



**UNITED NATIONS
HUMAN RIGHTS
SPECIAL PROCEDURES**

SPECIAL RAPPORTEURS, INDEPENDENT EXPERTS & WORKING GROUPS

**UNITED NATIONS SPECIAL RAPPORTEUR ON
THE RIGHTS OF INDIGENOUS PEOPLES**

Mr. Francisco Cali-Tzay

Visit to Denmark and Greenland

1-10 February 2023

End of Mission Statement

In my capacity as the United Nations Special Rapporteur on the rights of Indigenous Peoples, I am pleased to share my preliminary observations at the end of the official visit to Denmark and Kalaallit Nunaat (Greenland) that took place 1-10 of February 2023. I would like to thank the Governments of Denmark and Greenland for their invitation and for their openness and cooperation with my mandate before and during my visit.

The purpose of my visit was to understand, in the spirit of mutual co-operation and constructive dialogue, how Denmark and Greenland implement the rights of Indigenous Peoples, in order to identify good practices and possible obstacles and to present concrete recommendations aimed at overcoming the observed challenges.

Let me start by thanking the Governments of Denmark and Greenland for their cooperation with my mandate by inviting me for this visit and for the warm welcome and cooperation extended to me during my visit. I had the opportunity to meet the Danish Minister for Foreign Affairs and the Greenlandic Minister for Industry, Trade, Foreign Affairs and Climate, representatives of various Government Institutions in both countries working on a range of human rights issues, Parliamentarians, Judges, law enforcement personnel, as well as to visit Indigenous Peoples and their communities, and to meet various civil society representatives. In Denmark I met the State Secretary for Foreign Affairs, various representatives from the Prime Minister's Office, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Defense, Ministry of Social Affairs, Housing and Senior Citizens, Ministry of Interior and Health, Ministry of Children and Education, Ministry of Digital Government and Gender Equality, Ministry of Higher Education and Science, Ministry of Climate, Energy and Utilities, Ministry of Environment, Ministry of Industry, Business and Financial Affairs, the head of Greenland's Representation in Copenhagen and members of Parliament. In Greenland, I met with Government Ministries related to Gender Equality, Social Affairs, Children-youth-family, Health, Education and Culture, Housing, Justice, Fisheries and Hunting; Mineral resources, Energy-climate-environment, foreign affairs, business, trade, infrastructure and housing, members of Inatsisartut (Parliament) and the Constitutional Commission, the High Commissioner of Greenland, the Prison and Probation Service in Greenland, Greenland Police, municipality authorities, as well as the High Court and the District Court.

It has been a very interesting and enriching experience during which I learnt a lot from all the relevant stakeholders and rightsholders. I would also like to express my deep gratitude to all of them for their extensive cooperation and support throughout the visit.

I would like to emphasize the unique implementation model of the right to self-determination of Indigenous Peoples by Greenland and Denmark, reflected in the self-governance of Greenland which I indeed welcome. Since 2009, the Act on Greenland's Self-government has given the possibility of self-governance within most areas except e.g. foreign, defense and security policy. Following the Home Rule Act and the Self-Government Act, a substantial part of the areas affecting the daily lives of Greenlandic citizens is under the authority of Greenland. In this regard, I am looking with interest into the Constitutional discussions in Greenland and their further developments. Nevertheless, some areas still remain under the jurisdiction of Denmark, such as administration of justice.

I would like to welcome the willingness and readiness of the Government of Denmark to embrace Greenland's self-determination, including consulting closely with Greenland on the areas of Denmark's responsibility, such as foreign, defense and security policy and justice matters. I encourage the Government of Denmark to continue seeking the free, prior and informed consent of Greenland for all the matters concerning it, including in the areas under Danish governance.

Despite significant progress, during my visit, I observed that Inuit people still face barriers to fully enjoying their human rights. It has been reported to me that there are about 17,000 Inuit people living in Denmark. As they have Danish citizenship, they formally enjoy the same basic rights as Danish-born citizens. The Danish Government asserts that the welfare state is based on equal access. However, in practice Inuit people face significant administrative and institutional obstacles, as well as racism and racial discrimination, which prevents them from enjoying their rights on equal footing and often leaves them feeling marginalized and excluded. Inuit people in Denmark told me they feel like 'invisible ghosts' as they have nowhere to turn to for advice and assistance.

While the Greenland Government has assumed responsibility under the earlier Home Rule Act for the fields of education, health service, labour, and housing support and social affairs- in practice many Inuit people seek education and health care in Denmark. Specialized medical care, assistance for persons with disabilities and tertiary education programmes remain limited in Greenland. For example in order to study medicine or engineering, one must do so in other countries, including Denmark, as there are no such degrees in Greenland.

In Denmark the share of people in homelessness with an Inuit background is significantly higher than it is among people in homelessness with a Danish background, however no precise data is available. Nor are there precise statistics of the number of Inuit children living in Denmark and whether they receive education in their mother-tongue. Such education is only obligatory if there are 12 children in the municipality, and Inuit people told me that in practice their children are denied mother-tongue education.

I was particularly appalled by the testimonies of Inuit women that reported being subjected to IUD by Danish healthcare providers without their knowledge or consent some as young as 12 years old. Most of the cases are reported to have taken place in the 1960s and 1970s. Nevertheless there have been more recent cases reported to me as well. The women affected by the coil campaign are traumatized till today and they seek justice for the pain and suffering imposed on them against their free, prior and informed consent. The campaign dramatically dropped the birth rate of Inuit women leading to a drastic change in the composition of the Inuit society. Indigenous women suffered severe physical pain and devastating health consequences including infertility. Even if I welcome the establishment of the two years independent investigation aimed at looking at the period 1966 to 1991, I call upon the governments of Denmark and Greenland to extend the scope of the inquiry into more recent cases and include the oral testimonies of Inuit women as part of the investigation process.

During my visit to Denmark I was dismayed by the testimonies of the sufferings of Inuit women living in Denmark whose children have been taken away from them without their knowledge and consent and placed in Danish foster families. Research presented in 2022 revealed that Inuit children in Denmark are seven times more likely than Danish children to be placed in out of home care away from their parents. While the best interests of the child provides legitimate ground to

remove some children, information indicates that serious cultural biases exist in assessing Inuit parenting. I am particularly concerned that psychometric tests are often based on allegedly arbitrary criteria and do not comply with Inuit culture and identity. The language barrier is another challenge. Such tests are performed in a language Inuit mothers often do not understand, and they are often forced to sign documents without understanding the content. Furthermore, prejudices about Inuit people have resulted in social workers entering unconfirmed assumptions about abuse and violence in case files. Parents told me they were coerced into signing agreements to hand over their children to foster care and of their case files being withheld from them. The majority of the Inuit children removed are placed in Danish families, which often results in Greenlandic Inuit children permanently losing their language, culture, identity and family ties, and makes it next to impossible for them to return to Greenland.

I wish to recall that irrespective of whether Greenlandic Inuit children are in Greenland or in Denmark, they retain their rights as Indigenous Peoples under the ILO Convention 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. I call on Denmark to urgently review the procedures for out of home care assessments of Inuit children, to address structural prejudices within social authorities by strengthening training for staff, and to strengthen interaction with the Inuit community and organisations in order to establish and support more Greenlandic foster families.

I call upon the Governments of Denmark and of Greenland to address the root causes of the negative impact of the legacies of colonialism that translate today into structural and systematic racial discrimination against Inuit People both in Denmark and Greenland. In this regard, I welcome the creation of an impartial investigation of the historical relationship between Denmark and Greenland from WWII until today. I also take note of the recognition of past injustices by Denmark and the steps taken to address them, however, further effective, culturally appropriate and concrete measures are needed, such as the inclusion of Inuit language, culture and history in the curriculum of all schools in Denmark and Greenland, and independent, impartial and effective investigation into past injustices. In this regard, I welcome that Danish authorities decided to include Inuit culture and history in the general school curricula for all in Denmark as a key measure to address past injustices and create a more inclusive society.

Considering that Denmark is a pioneer in promoting and advancing Indigenous Peoples' rights at the international and regional levels that I indeed welcome, I would like to call upon the Government to fully embrace this commitment at the domestic level as well. For this reason, I call upon the Government of Denmark to give full implementation at the domestic level to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the ILO Convention 169 that Denmark ratified in 1996.

During my visit to Greenland, I had the opportunity to familiarize myself closely with the richness of Inuit culture. I was particularly impressed by learning about the diverse expressions of the Inuit

culture in the North, the East, and the South of Greenland which includes a large variety of language dialects, and the scientific and technical knowledge of hunting and fishing.

As this mandate has expressed on other occasions (A/73/176), I want to reiterate that Greenland's extensive self-governance is an inspiring example of the implementation of indigenous self-government and a peaceful process towards self-determination for many Indigenous Peoples worldwide. I welcome the work of the Constitutional Commission of Greenland in charge of preparing a draft Constitution. I want to encourage the Government of Greenland to promote a wide-reaching inclusive and meaningful consultation with the full participation of Inuit people in this process. I particularly encourage the Government of Greenland to implement the U.N Declaration on the Rights of Indigenous Peoples based on the principle of self-identification.

Indigenous peoples suffer disproportionately from loss of biological diversity and environmental degradation in Greenland. Inuit people are acutely aware of climate change's diverse human rights, cultural, health, and social and economic impacts. The knowledge adaptation, mitigation strategies, and management practices of Inuit people are critical to addressing the challenges they face. I commend the Government of Greenland for elaborating the conceptualization of protected areas to recognize the role of Inuit people in biodiversity conservation and its inextricable link with culture.

I was pleased to learn that Greenland has planned to increase the production of renewable energy eventually leading to 90% of the country's electricity production to be green energy, as well as about the moratorium on uranium extraction. I welcome Greenland's decision to resume discussions to join Paris Agreement.

I remain preoccupied with the adverse environmental and social effects of military activities carried out in Greenland without the free, prior and informed consent of Inuit people. I welcome the 2018 agreement between the governments of Denmark and Greenland for the removal and clean-up of military waste. However, I am concerned that after 70 years, the Inuit people who lived in Thule area have not obtained fair and just compensation for the relocation and consequent loss of ancestral land and resources in accordance with the international human rights standards relating to the rights of Indigenous Peoples.

With its plans on expansion of mining activities, as well as tourism and infrastructure, I call upon the Government of Greenland to consult with Inuit people affected by these projects, in particular the Indigenous communities, such as hunters and fishers whose traditional livelihoods will be impacted by such projects. I would like to express concern for the lack of established mechanisms to implement the Inuit people's right to free prior and informed consent, including in the case of granting of tourist concessions, implementation of business projects and adoption of legislative and administrative acts. It's particularly worrying that some municipalities have granted tourism concessions in Inuit traditional fishing areas without obtaining the free prior and informed consent of the Inuit people.

The Greenlandic society still faces numerous challenges. I was informed that one-quarter of the Greenlandic population is under 18 years old, and that some of the main barriers Inuit children face relate to poverty and lack of adequate housing, appropriate quality education and scarce mental health support. Around 20 percent of children are estimated to have been exposed to violence and sexual abuse. Greenland has one of the highest suicide rates in the World. Today even younger people commit suicide than before, some as young as 12 years old.

I am encouraged that Greenlandic Government has strengthened measures in favour of children's rights. I welcome the development of an Action plan for compliance with the United Nations Convention of the Rights of the Child 2023-2030 and encourage particular attention to be paid to the need for mental health professionals across the country. I urge the Government to assign adequate resources for its implementation, especially at the municipal level, and to ensure that the National Action Plan is put in place through collaboration with civil society and other relevant stakeholders.

One of the key challenges raised during my visit to Greenland is the situation that the persons with disabilities face. Surveys indicate that nearly one fifth of the population identifies as having a disability. I note with appreciation that Greenland is taking measures to address the acute challenges faced by persons with disabilities, including accessibility issues, as well as stigma and discrimination against them. In this regard I would like to note the role of Spokesperson's institution for persons with disabilities, the 2020 legislation on support for persons with disabilities and a draft disability action plan, which is currently being elaborated. However, major challenges remain in order for persons with disabilities to be able to enjoy their rights, including multiple and intersecting forms of discrimination, lack of access to education and the absence of legal protection against discrimination in Greenland.

I was concerned to learn about instances of persons with disabilities who were unable to receive education, who faced sexual violence and who would wish to work part-time but are sent to institutions for the elderly, even young people, due to lack of other options.

I am deeply concerned about the high level of gender inequality in Greenland, including inequality in income, gender stereotypes, and mental, physical and sexual violence against women and girls. I was also moved to hear stories of discrimination and stigma against Inuit LGBTI and gender diverse persons, that forced them to move to Denmark, where they continue facing discrimination due to their Inuit identity.

I was told that the lack of housing results in overcrowded living conditions and at times four families live together in homes intended for only one family. I also note as positive the announcement in January 2023 of a new Government Strategy for homeless people. In this regard, I recommend the Government to ensure a holistic approach in its implementation, taking into account interlinkages with social services, health, education and employment, and that adequate resources be assigned as well as indicators defined to evaluate its effectiveness. I am also

concerned that a large amount of settlements do not have access to water and sanitation in houses, which is particularly challenging for persons with disabilities.

I would like to highlight the challenges faced particularly in the area of healthcare and access to justice with regard to the lack of professional personnel and relevant education and training available in Greenland. The judicial system falls under the jurisdiction of Denmark and faces great challenges including reaching geographically remote settlements, and lack of personnel and resources including for digitalization and information and communications technology.

I welcome that Greenland's criminal system is founded on reintegration rather than punishment system, with a prevalence of open prisons; however, I am concerned about the high rate of incarceration and lengthy procedures of criminal cases. In addition, inmates with particular psychiatric needs are referred to a closed forensic psychiatric ward in Denmark.

During the visit, I noted that access to justice and due process for Inuit people are hindered by barriers in appealing administrative decisions of government bodies due to the unclear distribution of competencies and administrative structures. This prevents Inuit people from fully enjoying their fundamental rights. I am particularly worried about the number of underreported sexual abuse cases of children and adolescents, and domestic violence against women and girls. I note the effort taken by Greenland police to fight against these crimes, such as establishing a dedicated unit on sexual abuse; however, culturally appropriate, effective and holistic actions are needed to eradicate the root causes of these crimes.

Finally, I would like to stress that Education is critical in addressing many of the challenges Greenland faces. For this reason, I would like to highlight the good practices, such as the Knud Rasmussen high school in Sisimiut, which embraces a student-centered approach and the teaching of Inuit culture, and the establishment of the legal degree in University of Greenland. I encourage the Government of Greenland to increase these education initiatives and programs.

In conclusion, I would like to reiterate my appreciation to the Governments of Denmark and Greenland for the invitation and full cooperation extended to me, and for allowing me to conduct my visit freely and independently. I would also like to express my appreciation to the Office of the United Nations High Commissioner for Human Rights for their support in ensuring the success of the visit, as well as UNICEF Greenland and UN in Copenhagen for their support extended to the visit.

Finally, I offer my deep gratitude to the Inuit people who have welcomed me to their country and to all those who travelled long distances to share their stories and concerns with me. I am inspired by their strength and determination to continue defending their rights and seeking justice.

Today I presented to all of you some of the pressing issues highlighted during the visit. There are many other issues worth careful attention, and I am looking forward to our continuous cooperation

and meaningful dialogue in the finalization of the full report of the visit including the recommendations addressed to tackling the identified challenges.