

## ANNEX I TO NHRI STAKEHOLDER REPORT

14 OCTOBER 2020

## RECOMMENDATIONS PERTAINING TO GREENLAND SUBMITTED BY THE HUMAN RIGHTS COUNCIL OF GREENLAND AND THE DANISH INSTITUTE FOR HUMAN RIGHTS

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## UNIVERSAL PERIODIC REVIEW OF DENMARK 2021

Annex I accompanies the individual stakeholder submission by the Danish Institute for Human Rights (the Institute) to the Universal Periodic Review of Denmark, 38th session April/May 2021.

Greenland is a self-governing part of the Kingdom of Denmark. The Institute is the national human rights institution (NHRI) of Greenland and works in close cooperation with the Human Rights Council of Greenland (the Council) to promote and protect human rights and to monitor human rights challenges in Greenland. The Council is a politically independent council established by law with reference to the UN Paris Principles.

The information and recommendations in this report have been produced in cooperation between the Institute and the Council.

### BACKGROUND AND FRAMEWORK

In line with recommendation 120.3 and 120.4, Greenland has ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.<sup>1</sup>

Territorial reservations still exist in relation to the Optional Protocol to the Convention on the Rights of Persons with Disabilities and

### Recommendations:

- Consider that Greenland, in dialogue with Denmark, remove the territorial exclusion for Greenland for the Optional Protocol to the Convention on the Rights of Persons with Disabilities from 13 December 2006; and
- Consider that Greenland, in dialogue with Denmark, remove the territorial reservations for Greenland for the Optional Protocol

to the Convention on the Rights of the Child on a communications procedure from 19 December 2011.

## **EQUALITY AND NON-DISCRIMINATION**

### **1. General protection against discrimination**

Legislation on equal treatment in Greenland prohibits gender-based discrimination through the Gender Equality Act,<sup>2</sup> which mainly protects against discrimination within the labour market. In accordance with the Act, Greenland has set up an Equality Council. However, the mandate of the Council is restricted to gender equality, and the Council “is not obliged to work at the request of citizens but can assess whether an issue requires its attention”.<sup>3</sup> Citizens in Greenland who feel discriminated against cannot complain to an independent appeals board but must bring their case to court. If a complaint concerns discrimination by a public authority, citizens can complain to the Ombudsman for Inatsisartut (the Greenlandic Parliament).

#### Recommendation:

- Take initiative to introduce legislative measures on a general protection against discrimination on all generally recognised grounds, including gender, race or ethnic origin, disability, age, sexual orientation and religion, both within and outside the labour market, including by establishing an independent appeals board.

### **2. Violence in general and violence against children and women<sup>4</sup>**

The level of violence in Greenland is significantly higher than the level in Denmark and the Faroe Islands, as 17 out of 1,000 citizens were exposed to violence in 2019.<sup>5</sup> However, these figures are not broken down by gender by Greenland Police. Women between the age of 25-34 years represent the largest proportion of adult persons exposed to violence.<sup>6</sup>

Reports show that domestic violence against children and sexual abuse in childhood is a substantial problem. According to reports, 28 percent of the youngest group of children have been exposed to domestic violence and 24 percent of 15-29-year-olds have experienced ‘forced or attempted forced sexual activity before they turned 18’.<sup>7 8</sup>

Moreover, Greenlandic children's knowledge of their rights has decreased recently: In 2014, 38 percent of children knew a lot or something about their rights. In 2019, the number was 16 percent.<sup>9</sup>

Recommendations:

- Strengthen initiatives against violence and repercussions of violence and coordinate with initiatives against substance abuse;
- Ensure data collection and analysis on violence against children and women in close relationships, including persons with disabilities; and
- Strengthen education on children's rights in primary school and for professionals working with children, including a focus on the right to protection from all forms of violence.

## **ADMINISTRATION OF JUSTICE AND THE RULE OF LAW**

### **3. Access to justice**

Issues pertaining access to justice and loss of liberty in Greenland are primarily under the responsibility of the Danish Government.

Recently, Greenland's Prison and Probation Service, part of the Danish Prison and Probation Service, has experienced challenges in recruiting and retaining prison officers. Moreover, current officers suffer from high levels of mental distress, such as PTSD symptoms.<sup>10</sup> However, little systematically collected data on the conditions for detainees inside the prison institutions exists.<sup>11</sup>

Additionally, a consequence of the low capacity in the Prison and Probation Service is that some offenders are on a waiting list, with an average waiting time of one year to serve their sentence. This can be problematic for both the victim and the offender.<sup>12</sup>

The average case processing time in the police and in the courts is significantly higher than in Denmark. For instance, in 2018, the average case processing time for criminal cases in Greenland was 419 days, whereas the equivalent number in Denmark was 136 days.<sup>13</sup>

The justice system in Greenland is special, as judges in district courts and public defenders do not necessarily have a law degree. To become a district court judge or public defender, one must, however, complete an education of combined courses, exams, practical training etc.

(district judges app. 2 years and 3 months; public defenders app. 12 months).<sup>14</sup>

Recommendations to Denmark to be considered in dialogue with Greenland:

- Strengthen systematic collection and presentation of disaggregated and updated data on all services under the Prison and Probation Service, including publishing an annual report with statistics on detention of persons with details on the use of solitary confinement, use of force against persons in detention, the number of violent assaults etc;
- Continue to strengthen the capacity of the Prison and Probation Service, including recruitment and retention of prison officers;
- Reduce case processing times in the police and in the courts, especially in all cases involving children, such as cases concerning child custody, parent contact etc; and
- Consider the fundamental structural imbalance of the Greenlandic justice system, where positions such as district court judge and public defender are primarily filled by persons without a professional legal background.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **4. Housing**

There is a severe lack of available housing in the main cities and long waiting lists for public housing.<sup>15</sup> This especially affects citizens who do not have the income to find a suitable home on the private market.

Additionally, the number of forced evictions in Greenland is high. It is especially worrying that the number of evicted families has been increasing in recent years.<sup>16 17</sup>

#### **Recommendation:**

- Implement a comprehensive, national plan of action on the homeless, rehoused and houseless to help this vulnerable group of persons and families to improve their social and economic situation and to find appropriate housing, including persons with disabilities and elderly persons.

## **DEVELOPMENT, THE ENVIRONMENT, AND BUSINESS AND HUMAN RIGHTS**

### **5. Natural resources**

The right to decide on the use of natural resources in Greenland falls under the responsibility of Naalakkersuisut, the Greenlandic Government. It should be a requirement that all affected citizens and communities are consulted before a concession is authorised. However, it is not transparent whether consultations are always timely and sufficiently inclusive in practice.<sup>18</sup>

#### **Recommendations:**

- Ensure that the local population is consulted in decision-making, including by following Free, Prior and Informed Consent (FPIC) processes, concerning mining and tourist concessions of land and fishing sites, most notably by making it a condition for the concession; and
- Together with the Danish Government, consider letting the “Aarhus Convention” – the UN Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters – enter into force in Greenland.

## **RIGHTS OF SPECIFIC PERSONS OR GROUPS**

### **6. Persons with disabilities**

The data collection regarding living conditions for persons with disabilities in Greenland is mainly based on administrative data from registers, primarily gathered by the municipalities. However, this data is not gathered consistently, and the methods vary between municipalities, making the data difficult to compare.<sup>19</sup> Additionally, there is a lack of systematically collected information on vital parts of everyday life for persons with disabilities, such as education, employment, political participation etc.<sup>20</sup>

#### **Recommendations:**

- Ensure collection and maintenance of data and statistics relating to developments in living conditions for persons with disabilities, including data and statistics on key areas of society such as education, employment and health. Preferably broken down by gender, age, geography etc; and
- Ensure that teachers are trained to include pupils with different types of disabilities, among other things by means of relevant teaching materials, so that all teachers, including in primary and lower secondary schools, acquire the skills required to teach pupils with different types of disabilities.

### **7. Greenlanders in Denmark**

With Danish citizenship, Greenlanders in Denmark enjoy the same rights as other Danish citizens. The number of Greenlanders living in Denmark amounts to approximately 16,474 persons.<sup>21</sup> However, Greenlanders in Denmark are met with prejudices. Surveys show that they feel discriminated against or stigmatized in their encounter with public authorities, the health care system, employers and the educational system.<sup>22</sup>

#### **Recommendations:**

- Support a stronger organisation and hereby representation of Greenlanders residing in Denmark; and
- Ensure the rights of Greenlanders in Denmark enjoyed under the ILO 169 Convention Concerning Indigenous and Tribal Peoples in Independent States; and

- Ensure that authorities secure equal treatment of Greenlanders in Denmark in practices and procedures.

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<sup>1</sup> Report of the Working Group on the Universal Periodic Review, Denmark, (A/HRC/32/10/Add.1), available at:  
<https://undocs.org/A/HRC/32/10/Add.1>

<sup>2</sup> Inatsisartut Act No. 3 of 29 November 2013 on equality between men and women (*Inatsisartutlov nr. 3 af 29. november 2013 om ligestilling af mænd og kvinder*), available in Danish at:  
<http://lovgivning.gl/lov?rid={F8FD7F3C-9967-48DA-BCF0-F3A5FFA8E977}>

<sup>3</sup> Greenland, Act No. 2013/11 of 30 July 2013 on Inatsisartut Act on gender equality (*Forslag til Inatsisartutlov om ligestilling af mænd og kvinder*), explanatory notes to § 27.1, available in Danish at:  
<http://lovgivning.gl/lov?rid=%7bF8FD7F3C-9967-48DA-BCF0-F3A5FFA8E977%7d>

<sup>4</sup> Relates to the implementation of recommendation 120.118, 120.111 (supported), Report of the Working Group on the Universal Periodic Review, Denmark, (A/HRC/32/10/Add.1), available at:  
<https://undocs.org/A/HRC/32/10/Add.1>

<sup>5</sup> Greenland Police, Yearly Statistics 2019, p. 11, available in Danish at:  
<https://politi.gl/statistik-og-udgivelser/aarsstatistik>

<sup>6</sup> Violence and sexual abuse in Greenland (mainly based on the population study in Greenland 2005-10), p. 2, available in Danish at:  
[https://www.sdu.dk/da/sif/rapporter/2019/vold\\_og\\_seksuelle\\_overgreb\\_i\\_groenland](https://www.sdu.dk/da/sif/rapporter/2019/vold_og_seksuelle_overgreb_i_groenland)

<sup>7</sup> The Danish National Institute of Public Health, “The Greenlandic Population Survey 2018 – living standards, lifestyle and health” (*“Befolkningsundersøgelsen i Grønland 2018 – levevilkår, livsstil og helbred”*), 2018, p. 17-18, available in Danish at:  
[https://www.sdu.dk/da/sif/rapporter/2019/befolkningsundersoegelsen\\_i\\_groenland](https://www.sdu.dk/da/sif/rapporter/2019/befolkningsundersoegelsen_i_groenland)

<sup>8</sup> For more information, see: The Danish Institute for Human Rights, “Parallel report CEDAW (2020) 9th examination of Denmark”, 2020,

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available in English at:

[https://menneskeret.dk/sites/menneskeret.dk/files/media/document/SBN\\_CEDAW%20parallelrapport%20FINAL%20VERSION%20INCL%20495234\\_327350\\_0.pdf](https://menneskeret.dk/sites/menneskeret.dk/files/media/document/SBN_CEDAW%20parallelrapport%20FINAL%20VERSION%20INCL%20495234_327350_0.pdf)

and: The Danish Institute for Human Rights,  
“Parallel report CESCR (2019) 6th examination of Denmark”, 2019,  
available in English at:

[https://menneskeret.dk/sites/menneskeret.dk/files/media/document/~%2019\\_02922-3%20parallel\\_report\\_cesrpdfUA%20446876\\_1\\_1.pdf](https://menneskeret.dk/sites/menneskeret.dk/files/media/document/~%2019_02922-3%20parallel_report_cesrpdfUA%20446876_1_1.pdf)

<sup>9</sup> NAKUUSA, UNICEF Denmark and the Danish Institute for Human Rights, “Greenlandic children’s knowledge on rights is declining” (*Kendskabet til rettigheder blandt grønlandske børn falder*), 2019, available in Danish at: <https://menneskeret.dk/nyheder/kendskabet-rettigheder-blandt-groenlandske-boern-falder>

<sup>10</sup> VIVE – Viden til Velfærd, “Mental stress symptoms with police officers and prison officers” (*Psykiske belastningsreaktioner hos polititjenestemænd og fængselsbetjente*), 2020, available in Danish at:

<https://www.vive.dk/media/pure/15241/4549562>

<sup>11</sup> For more information, see the Danish Institute for Human Rights: “Report prior to adoption of list of issues – Denmark January 2018 – the UN Committee Against Torture”, 2018, available in Danish at:

<https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/monitorering/CAT%20-%20REPORT%20PRIOR%20TO%20ADOPTION%20OF%20LIST%20OF%20ISSUES%20-%20DENMARK.pdf>

<sup>12</sup> KNR, “Sexual offenders walking freely and waiting to serve sentence” (*Seksuelle forbrydere går frit og venter på afsoning*), 4 September 2020, available in Danish at: <https://knr.gl/da/nyheder/seksuelle-forbrydere-g%C3%A5r-frit-og-venter-p%C3%A5-afsoning>

<sup>13</sup> Danish Ministry of Justice, “The Greenland Committee 2019-20 GRU – final answer to question 23” (*Grønlandsudvalget 2019-20 GRU Alm.del - endeligt svar på spørgsmål 23*), 27 February 2020, p. 2, available in Danish at:

<https://www.ft.dk/samling/20191/almdel/GRU/spm/23/svar/1614213/index.htm>

<sup>14</sup> Order no. 225 of 7 March 2019 for Greenland on the education of district court judges (*Bekendtgørelse nr. 225 af 7. marts 2019 for Grønland om uddannelse af kredsdommere*), available in Danish at:

<https://www.lovtidende.dk/documents?dt=10&dt=20&dt=30&dt=90&d>



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[t=120&dt=270&dt=60&dt=100&dt=80&dt=110&dt=130&dt=1510&yl=2019&yh=2019&dnr=225](https://www.lovtidende.dk/documents?ttl=Bekendtg%C3%B8relse%20om%20forsvareruddannelsen%20og%20efteruddannelse%20af%20forsvarere%20i%20Gr%C3%B8nland), and Order no. 1170 of 20 September 2016 on the education and continuous training of public defenders in Greenland (*Bekendtgørelse nr. 1170 af 20. september 2016 for Grønland om forsvareruddannelsen og efteruddannelse af forsvarere i Grønland*), available in Danish at:

<https://www.lovtidende.dk/documents?ttl=Bekendtg%C3%B8relse%20om%20forsvareruddannelsen%20og%20efteruddannelse%20af%20forsvarere%20i%20Gr%C3%B8nland>. Please also see the website of the national defence counsel, who is an attorney assisting the public defenders: <http://illersuisuuneq.gl/da/landsforsvareren/vil-du-vaere-forsvarer/grunduddannelse/>

<sup>15</sup> The Greenlandic Tax- and Welfare Commission, “Our prosperity and welfare demand action now - The Greenlandic Tax- and Welfare Commission’s white paper” (*Vores velstand og velfærd kræver handling nu - Skatte og Velfærdskommissionens betænkning*), March 2011, p. 142, available in Danish at:

<https://naalakkersuisut.gl/~media/Nanoq/Files/Attached%20Files/Finans/DK/Betaenkning/Skatte%20og%20Velf%C3%A6rdskommissionens%20bet%C3%A6nkning%20Marts%202011.pdf>

<sup>16</sup> The Greenlandic Department of Finances and Taxes, “Account on Debt and Debt-settlement” (*Redegørelse om gæld og gældsafvikling*), February 2017, p. 9 and p. 21, available in Danish at:

<https://naalakkersuisut.gl/~media/Nanoq/Files/Attached%20Files/Finans/DK/Gaelds%20og%20investeringsstrategi/Gaeldsredegørelse%20efter%20godkendelse%20til%20Inatsisartut%20final%20dk.pdf>

<sup>17</sup> For more information, see: the Danish Institute for Human Rights, “Parallel report CESCR (2019) 6th examination of Denmark”, 2019, available in English at:

[https://menneskeret.dk/sites/menneskeret.dk/files/media/document/~%2019\\_02922-3%20parallel\\_report\\_cescrpdfUA%20446876\\_1\\_1.pdf](https://menneskeret.dk/sites/menneskeret.dk/files/media/document/~%2019_02922-3%20parallel_report_cescrpdfUA%20446876_1_1.pdf)

<sup>18</sup> For more information, see: the Danish Institute for Human Rights, “Human Rights in Greenland – Status 2016, Chapter 6: Natural resources” (*Menneskerettigheder i Grønland – Status 2016, Kapitel 6 Naturressourcer*), 2016, available in Danish at:

[https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/status/2015-16/groenland/menneskerettigheder\\_i\\_groenland\\_-\\_status\\_2016.pdf](https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/status/2015-16/groenland/menneskerettigheder_i_groenland_-_status_2016.pdf)

<sup>19</sup> The Greenlandic Government (*Naalakkersuisut*), 2016, Review of the disability sector, UPA FM 2016, p. 44, available in Danish at:

<https://naalakkersuisut.gl/~media/Nanoq/Files/Publications/Familie/D>

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<K/Naalakkersuisuts%20redeg%C3%B8relse%20om%20status%20p%C3%A5%20handicapomr%C3%A5det%20DA-1.docx>

<sup>20</sup> For more information, see: the Danish Institute for Human Rights, 2019, “Report to the UN Committee on the Rights of Persons with Disabilities prior to adoption of list of issues”, available in English at: [https://menneskeret.dk/sites/menneskeret.dk/files/02\\_februar\\_19/rep\\_ort\\_to\\_the\\_un\\_committee\\_on\\_the\\_rights\\_of\\_persons\\_with\\_disabilities\\_prior\\_to\\_adoption\\_of\\_list\\_of\\_issues.pdf](https://menneskeret.dk/sites/menneskeret.dk/files/02_februar_19/rep_ort_to_the_un_committee_on_the_rights_of_persons_with_disabilities_prior_to_adoption_of_list_of_issues.pdf)

<sup>21</sup> Statistics Greenland (*Naatsorsueqqissaartarfik*), “Greenlanders in Denmark” (*Grønlandere i Danmark*), 2020, available in Danish at: <http://www.stat.gl/dialog/main.asp?lang=da&version=202001&sc=GD&subthemecode=O1&colcode=O>

<sup>22</sup> SFI The Danish National Centre for Social Research, “Greenlanders in Denmark” (*Grønlandere i Danmark*), 2015, available in Danish at: <https://www.vive.dk/media/pure/5566/278073> and: The Danish Institute for Human Rights, “Equal Treatment of Greenlanders in Denmark” (*Ligebehandling af grønlandere i Danmark*), 2015, available in Danish at: <https://menneskeret.dk/udgivelser/ligebehandling-groenlaendere-danmark>