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## الجمعية العامة



## مجلس حقوق الإنسان

الدورة الرابعة والخمسون

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البند 3 من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية

والاجتماعية والثقافية، بما في ذلك الحق في التنمية

## زيارة إلى الدانمرك وجرينلاند

## تقرير المقرر الخاص المعني بحقوق الشعوب الأصلية، خوسيه فرانسيكو كالي تزاى \*\*

موجز

في هذا التقرير، يستعرض المقرر الخاص المعني بحقوق الشعوب الأصلية، خوسيه فرانسيكو كالي تزاى، حالة الشعوب الأصلية في الدانمرك وجرينلاند استناداً إلى المعلومات التي تلقاها خلال زيارته في الفترة من 1 إلى 10 شباط/فبراير 2023.

وجرينلاند هي مثال على إعمال حق الشعوب الأصلية في تقرير المصير يُلهم العديد من الشعوب الأصلية في جميع أنحاء العالم. ومع ذلك، لا يزال شعب الإنويت في الدانمرك وجرينلاند يواجه العديد من التحديات في التمتع الكامل بحقوقه الفردية والجماعية.

ويرى المقرر الخاص أن من أولويات حكومتي الدانمرك وجرينلاند تبني عمليات مصالحة من أجل معالجة تركة الاستعمار والعنصرية، والقيام، بمشاركة الإنويت، بوضع سياسات وسبل انتصاف فعالة.

ويحث أيضاً حكومة غرينلاند على تعزيز المشاورات الشاملة الواسعة النطاق، بمشاركة شعب الإنويت، في وضع القوانين والسياسات وخطط العمل.

\* يُعَمَّم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه، الوارد في مرفق هذا الموجز، فيُعَمَّم باللغة التي قُدِّمَ بها فقط.

\*\* قُدِّمَ هذا التقرير بعد الموعد المقرر نتيجة لمشاوَرات مع الدولة العضو.



الرجاء إعادة الاستعمال

## Annex

# Report of the Special Rapporteur on the rights of Indigenous Peoples, José Francisco Calí Tzay, on his visit to Denmark and Greenland

## I. Introduction

1. In the present report, the Special Rapporteur on the rights of Indigenous Peoples, José Francisco Calí Tzay, reviews the situation of the Inuit Indigenous Peoples in Denmark and Greenland (Kalaallit Nunaat), drawing on the information that he received in the context of his visit from 1 to 10 February 2023. He thanks the Governments of Denmark and Greenland for having invited him and for their excellent cooperation.

2. During the visit to Denmark, the Special Rapporteur met with, among others: the State Secretary for Foreign Affairs, representatives of the Prime Minister's Office, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Defence, the Ministry of Social Affairs, Housing and Senior Citizens, the Ministry of the Interior and Health, the Ministry of Children and Education, the Ministry of Gender Equality, the Ministry of Higher Education and Science, the Ministry of Climate, Energy and Utilities, the Ministry of the Environment and the Ministry of Industry, Business and Financial Affairs, the head of the Representation of Greenland in Copenhagen and members of Parliament (Folketing). In Greenland, he met with representatives of government (Naalakkersuisut) ministries related to gender equality, social affairs, children, youth and family, health, education and culture, housing, justice, fisheries and hunting, mineral resources, energy, climate and the environment, foreign affairs, business and trade, infrastructure and housing; Members of Parliament (Inatsisartut) and the Constitutional Commission; the High Commissioner of Greenland; and representatives of the Prison and Probation Service, the Greenland Police, municipal authorities, the High Court and the District Courts.

3. The Special Rapporteur met with Indigenous women and children, representatives of Indigenous and civil society organizations, fishing and hunting organizations, organizations of persons with disabilities, academics, the Danish Institute for Human Rights, the Human Rights Council of Greenland, the National Advocacy Centre for Children's Rights and the United Nations Children's Fund and the Spokesperson for Persons with Disabilities in Greenland. He travelled to Copenhagen, Nuuk and Sisimiut.

## II. Institutional and legal framework

4. The Special Rapporteur recognizes the leading role of Denmark in promoting Indigenous Peoples' rights internationally and in intergovernmental settings and encourages its Government to continue this important commitment.

5. International treaties ratified by Denmark apply to Greenland unless territorial declarations have been made by the Government of Greenland. Territorial declarations restricting the application of treaties in Greenland include the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the Paris Agreement and the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention).

6. Denmark voted in favour of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples in 2007 and, in 1996, ratified the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169). However, upon ratification of the Convention, the Governments of Denmark and Greenland declared that Denmark had only one Indigenous People in the sense of the Convention, the Inuit in Greenland. The Special Rapporteur considers that declaration contrary to international

human rights standards on Indigenous Peoples, which rely on the right to collective self-identification as the primary criterion for their recognition.<sup>1</sup>

7. Greenland is a self-governing territory of Denmark. Figures suggest that, with a population of around 56,600, nearly 90 per cent are Inuit. There are three major Inuit groups: the Kalaallit of west Greenland, who speak Kalaallisut; the Iivit of Kangia, who speak Iivi oraasia (East Greenlandic); and the Inughuit/Avanersuarmiut near Thule who speak Inuktun.

8. The system of self-government came into force on 21 June 2009, with the Act on Greenland Self-Government,<sup>2</sup> replacing the Greenland Home Rule Act of 29 November 1978. The Act on Greenland Self-Government recognizes the people of Greenland as a people under international law with the right of self-determination. It also recognizes Greenlandic as the official language in Greenland. The Act sets out that the people of Greenland can decide to seek independence and enables Greenland to take over responsibility for most of its internal matters except for the Constitution; nationality; the Supreme Court; foreign, defence and security policies; the exchange rate; and monetary policy. To date, Greenland has assumed authority over a wide range of areas, including social issues, health, taxes, industry, the environment, natural resources, trade and education.

9. The Government of Greenland consists of the Inatsisartut (Parliament), the elected legislature, and the Naalakkersuisut (Government), the executive branch. Justice affairs remain under Danish jurisdiction. In 2008, Denmark adopted the Administration of Justice Act for Greenland (Act No. 305) and the Criminal Code for Greenland (Act No. 306) to reform the judicial system of Greenland. The reform retains some elements of the Inuit justice system: the principle of resocialization of offenders rather than punishment and lay judges' courts as district courts of first instance. The four lay judges' district courts follow the principle of geographical proximity to reach small remote settlements. The Court of Greenland, the court of first instance for more complex cases, and the High Court of Greenland, the appeal court, have judicial judges.

10. Greenland elects two representatives to the Parliament of Denmark. Denmark appoints a High Commissioner to coordinate between the Danish authorities and the Government of Greenland.

11. Since 2014, the Danish Institute for Human Rights has acted as the national human rights institution for Greenland and works in close cooperation with the Human Rights Council of Greenland.

### III. Principal human rights issues

#### A. Inuit Greenlanders in Denmark

12. The Special Rapporteur met with Danish authorities in Copenhagen regarding areas that, according to the Act on Greenland Self-Government, remain under Danish control in Greenland, and also with Inuit Greenlanders living in Denmark to learn about their situations.

13. Approximately, 17,000 Inuit Greenlanders live in Denmark. As Greenlanders have Danish citizenship, they formally enjoy the same rights as Danish-born citizens. The Danish civil registration system does not record Inuit origin. Persons from the Faroe Islands are distinguished as holding Danish and Faroese nationalities in their Danish passports, while there is no such distinction for Greenlanders, it merely states that the holder's nationality is Danish. The consequence is a lacuna regarding data on the number of Greenlanders in Denmark and difficulties in adapting and addressing public policies to their needs. The Committee on the Elimination of Racial Discrimination has, on several occasions, urged Denmark to revise its data-collection system to include ethnicity, to enable accurate

<sup>1</sup> United Nations Declaration on the Rights of Indigenous Peoples, art. 33 (1); Indigenous and Tribal Peoples Convention, 1989 (No. 169), art. 1 (2); and [A/HRC/EMRIP/2019/3/Rev.1](#), para. 75.

<sup>2</sup> Act No. 473 of 12 June 2009. See <https://english.stm.dk/media/10522/gl-selvstyrelse-uk.pdf>.

assessment of public policies and progress towards the equal enjoyment of rights without discrimination.<sup>3</sup>

14. According to the Government of Denmark, the welfare state is based on equal access for all. However, the Special Rapporteur was informed by Inuit Greenlanders living in Denmark that, in practice, they faced significant administrative and institutional obstacles, as well as racism and prejudices, which prevented them from enjoying their rights. Inuit who arrive in Denmark often feel discriminated against in their encounters with the public authorities responsible for, inter alia, health care, unemployment, housing and the educational system. Despite the colonial history, there is little or no consideration of cultural and linguistic factors in the design of current Danish social policies. The Special Rapporteur was repeatedly informed by Inuit in Denmark that they felt like “invisible ghosts” and that they lacked representation and participation in the design of public policies that concerned them directly.

15. While the Government of Greenland assumed responsibility under the Home Rule Act for the fields of education, health care, labour, and housing – in practice, many Greenlanders are still obliged to seek education and specialised health care in Denmark (the latter at the expense of the Government of Greenland). Specialized medical care, assistance for persons with disabilities and tertiary education programmes remain limited in Greenland.

16. In Denmark, the responsibility for the administration of social services lies with its municipal authorities, which results in disparate levels of assistance for Greenlanders depending on which municipality in Denmark they reside in. Information on applicable laws and regulations is generally not available in Greenlandic, sufficient interpretation services are often lacking and social workers in Denmark do not receive culturally appropriate training on how to interact with Inuit Greenlanders, the majority of whom do not speak Danish as their mother tongue.

17. Access to justice and due process for Inuit is often restricted as information regarding laws and judicial procedures are not accessible in Greenlandic, and legal personnel lack knowledge of relevant human rights provisions regarding Indigenous Peoples.

18. Homelessness among Inuit Greenlanders in Denmark is estimated to be five times higher than for Danish-born citizens; however, no precise data are available. In 2022, approximately 9 per cent of persons in homeless shelters in Denmark were Greenlanders; this means that Greenlanders are vastly overrepresented, as they constitute less than 1 per cent of the population in Denmark. The Special Rapporteur met with Inuit who spoke of their experiences as homeless persons and of facing discrimination in the workforce in Denmark.

19. There are no precise statistics on the number of children from Greenland living in Denmark and whether they receive education in their mother tongue. Such education is only obligatory if there are 12 children from Greenland in a Danish municipality. Inuit Greenlanders told the Special Rapporteur that, in practice, their children were often denied mother-tongue education.

20. The Special Rapporteur was particularly disturbed to hear the experiences of several parents whose children had been removed by Danish authorities and who related distressing accounts of the challenges that they faced in seeking to maintain contact with their children and recover custody. Research published in 2022 revealed that Inuit children from Greenland were seven times more likely than Danish-born children to be placed in out-of-home care away from their parents.<sup>4</sup> While the best interests of the child may provide legitimate grounds to remove certain children, the information received indicates that serious cultural biases exist in Denmark when Inuit parenting is assessed. The psychometric tests used have been developed primarily for Danish-born parents without being validated for the Inuit population, and without account being taken of the fact that results from Indigenous Peoples need to be interpreted in a manner that recognizes cultural diversity. Psychologists who have not been trained on how to conduct such tests in diverse cultural contexts risk misinterpreting the

<sup>3</sup> CERD/C/DNK/CO/22-24, para. 5; and CERD/C/DNK/CO/20-21, para. 7.

<sup>4</sup> See <https://menneskeret.dk/udgivelser/testning-foraeldrekompetencer-groenlaendere-danmark> (in Danish); and [www.vive.dk/da/udgivelser/boern-med-groenlandsk-baggrund-der-er-anbragt-i-danmark-fra-danske-kommuner-ov9leyvn](http://www.vive.dk/da/udgivelser/boern-med-groenlandsk-baggrund-der-er-anbragt-i-danmark-fra-danske-kommuner-ov9leyvn) (in Danish).

responses; information received by the Special Rapporteur from several sources indicates that biases against Inuit parents have resulted in their being wrongly assessed as having cognitive disabilities. Furthermore, as non-Danish native speakers, Inuit parents are disadvantaged in the current assessment procedures.

21. Prejudices about Inuit Greenlanders have also resulted in social workers entering unconfirmed assumptions about abuse and violence in case files. Legislation in Denmark regarding the placement of children in out-of-home care has not been translated and made available in Greenlandic, meaning that many parents are not informed about the procedures and their rights. Inuit parents spoke to the Special Rapporteur about feeling coerced into signing voluntary agreements to hand over their children to foster care, being denied interpretation services and their case files being withheld from them. The majority of the Inuit children removed are placed in Danish families, which often results in children from Greenland permanently losing their language, culture, identity and family ties, and makes it next to impossible for them to return to Greenland.

22. It is well documented internationally that the separation of Indigenous children from their parents perpetuates intergenerational trauma. The Special Rapporteur underlines that irrespective of whether Inuit children are in Greenland or Denmark, they retain their rights as Indigenous Peoples set out in international human rights standards, notably the Convention on the Rights of the Child, the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and the United Nations Declaration on the Rights of Indigenous Peoples, and consequently should be ensured support to retain their culture, language and identity. The Committee on the Rights of the Child has underlined that, when State authorities, including legislative bodies, seek to assess the best interests of Indigenous children, they should consider the cultural rights of the Indigenous children and their need to exercise such rights collectively with members of their group. Such consultations should, to the extent possible, include meaningful participation of Indigenous children.<sup>5</sup>

23. Regarding tertiary education, information received indicates that the dropout rate for Inuit students was 26 per cent compared with 16 per cent for ethnic Danish students in 2019. Inuit students who come to study in Denmark face specific challenges, such as navigating the procedures and methods of the Danish educational system and teaching entirely in Danish, which is often not the mother tongue of Inuit students.

24. In terms of access to information, at the time of the visit, there were no public radio or television services to provide news in Greenlandic for Inuit in Denmark. However, the Special Rapporteur was informed that funds from the Government of Denmark had been allocated for that purpose. A biweekly podcast in Greenlandic for Inuit in Denmark started operating in late February 2023,<sup>6</sup> and the Special Rapporteur notes this as positive. The Special Rapporteur learned about current efforts by Danish authorities to include knowledge about the culture and history of Greenland in the general school curricula for all children in Denmark. The Special Rapporteur welcomes this as a key measure to counter prejudices and create a more inclusive and diverse society, and recommends that the review of the school curricula be concluded and implemented as a priority.

## **B. Impact of colonization on Inuit people in Greenland and reconciliation measures**

25. The Special Rapporteur observes that, after the formal end of the colonial era in 1953, several Danish policies caused adverse colonial effects in Greenland. By trying to limit the population growth of Greenland and imposing Danish culture, language and social and legal structures and through forced urbanization and discrimination, those policies have threatened Inuit culture, identity and institutions and their presence in Greenland.

26. The Special Rapporteur was particularly moved by listening to the testimonies of the victims of the so-called coil campaign. According to information received, starting in the 1960s, the Government of Denmark allegedly carried out a campaign to control the

<sup>5</sup> Committee on the Rights of the Child, general comment No. 11 (2009), para. 31.

<sup>6</sup> See <https://dk.inuna.dk/en>.

population growth of Greenland. During that time, approximately half of the fertile women in Greenland, approximately 4,500, some as young as 12 years old, received intrauterine devices (IUDs) without their consent or that of their parents. Girls were sent to the local hospital during routine medical examinations, sometimes conducted in school, and IUDs were inserted.

27. During the visit, the Special Rapporteur heard directly from victims about the devastating consequences the campaign had on their bodies. Several women and girls suffered severe medical consequences, including bleeding, infection, persistent pain and infertility. In some cases, the uterus had to be removed due to damage. The campaign, which is estimated to have affected approximately half of the fertile female Inuit population, dramatically lowered the Inuit women's average birth rate from 7 to 2.3 children, leading to a drastic change in the traditional composition of Inuit families. In some villages in Greenland, the birth rate dropped to nearly zero. The Special Rapporteur was informed that cases of involuntary IUD implants had occurred as recently as 2019.

28. On 30 September 2022, Denmark and Greenland agreed on a two-year independent investigation to scrutinize the policy on the use of IUDs between 1966 and 1991, when Greenland took over responsibility for the health-care system.<sup>7</sup> The investigation commenced in May 2023 and will seek to uncover the decision-making process and the concrete implementation of the initiative. However, the scope of the inquiry is restrictive as more recent cases have been reported. The Special Rapporteur stresses the importance of consulting with Inuit women throughout all phases of the inquiry.

29. In 1951, 22 Inuit children aged between 6 and 9 years were sent to Denmark as part of a "social experiment". The intent was to improve the children's lives by "re-educating" them in the Danish language and culture to return to Greenland as agents of "modernization and development". Six of them were adopted, without proper consent, by Danish families in Denmark. The remaining children were placed in orphanages in Greenland with little or no contact with their relatives. The children lost contact with their families, Inuit culture and language, for this reason, some ended up rootless and marginalized. The Special Rapporteur welcomes the fact that, in December 2020, Denmark issued a written apology for its role in the experiment and, in spring 2022, the Prime Minister of Denmark officially apologized for removing the children from their Inuit parents. The Government of Denmark agreed to pay damages of 250,000 Danish kroner to each of the 6 children who were still alive in 2022; however, the relatives of the other 16 children have so far not received compensation.

30. The Special Rapporteur was informed that, between the 1950s and 1970s, at least 264 Inuit children were adopted by Danish families, some of them without the proper consent of their parents. The Special Rapporteur urges the Government of Denmark to investigate those events to shed light on possible unlawful removals of Inuit children and the consequences on them, their families and Inuit people. Adequate remedies, including addressing the consequences of intergenerational trauma, should be taken.

31. In the 1950s and 1960s, many Danish men moved to Greenland because of the construction boom, resulting in a rise in pregnancies among young unmarried Inuit women. Since 1938, children born out of wedlock in Denmark have had the right to identify their father and inherit. However, up until 1963 and 1974 for north and east Greenland, respectively, legislation in Greenland did not contain rules on paternity for children born out of wedlock. Consequently, thousands of children of unmarried Inuit women were legally fatherless, having no right to know or inherit from their biological fathers. In 2014, the Parliament of Denmark passed an act to allow those who were "legally fatherless" to initiate legal proceedings to determine their biological father. However, paternity does not entail the reopening of closed estates. Compensation claims and a public apology for depriving them of their right to identity remain pending.

<sup>7</sup> See <https://sum.dk/nyheder/2022/september/danmark-og-groenland-indgaar-aftale-om-udredning-af-%E2%80%9Dspiralsagen%E2%80%9D> (in Danish); and <https://sum.dk/nyheder/2023/maj/danmark-og-groenland-saetter-uvildig-udredning-af-spiralsagen-i-gang> (in Danish).



32. Inuit people expressed to the Special Rapporteur the need to redress past injustices and related intergenerational trauma and seek truth and reconciliation. He welcomes the fact that Denmark and Greenland have recently taken steps to address those issues. In June 2022, the two Governments agreed to initiate a new impartial investigation into the historical relationship between Denmark and Greenland since the Second World War.<sup>8</sup> That investigation will be a first step in shedding light on historical political decisions, events and policies to uncover their adverse effects on Inuit people. On 22 June 2023, Greenland and Denmark signed an agreement on the terms of reference for the historical inquiry. Denmark will provide funding of 45 million Danish kroner for the historical inquiry, which is expected to be completed within five years. The terms of reference lay emphasis on the involvement of citizens in both Greenland and Denmark throughout the inquiry. However, as of July 2023, the investigation had still not commenced.

### C. Self-determination and self-governance

33. As a former Special Rapporteur has expressed previously,<sup>9</sup> the extensive self-governance of Greenland is an inspiring example of the implementation of Indigenous self-determination for many Indigenous Peoples worldwide. The Special Rapporteur notes that Denmark has increased its cooperation with Greenland even in the fields that remain the exclusive responsibility of Denmark. In the case of foreign affairs, the Act on Greenland Self-Government includes a section on when and how Greenland can conduct its foreign affairs. Following a referendum in 1982, Greenland withdrew from the European Union and its relations with the latter are now governed by the Overseas Association Decision.

34. The Act on Greenland Self-Government sets out that independence for Greenland should be concluded with the consent of the Parliament of Greenland (Inatsisartut) and then endorsed by a referendum in Greenland. The subsequent consent of the Parliament of Denmark is also required. In 2016, the Parliament of Greenland established a Constitutional Commission and the draft of a constitution was presented to the Parliament in April 2023. The Special Rapporteur notes that the draft text asserts that: “Inuit are the Indigenous People of our land. From this we derive our cultural uniqueness, our history, our heritage and our strength. This must never be forgotten and must be praised, considered and protected at all times.” Further draft provisions underline that Greenland is based on collective rights and the principle of the common ownership of all land, sea and resources is inalienable. Progressive language sets out the right to live in a clean and healthy environment protected on a sustainable basis and defines the notion that sustainable use entails caring for nature, the economy and social and cultural sustainability.

35. The Special Rapporteur encourages Greenland to promote wide-ranging, inclusive and meaningful consultations with the full participation of Inuit people in the process towards full independence, including the three main Inuit groups, the Kalaallit, the Iivit and the Inughuit. The Special Rapporteur recalls that, although Greenland is a good example of implementation of article 3 of the United Nations Declaration on the Rights of Indigenous Peoples, it does not extinguish the application of international human rights standards in relation to Indigenous Peoples in Greenland, in particular for Inuit who practise traditional agriculture, fishing and hunting and those living in remote settlements with their own culture and institutions.

36. Information received by the Special Rapporteur indicates that the Government of Greenland has taken a centralized approach to adopting legislation and action plans, with limited consultations and access to participation by affected right holders. The Special Rapporteur reminds Greenland that good faith consultations to obtain free, prior and informed consent before adopting legislation, policies and administrative acts that may affect Indigenous Peoples are well-established rights under international law, and the Government must implement them with adequate mechanisms and measures.

<sup>8</sup> See [www.stm.dk/presse/pressemeldelser/danmark-og-groenland-beslutter-historisk-udredning-af-de-to-landes-forhold](http://www.stm.dk/presse/pressemeldelser/danmark-og-groenland-beslutter-historisk-udredning-af-de-to-landes-forhold) (in Danish).

<sup>9</sup> A/73/176, para. 80.

37. The Special Rapporteur was informed about some of the challenges for Greenland in achieving complete independence, inter alia, de facto dependency on Denmark for finance, lack of qualified personnel in many fields and Danish-inherited institutions, including in the education and judicial systems. The centralization of bureaucracy and decision-making is inefficient in reaching all settlements and addressing their specific requests and needs. Even though Greenlandic is the official language of Greenland, Danish is still the dominant language of administration, for example in law and health. The Special Rapporteur was informed that, as higher education was still offered primarily in Danish, proficiency in the Danish language was necessary to achieve a high position in Greenland.

38. Inuit people expressed to the Special Rapporteur their wish to further revitalize Inuit institutions and world views that had been lost or weakened during Danish colonization and to implement a decentralized approach to deal with the island's unique geography.

## **D. Impact of development projects**

39. Greenland has the competence to decide on the use of land in Greenland. Based on the Inuit world view, land is communal and municipalities decide on the allocation of rights to use the land. In 2010, Greenland took over responsibility for mineral resources, assuming the right to utilize the mineral resources found in the subsoil. The Mineral Resources Act sets out the framework for mineral resource activities to be approved, which includes an environmental impact assessment and a social impact assessment process. Such assessments shall form part of the basis on which the public and decision makers can form an opinion about the proposed project, prior to any approval being issued.

40. Fishing is the primary industry in Greenland, representing 98 per cent of exports in 2021. Mining and tourism are sectors in expansion. With the melting of the glaciers, rare-earth reserves may become more accessible, attracting the interest of several foreign countries and investors. Currently, there are two active mines in Greenland and five further companies have received exploitation licences.<sup>10</sup> Several of the potential mining projects are located in the vicinity of protected areas and world heritage sites.

41. The Government of Greenland raised concerns over the harmful effects of naval traffic on mammal species in Baffin Bay, as Inuit settlements in the north depend on these species for their supply of meat. The Special Rapporteur was informed of the potential adverse effect that the Mary River Project in Nunavut, Canada, may have on mammal species on the coasts of Greenland. The Baffinland Iron Mining Corporation, based in Canada, started extracting iron ore in 2015, increasing the transit of project-related ships in the vicinity of the coast of Greenland in Eclipse Sound and Baffin Bay. A study conducted by the North Atlantic Marine Mammal Commission concluded that the increase in shipping is the most likely cause of the displacement of narwhals and increases the risk of oil spills and the release of other toxic materials.

42. In 2021, several Special Rapporteurs expressed their concerns in a communication to the Governments of Denmark and Greenland about the potential development of the uranium mining project known as Kuannersuit or Kvanefjeld in southern Greenland.<sup>11</sup> In the communication, the Special Rapporteurs raised the need for more access to adequate information and the failure to consult and seek the free, prior and informed consent of the Inuit farming, hunting and fishing communities that the project may affect. Moreover, they raised concerns about insufficient documentation and recognition of the environmental risks of toxic and radioactive pollution and waste, and the potential damage to the nearby world heritage site, Kujaata. The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, in his 2017 country visit report, expressed concerns regarding the Kuannersuit mine and its potential human health and societal risks, including adverse effects on Inuit traditional farming, hunting and fishing and contamination of traditional food sources of Inuit

<sup>10</sup> See <https://govmin.gl/exploitation/get-an-exploitation-licence/exploitation-licence-%c2%a716>.

<sup>11</sup> See communication DNK 2/2021, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26321>.



communities, and the waste management capacity of Greenland in relation to radioactive waste.<sup>12</sup>

43. Inuit people informed the Special Rapporteur that municipalities have granted licences to tourism operators in traditional rural areas and Arctic char rivers without consulting with the Inuit fishers and hunters who have used them for generations. For instance, Qeqqata Municipality granted a concession to a tourism operator in traditional fishing areas without obtaining the free, prior and informed consent of the Inuit fisher communities affected. The tourism operators have prevented Inuit families from using their traditional lands and resources. The Special Rapporteur was also informed that infrastructure projects, such as the Nuuk airport improvement plan, the Arctic Circle Road development and new hotels, have been approved without consulting and obtaining the free, prior and informed consent of the Inuit communities who would be affected.

44. The Special Rapporteur welcomes the moratorium on uranium mining introduced by the Government of Greenland in 2021; however, he calls upon the Government to adopt adequate mechanisms to implement the rights of Indigenous Peoples in accordance with international standards. Inuit communities have the right to free, prior and informed consent regarding the approval of any project affecting their lands or territories and other resources, especially in connection with the development projects that affect their lands, particularly in relation to the exploitation of mineral resources. They have the right to determine their development and to protect the environment, including against the storage or disposal of hazardous materials on their traditional lands.

45. The Special Rapporteur was informed about the lack of adequate mechanisms to consult and obtain the free, prior and informed consent of Inuit communities affected by development projects. Given the strong ties Inuit have with the environment, particular attention must be given to protecting the right to a safe and healthy environment in the context of projects that can endanger the natural marine and terrestrial habitats of animal species and flora relevant to traditional farming, hunting and fishing activities and the diet of Inuit.

46. Environmental and social impact assessments must recognize and comply with international human rights standards, including the United Nations Declaration on the Rights of Indigenous Peoples. Inuit people have the right to receive information in their language and in a culturally appropriate manner regarding impacts that development projects would have on their health, livelihoods and way of life.

## **E. Impact of military activities and pollution**

47. Under the 1951 Agreement on the Defence of Greenland between the United States and Denmark, Thule Air Base was constructed in the traditional hunting territory of the Inughuit (people of Thule). In 1953, the Inughuit of Uummannaq were forcibly relocated after being given just three days' notice. In 1955, additional Inughuit ancestral territory was taken without their consent due to the expansion of the Thule Air Base. In the 1980s, the Thule Hunters' Council initiated a legal process to seek compensation for losing Inughuit traditional territory and the adverse impact on their physical and cultural existence. In 2003, the Supreme Court of Denmark granted compensation to the Inughuit people (500,000 Danish kroner) and individual members (15,000–25,000 Danish kroner) for the relocation. The Supreme Court judgment failed to qualify the Inughuit people as distinct Indigenous People in Greenland; thus did not recognize their collective rights to land, territories and resources under the Indigenous and Tribal Peoples Convention, 1989 (No. 169). Human rights bodies consider that the ruling of the Supreme Court is in breach of the right to self-identification under international law.<sup>13</sup>

48. The Special Rapporteur welcomes the fact that, in 1999, the Prime Minister of Denmark, in a joint statement with the Premier of the Government of Greenland, issued an apology to the Inughuit people and all of Greenland for how the relocation was carried out in 1953. However, the apology did not recognize the Inughuit as distinct Indigenous People.

<sup>12</sup> A/HRC/39/48/Add.2, paras. 69–74.

<sup>13</sup> E/C.12/DNK/CO/6, para. 70; and CERD/C/DNK/CO/18-19, para. 17.

The Inughuit people have yet to obtain fair and just compensation for the relocation and consequent loss of ancestral land and resources.

49. The Special Rapporteur was informed that, under the 1951 Agreement on the Defence of Greenland, several military activities were carried out in the Inuit territories without consultation and their free, prior and informed consent. Those early activities of the United States military, including Camp Century, left oil and diesel barrels, radioactive material and other types of hazardous waste. Another concern raised relates to the launch of rockets in the Arctic Sea in 2017 by the European Space Agency, as the debris left behind can potentially contaminate an area of vital hunting resources.<sup>14</sup>

50. The Special Rapporteur welcomes the agreement in 2018 between the Governments of Denmark and Greenland on the removal and clean-up of military waste at former United States military locations. However, he expresses concern about the lack of effective remedies for the adverse impact of military activities on the collective rights of Inuit people.

## F. Climate change impact and conservation measures

51. Three out of four residents in Greenland say that they have personally experienced the effects of climate change.<sup>15</sup> The thawing of the permafrost has serious implications for the livelihoods and housing of communities throughout the Arctic, as it leads to soil layers changing or collapsing. The Intergovernmental Panel on Climate Change estimates that climate change in the Arctic leads to a high to very high risk of loss of biodiversity in Arctic ecosystems. Animal species on and around the sea ice, including marine mammals and fish stocks, are threatened by the disappearing ice, causing disturbances throughout the food chain.<sup>16</sup> It is reported that, in recent years, the ice sheet has lost approximately 166 billion tonnes during a 12-month period. Those data raise particular concern as the Inuit people's culture, lifestyle and scientific knowledge of hunting, fishing, agriculture and navigation greatly depend on the environment.

52. Family hunting and fishing remain key for Inuit food supplies. According to a 2019 study, 76 per cent of the diet in Greenland is partly from wild foods that people hunt, fish or gather.<sup>17</sup> Those hunting and fishing practices are integrated into the everyday lives of Inuit families as part of their culture and traditions. However, climate change has altered the abundance of species such as reindeer and the availability of fish stocks and affected the behaviour of sea mammals, thereby making Inuit fishing and hunting less accessible.

53. Inuit people expressed concern about the loss of language and knowledge, livelihoods and economic, social and cultural values, for hunters and fishers, in particular, but also for society in general. Hunting and fishing are integrated parts of Inuit culture, also for those who are not professional hunters and fishers. In Sisimiut, Inuit hunters and fishers informed the Special Rapporteur that the reduction of permafrost and sea ice made travel on the ice more dangerous, diminished access to locally resourced foods and led to illness when food could not be properly stored. Due to the reduction of supplies from those traditional activities, some families and small settlements face high food prices and food security issues.<sup>18</sup>

54. Regarding ancestral hunting, the Special Rapporteur noted that decisions taken in the European Union, notably the ban on selling seal products on its market, have, even with the exemption for seal products from Inuit communities, effectively destroyed the market for sealskins. That, in turn, has negatively affected the sociocultural and economic development of Greenland, including the food security of the Inuit. Seals in Greenland are not an endangered species.

<sup>14</sup> A/HRC/39/48/Add.2, para. 68.

<sup>15</sup> Kelton Minor and others, *Greenlandic Perspectives on Climate Change 2018–2019: Results from a National Survey* (University of Greenland, University of Copenhagen and Kraks Fond Institute for Urban Research, 2019), p. 22.

<sup>16</sup> Ministry of Climate, Energy and Utilities of Denmark.

<sup>17</sup> Minor and others, *Greenlandic Perspectives on Climate Change 2018–2019*, p. 60.

<sup>18</sup> See [www.globalasia.org/v15no4/cover/we-live-in-the-arctic-inside-greenland-looking-out\\_sara-olsvig](http://www.globalasia.org/v15no4/cover/we-live-in-the-arctic-inside-greenland-looking-out_sara-olsvig).

55. The Special Rapporteur expresses concern about the information received on the negative impact of climate change on the preservation, transmission and use of Inuit scientific knowledge, including the loss of safe travel and navigation techniques. Reduced ice cover and permafrost thaw pose an increasing risk of injury and death during travel; therefore, in some families, the Inuit ways of travelling on ice are no longer taught. Members of the Sisimiut Dog Sledding Association shared with the Special Rapporteur their preoccupation over the decreasing number of sled dogs, which are an integral part of Inuit culture. In the past 15 years, the number of dogs has dramatically decreased due to the reduction of the hunting season, the introduction of government fishing quotas and the increase in dog food prices. The Special Rapporteur was informed of hunters who had to make the difficult decision to kill their dogs for lack of economic resources. They also indicated that the sled dog is a potential tourist attraction for the emerging tourism market in Greenland; however, the Government of Greenland had not consulted them on tourism development plans, nor offered subsidies to preserve this ancestral activity. In 2017, the Arctic Nomads Project, in consultation with people who work with sled dogs, elaborated 22 recommendations on how to manage and develop sled dog culture.<sup>19</sup> The Special Rapporteur recommends that Greenland strengthen the implementation of those recommendations.

56. Given the role of the Indigenous women and girls as knowledge keepers, the Special Rapporteur expresses preoccupation with the lack of data and research on the gender-specific impact of the climate crisis on Indigenous Peoples<sup>20</sup> and urges Greenland to bridge this gap.

57. Climate change also exacerbates the already high exposure of the Arctic region to global pollution. The loss of sea ice, retreating glaciers and shrinking snow cover release pollutants that have been frozen for decades back into the environment. The Arctic region's explosion of pollution has significant negative consequences for Inuit people, including high levels of contamination of traditional food sources in Inuit communities and disproportionate increases in the risks to human health, such as the risk of breast cancer.<sup>21</sup>

58. The Government of Greenland exercises full legislative and executive power over the areas of climate, the environment, energy and utilities. The Special Rapporteur urges the Government of Greenland to take appropriate measures to address the adverse consequences of climate change and global pollution. The Special Rapporteur welcomes the intention, stated in 2021, of Greenland to join the Paris Agreement and encourages it to remove the territorial declarations restricting the application of the Paris Agreement and the Aarhus Convention. Furthermore, he welcomes the decision of the Government to suspend all oil exploration due to the adverse effects it would have on society and the global climate crisis. Greenland has planned to increase the production of renewable energy, eventually leading to the stated aim that 90 per cent of its electricity production should consist of renewable energy.

59. The Special Rapporteur notes that Greenland has a vast system of protected areas, including three world heritage sites, 12 protected wetlands and 1 national park. The Special Rapporteur was informed that, in protected areas, traditional fishing and hunting are permitted on the basis of quotas. However, there is a lack of information on the consultation process and how the consent of the Inuit settlements was obtained at the time of establishing protected areas.

60. As mentioned in the report of the Special Rapporteur to the General Assembly in 2022,<sup>22</sup> States should consult and obtain Indigenous Peoples' free, prior and informed consent before creating or extending existing protected areas. Protected areas should be managed or co-managed by Indigenous Peoples. Inuit settlements adjacent or inside the protected areas should be actively involved in developing tourist and other activities in the protected areas and consulted in good faith and their consent obtained in case of policy, legislation or action concerning protected areas.

<sup>19</sup> See [https://qimmeq.ku.dk/english/news/2017/press-release-saving-the-sled-dog-culture/AN\\_konklusion\\_24x16\\_final\\_kopi.pdf](https://qimmeq.ku.dk/english/news/2017/press-release-saving-the-sled-dog-culture/AN_konklusion_24x16_final_kopi.pdf).

<sup>20</sup> CEDAW/C/DNK/CO/9, para. 38.

<sup>21</sup> See A/HRC/39/48/Add.2.

<sup>22</sup> See A/77/238.

61. As a good practice of Indigenous-led conservation initiatives, the Inuit in Greenland and Canada have proposed establishing a marine protected area, Pikialasorsuaq, covering the North Water Polynya, between Canada and Greenland. Inuit on both sides of the border will be involved in the management. A free travel zone will address issues related to Inuit hunting in the area and reconnect families on both sides of the borders.

## **G. Access to justice in Greenland**

62. The judicial system in Greenland is currently under Danish jurisdiction and faces challenges, including reaching geographically remote settlements, poor access to law and case law, and lack of qualified personnel and funding for digitalization, communications technology and personal data security. The international human rights framework on Indigenous Peoples, notably the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and the United Nations Declaration on the Rights of Indigenous Peoples, are generally not invoked and therefore not applied in courts in Greenland.

63. Due process is often hindered by a lack of interpretation services in Greenlandic languages. Even if Greenlandic is the official language of Greenland, in its courts, Danish is often the language of the judges and legal and technical documents. Under the Administration of Justice Act for Greenland, only some legal documents are required to be translated into a language understood by the parties to a case. As most of the legal documents are in Danish, defendants who speak Greenlandic as their first language face obstacles in adequately presenting their cases in court. Additional challenges arise when interpretation is needed into or from East and North Greenlandic. Even if the courts are training interpreters in those languages, the number of them is still inadequate to guarantee defendants due process.

64. Only a few Inuit persons have achieved high-ranking positions in the legal system of Greenland. Notwithstanding the creation of a law programme at the University of Greenland and two years of legal training for lay judges, the judicial system of Greenland still struggles to find trained Inuit judges and public defenders. Such a lacuna harms the coherency of legal decisions, the length of the judicial process and equal access to justice. In some cases, the right of the defendant to a fair trial is not guaranteed when represented by a public defender who lacks legal training, while legally trained prosecutors or policepersons are their counterparts. This asymmetry persists regardless of some measures introduced under the Administration of Justice Act for Greenland. The Special Rapporteur recognizes the efforts of the Greenland Police Academy to recruit Inuit persons; however, the gap is still in place and more culturally appropriate measures are needed.

65. In the case of defendants with a mental health condition, courts in Greenland encounter challenges due to the delays associated with mental health examinations in the health-care system and inappropriate health-care facilities. In most cases, defendants are sent to a hospital in Denmark for treatment. In detention facilities in Greenland, there is a shortage of trained health-care staff, psychologists and psychiatrists, in particular who speak Greenlandic.<sup>23</sup> Inmates with psychiatric needs may be referred to closed forensic psychiatric wards in Denmark due to the lack of such wards in Greenland.

66. The Special Rapporteur welcomes the fact that the criminal justice system of Greenland is founded on the principle of reintegration rather than that of punishment, with a system of six “open” prisons that allow inmates to conduct daytime activities outside the facilities. However, due to a lack of educational, working and recreational opportunities and lengthy processing times, some of the inmates live in closed conditions in institutions that are not built to accommodate persons 24 hours a day. The Special Rapporteur visited the new prison in Nuuk, which was built in 2019 to accommodate high-security inmates. That facility seeks to address the problem of Inuit inmates serving long sentences in Danish prisons, far from their families and communities.

67. The Special Rapporteur was informed of the high rates of incarceration and recidivism and the lengthy procedures for criminal cases in Greenland compared with Denmark. Even if the Criminal Code of Greenland does not contemplate a life sentence among the

<sup>23</sup> See [https://uk.uni.gl/media/4180619/retfaerd\\_1\\_2018\\_art1.pdf](https://uk.uni.gl/media/4180619/retfaerd_1_2018_art1.pdf) (in Danish).

punishments, the Special Rapporteur expresses his preoccupation with the fact that 24.3 per cent of inmates in the prison system of Greenland have a custodial sentence of indefinite length,<sup>24</sup> while in Denmark, the percentage of those serving life sentences or indeterminate terms is only 2 per cent. There is a lack of disaggregated data on the composition of the inmate population; however, a study suggests that most of the inmates have a background of poverty and social marginalization. Inmates from east Greenland, one of the poorest parts of the country, make up 21 per cent of the inmate population, while only 6 per cent of the population resides in this area.<sup>25</sup>

68. The administrative system of Greenland, which was inherited from Denmark, is not well suited to its cultural and geographical specificities. The Special Rapporteur noted that barriers in appealing administrative decisions of government bodies due to the unclear distribution of competencies, administrative structures and inefficiency of remedies prevented Inuit people from enjoying their fundamental rights, including the right to education, resources and health. Persons with disabilities face even more significant barriers in appealing administrative decisions due to physical obstacles, non-prioritization of their requests by administrative staff and lack of knowledge of their rights.

## H. Gender equality and violence against women and girls

69. Society in Greenland still faces numerous challenges in relation to the promotion and protection of the rights of Inuit women and girls. There is a high level of mental, physical and sexual violence against women in Greenland, as well as various manifestations of gender inequality, which includes inequality of income. Allegedly, the rate of crimes related to sexual and domestic violence against women that are reported to the police is 10 times higher in Greenland than in Denmark.

70. In November 2022, the Parliament of Greenland approved an amendment to the criminal law regarding rape, which shifts the focus from whether the victim objects enough to whether all parties consent to sexual activity of their own free will. The relevant bill has reportedly been submitted to the Parliament of Denmark and it is expected to come into force during 2023.

71. Legislation on equal treatment in Greenland prohibits gender-based discrimination through the Gender Equality Act, 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 Equality Council is restricted to gender equality; it is not obliged to work at the request of citizens but can assess whether an issue requires its attention. Greenlanders 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, complaints can be brought to the Ombudsperson of the Parliament of Greenland.

72. In terms of health, there is limited access to maternity care, which in turn requires pregnant women to travel significant distances to give birth. The Committee on the Elimination of Discrimination against Women has raised concerns over the high prevalence of sexually transmitted diseases and abortions in Greenland.<sup>26</sup> Furthermore, among women, young women are a particularly vulnerable group in relation to suicide. According to a recent study, 22 per cent of women aged 15–24 responded that they had considered suicide and 13 per cent had attempted suicide.

73. Regarding political participation, at the time of the country visit, 3 out of 10 members of the Government (Naalakkersuisut) were female. In Parliament (Inatsisartut), there were 9 women out of a total of 31 parliamentarians. There are more tertiary-educated women than men in Greenland.

<sup>24</sup> If defendants are considered to pose a continuous threat to the safety and security of others, the court can issue custodial sentences of an indefinite length, subject to regular review. In some cases, they can be a de facto lifelong sentence.

<sup>25</sup> See <https://tidsskrift.dk/NTfK/article/view/115040> (in Danish).

<sup>26</sup> CEDAW/C/DNK/CO/9, para. 34 (c).



## I. Children

74. About one quarter of the population of Greenland is less than 18 years of age. Most children in Greenland are doing well; however, a much higher proportion than in Denmark are facing severe challenges, ranging from violence, scarce mental health support and a lack of access to quality education in their mother tongue.

75. The Special Rapporteur was mainly concerned about reports that economic inequalities are increasing in Greenland and about estimates that suggest that approximately 10 per cent of children live in relative poverty and go to bed or school hungry. The Special Rapporteur was informed that the lack of housing results in overcrowded living conditions and, at times, four families live together in homes intended for only one family.

76. In 2012, the National Advocacy Centre for Children's Rights was established by the Government of Greenland with the aim to safeguard and promote children's rights.<sup>27</sup> The Centre has played a key role in documenting the situation of children's rights, consulting children and advising on child-related policies.

77. Approximately, one out of five children in Greenland has been exposed to violence and sexual abuse, with long-lasting impacts on child victims. The Special Rapporteur is concerned about reports that the incidence of such crimes remains underreported and shrouded in a culture of silence. In 2020, a report was published with 16 recommendations, agreed upon by the Governments of Greenland and Denmark, to improve the conditions of vulnerable children and young persons.<sup>28</sup> The police has scaled up efforts to take appropriate action on reports of sexual violence and conducted a campaign on how to report cases against children. There have been significant additional resources dedicated to recruit professionals to address sexual abuse; however, concerns have also been raised that the majority of such staff have been recruited in Nuuk, which in turn has reduced the number of social workers available in other municipalities.

78. The Special Rapporteur recognizes the efforts by authorities to fight against sexual abuse of children, however, notes the need for culturally appropriate, effective and holistic actions in order to eradicate the root causes of these crimes and, in particular, the need for increased support for mental health services and legal assistance.

79. Greenland has one of the world's highest suicide rates, and children and young persons are particularly affected. It is a deeply worrying development that now even younger children commit suicide than before, some as young as 12 years old. The Special Rapporteur welcomes the fact that the Government of Greenland intends to revise and extend the national strategy on the prevention of suicide. However, the Special Rapporteur emphasizes that more resources need to be made available for mental health care, including preventive measures, and there should be better inclusion of child and youth perspectives and coordination with municipal authorities. The strategy needs to address root causes and ensure the development of measurable indicators.

80. The Special Rapporteur also welcomes the development of a national action plan on compliance with the Convention of the Rights of the Child (2023–2030). He urges the Government to assign adequate resources for the implementation of important policy measures, especially at the municipal level, to elaborate measurable indicators and to ensure that the national action plan is implemented through collaboration with municipal authorities, civil society, the National Advocacy Centre for Children's Rights, the United Nations Children's Fund, the Spokesperson for Persons with Disabilities in Greenland and the children's advisory board in Greenland (Nakuusa). Specifically, the Government should reach remote Inuit settlements and, in coordination with them, design culturally appropriate intervention measures in the framework of the national action plan in order to ensure local ownership.

<sup>27</sup> See [www.mio.gl](http://www.mio.gl).

<sup>28</sup> See [https://im.dk/media/7608/rapport\\_groenlandsk-dansk\\_tvaergaende\\_arbejde\\_for\\_styrket\\_indsats\\_udsatte\\_boern\\_og\\_unge\\_dansk\\_t.pdf](https://im.dk/media/7608/rapport_groenlandsk-dansk_tvaergaende_arbejde_for_styrket_indsats_udsatte_boern_og_unge_dansk_t.pdf) (in Danish).



81. In terms of education, the Special Rapporteur was informed that the majority of the population in Greenland have Greenlandic as their mother tongue and do not use Danish. The strengthening of education in Inuit languages is crucial as it supports the intergenerational transmission of Inuit knowledge, culture, hunting and food practices.

## **J. Housing**

82. Housing shortages and the lack of affordable rental homes, especially in Nuuk, are exacerbating social inequalities and affecting, in particular, already marginalized individuals. A significant number of homeless persons have suffered abuse and neglect as children. The current housing situation risks undermining the measures planned to combat and break the cycle of abuse against women and children. The Special Rapporteur is concerned that a large number of settlements do not have access to water and sanitation, which is particularly challenging for persons with disabilities.

83. The Special Rapporteur also notes as positive the announcement, in January 2023, of a new government strategy on homeless persons and recommends a holistic approach in its implementation, taking into account interlinkages with social services, health, education and employment, and that adequate resources be assigned to it, as well as indicators defined in order to evaluate its effectiveness.

## **K. Persons with disabilities**

84. One of the key issues raised during the Special Rapporteur's visit to Greenland was the situation of persons with disabilities. Surveys indicate that nearly one fifth of the population identifies as having a disability.

85. In 2017, the Spokesperson for Persons with Disabilities in Greenland (Tilioq) was established and, in 2020, new legislation on support for persons with disabilities was adopted. A draft disability action plan is currently being developed.

86. However, major challenges remain in order for persons with disabilities to be able to enjoy their rights, including multiple forms of discrimination, lack of access to education and the absence of legal protection against discrimination. Disability remains a taboo issue. In the past, many Inuit with disabilities were sent to Denmark due to the lack of facilities and resources in Greenland; this still occurs to a certain extent and has reduced the visibility and knowledge about disabilities among the general public. Persons with disabilities face higher levels of poverty, homelessness and unemployment and are at increased risk of being victims of violence. Persons with psychosocial disabilities are particularly marginalized and lack support.

87. The Special Rapporteur visited two facilities for persons with disabilities, a rehabilitation centre and a residential institution for children and young persons in Sisimiut. He was particularly impressed by the high quality of the facilities and the integration of Inuit culture into individual therapies. However, there is a lack of qualified staff who speak Greenlandic and lengthy municipal bureaucracy impedes the effective operation of these facilities.

88. During the visit, the Special Rapporteur was concerned to learn about instances of persons with disabilities who were unable to receive education, who faced sexual violence in institutions and about instances in which young persons with disabilities had been sent to institutions for older persons due to the lack of other options.

89. One specifically disconcerting case involved a young woman in a residential home for persons with disabilities. She was subject to sexual assaults, which had led to her becoming pregnant; allegedly neither staff at the institution nor her relatives discovered that fact until she went into labour. The Special Rapporteur calls on monitoring mechanisms to be set up and implemented in order to ensure the safety and rights of persons in residential care institutions.

## IV. Conclusions and recommendations

90. The Special Rapporteur welcomes the openness and cooperativeness of the Governments of Denmark and Greenland. He emphasizes the unique implementation model of the right to self-determination of Indigenous Peoples by Greenland and Denmark, reflected in the self-governance of Greenland, and looks with interest at the constitutional discussions in Greenland and their further developments, in particular concerning the implementation of international human rights standards in relation to Indigenous Peoples.

91. The Inuit people in Denmark and Greenland still face many challenges in fully enjoying their individual and collective rights. Structural racism against Inuit people is often the result of the legacy of colonialism and the lack of policies and remedies to address it. The Special Rapporteur considers it a priority for the Governments of Denmark and Greenland to embrace a process to achieve truth and reconciliation, with the full participation of Inuit people in Denmark and Greenland, in the design of effective remedies and policies.

92. The Special Rapporteur recommends that Denmark and Greenland take the actions set out below, within their fields of competence, in collaboration, cooperation and consultation with Indigenous Peoples.

### Institutional and legal framework

93. The Special Rapporteur recommends that, within their fields of competence, Denmark and Greenland:

(a) Withdraw the territorial exclusions to the following international treaties: the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Paris Agreement and the Aarhus Convention and give them prompt and full implementation;

(b) Implement fully the right to self-identification and withdraw the declaration made in connection with the ratification of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), in which Denmark considers Inuit in Greenland the only Indigenous People in the sense of the Convention;

(c) Implement the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and the United Nations Declaration on the Rights of Indigenous Peoples to ensure that Inuit fully enjoy the rights under these instruments in Denmark and Greenland and strengthen knowledge, at all levels of the government, administrative and judicial systems, of the international human rights of Indigenous Peoples in Greenland and Denmark;

(d) Collect disaggregated data on Inuit people in Denmark and Greenland to inform legislation, policy and programmes in all fields, including education, health, justice, gender equality, violence against Indigenous women and children, equality for persons with disabilities, and prison and probation services.

### Inuit Greenlanders in Denmark

94. The Special Rapporteur recommends that Denmark:

(a) Review urgently the procedures for out-of-care assessments in relation to Inuit children from Greenland; ensure that relevant legislation is made available in Greenlandic; address structural prejudices within social authorities by strengthening training for staff; and, in particular, strengthen interaction with Inuit community organizations in Denmark in order to establish and support more Inuit foster families in Denmark. Specifically, the Special Rapporteur urges Denmark to explicitly adopt procedures, as has been done in other countries, that give priority placement of Indigenous children in foster homes within their communities over non-Indigenous placements;

(b) Review Danish school curricula at all levels to incorporate the teaching of Inuit history, culture, sciences and world views; and strengthen dialogue with Inuit student associations in Denmark in order to consult them on the design of measures to increase retention rates among Inuit students;

(c) Collect statistics on the number of Inuit children living in Denmark and their access to education in their mother tongue and take appropriate and effective measures, including online education, to guarantee them effective access to mother-tongue education;

(d) Ensure effective, accessible and adequate remedies to address discrimination and racism against Greenlanders by Danish authorities; guarantee that the composition of the Board of Equal Treatment (Ligebehandlingsnævnet) and the National Social Appeals Board (Ankestyrelsen) is representative of the diversity of the population; and seek to include members and perspectives from Greenland;

(e) Support the creation of a representative forum for Greenlanders in Denmark, which could present their concerns and play an advisory role in the development and review of policies and programmes that affect them;

(f) Ensure access to interpretation and translation of relevant documents in Greenlandic when in contact with Danish authorities and provide intercultural diversity competency training, including knowledge of Indigenous Peoples' rights, for staff working in health, education and social services, the police, the judiciary and prisons in Denmark in order to combat biases and racism;

(g) Ensure interpretation in Greenlandic languages before judicial authorities and translation of information regarding laws and judicial procedures and train legal personnel on international human rights standards on Indigenous Peoples.

#### **Impact of colonization on Inuit people in Greenland and reconciliation measures**

95. The Special Rapporteur recommends that, within their fields of competence, Denmark and Greenland:

(a) Provide adequate financial and human resources to carry out, without further delay, the impartial investigation into the historical relationship between Denmark and Greenland and the investigation into the use of IUDs; guarantee the full participation and consultation of Inuit people, in particular Indigenous women, in the definition of the mandate, procedure and terms of reference of these two mechanisms, as well as in the design of effective and culturally appropriate means of reconciliation and redress in Denmark and Greenland; and ensure a focus on human rights and the rights of Indigenous Peoples in ongoing and future historical investigations;

(b) Extend the scope of the investigation into IUDs to include cases after 1991.

#### **Right to self-determination and self-governance**

96. The Special Rapporteur recommends that, within their fields of competence, Denmark and Greenland:

(a) Strengthen education at all levels, including higher and professional education and education in Greenlandic languages, to train the necessary professionals in all relevant fields, including health, justice and social services; and review the school curricula at all levels to incorporate the teaching of Inuit history, culture, sciences and world views;

(b) Consult in good faith and obtain free, prior and informed consent before adopting legislation, action plans or administrative acts that may affect Inuit communities;

(c) Provide adequate and culturally appropriate information in Greenlandic languages to Inuit people, including in the north and east, on international standards on the rights of Indigenous Peoples, including the right to self-identification.

### **Impact of development projects**

97. The Special Rapporteur recommends that Greenland:

- (a) Consult in good faith with Inuit communities and obtain their free, prior and informed consent before adopting any project that may affect them, including tourism, mining and conservation projects;
- (b) Ensure that environmental and social impact assessments comply with international human rights standards on Indigenous Peoples and guarantee that Inuit people receive information in their languages and in a culturally appropriate manner;
- (c) Provide access for all Inuit communities adversely affected by development projects to effective remedies and accountability mechanisms, including access to judicial forums to dispute claims, and concrete and timely assistance to mitigate adverse environmental and cultural consequences;
- (d) Take appropriate steps to implement the Guiding Principles on Business and Human Rights and consider the entry into force in Greenland of the Danish Act on the Mediation and Complaints-Handling Institution for Responsible Business Conduct.

### **Military activities and pollution**

98. The Special Rapporteur recommends that Denmark:

- (a) Provide, in close cooperation with Greenland, adequate financial and human resources to identify and remove all military waste left in Greenland and prevent environmental pollution and health risks to its population;
- (b) Provide, in accordance with international human rights standards on Indigenous Peoples, adequate and culturally appropriate remedies for the forced displacement of Inughuit people due to the construction and expansion of the Thule Air Base.

99. The Special Rapporteur recommends that Greenland ensure that information on pollution and adequate forms of waste management, including potential options for reducing exposure to toxic substances, is made available and accessible to Inuit communities.

100. The Special Rapporteur recommends that Denmark and Greenland consult in good faith and obtain the free, prior and informed consent of the Inuit people before adopting decisions on the presence of foreign military forces, military activities and storage or disposal of hazardous materials in Greenland.

### **Climate change and conservation measures**

101. The Special Rapporteur recommends that Greenland:

- (a) Ensure Inuit people meaningfully and effectively participate in decision-making related to the environment, disaster risk reduction and climate change; and promote equal opportunities for Indigenous women and girls in the participation process and decision-making;
- (b) Carry out consultations and seek the free, prior and informed consent, as a prerequisite, of Inuit people affected by the establishment or extension of protected areas and ensure the full participation of Inuit in the management, administration and control of protected areas;
- (c) Provide adequate funding and support to revitalize and protect Inuit practices, including the use of sled dogs.

### Access to justice in Greenland

102. The Special Rapporteur recommends that, within their fields of competence, Denmark and Greenland:

(a) Provide adequate human and financial resources for (i) reaching remote settlements; (ii) training judicial personnel on international standards on Indigenous Peoples; (iii) training qualified interpreters and translators, including in North and East Greenlandic; (iv) providing digitalization, communications technology and personal data security; (v) reducing case processing times by the police and the courts, especially in cases involving children; and (vi) providing adequate mental health support in the prison system;

(b) Strengthen educational opportunities, including the law programme at the University of Greenland, to overcome the structural imbalance of the justice system in Greenland and increase the presence of Inuit at all levels thereof; ensure that the Inuit legal tradition is included in the curriculum of the law programme; and give preference to Greenlandic as the primary language of instruction;

(c) Adopt adequate social policies to target poverty and social marginalization as root causes of the high rates of incarceration and recidivism in Greenland; strengthen resocialization measures in all prisons; and offer out-of-prison activities;

(d) Clarify the status and mandates of administrative structures within central government, provide effective and accessible remedies, strengthen the health-care system in Greenland to reduce the wait for mental health examinations and offer appropriate health-care facilities for inmates;

(e) Extend the mandate and guarantee the independence of the Human Rights Council of Greenland so as to receive complaints of human rights violations and independently investigate them.

### Gender equality and violence against women and children

103. The Special Rapporteur recommends that Greenland:

(a) Promote the meaningful and informed participation of Indigenous women and girls in political and public life at all levels, including in decision-making positions, which may include temporary positive measures;

(b) Increase efforts to combat child sexual abuse and violence, as well as impunity, including by developing and conducting long-term educational and awareness-raising programmes and campaigns on preventive measures;

(c) Secure the availability of child- and gender-sensitive, confidential and safe counselling, reporting and complaint mechanisms in order to address incidents of sexual abuse and violence.

### Children

104. The Special Rapporteur recommends that Greenland:

(a) Ensure that adequate resources are assigned for the implementation of the national action plan on compliance with the Convention of the Rights of the Child and that it is put in place through collaboration with municipal authorities, civil society, the National Advocacy Centre for Children's Rights, the United Nations Children's Fund and the children's advisory board in Greenland (Nakuusa); reach remote Inuit settlements and, in coordination with them, design culturally appropriate intervention measures in the framework of the national action plan, in order to ensure local ownership; and provide culturally appropriate mental health treatments and develop measurable indicators;

(b) Dedicate more resources to mental health care, including preventive measures, and strengthen the inclusion of child and youth perspectives and coordination with municipal authorities. The national strategy on the prevention of

suicide needs to address root causes and ensure the development of measurable indicators;

(c) Provide adequate resources to strengthen the role of the National Advocacy Centre for Children's Rights;

(d) Strengthen the quality of education and education in Inuit languages to support the intergenerational transmission of Inuit knowledge, culture, hunting and food practices;

(e) Dedicate more resources to children's rights as children and young persons are its most valuable asset.

#### **Housing**

105. The Special Rapporteur recommends that Greenland:

(a) Adopt a holistic approach to the implementation of the government strategy on homeless persons, taking into account interlinkages with social services, health, education and employment, assign adequate resources and define indicators in order to evaluate its effectiveness;

(b) Pay particular attention to the consequences that housing policies have on children.

#### **Persons with disabilities**

106. The Special Rapporteur recommends that Greenland:

(a) Implement effective monitoring mechanisms to ensure the safety and rights of persons in residential care institutions;

(b) Adopt and implement, in consultation with all relevant stakeholders, a disability action plan with adequately assigned resources and clear indicators;

(c) Support appropriate and innovative solutions by Greenland, such as the use of sled dogs for rehabilitation, as this would serve multiple purposes, including sustaining livelihoods and Inuit practices.

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