stakeholders) will be presented to the Cabinet for its adoption as a national framework to increase the protection of children from commercial sexual exploitation. The Plan has identified clear objectives, timeframes and responsible agencies (both government and non-governmental agencies), to ensure implementation and achievements of each objective.

The draft Plan provides a key framework for actions, including:

- Comprehensive awareness raising programmes on CSEC and CSA at all levels, to sensitise the issues to duty bearers and increase the protection of children;
- Improvement of legal systems and procedures to increase legal protection for children and to ensure child victims are not re-victimised; and
- Provision of information on the situation of commercial sexual exploitation of children at national level and gaps in existing legislation, policies and services to protect children.

Furthermore, the National Plan of Action recognises the linkages between commercial sexual exploitation of children and child-sex tourism and child sexual images, and identifies initial actions needed to be taken to protect children.

COORDINATION AND COOPERATION

Local and National Level

The First National Stakeholders Workshop on Commercial Sexual Exploitation of Children and Child Sexual Abuse, held in September 2008, not only successfully sensitised key stakeholders attending the workshop but also resulted in an agreement on the need for the country to develop a national plan of action against sexual exploitation of children. Key recommendations for actions to be taken in addressing the issues were also identified, such as the need to submit the First Report on the Implementation of the Convention on the Rights of the Child, as well as the provision of training and resources to increase capacity of police officers in supporting child victims.⁴³

Following the participation of government and non-governmental organisations in the East Asia and the Pacific Regional Preparatory Meeting for the World Congress III against Sexual Exploitation of Children and Adolescents, in August 2008 in Thailand, a National Stakeholders Workshop on Commercial Sexual Exploitation of Children and Child Sexual Abuse⁴⁴ was organised in Rarotonga in September 2008 by Punanga Tauturu Inc., in close collaboration with the Ministry of Internal Affairs and the Ministry of Health⁴⁵ and with technical assistance from ECPAT New Zealand. The workshop aimed to identify key steps for the country to take in tackling CSEC and CSA and to create ownership of the identified interventions among key stakeholders from the beginning of

the process.

A number of government agencies have a role to play in protecting Cook Islands children from sexual exploitation. Several relevant agencies are within the Ministry of Internal Affairs, including the Child and Family Services Division, responsible for all issues related to children and families;⁴⁶ the Labour and Consumer Affairs Division, responsible for monitoring the implementation of child labour laws in the Cook Islands;⁴⁷ and the Chief Censor, which has some responsibility for pornography and related issues.⁴⁸ Other relevant agencies include Ministry of Tourism, Ministry of Culture, Ministry of Health, Ministry of Justice, the Ministry of Education and Ministry of Foreign Affairs, and Police.⁴⁹ Additionally, the Youth and Sports Division of the Ministry of Affairs and the Central Policy and Planning Office of the Office of the Prime Minister are reported to be involved in drafting a national plan of action on commercial sexual exploitation of children.⁵⁰

Outside the Government, the Cook Islands are reported to have a “vibrant” civil society.⁵¹ One report stated that civil society is active and vocal in the Cook Islands and generally has a constructive relationship with the Government.⁵² While some NGOs work on issues related to commercial sexual exploitation of children and child sexual abuse, there is limited specialised expertise on these subjects.⁵³ Another challenge raised by NGOs reporting to CEDAW is the small population of the Cook Islands. Advocates, government employees and private sector employees are closely intertwined, making it difficult for advocates to pressure the Government to uphold its promises.⁵⁴

One of the most active groups on issues related to commercial sexual exploitation of children is Punanga Tauturu Inc., which addresses family violence, sexual abuse, human rights and child rights by providing legal advice, support and counselling to women and children who have been subjected to violence.⁵⁵ PTI has been working in partnership with the Pacific Regional Rights Resource Team (RRRT), the Fiji Women’s Crisis Centre and with ECPAT New Zealand since 2006 to further strengthen its work in children’s rights and the protection of children from commercial sexual exploitation and sexual abuse. Furthermore, its representatives were invited and supported by ECPAT International to participate in the East Asia and Pacific Regional Preparatory Meeting for the World Congress III against Sexual Exploitation of Children and Adolescents, in August 2008, in Bangkok, Thailand and in the World Congress III itself in Rio de Janeiro, Brazil, in the same year. The group is reported to have a strong networking system with the Government, as well as with NGOs.⁵⁶ The Cook Islands Red Cross Society is also involved in promoting awareness of children’s rights.⁵⁷ A Male Advocacy Group was initiated and set up on

Rarotonga in November 2005, through a partnership between, Punanga Tauturu Inc, and Fiji-based organisation, Fiji Women's Crisis Centre. The group focuses its work on male members of the community aiming to change their attitudes towards women and to gain their support/involvement in the fight against domestic violence, including sexual abuse and exploitation. The group is particularly active in church-oriented organisations and in communities on Rarotonga and in the Outer Islands.⁵⁸

Regional and International Level

The current draft of the National Plan of Action recognises the need for regional and international collaboration in order to increase the number of arrests and prosecution of offenders. However, the Government will need to ensure adequate resources to support the implementation of the Plan after it has been adopted.

Regional cooperation is challenging in the Pacific due to a number of factors, including diversity, distance and a lack of resources.⁵⁹ Nevertheless, cooperation is reported to be increasing in response to growing awareness of international agendas and improvements in communication.⁶⁰ There are a number of regional mechanisms for cooperation on issues related to commercial sexual exploitation of children.

The Pacific Islands Forum is the primary intergovernmental organisation in the Pacific region.⁶¹ According to one of its reports, the forum “provides the focal point for regional co-operation and integration between Governments.”⁶² In 2005, it launched the *Pacific Plan*, which addresses some issues related to human rights.⁶³ The *Pacific Plan* seeks to address the challenges that the Pacific Island nations face through regional cooperation and integration.⁶⁴ Initiatives are developed around the Plan's four “pillars”: economic growth, sustainable development, good governance and security.⁶⁵

The Cook Islands are also a member of the Pacific Immigration Directors Conference.⁶⁶ The conference's main objective is to promote consultation and cooperation among the region's immigration agencies.⁶⁷ A primary concern of Pacific Island nations is reported to be not gaining a reputation as transit points for irregular migration or centres of trafficking.⁶⁸

Another mechanism for regional cooperation is the Pacific Transnational Crime Coordination Centre, a part of the Australian Federal Police, which was established in 2004 in Suva, Fiji.⁶⁹ The Australian Federal Police intended for the centre to become the hub of the Pacific Transnational Crime Unit Network.⁷⁰ Among the issues that the network addresses are people smuggling, child-sex tourism and transnational sex exploitation.⁷¹ In an October 2005 news release, the Government of the Cook Islands indicated that its police were receiving updates from the centre regarding criminal activities in the region.⁷² Furthermore, according to the Commission of Police, the Cook Islands Police became full members of the Pacific Islands Chiefs of Police (CICP) in May 2009 – an organisation that provides mutual support for police chiefs in dealing with cross-border issues. Family violence is a key area of their work.

Another regional mechanism for combating human trafficking and related transnational crimes is the Bali Process. Ministers participating in the process have agreed to a number of objectives aimed at improving regional cooperation in order to combat human trafficking and people smuggling.⁷³ Unfortunately, the Cook Islands are not participating in the Bali Process.⁷⁴

The Pacific Regional Rights Resource Team was established in 1995 and provides training, technical support and advocacy on the subject of human rights in the region.⁷⁵ The team is currently working in eight Pacific island countries, including the Cook Islands.⁷⁶ Among its publications are a number addressing discrimination against women.⁷⁷ The group has also published the *Pacific Human Rights Law Digest*, which compiles case law from the region that is relevant to human rights.⁷⁸

A final regional mechanism is the Commonwealth, an association of 53 States that addresses a variety of issues, including human rights and youth affairs.⁷⁹ The Cook Islands are associated with the Commonwealth through its association with Member State, New Zealand.⁸⁰ As such, the Cook Islands are also a member of the Commonwealth Youth Programme South Pacific Centre⁸¹ which in 2007 wrote to governments in the region to highlight the human rights issues facing youth in the Pacific, including the risks of children engaging in sexual services on ocean-going vessels and child marriage.⁸² The letter urged governments to create a regional instrument and take other measures to protect children; implement the *UN Convention on the Rights of the Child (CRC)*; take measures to eradicate sexual exploitation of children; and consult regularly and openly with youth on children's rights.⁸³ The Cook Islands held a national youth forum in September 2007 in Rarotonga.⁸⁴

At the forum, an Interim National Youth Council Working Group was formed to re-establish the Cook Islands National Youth Council and begin work on a Youth Charter.⁸⁵

In addition to these regional mechanisms and activities, a number of regional events have been organised by international organisations and NGOs in an attempt to bring Pacific stakeholders together to address commercial sexual exploitation of children and related issues.

From 15-19 September 2003, the Pacific Regional Workshop on Combating Poverty and Commercial Sexual Exploitation of Children and Youth was held in Nadi, Fiji.⁸⁶ It was organised by UNESCAP, ECPAT International and UNICEF. Twelve Pacific Island countries participated, including the Cook Islands.⁸⁷ This was the first opportunity for Pacific Island nations to meet and address commercial sexual exploitation of children since a 1998 Suva conference sponsored by AusAid.⁸⁸ Two of the workshop's goals were to encourage Pacific Island nations to adopt the *Stockholm Agenda for Action* and to develop national plans of action.⁸⁹ The Cook Islands adopted the *Stockholm Declaration and Agenda for Action* at that event.⁹⁰ The need for situational analyses of the countries in the region was identified and, as a result, the workshop sponsors agreed to support studies in seven countries, including the Cook Islands.⁹¹

Following completion of the study, a Regional Stakeholders' Consultation and Planning Workshop on the Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific was held from 19-21 November 2007.⁹²

PREVENTION

Although cases related to commercial sexual exploitation of children and child sexual abuse do occur, child sexual abuse is still a taboo subject and goes unreported, while commercial sexual exploitation of children is largely unrecognised in society. 'Most of population in the Cook Islands are Cook Island Maori. Each of the 12 inhabited islands that make up the Cook Islands has its own unique language or dialect and culture'.⁹³ Therefore, the translation of 'commercial sexual exploitation of children' and other related terms has become a challenge in raising awareness in communities and society. Sensitivity of the translation to ensure the terms used are acceptable to communities and the need to be

‘up-front and out in the open’ to get the messages across⁹⁴ is a priority for any awareness raising programme.

Awareness raising on the subject of commercial exploitation of children is a challenge in the Cook Islands, where sexual matters are said to be a taboo subject.⁹⁵ Punanga Tauturu and ECPAT New Zealand found that many participants in their study of CSEC and CSA had limited understanding of the issues, particularly in small communities.⁹⁶ Child sex abuse was reported to be kept secret within families because of the shame associated with it.⁹⁷ In addition, there are some negative attitudes towards the *CRC* in the Cook Islands. It is reported that some in the public mistakenly believe that the *CRC* gives children the power to dominate their elders.⁹⁸ A lack of knowledge about commercial sexual exploitation of children and child sex abuse is reported to put young people at greater risk of being victimised.⁹⁹

Some awareness raising activities have been conducted with community, youth and women’s groups, law enforcement, government staff, traditional leaders and schools on topics such as child survival, development, participation and protection.¹⁰⁰ Activities have also been conducted on child rights, family violence and sexual abuse. For example, the Cook Islands Workers Association and the Ministry of Internal Affairs have developed brochures addressing the employment and human rights of young people.¹⁰¹ The country’s Domestic Violence Unit has raised awareness on the issue among communities, church groups and schools.¹⁰² In November 2005, Punanga Tauturu Inc., in partnership with the Fiji Women’s Crisis Centre and other NGOs, established a Male Advocacy Group on the island of Rarotonga.¹⁰³ The group works with men to change attitudes and raise awareness about abuse.¹⁰⁴ Punanga Tauturu has also held awareness workshops on ‘gender, family violence and legal literacy’ and ‘crime awareness’ on the islands of Manihiki and Aitutaki, respectively.¹⁰⁵ At least one church has partnered with Punanga Tauturu to raise awareness about domestic violence, human rights and sexual abuse.¹⁰⁶

Regarding commercial sexual exploitation of children, fewer activities are reported. As late as November 2007, it was reported that funding was needed to support crime prevention activities on fighting child exploitation and conducting community awareness about commercial sexual exploitation of children.¹⁰⁷ The media are reported to have played a positive role in reporting on cases of commercial sexual exploitation of children and child sex abuse and in challenging the Government to respond more quickly to such crimes.¹⁰⁸

There are some signs that the limited awareness raising that has taken place is having a positive effect. According to statistics from the Ministry of Police and Punanga Tauturu, the number of reported crimes committed against children has increased since the early 1990s as a result of increased public awareness campaigns.¹¹⁰

Finally, following the September 2003 Pacific Regional Workshop on Combating Poverty and Commercial Sexual Exploitation of Children and Youth (discussed above), ECPAT International and UNESCAP funded a study on commercial sexual exploitation of children and child sexual abuse in the Cook Islands.¹¹¹ The study was carried out by Punanga Tauturu and ECPAT New Zealand and the results were published in November 2007.¹¹² The objectives of the study were to document the occurrence of commercial sexual exploitation of children and child sex abuse; identify and analyse the causes and risk factors for CSEC and CSA; and document and analyse the responsibilities and actions of, as well as coordination between government, civil society and international organisations.¹¹³ This research project was the first of its kind in the Cook Islands and provided much of the information found in this report.

Research finds lack of data and recording system in Cook Islands

Researchers for the 2007 study highlighted the need for a central data collection system for statistics related to CSEC and CSA in the Cook Islands.¹¹⁴ According to the Cook Islands Ombudsperson, the Government's record keeping system does not focus on keeping records retrievable and, as a result, a great deal of information is lost.¹¹⁵ Statistics were available from the Probation Service and Punanga Tauturu.¹¹⁶

PROTECTION

The Cook Islands is a self-governing State that is in free association with the State of New Zealand.¹¹⁷ It has full legislative and executive powers and is responsible for fulfilling its own obligations under international human rights treaties, including its reporting obligations.¹¹⁸

The Cook Islands acceded to the *Convention on the Rights of the Child* on 6 June 1997, with reservations and declarations.¹¹⁹ The Government's reservations address the conferment of

Cook Islands nationality, citizenship and permanent residency;¹²⁰ entry into and departure from the Cook Islands for the purposes of family reunification, by those who do not have the right to enter, remain in, depart or obtain citizenship in the country;¹²¹ and the separation of detained children from adult offenders.¹²² The Government's declarations address the indirect application of the CRC to the Cook Island's domestic law;¹²³ the Government's rejection of the notion that foreigners should automatically be afforded the same rights as nationals;¹²⁴ and the Government's intention to initiate reforms in domestic law relating to adoption in order to ensure the well-being of the child and non-discrimination.¹²⁵

The Government has not yet fulfilled its reporting obligations to the Committee on the Rights of the Child. The Ministry of Internal Affairs' Child and Family Services Division prepared a draft report to the Committee on the Rights of the Child in 2004.¹²⁶ According to PTI, the draft was approved by the Cabinet in 2008 and an addendum to that report to cover the period from 2003-2008 has since been prepared and is in the process of being submitted to Cabinet for consideration. Once it is approved by the Cabinet, the report will be submitted to the Committee on the Rights of the Child.¹²⁷ The report to CEDAW was prepared and approved by the Cabinet in 2007.

The Cook Islands has not signed, ratified nor acceded to the *Optional Protocol on the sale of children, child prostitution and child pornography* nor the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the UN *Convention against Transnational Organized Crime*.¹²⁸

Legislation

In addition to its own constitution, legislation, common law and customary law, Cook Islands' law comes from acts of British Parliament that were put into force in New Zealand on 1 April 1916 and certain acts of the New Zealand Parliament that were extended to the Cook Islands by the *Cook Islands Act* of 1915.¹²⁹ The Cook Islands became self-governing in 1965¹³⁰ but retained the laws already in existence to the extent that they were inconsistent with the Cook Islands Constitution.¹³¹ New Zealand retained some power to enact laws for the Cook Islands until 1981.¹³² According to a report by a renowned lawyer specialised in human rights and a Human Rights Commissioner of New Zealand, "[s]ignificant areas of Cook Islands' law pre-date international human rights standards and declarations" and

“[t]he statute book ... comprises a complex mix of ‘overs and unders’: areas where there is an over-supply of law, but it is outdated, and areas where there is an under-supply, such as no law at all.”¹³³

The Government has acknowledged the need for legal reform. In its draft report to the Committee on the Rights of the Child, the Government acknowledged that legislation related to sexual exploitation was in need of review.¹³⁴ In its 2006 report to the Committee on the Elimination of Discrimination against Women, the Government acknowledged that it was in need of comprehensive law reform.¹³⁵

The Government has proposed legislation to consolidate all CSEC and CSA related crime. The objectives include reforming the law; protecting child witnesses and victims when giving evidence; ensuring victims have certain rights in regards to sentencing; creating a child sex offender register; and permitting the taking of DNA samples from sexual offence suspects.¹³⁶ As of November 2007, the draft bill was still awaiting endorsement by the Crown Law Office and the Cabinet.¹³⁷ Despite lack of progress on this legislation, in recent years the Government has made some improvements to the law in regards to child trafficking.

Prostitution of Children

The Cook Islands existing legislation offers some limited provisions relevant to issues connected to child prostitution although there are no provisions in Cook Islands law specifically addressing child prostitution.

The *Crimes Act* of 1969 states that prostitution is illegal in the Cook Islands, however, at the time of writing this report, no single case of this crime had been prosecuted.¹³⁸ Sections 140-155 of the *Crimes Act* address sexual crimes against women and children.¹³⁹ Some of the provisions most relevant to child prostitution are discussed here. Sexual intercourse with a girl under the age of 12, whether or not she has given consent, is punishable by a maximum of 14 years’ imprisonment.¹⁴⁰ Indecency with a girl under the age of 12, whether or not she has given consent, is punishable by a maximum of 10 years’ imprisonment.¹⁴¹ Sexual intercourse or indecency with a girl between 12 and 16 years of age, whether or not she has given consent, is punishable by a maximum of seven years’ imprisonment.¹⁴²

It is a defence if the girl is the wife of the accused; if the girl consented and the accused is younger than the girl; or if the girl consented, the accused is under 21 years of age and reasonably believed that the girl was 16 years of age or older.¹⁴⁴ These provisions all fail to protect male children and children between the ages of 16 and 18.

Also prohibited are indecency between a woman over the age of 21 and a girl under the age of 15 and indecency between a man, of any age, and a boy under the age of 15.¹⁴⁵ These two provisions, when taken together with Cook Island's prohibition on 'indecency between males' and sodomy, seem to have more to do with prohibiting homosexuality than protecting children.

According to the draft report to the Committee on the Rights of the Child, in practice, the punishment given for committing sexual intercourse or indecency with a girl under the age of 12 or between 12 and 16 has been disproportionately light given the severity of the crime.¹⁴⁶ In one case, nine months was given for having sexual intercourse with a girl between the ages of 12 and 16.¹⁴⁷ In a similar case, only three months' community service was imposed;¹⁴⁸ and in a case involving attempted sexual intercourse with a six-year-old girl, only 18 months' imprisonment was imposed.¹⁴⁹ Penalties for sexual offences range from seven to 14 years' imprisonment in law, but in practice usually range from two to five years.¹⁵⁰

Prostitution is prohibited by sections 159-163.¹⁵¹ The crimes of 'brothel-keeping', 'living on earnings of prostitution' and 'procuring sexual intercourse' are punishable by a maximum of five years' imprisonment.¹⁵² Prostitution, which is defined as loitering and importuning people in a public place for the purpose of prostitution, is punishable by a maximum of one month imprisonment.¹⁵³

Trafficking in Children for Sexual Purposes

Legislation related to trafficking in persons has principally improved the legal protection to its populations, including children. However, it is reported that the implementation of these laws is considerably lacking due to the insufficient understanding of law enforcement agencies as well as inadequate infrastructure and systems to support the implementation of the laws.¹⁵⁴

In 2003, legislation was passed to create an offence of trafficking.¹⁵⁵ In 2004, these provisions were repealed and replaced with new ones. The *Crimes Amendment Act* of 2004 defines ‘trafficking in persons’ as “the recruitment, transportation, transfer, harbouring or receipt of a person for the purpose of exploitation.”¹⁵⁶ The 2004 provisions are an improvement on a number of points, including: 1) creating a separate offence of trafficking in children that does not require the use of coercion or deception;¹⁵⁷ 2) defining a ‘child’ as a person under the age of 18 years;¹⁵⁸ 3) raising the punishment for trafficking in children to a maximum of 30 years’ imprisonment;¹⁵⁹ 4) including trafficking resulting in exploitation, including sexual exploitation, as an aggravating factor;¹⁶⁰ and 5) exempting trafficking victims from criminal liability for the act of trafficking, their illegal entry and unlawful residence, and the procurement or possession of any fraudulent travel or identity documents.¹⁶¹ It is unclear whether a child trafficking victim would be subject to prosecution for acts of prostitution that took place as a result of being trafficked. In addition to these improvements over the 2003 version, the law provides that consent is not a defence to trafficking nor is the fact that the intended exploitation did not occur.¹⁶² Additionally, the involvement of an organised criminal group in trafficking is considered an aggravating factor.¹⁶³

A potential limitation of the trafficking law is that it is not clear that internal trafficking is addressed. While the 2004 provisions do not define ‘trafficking’ in terms of entry into a State, ‘child trafficking’ is defined as engaging in trafficking a child or being involved in arranging the trafficking of a child, regardless of whether the child’s entry into the Cook Islands or any other country is or was arranged by specified means.¹⁶⁴ Another potential limitation is that prosecution for the offence of trafficking requires the consent of the Cook Islands Attorney-General.¹⁶⁵

Older provisions of the *Crimes Act* addressing ‘dealing in persons’ might also be used to prosecute certain acts of trafficking. These provisions address slavery, forced marriage and the transfer of a child under the age of 18 years (by a parent) to another person for the purpose of labour exploitation.¹⁶⁶

Also useful are the provisions dealing with abduction and kidnapping. Section 230 prohibits taking away or detaining a female person without her consent or with consent obtained by fraud or duress, with the intent to marry her, have sexual intercourse with her or to cause her to marry or have sexual intercourse with another person.¹⁶⁷ Section 231 prohibits carrying off or detaining a person of 14 years of age or younger, with a certain intent, including the intent to cause her/him to be taken out of the Cook Islands.¹⁶⁷ Section 232 prohibits taking, enticing, detaining or receiving (with knowledge) a girl under the age of 16 with the intent to have sexual intercourse.¹⁶⁹

Definition of 'child' not consistent

Although the 2004 trafficking provisions define a child as a person under the age of 18, other Cook Islands laws are not consistent on this point. The *Prevention of Juvenile Crimes Act* of 1968 defines a child as a person under the age of 16.¹⁶⁹ The *Marriage Act* of 1973 also establishes the minimum age for marriage at 16.¹⁷¹ The minimum age of criminal responsibility in the Cook Islands is 10 years.¹⁷² Children between the ages of 10 and 14 are subject to limited criminal responsibility.¹⁷³ Finally, as described above, several provisions of the *Crimes Act* extend protection to children under the age of 16, but not those between 16 and 18 years of age.

Child Pornography

Child pornography is not specifically addressed by Cook Islands law.

The distribution and exhibition of indecent matter is addressed in sections 135-139 of the *Crimes Act*.¹⁷⁴ The following acts are punishable by a maximum of two years' imprisonment: selling or distributing to the public an indecent model or object; exhibiting or presenting in a place with public access an indecent object, show or performance; and exhibiting or presenting to any person, for some payment or gain, any indecent show or performance.¹⁷⁵ The following acts are punishable by a maximum fine of NZ\$100 or three months' imprisonment if done wilfully: selling, delivering for hire, offering for sale or hire or possessing *for sale or hire* an indecent document; printing or manufacturing (or causing those) an indecent document; sending (or causing or attempting) an indecent document through the post; exhibiting (or causing) an indecent document to any person for payment or other gain; publicly exhibiting (or causing) an indecent document in a public place; delivering or offering (or causing) an indecent document in a public place; writing, drawing, affixing, impressing or exhibiting an indecent statement word, picture, drawing or sign in a public place; and delivering an indecent document with the intent that something would be done with it that would violate this section.¹⁷⁶ The term 'indecent document' includes books, newspapers, pictures and photos, prints, writings and any paper or thing that has printed or otherwise attached to it or appearing, shown or exhibited in any manner on it an indecent word, statement, significant sign, picture, illustration or representation.¹⁷⁷

The *Films and Censorship Act* of 1985 addresses indecent films, documents and sound recordings.¹⁷⁸ The term ‘indecent’ includes describing, depicting, expressing or otherwise dealing with matters of sex in a manner that is injurious to the public good.¹⁷⁹ “[D]ocument means any book, newspaper, periodical, photograph, photographic slide or film, and any print or writing.”¹⁸⁰ “[F]ilm means cinematograph film and includes video tape, and any other material record of visual moving images that is capable of being used for the subsequent projection of those images in a fixed sequence on to any screen.”¹⁸¹

The Act establishes a licensing scheme for individuals who rent and exhibit films.¹⁸² Individuals who are convicted of offences under the act may have their license suspended or cancelled.¹⁸³ A notable exemption to the licensing requirement is for hotels who exhibit films for the benefit of their guests.¹⁸⁴

In regard to the public exhibition of films, all films must be approved by the censor and the censor cannot approve a film that is indecent, contrary to public order or otherwise not in the public interest.¹⁸⁵ Violators are subject to a maximum fine of NZ\$500 and, upon court order, the materials may be forfeited.¹⁸⁶ Likewise, no person can sell, rent, offer or expose for sale or rent a videotape to the public unless the tape has been approved by the censor.¹⁸⁷ Violators are subject to a maximum fine of NZ\$500.¹⁸⁸ The Act gives police the power to enter any premises, other than a private home, if s/he has reason to believe that a film is being exhibited, or on the instructions of the censor, to ensure that the act is not being violated.¹⁸⁹ If a violation is found, the film can be seized.¹⁹⁰

In regard to documents and sound recordings, the Act directs the censor to examine those submitted to him and to classify them as decent or not indecent.¹⁹¹ Materials may be submitted by the comptroller of customs or any other person.¹⁹² Any person who sells, delivers by way of hire, offers to sell or hire, or possesses for sale or hire an indecent document or sound recording is subject to a maximum fine of NZ\$500.¹⁹³ The same punishment applies to a person who sells, delivers, gives, exhibits or offers an indecent document or sound recording to a person under the age of 18.¹⁹⁴

Extraterritorial Legislation

In general, Cook Islands' criminal law only applies to criminal acts committed in the Cook Islands.¹⁹⁵ The *Crimes Amendment Act* of 2003, however, amended the criminal law to provide for extraterritorial jurisdiction for certain crimes, including human trafficking.¹⁹⁶ Under this provision, proceedings may be brought in the Cook Islands for a crime of human trafficking, regardless of where the crime occurred, if the accused is ordinarily a resident in the Cook Islands, is in the Cook Islands and not extradited, is a corporation incorporated in the Cook Islands, or if the victim is ordinarily a resident in the Cook Islands, or if the matter relates to the entry or arranging the bringing of a person into the Cook Islands.¹⁹⁷

Under a separate section, the *Crimes Amendment Act* also establishes the crime of “sexual conduct with children outside the Cook Islands”.¹⁹⁸ This provision criminalises certain acts committed overseas by persons who are ordinarily resident in the Cook Islands, related to children under the age of 16, that would be considered crimes if they were committed in the Cook Islands.¹⁹⁹ These acts include sexual intercourse and attempted sexual intercourse with a girl under 12 years, indecency with a girl under 12 years, sexual intercourse or indecency with a girl between 12 and 16 years of age, indecency between a girl and a woman and indecency between a boy and a man.²⁰⁰ A potential limitation of this section is that the consent of the Attorney General is required for prosecution.²⁰¹

Child Protection Units

As in many other countries in Asia, Cook Islands society still regards subjects related to sex as taboo and they are not to be openly discussed.²⁰² Public disclosure of sexual abuse issues is also perceived to bring shame to families of child victims and the long process of filing cases can discourage the disclosure or the reporting of cases of sexual exploitation of children to police or other relevant agencies.²⁰³ When people do report such cases, they often withdraw their allegations to avoid shame. It is reported that this causes police on the island of Aitutaki to become reluctant to deal with child sex abuse cases unless there is an intention to immediately prosecute.²⁰⁴ The adoption of a ‘no-drop’ policy for prosecutions is reported to have reduced some delays in processing domestic violence complaints.²⁰⁵

The Cook Islands does have some special procedures for use in cases of sex crimes.²⁰⁶ The names of the victim and accused are suppressed. Furthermore, upon request, the accused and the victim are separated with a screen during the victim's testimony,²⁰⁷ although it is reported that screens are seldom used.²⁰⁸ According to the Secretary of Justice (May 2009), it is mandatory to use the screen in cases involving children.

Support Services for Children

Ongoing concern in providing care and support to child victims has been a shared responsibility between the State and the parent/family. There is a need to recognise the importance of rehabilitation and

reintegration programmes for child victims. The Government needs to increase its efforts and actively acquire assistance and expertise on these specialised areas from relevant agencies.

The Government of the Cook Islands is far behind in the provision of support services for child victims of sexual exploitation and related crimes. Various sources have reported that the country does not have any institutional care facilities for children,²⁰⁹ and has no support system in place in the outer islands to respond to child sex abuse and commercial sexual exploitation of children.²¹⁰ Cook Islands children who have been abused or are at risk are usually placed into the care of a relative or family member under court supervision. According to Punanga Tauturu, the court relies upon the advice given to it by the various agencies: Welfare (Intaff), Probation (Justice), Police, Health, Education, and NGOs, as well as the wider family groupings.

Punanga Tauturu, which provides counselling to victims of child sex abuse,²¹² has called on the Government to pass legislation to assist victims of violence, rather than focusing only on punishment of the offender.²¹³ Similarly, in 2007, CEDAW called on the Government of the Cook Islands to adopt measures for the protection and recovery of victims of prostitution and trafficking.²¹⁴

Training Law Enforcement Personnel

The lack of verifiable data on the existence of commercial sexual exploitation of children in the country has led to the low addressing by Government and law enforcement of crimes of commercial sexual exploitation of children in the Cook Islands. It has been reported that the police do not consider prostitution to be a serious problem and that (as of a 2007 report) there had never been a prosecution for the crime.²¹⁵ Also at the time of that report, there had been only one conviction related to a sexual crime committed by a travelling child sex abuser against a girl.²¹⁶ Legal mechanisms to tackle pornography also appear to be weak, for example, the censor unit that is the lead agency to address the issue has no powers to seize, enter a shop to confiscate and destroy pornographic material.²¹⁷ The censor unit recently obtained software to filter pornography on the Internet, and as of a 2007 report, was awaiting Cabinet endorsement to use it.²¹⁸

The Cook Islands does have a domestic violence unit, which was established in 2006.²¹⁹ According to the Commissioner of Police (May 2009), Cook Islands Police are fully involved with the Pacific Islands Domestic Violence Programme, and training in attending domestic violence incidents and collection of evidence has been given to all front line staff. The Police are also involved in a three-year New Zealand AID and New Zealand Police training and mentoring programme where a number of New Zealand Police officers are stationed in the Cook Islands to advise and help develop Cook Islands Police on investigation techniques. Although domestic violence is a key focus area of the Cook Islands Police, the responsibility for tackling domestic violence does not solely rely on the domestic violence unit.²²⁰

All groups interviewed for a 2007 report agreed that there is a need for further law enforcement training and for a referral, response and monitoring system for reporting suspicious activities involving children.²²¹



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resources to the enforcement of existing laws and increase the capacity of relevant law enforcement agencies to ensure successful prosecution of sexual crimes against children. In this regard, international cooperation and coordination also needs to be improved, especially within the Pacific region.

- The Government urgently needs to submit its First Report to the Committee on the Rights of the Child.
- The Cook Islands must sign and ratify the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*.
- Cook Islands' laws must be amended as a matter of urgency to define a child as a person under the age of 18, especially within the *Prevention of Juvenile Crimes Act*, the *Crimes Act* and the *Marriage Act*.
- The Government needs to urgently adopt the *National Plan of Action on Sexual Exploitation of Children: 'Protecting Our Future'*.

- ✎ Appropriate and adequate rehabilitation and reintegration programmes need to be established and made accessible to child victims of commercial sexual exploitation and sexual abuse. A comprehensive referral system for children experiencing sexual exploitation and domestic violence must also be developed.
- ✎ Initiatives to increase awareness on the rights of the child and particularly in relation to commercial sexual exploitation of children at all levels (including among children and young people themselves) must be sensitively and comprehensively designed and implemented. Appropriate and sufficient reporting channels of suspected cases of sexual crimes against children also need to be established.
- ✎ More research is needed on the scale and forms of commercial sexual exploitation experienced by children, including profiles of child sexual perpetrators, which will contribute to the design and implementation of appropriate interventions and mechanisms to meet the needs of child victims and prevent further such crimes towards children.

Endnotes

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NOTES

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