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SUBMISSION ON THE GOVERNMENT OF GREENLAND'S DRAFT CONTRIBUTION TO THE NATIONAL REPORT BY THE KINGDOM OF DENMARK TO THE UPR 2021

The Greenlandic Ministry of Foreign Affairs and Energy has by 26 November 2020 published a draft contribution to the 2021 national report by the Kingdom of Denmark to the UN Universal Periodic Review Mechanism (UPR). A contribution from the Danish Ministry of Justice on the Greenlandic justice sector is included in the draft.

The Human Rights Council of Greenland (the Council) and the Danish Institute for Human Rights (the Institute) welcome the opportunity to comment on the draft report.

The Council and the Institute would like to draw the following comments and recommendations to the attention of the Government of Greenland and – regarding the justice sector – the Danish Ministry of Justice. While we generally abide by the structure/headlines of the government's draft, we have added an additional topic on the right to housing:

Developments since the second review, especially with regard to the normative and institutional framework for the protection of human rights

The Council and the Institute find that a response to international recommendations under the auspices of UPR should generally contain information that elaborates on the challenges so that it is possible to assess the states' follow-up on the recommendations. Beyond providing broad updates on progress on the implementation of all accepted

recommendations, it would be desirable for the government of Greenland and the Danish Ministry of Justice to provide more detailed information on progress or lack thereof vis-à-vis the implementation of recommendations related to the most urgent human rights challenges in Greenland.

The Council and the Institute note that the recommendations addressed in the draft submission are mentioned in the section "*Developments since the second UPR review in 2016*". However, to strengthen the transparency of the links between the described developments and the addressed recommendations, each section should identify which recommendations they follow-up on. The Council and the Institute also note that the draft does not mention recommendation 120.73.

- The Council and the Institute recommend that the government of Greenland include more direct links between the developments described in the sections of the submission and the relevant UPR recommendations.

As stated in Greenland's contribution to the Kingdom of Denmark's second Mid-term Report, Greenland has, in line with recommendation 120.3 and 120.4, acceded to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Territorial reservations still exist in relation to the Optional Protocol to the Convention on the Rights of Persons with Disabilities on a communications procedure from 13 December 2006 and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure from 19 December 2011.

- The Council and the Institute recommend that the government of Greenland report on whether there is any dialogue between Greenland and Denmark on withdrawing the territorial exclusion for Greenland, so that the Optional Protocol to the Convention on the Rights of Persons with Disabilities on a communications procedure from 13 December 2006 and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure from 19 December 2011 enter into force for Greenland.

Human Rights Council of Greenland

The draft submission describes the revised legislation on the Human Rights Council of Greenland, which entered into force on 1 January 2019 (Inatsisartut Act No. 20 of 27 November 2018).

The revised legislation entails the establishing of a secretariat to the Council and secures independence from Naalakkersuisut. However, the annual grant for the Council did not change accordingly with the revised law. This challenges the operational capacity of the Council and the secretariat of the Council.

- The Council and the Institute recommend that the government of Greenland report on plans for securing adequate funding for the Council to be able to have its own staff and premises in order to strengthen the Council to function in line with the UN Paris Principles.

Children and Youth

The Council and the Institute welcome the inclusion in the draft report of an overview of some of the main initiatives and challenges related to children and youth in Greenland.

The Council and the Institute note that in May 2020, Inatsisartut approved that Greenland should adopt a national action plan to fulfil the UN Convention on the Rights of the Child which is not reflected in the report. The Council and the Institute support a strong focus on children's rights and encourage the government of Greenland to report on how the implementation of the different initiatives will be measured. Considering an observation from the Committee on Economic, Social and Cultural Rights on children living in poverty in Greenland, the Council and the Institute encourage reporting on this topic as well.¹

- The Council and the Institute recommend that the government of Greenland in the report reflect the decision to develop a national action plan to fulfil the UN Convention on the Rights of the Child.
- The Council and the Institute recommend that the government of Greenland describe how the initiatives related to children and youth will be monitored and followed-up on.
- The Council and the Institute encourage that the government of Greenland describe initiatives related to eliminating poverty among children and youth, including potential plans of establishing a poverty line.

During the 2nd cycle Greenland accepted recommendation no. 120.118 to reform and upgrade municipal competences and accountability to apply constructive measures and to promote protection of the child against violence, and to assist families in rehabilitation efforts on

¹ Concluding Observation 45, E/C.12/DNK/CO/6. Available at: <https://undocs.org/en/E/C.12/DNK/CO/6>

substance abuse and addiction. The Council and the Institute note that an account of measures taken to implement the recommendation is provided in the midterm report from 2018.²

- The Council and the Institute recommend that the government of Greenland in the report provide an account of measures taken to implement the recommendation in the period following the midterm report from 2018.

Older persons

The draft submission mentions that the government of Greenland is currently working on a national strategy for older persons for the period 2020-2030. The Council and the Institute note that the draft does not specify which areas of interest are in need of reform and improvement or to what extent the government involve relevant civil society organizations, associations, and institutions in the work on a national strategy.

- The Council and the Institute recommend that the government of Greenland in the report provide an account of which areas of interest of older persons need improvement.
- The Council and the Institute recommend that the government of Greenland in the report elaborate on whether relevant civil society organizations, associations, and institutions, including the Spokesperson for older persons, are being involved in the work on a national strategy for older persons 2020-2030.

Persons with disabilities

The Council and the Institute welcome that the draft report mentions some of the main initiatives taken in relation to persons with disabilities in Greenland.

The Council and the Institute are aware that on May 16, 2019, Inatsisartut enacted a resolution stipulating that Greenland must adopt a national action plan to fulfil the UN Convention on the Rights of Persons with Disabilities no later than 2022. This initiative is not reflected in the report.

- The Council and the Institute recommend that the government of Greenland in the report provide an account of the steps taken in order to devise the upcoming national disability action plan.
- The Council and the Institute recommend that the government of Greenland in the report elaborates on to what extent relevant institutions and civil society organizations, including

² Denmark's 2nd Mid-term Report, June 2018. Available at: https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/monitorering/upr/upr_midterm_2018_state_denmark.pdf

NIIK – Nunatsinni Inuit Innarlutillit Kattuffiat (Disabled People's Organisations Greenland) and Tilioq (the institution of the Spokesperson for Persons with Disabilities), are being involved in the process in relation to the upcoming national disability action plan.³

Illiteracy

The draft submission mentions that about two to five per cent of the population have reading difficulties, including dyslexia.

The Council and the Institute note that the report does not mention that there at present exists no dyslexia test that take into account the Greenlandic conditions and language.⁴ The report does also not mention which steps are being taken to screen for reading difficulties in schools.

- The Council and the Institute recommend that the government of Greenland in the report provides an account of which steps are being taken to screen for reading difficulties, including dyslexia, in schools.

Gender-related discrimination

The draft submission mentions that gender discrimination is regulated by the Act on Equality of Men and Women (Inatsisartut Act No. 3 of 29 November 2013). 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”.⁵ 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).

Establishing an independent complaints mechanism for individuals could give easier access for citizens to a complaints procedure in cases on gender discrimination. Cases of employment issues would be relevant in this context (e.g. dismissal of pregnant women) as well as other issues arising in the private sector (e.g. gender discrimination related to services).

³ Cf. UN Convention on the Rights of Persons with Disability, Article 4(3)

⁴ The daily newspaper Sermitsiaq.AG, No dyslexia test in Greenland (Ingen ordblindetest i Grønland), 14 May 2020, available in Danish and Greenlandic at: <https://sermitsiaq.ag/ingen-ordblindetest-i-groenland>.

⁵ Inatsisartut Act no. 2013/11 of 30 July 2013 on Inatsisartut Act on gender equality, explanatory notes to § 27.1

- The Council and the Institute encourage the government of Greenland to report on how the government is strengthening protection against gender-related discrimination.

Gender equality

The draft submission mentions the uneven distribution of men and women in official political positions in Greenland. It does not, however, mention the percentage of women in the municipal councils.

Furthermore, the report does not mention the debate environment and the social practices in politics, which are essential to equality with regard to political participation. In the beginning of 2020, a public debate sparked by ten women from the same political party who announced that they had been violated by the same man from the party shed a light on a sexist and male dominated culture in Greenlandic politics.⁶

- The Council and the Institute recommend that the government of Greenland provides an account of what steps are being taken to investigate sexist practices and sexual harassment in politics and to combat these.
- The Council and the Institute recommend that the government of Greenland provides an account of what measures are being implemented to further balance the gender distribution in politics on both the municipal and national level.

National Strategy and Action Plan against violence

The Council and the Institute welcome that the draft submission mentions initiatives in the National Strategy and Action Plan against Violence.

The Council and the Institute encourage that the government of Greenland add more detailed information on the implementation of the initiatives and on violence against children and women in close relationships, including persons with disabilities.

- The Council and the Institute recommend that the government of Greenland describe how the initiatives against violence will be monitored and followed-up on.
- The Council and the Institute recommend that the government of Greenland provide information on data collection and

⁶ The daily newspaper Sermitsiaq.AG, Women come forward: This is about violations – not about power struggles (Kvinder står frem: Det handler om krænkelser - ikke om magtkamp), 29 February 2020.

Available in Danish and Greenlandic at:

<https://sermitsiaq.ag/node/219672>

analysis on violence against children and women in close relationships, including persons with disabilities.

The right to housing

In 2020, the Council and the Institute published a report on the right to housing in Greenland.⁷

Our recommendations in the report include that Naalakkersuisut in corporation with the municipalities:

- Implement a comprehensive, national plan of action on the homeless, rehoused and houseless to help this vulnerable group of persons and families with improving their social and economic situation and to find appropriate housing.
- Secure that families with underage children are not rehoused in living-quarters shared with residents that are not part of their family.
- Implement minimum standards for rehousing, including requirements for access to heating, electricity, running water, lavatory and bath.
- Secure that systems are implemented that continuously collect information on the number of persons without a permanent residence and forced evictions.

The report describes a number of challenges which are relevant for the topics reported on in the draft submission. Especially vulnerable groups and families who are unable to support themselves due to illness, social problems, disability, age etc., can have difficulties in gaining access to adequate housing.

- The Council and the Institute encourage the government of Greenland to add information on challenges and progress in the area of the right to housing, especially concerning challenges related to children, older persons, persons with disabilities and other vulnerable groups.

Criminal Code/Law Enforcement/Prisons

The submission included in the draft report by the Danish Ministry of Justice mentions that the education of district judges has been strengthened. The Council and the Institute note that the draft does not specify how the education of district judges more specifically has been strengthened.

⁷ The Human Rights Council of Greenland and the Danish Institute for Human Rights, The Right to Housing – Status in Greenland 2020 (Retten til bolig – Status i Grønland 2020), September 2020. Available in Danish and Greenlandic at: <https://menneskeret.dk/udgivelser/retten-bolig-status-groenland-2020>

- The Council and the Institute encourage the Danish Ministry of Justice to add more information in the report on how the education of district judges has been strengthened.

**Prevention of sexual abuse of vulnerable persons,
particularly children**

The submission included in the draft report from the Danish Ministry of Justice states that the ministry is currently working on fulfilling recommendations pertaining to e.g. initiatives on support and treatment in the Prison and Probation Service in Greenland to improve the resocialization of sex-offenders. The Council and the Institute would welcome more detailed information on these initiatives.

- The Council and the Institute encourage the Danish Ministry of Justice to add further information in the report on the work currently conducted to improve the resocialization of sex-offenders.

Yours sincerely,

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