

Secretariat of the UN Permanent Forum on Indigenous Issues  
(UNPFII)

Secretariat Building, United Nations Headquarters, 29th Floor  
New York NY 10017  
USA

sigurdarson@un.org  
indigenousun@un.org

WILDERS PLADS 8K  
DK-1403 COPENHAGEN K  
PHONE +45 3269 8888  
CELL +45 9132 5673  
MABR@HUMANRIGHTS.DK  
HUMANRIGHTS.DK

DOC. NO. 17/02579-2

22 DECEMBER 2017

## **QUESTIONNAIRE ON ACTIVITIES TAKEN OR PLANNED IN RELATION TO INDIGENOUS PEOPLES**

By e-mail of November 28 2017, the UN Secretariat of the UN Permanent Forum on Indigenous Issues (UNPFII) requested information on the work of the Danish Institute for Human Rights concerning indigenous peoples. The secretariat invited the institute to complete a questionnaire on any action taken or planned by the institute related to the recommendations of the Permanent Forum on Indigenous Issues, implementation of the UN Declaration on the Rights of Indigenous Peoples and the outcome document of the World Conference on Indigenous Peoples.

Denmark has ratified the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, as well as undersigned the United Nations Declaration on the Rights of Indigenous Peoples. By the ratification of the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, Denmark declared that the original inhabitants of Greenland (Inuit) are the only indigenous people in the Kingdom of Denmark within the framework of the convention.

The Danish Institute for Human Rights (DIHR) is the national human rights institution (NHRI) of Denmark and Greenland. In its role as the national human rights institution for Greenland, the Institute aims to secure, promote and enhance the individual's and generally the Inuit population of Greenland's human rights.

The DIHR also has substantial international engagements, with an international department that operates in the nexus between government institutions, business and NGOs in global policy processes, as well as at the national level in a number of countries in Eurasia, Asia, the Middle East and North Africa, Latin America, and Africa. DIHR strive to enhance the capacity of states and justice system actors to promote and protect human rights. And since the 2030 Agenda for Sustainable

Development and the SDGs (sustainable development goals) have provided a new road map for change, including renewed commitment to the promotion and protection of human rights, part of the international work of DIHR is dedicated to enhancing state and corporate actors' capacity to anchor their SDG work in human rights. DIHR believe the commitment to leave no-one behind provides important leverage for promoting the rights of vulnerable groups, and throughout 2017 DIHR have cooperated with indigenous peoples and NHRIs on putting indigenous peoples' rights on the SDG agenda globally and in national policy and planning discussions in a number of countries around the world, through our cooperation with the ILO, the Asia Indigenous Peoples' Pact, the Tebtebba Foundation, the Forest Peoples' Programme and the International Work Group for Indigenous Affairs on the Indigenous Navigator initiative. The Indigenous Navigator was also presented to the Permanent Forum members during the 2017 session, and the forum adopted a recommendation on using the tools for monitoring indigenous peoples' rights.

The institute hereby provides the following information, noting that themes and questions of the questionnaire are repeated in order to frame the answers accordingly.

***1. The 2017 session of the Permanent Forum featured a focus on indigenous human rights defenders. Please provide information on the work of your institution in relation to indigenous human rights defenders. What results have been achieved through such efforts and what are some lessons learned?***

The DIHR welcomes and supports the Danish Government's 2017 appointment of a National Criminal Defence Counsel for Greenland. The institute notes that key requirements was the successful candidate's knowledge of the Greenlandic legal system,<sup>1</sup> society and culture, and native language skills.

The National Defence Counsel of Greenland is intended to have an advisory function for the criminal defence counsellors situated locally around Greenland, but also the main responsibility for both the basic and continuing education of the Greenlandic criminal defence counsellors.

The Institute sees the appointment of the National Criminal Defence Counsel as an important step in order to enhance the principle of equality of arms in the Greenlandic criminal law system, especially due

---

<sup>1</sup><http://www.domstol.dk/om/otherlanguages/english/thedanishjudicialsystem/greenland/Pages/default.aspx>

to the current lack of criminal defence counsellors, and to secure a defendant's right to legal assistance in a language they understand.

The National Defence Counsel is also a member of the Human Rights Council of Greenland.

In our work with NHRIs in South America, Africa and Asia under the Indigenous Navigator initiative, DIHR have discussed NHRI engagement in promoting the rights of indigenous human rights defenders. The Indigenous Navigator monitoring tools include questions on the situation of indigenous human rights defenders, and the indicators DIHR use are aligned with SDG indicator 16.10.1 on harassment and killing of human rights defenders, wherefore the Indigenous Navigator data will feed into national and global data collection on this indicator. DIHR are considering enhancing our cooperation with NHRIs internationally on operationalizing the data generation on this indicator.

***2. The theme of the 2018 session will be Indigenous peoples' collective rights to lands, territories and resources. Please provide information about indigenous peoples' collective rights to lands, territories and resources in your country. Has your institution been engaged in work relating to indigenous peoples' collective rights to lands, territories and resources?***

The Danish Parliament's Act on Greenland Self-Government on June 21 2009 (Act no. 473 of 12 June 2009)<sup>2</sup> granted Greenland an extension of independent powers by the Home Rule Act of 1979 (Act. No. 577 of 29 November 1978). Instituted in the Home Rule and Self-Government Acts, Greenland is ruled by its own parliament (Inatsisartut) and government (Naalakkersuisut). Greenland has sovereignty over and administrates areas mentioned in the Self-Government Act.<sup>3</sup> The act is based on the principle of repatriation; i.e. Greenland has sovereignty over areas it has decided to repatriate from Denmark; such as education, social affairs, health, fisheries, environment and climate. Specifically, under the 2009 Act on Natural Resources, Greenland has repatriated all rights to and the administration of the exploitation of the country's natural resources.

Excluded from the possibility of repatriation are justice affairs, defence and national security, financial system and foreign affairs.

Furthermore, the Self-Government Act secures the recognition of Greenlanders (Kalaallit) as a people recognized by international law as

---

<sup>2</sup><http://naalakkersuisut.gl/~media/Nanoq/Files/Attached%20Files/Engelske-tekster/Act%20on%20Greenland.pdf>

<sup>3</sup> [http://stm.dk/multimedia/GR\\_oversigt\\_sagsomr\\_270110\\_UK.pdf](http://stm.dk/multimedia/GR_oversigt_sagsomr_270110_UK.pdf)

such and thereby the possibility for Greenland to choose to become an independent state.

In the 2016 DIHR Status Report for Greenland providing an overview of human rights challenges, DIHR advised the Greenlandic Government to ensure the participation of all citizens and local communities in the decision making process in relation to the allocation of concessions in accordance with both the Act on Natural Resources and the Consolidated Act on Concession of Tourist Activity in Certain Rural Areas. The institute has recommended that it should be a requirement that all affected citizens and communities should be consulted before a concession under the Act on Natural resources and the Consolidated Act on Concession of Tourist Activity in Certain Rural Areas is authorised.<sup>4</sup>

Finally, DIHR advised Greenland's Government to ensure affected citizens and local communities an effective access to a complaints mechanism in cases comprised by the Act on Natural resources and the Consolidated Act on Concession of Tourist Activity in Certain Rural Areas.

Internationally, DIHR promote the use of the Indigenous Navigator monitoring tools to generate data on both the structural recognition of indigenous peoples' collective rights to lands, territories and resources in national legislation – and indigenous communities' experiences with implementation or violations of these rights.

***3. What are the three to five main activities carried out by your institution at the national and/or regional level to implement the UN Declaration on the Rights of Indigenous Peoples and the principles contained therein?***

One of DIHR most important jobs is to monitor, meaning to observe and comment on proposed Greenlandic legislation and make sure that it is in accordance with human rights, including the rights of the indigenous people.

DIHR carry out this task by monitoring how Greenland implements international conventions and national legislation and publish studies and reports on challenges in particular fields. Furthermore, we serve as advisors to the Greenlandic government and parliament.

A key monitoring task is to write legal briefs. In the legal briefs we estimate whether a specific legislative initiative is in accordance with human rights law. If this is not the case, DIHR produce recommendations on how it may be amended.

---

<sup>4</sup>[https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/udgivelser/status/gr\\_status\\_summary\\_a5.pdf](https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/udgivelser/status/gr_status_summary_a5.pdf)

The Indigenous Navigator monitoring tools monitor all essential aspects of the UNDRIP. In 2017 DIHR have presented the tools to NHRIs from Venezuela, Peru, Colombia, Ecuador and Chile; South Africa, Namibia, Tanzania, Uganda and Kenya; Bangladesh, Nepal, Thailand, Philippines, Indonesia and Malaysia. In workshops DIHR have focused on both the application of the tools and generation of data on the implementation of the UNDRIP – and the need to feed these data into national policy and programming discussions. DIHR have also discussed the links between the UNDRIP and the SDG goals and targets, and discussed how the UNDRIP can guide SDG implementation – and how NHRIs can engage in promoting that approach at the national level.

***4. What are the main constitutional, legislative and/or administrative developments taken or planned to promote and/or implement the UN Declaration on the Rights of Indigenous Peoples in your country? Has your institution been involved in these processes, and if so how?***

The Greenlandic Government has recently proposed changes to the legal foundation of the Human Rights Council of Greenland. The council was established in 2013 and is composed by representatives from a number of civil society organisations and independent institutions in Greenland, including representatives from academia, the local association of attorneys-at-law and three representatives from the government, municipalities and the parliamentary ombudsman.

The Institute will follow the proposed changes to the Human Rights Council closely and continue to work with the council in its current and possible future form.

***5. Please provide information on any activities and programmes that your institution carries out or plans to that are specific to indigenous peoples.***

As Greenland's National Human Rights Institution, the Institute monitor and report on the human rights situation in the country, including the rights of indigenous people. DIHR advises the Greenlandic parliament and government on legislative issues, and we deal with complaints from citizens whose rights have been violated. Additionally, we have had a role in the training of local police, teachers and others in human rights standards. Furthermore, DIHR provides public information and serves as a national intermediary between state and society in order to build a bridge between the national and international human rights system and local stakeholders.

In 2018 DIHR will continue cooperating with NHRIs on the application of the Indigenous Navigator tools and resources. DIHR plan to publish an

NHRI manual on engagement with indigenous peoples and promotion of the UNDRIP, and a couple of thematic How To Notes / briefing papers on indigenous peoples' rights (probably one on SDG 7:Ensure access to affordable, reliable, sustainable and modern energy for all, and another one on NHRIs' engagement with the UN Expert Mechanism on the Rights of Indigenous Peoples).

***6. Has your institution been engaged in work relating to the development or implementation of national action plans, strategies or other measures to achieve the ends of the Declaration on the Rights of Indigenous Peoples? If yes, then please provide information.***

In its function as the national human rights mechanism for Greenland, the DIHR evaluates, promotes and monitors human rights in Greenland, including the UN Declaration on the Rights of Indigenous Peoples.<sup>5</sup> In the context of its cooperation with local partners, DIHR delivers statements and counselling on draft legislation of human rights relevance, including reporting on human rights in Greenland to international bodies, e.g. the United Nation Treaty Bodies and the Council of Europe.

Additionally, the DIHR is continuously cooperating with the Human Rights Council of Greenland in order to promote and protect human rights in Greenland. The council shares knowledge of the conditions in Greenland with the institute, and the institute assists the council with knowledge and training on various human rights issues. One of the central initiatives in the collaboration between the Institute and the Council is a biennial report on the status of human rights in Greenland. The status reports focus on topics such as: implementation of human rights (generally); children and youth; disability; equal treatment; natural resources; fair trial and deprivation of liberty; rule of law in the self-rule administration and municipalities; dissemination of human rights; and education.

The latest report was published in November 2016. An English summary of the status report 2016 is available online on the DIHR's website.<sup>6</sup>

---

<sup>5</sup> <https://www.humanrights.dk/place/greenland>

<sup>6</sup> <https://www.humanrights.dk/publications/human-rights-greenland-status-2016>

**7. How does your institution address violence and discrimination against indigenous peoples and individuals, in particular women, children, youth, older persons and persons with disabilities?**

The DIHR has focused on several of the mentioned vulnerable groups in Greenland and the conditions of the groups mentioned will continue to be focal points in the future.

Concerning children, most children in Greenland do well and have normal and functional lives. However, a substantial number have serious problems, such as educational challenges, bullying in school and are subjected to sexual, physical and psychological abuse or negligence by parents whom are suffering from addictions and/or social problems.

In cooperation with Greenland's national advocacy group for children (MIO), the DIHR has compiled a manual addressing children's rights aimed at teachers in the youngest and middle classes of primary school. The institute has also participated in the training of student teachers and their lecturers at Greenland's teacher training institution, a department under the University of Greenland, in order to boost the knowledge of children's rights. Furthermore, two films about children's rights has been developed by the institute directly targeting children, youth and child professionals in Greenland.

The DIHR has recommended a reform and upgrade of municipal competences and accountability to the Greenlandic Government in order to apply constructive measures and promote protection of the child against violence and assist families in rehabilitation efforts after substance abuse and addiction.<sup>7</sup>

In its parallel report to the UN Human Rights Council under the Universal Periodic Review 2016, DIHR and the Human Rights Council of Greenland recommended that Greenland; (1) adopts legislation to prohibit discrimination based on race and ethnic origin, age, religion, sexual orientation and disability within and outside of the labour market, and (2) that Greenland adopts legislation to establish an equal treatment body to ensure access to an effective remedy for individuals who experience discrimination.

Also in cooperation with the Human Rights Council of Greenland, DIHR has since 2014 written reports to different United Nations treaty bodies on the implementation of the United Nations Convention for the Rights of Persons with Disabilities, the Convention for Elimination of All Forms of Racial Discrimination, the Convention for Elimination of Discrimination Against Women, the Convention against Torture, the

---

<sup>7</sup>[https://menneskeret.dk/files/media/dokumenter/monitorering/upr/2015\\_06\\_22\\_dk\\_greenland\\_upr\\_report.pdf](https://menneskeret.dk/files/media/dokumenter/monitorering/upr/2015_06_22_dk_greenland_upr_report.pdf)

International Covenant on Civil and Political Rights, and the Convention on the Rights of the Child.

Finally, the institute has published a report on equal treatment of Greenlanders in Denmark as part of our work in Denmark on equal treatment.<sup>8</sup>

Yours sincerely,

Matias Røjle Bruun

LEGAL ADVISER

---

<sup>8</sup>[https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/ligebehandling\\_2015/ligebehandling\\_groenlaendere\\_dk\\_2015.pdf](https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/ligebehandling_2015/ligebehandling_groenlaendere_dk_2015.pdf) (English summary)