



THE DANISH
INSTITUTE FOR
HUMAN RIGHTS

HUMAN RIGHTS IN GREENLAND STATUS 2016

SUMMARY IN ENGLISH



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Human rights play a role in many different areas. National legislation must comply with international human rights as they apply to Greenland. Likewise, authorities and public institutions must ensure that case handling is in line with Greenland's human rights obligations. Human rights can be perceived as abstract and unreal for individuals. However, human rights are relevant in the liaison between individuals and for instance local authorities, government agencies, the police or prison services, individuals realise the significance of human rights. The right not to be incarcerated for more than a limited time or the fact that persons with disabilities have the same right as others to access education are examples of topics of human rights relevance.

In this report, the Danish Institute for Human Rights and the Human Rights Council of Greenland provide a status of the human rights situation in Greenland 2016 in the following selected areas:

1. Implementation of human rights
2. Children and youth
3. Disability
4. Equal treatment
5. Natural resources
6. Access to justice and loss of liberty
7. Rule of law in local authorities and the self-rule government
8. Dissemination of human rights
9. Education

The report provides an overview and raises a number of human rights issues for each area. In addition, we provide an overview of the development of human rights within each area and we give recommendations on how to strengthen human rights in Greenland in these areas. It is our intention to update this report updated regularly and over time include other relevant human rights topics.

The report begins with an introduction to Greenland's population, autonomy and authority structure. The introductory chapter is followed by a review of the human rights framework in Greenland and recommendation for each area.

This summary briefly describes each of the selected areas and accounts for the most substantial recommendations.



IMPLEMENTATION OF HUMAN RIGHTS LAW

Every state must ensure adequate human rights protection in accordance with the international human rights conventions, but it is largely up to the discretion of the individual states, how human rights should be implemented in national law.

We recommend that a number of human rights conventions that apply for Denmark should also apply for Greenland. This includes the Council of Europe conventions on electronic processing of personal data and on protection of children against sexual exploitation and sexual abuse also become applicable in Greenland.

We also recommend that Naalakkersuisut in dialogue with Denmark accede agreements not yet ratified by Denmark, including the optional protocol on individual complaints mechanism of the UN Covenant on Economic, Social and Cultural Rights. Moreover, we recommend Naalakkersuisut to further a systematic implementation of human rights by adopting an action plan for human rights in Greenland.

CHILDREN AND YOUTH

There is increasing focus on children's rights. The chapter gives an overview of the main principles of the UN Convention on the Rights of the Child and considers, among other topics, children's access to counselling, support and complaints mechanisms.

We recommend that Naalakkersuisut and local authorities strengthen the competencies and resources of to prevent and combat physical and psychological violence, abuse and neglect of children.

We also recommend that Naalakkersuisut and local authorities take measures to prevent poverty and take steps to support vulnerable families, including providing parental guidance.

DISABILITY

Implementation of the Convention on the Rights of Persons with Disabilities in Greenland entails challenges, especially in regards to accessibility, equal access to education and non-discrimination.

We recommend that Naalakkersuisut introduce clear standards on accessibility to buildings, public websites and public transportation and ensure monitoring of compliance to these standards.

We also recommend that Naalakkersuisut take measures to ensure that teachers have the necessary competencies to teach pupils with different disabilities. This applies in particular to teachers in the public school system who shall be able to teach children with and without disabilities.

EQUALITY

Non-discrimination and equal treatment are fundamental principles in human rights. On one hand, it is necessary to protect against discrimination and on the other hand, it is necessary to promote equal treatment.

Vi recommend that Naalakkersuisut take steps to introduce legislation ensuring protection against discrimination on grounds of gender, race and ethnic origin, disability, age, sexual orientation, religion and belief, outside as well as within the labour market.

We also recommend Naalakkersuisut to take steps to establish an independent complaints mechanism in order to consider and redress cases of discrimination.

NATURAL RESOURCES

The right to self-determination is found in a number of human rights conventions. This right includes the right for a people to decide on the use of natural resources found in their territory.

We recommend that Naalakkersuisut ensure the participation of all citizens and local communities in the decision making process in relation to the allocation of concessions in accordance with the Act on Concession of Tourist Targeted Activities. It should be a requirement that all affected citizens and communities are consulted before a concession is authorised.

We also recommend that Naalakkersuisut ensure affected citizens and local communities an effective access to a complaints mechanism in cases comprised by the Act on Natural resources and the Act on Concession of Tourist Targeted Activities.

ACCESS TO JUSTICE AND LOSS OF LIBERTY

Access to justice is a fundamental right in any state based on the rule of law. The right entails among other things that decisions made in court cases must be made within reasonable time. Likewise, adequate procedural safeguards in relation to detention in criminal justice shall protect a person's right to personal freedom.

We recommend that the Danish Court Administration in co-operation with the Court of Greenland and the High Court of Greenland ensure that the district courts in Greenland have adequate capacity in order to prevent a backlog of large number of unprocessed cases.

We also recommend that the Ministry of Justice ensure that conditions in institutions under the Prison and Probation Service comply with the criminal justice principle in Greenland that serving a sentence takes place in an open institution.

RULE OF LAW IN MUNICIPALITIES AND GOVERNMENT

A state built on rule of law is based on transparency in legislative processes, predictability and quality in legislation and in exercise of legal authority.

We recommend that Naalakkersuisut and the local authorities ensure and strengthen the knowledge of rules that apply to case handling in public administration. This includes knowledge of rules regarding the public's access to information.

We also recommend that Naalakkersuisut implement the use of consolidated acts in order to enhance the measures giving access to current legislation and thereby enhancing the rule of law.

Furthermore, we recommend that the Danish authorities limit the use of royal decrees, which put existing Danish legislation into force in Greenland. New (Danish) legislation for Greenland should rather be made by preparing a bill and presenting it before the Danish Parliament (Folketinget) in order for the bill to properly contextualise the legislation to Greenland.

DISSEMINATION OF HUMAN RIGHTS

In order to promote and protect human rights, a state must undertake to raise awareness among the public at large.

We recommend that Naalakkersuisut integrate human rights as core values for the coming strategy for education. We also recommend that Naalakkersuisut conduct an analysis of human rights education in primary schools in order to develop an action plan for this area.

Furthermore, we recommend that Naalakkersuisut conduct an analysis of the extent and quality of human rights training for relevant professional groups, including teachers, social educators, kindergarten teachers and social workers, and consider letting human rights education be part of training manuals or curricula.

EDUCATION

The right to education is not only a human right in itself, but also an indispensable means of realizing the protection of and respect for other human rights.

We recommend that Naalakkersuisut ensure the necessary structure and content of the college of education at the University of Greenland in order to educate teachers with high competencies, including planning and conducting teaching of children with special needs.

We also recommend that the local authorities take measures in order to support relations between children in boarding houses and their families, including relevant pedagogical initiatives.

