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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

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

Comments by the State*

* The present document is being issued without formal editing.



Comments from Denmark and Greenland to the report of the Special Rapporteur following the visit to Denmark and Greenland in 2023

Denmark and Greenland would like to thank the Special Rapporteur on the Rights of Indigenous Peoples for the opportunity to provide comments to the report on his visit to Denmark and Greenland in 2023. The following comments consist of a contribution from the Danish Government after consultation with the Government of Greenland followed by comments from the Government of Greenland.

The comments from the Danish Government are limited to matters of a factual or clarifying character. Other comments to the text and recommendations will be reserved for later occasions.

The Danish Government looks forward to continuing the cooperation with the Special Rapporteur on the rights of Indigenous Peoples.

Re paragraph 6:

In the third sentence it is stated that “[t]he 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.” In this respect, attention is drawn to the report of the Committee set up to examine the representation alleging non-observance by Denmark of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the National Confederation of Trade Unions of Greenland (Sulinermik Inuussutissarsiuqartut Kattuffiat-SIK) paragraph 33:

“33. The Committee notes that the parties to this case do not dispute that the Inuit residing in Uummannaq at the time of the relocation are of the same origin as the Inuit in other areas of Greenland, that they speak the same language (Greenlandic), engage in the same traditional hunting, trapping and fishing activities as other inhabitants of Greenland and identify themselves as Greenlanders (Kalaalit). The Committee notes that, prior to 1953, the residents of the Uummannaq community were at times isolated from other settlements in Greenland due to their remote location; however, with the development of modern communications and transportation technology, the Thule District is no longer cut off from other settlements in Greenland. The Committee notes that these persons share the same social, economic, cultural and political conditions as the rest of the inhabitants of Greenland (see Article 1(1) of the Convention), conditions which do not distinguish the people of the Uummannaq community from other Greenlanders, but which do distinguish Greenlanders as a group from the inhabitants of Denmark and the Faroe Islands. As concerns Article 1(2) of the Convention, while self-identification is a fundamental criterion for defining the groups to which the Convention shall apply, this relates specifically to self-identification as indigenous or tribal, and not necessarily to a feeling that those concerned are a “people” different from other members of the indigenous or tribal population of the country, which together may form a people. The Committee considers there to be no basis for considering the inhabitants of the Uummannaq community to be a “people” separate and apart from other Greenlanders. This does not necessarily appear relevant to the determination of this representation, however, for there is nothing in the Convention that would indicate that only distinct peoples may make land claims, especially as between different indigenous or tribal groups.”

In this regard, see also the comments made in relation of paragraph 47.

With regard to the Special Rapporteur’s recommendation in paragraph 93 (b) following paragraph 6, the Danish Government refers to the comments made above as far as the factual basis is concerned.

Re paragraph 24:

The paragraph mentions that there were no public radio or television services to provide news in Greenlandic for Inuit in Denmark. That is not correct. The public funded Danish Broadcasting Corporation (Danmarks Radio) provides a weekly television news broadcast

in Greenlandic with news from Greenland. Available without payment on both flow television and on demand (streaming).

Re paragraph 32:

For information with respect to the agreement between Greenland and Denmark on 22 June 2023 on the terms of reference for the historical inquiry into the relationship between Greenland and Denmark, a joint public call was published on 7 July 2023 by the Greenlandic Research Council and the Independent Research Fund Denmark in order to identify candidates for the role as principal investigator for the inquiry.

Re paragraph 47 and 48:

Commenting on the Thule case, in the last sentence in paragraph 47, it is stated that “[H]uman rights bodies consider that the ruling of the Supreme Court is in breach of the right to self-identification under international law.” Furthermore, in the third sentence in paragraph 48 it is stated that [t]he Inughuit people have yet to obtain fair and just compensation for the relocation and consequent loss of ancestral land and resources.”

In continuation of what is commented in relation to paragraph 6, attention is drawn to the report of the Committee set up to examine the representation alleging non-observance by Denmark of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the National Confederation of Trade Unions of Greenland (Sulinermik Inuussutissarsiuqartut Kattuffiat-SIK) (SIK)¹, paragraph 40:

“40. The Community also notes, however, that the former residents of the Uummanaq community have been awarded compensation for lost hunting and trapping rights, as well as for damages incurred as a result of the relocation. It also notes that, almost 50 years later, the persons concerned, and their children, have now resettled in other sections of Greenland or in Denmark. Under the particular circumstances of this case, the Committee considers that to call for a demarcation of lands within Greenland for the benefit of a specific group of Greenlanders would run counter to the well-established system of collective land rights based on Greenlandic tradition and maintained by the Greenland Home Rule Authorities. This conclusion should be seen in the light of Article 17(1) of the Convention, which provides that “procedures established by the peoples concerned for the transmission of land rights among members of these peoples shall be respected”, noting that traditionally no individual land rights are recognized among Greenlanders.”

In addition, it should be mentioned that in 2006, the European Court of Human Rights considered the case and ruled that the expropriation and forced relocation during the Thule case did not violate the rights of the residents in the area. The case was dismissed by the European Court of Human Rights because the expropriation and forced relocation took place in 1953 before the European Convention on Human Rights came into force in Denmark. Furthermore, the Court ruled that the Danish state had found a fair balance between the public interest and the protection of the fundamental human rights at stake.²

With regard to the Special Rapporteur’s recommendation in paragraph 98 (b) following paragraph 47 and 48, the Danish Government refers to the comments made above as far as the factual basis is concerned.

Re paragraph 63:

Regarding the statement: “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.”

While this is correct for cases processed by the Court of Greenland (civil cases, insolvency cases, and complex cases referred by the District Courts) it is incorrect for cases processed by the District Courts (criminal cases, family law cases, etc.). These are presided by District

¹ Link: Article 24/26 cases (ilo.org)

² European Court of Human Rights, *Hingitaq 53 v. Denmark*, 18584/04, 12 January 2006, page 18 and 20. See also the Danish Institute for Human Rights’ letter of January 22, 2016, to the Secretariat of the UN Permanent Forum on Indigenous Issues (UNPFII) re. request for information on indigenous peoples in Denmark (link: <https://www.un.org/esa/socdev/unpfii/documents/2016/National-HR/response-Denmark.pdf>).

Court judges who are fluent in both Greenlandic and Danish, and the vast majority of their cases are conducted in Greenlandic.

For further context, the Court of Greenland is composed of 3-4 legally trained (and at the moment only Danish speaking) jurists while the District Courts are made up of a total of 12 bilingual District Court judges.

Re paragraph 63:

Regarding the statement: “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.”

The Administration of Justice Act for Greenland only stipulates that the official languages of the courts are Greenlandic and Danish and do not contain specific provisions as to which legal documents must be translated.

If, in a civil case, one of the parties does not understand the legal documents in the language in which they have been submitted by the opposing party, or the court transcripts, s/he can request, and the court will accommodate, that these be translated.

It is correct that most legal documents and written evidence submitted in criminal cases by the prosecution are in Danish. However, before an indictment listing the charges is sent to the court, it is normally translated into Greenlandic. Moreover, the public defenders – who have access to the evidence before the trial, which is not the case for their clients, the defendants – all speak Danish. Should a public defender not speak Danish, s/he could request that the documents be translated. In addition, all evidence to be relied on by the court is orally presented during the trial, and this oral presentation is translated in cases where the defendant does not speak Danish or where the defendant requests for it to be translated.

There is never a situation where a case proceeds despite some of the legal documents or evidence in the case not being understood by one party. Finally, the verdicts of the court are always translated when requested.

Re paragraph 64:

Regarding the statement: “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 Inuit judges and public defenders.”

While the Greenlandic courts do make use of lay judges, these must be distinguished from the District Court Judges who preside in all District Court cases.

Lay judges are civilians who are not employed by the courts but only receive payment for their support in individual cases, and they do not receive two years of legal training. Their role, as in other similar jurisdictions, is to support the presiding judge in criminal cases in reaching a verdict, thereby continuously ensuring that the verdicts issued by the courts are in keeping with the general sense of justice of the population.

The District Court judges are not required to (and at present do not) have a formal legal education, but they undergo 2½ years of legal training provided by the Court of Greenland which focuses on substantive and procedural law for the types of cases they will be presiding over as District Court judges.

Re paragraph 64:

It would be beneficial to clarify “culturally appropriate measures” as stated in the paragraph 64.” The Special Rapporteur recognizes the effort of the Greenland Police Academy to recruit Inuit persons; however, the gap is still in place and more culturally appropriate measures are needed.”

Re paragraph 64:

Regarding the statement: “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.”

While the challenge of ensuring "equality of arms" is certainly an issue, this statement is misleading as it appears to assume that prosecutors are always legally trained, which is incorrect. Unless the criminal case is of a certain severity or magnitude the prosecutors are normally police personnel without a legal background, even in cases where the counterpart is a legally trained public defender.

Re paragraph 65:

The Prison and Probation Service in Greenland has trained psychologists as well as an experienced psychiatrist working as a psychiatric consultant. They are responsible for assessing the individual development concerning inmates sentenced to an indeterminate sentence (in Danish "forvaring") in order to propose progressive changes during the time served if this is deemed safe.

Health care in detention facilities, including psychiatric treatment, is an area under the responsibility of Greenland, since Greenland has taken over the health care system. The detention facility thus facilitates that the Greenlandic health care services have access to provide health care to inmates.

If an inmate has psychiatric needs that require admittance to hospital, the inmate is treated at the psychiatric hospital ward in Greenland. There is, however, no closed psychiatric ward in Greenland. Consequently, inmates may be referred to a closed forensic psychiatric ward in Denmark due to limited psychiatric capacity in Greenland.

Re paragraph 66:

As a general remark, the concept of "prisons" is not used in the Greenlandic justice sector or legislation.

The detention facility in Nuuk opened in 2019. It is not only designed for high-security inmates, but it has a closed-regime section with a capacity for 40 inmates, mostly for inmates with an indeterminate sentence (in Danish "forvaring") or persons remanded in custody. The facility also contains an open-regime section with a capacity for 36 inmates.

Furthermore, the detention facility in Sisimiut (one of the six facilities) is only for persons remanded in custody, i.e. who are not allowed to conduct daytime activities outside the facility.

Re paragraph 67:

A life sentence does not exist in the Criminal Code, but more than 20 pct. of convicted criminals in Greenland have an indeterminate sentence (in Danish "forvaring"), whereas 4 pct. of convicted criminals in Denmark are sentenced to either a life sentence or an indeterminate sentence. The maximum sentence, cf. Art. 147 the Criminal Code, is 10 years placement in an institution.

As for the statement: "The Special Rapporteur was informed of the high rate of incarceration and recidivism and the **lengthy procedures for criminal cases in Greenland compared with Denmark.**" Denmark is not aware that the procedures for criminal cases are lengthier in Greenland than in Denmark and would like to enquire about the source of this statement. Statistics regarding the length of procedures for criminal cases are available on the webpage domstol.dk.

And for the statement: "Even if the Criminal Code of Greenland does not contemplate a life sentence among the 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, while in Denmark, the percentage of those serving life sentences or indeterminate terms is only 2 per cent."

The Court of Greenland is unaware of the basis of these statistics.

The courts can, however, for serious crimes where the defendant is considered to pose a continuous threat to the safety and security of others, issue custodial sentences of an indefinite length (cf. Art. 161). It is the responsibility of the prosecution service to ensure that such sentences are only upheld as long as necessary. The prosecution service must raise the question of parole before the court no later than 3 years after sentencing and every

second year thereafter. If a person has been reinstated, the sentence is subject to review by the courts after 2 years and every second year thereafter (cf. Art. 162 paragraph 4).

**Government of Greenland
Ministry of Foreign Affairs and Independence
27 September 2023**

Greenland's Comments to the report of the Special Rapporteur on the rights of Indigenous Peoples (A/HRC/54/31/AA.)

General comments:

The Government of Greenland thanks the Special Rapporteur on the rights of Indigenous Peoples, Mr. José Francisco Calí Tzay for his visit to Greenland (and Denmark) and for his report thereon. The conversations during his visit in Greenland as well as his report contribute to debates in Greenland on the future we want as well as pointing to pertinent shortfalls and challenges in ensuring a just and equal society where everyone can enjoy their human rights without discrimination of any kind.

Most importantly, the report is a welcome reminder of the need for debate and analysis both in Greenland and internationally of how the fulfillment of principles and standards of international human rights instruments pertaining to Indigenous Peoples can be adapted and applied to situations with extensive self-government or autonomy, such as in Greenland, where the Act on Self-government legally recognizes the rights to self-determination under international law.

Re. paragraph 1:

The reference to "Inuit Indigenous Peoples" is in plural. There is only one Inuit People in Greenland (and in Denmark (the Kingdom of)) that is the Kalaallit (Greenland Inuit). Please also see comment under paragraph 6.

II

Re. paragraph 5:

For further clarification, it should be underlined that territorial declarations exempting Greenland from the international treaties are made by the Kingdom of Denmark upon decisions of the Government of Greenland. Decisions to lifting the territorial exemption are also taken by the Government of Greenland and ratified by the Inatsisartut – the Parliament of Greenland.

Re. paragraph 6:

In regard to the Joint declaration by the then Greenland Home Rule Government and Denmark, delivered at the time of Denmark's ratification of ILO Convention no. 169, "that Denmark has only one Indigenous People in the sense of the Convention", the Government of Greenland is not in agreement that this declaration is contrary to international human rights standards on Indigenous Peoples, including on relying on the right to collective self-identification as the primary criterion for their recognition.

The people of Greenland Kalaallit – Greenland Inuit is one people – and identify as such. We believe that the opinion of the Special Rapporteur has been informed by his perception that there are three major groups or people in Greenland, rather than one people speaking Kalaallit that has three major dialects. A disregard for the collective self-identification of Kalaallit – Greenland Inuit- overlooks the democratic processes of decolonialization and nation building in Kalaallit Nunaat - Greenland through its democratically elected institutions. As regard, the Joint declaration, reference should also be given to the decision of the ILO Governing Body to adopt the report and opinion of the "Tripartite Committee set up to examine the representation alleging non-observance by Denmark of the ILO Convention no. 169."

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:50012:0::NO::P50012_COMPLAINT_PROCEDURE_ID,P50012_LANG_CODE:2507219,en

Re. paragraph 7:

Rather than writing “Greenland is a self-governing territory of Denmark” it would be more correct to write: Greenland is a self-governing country within the Kingdom of Denmark.

In regard to the people of Greenland, the Government of Greenland once again underlines that there are three major dialects of Kalaallisut (the Greenlandic language): Kitaamiusut, spoken in the lower latitudes of West Greenland, Inuktun/ Avannersuarmitut spoken in the Northern most latitudes of West Greenland and Ivi orasii/Tunumiusut spoken in East Greenland.”. Please also see comments to paragraphs 1 and 6 in the above.

Re. paragraph 10:

The coordinating function of the High Commissioner is primarily within matters under Danish competence. Most of the coordination between the Government of Greenland and the Government of Denmark takes place between line ministries while the overall coordination role rests with the respective Offices of the Prime Ministers.

III

A.

Re. paragraph 15:

While it is correct that specialized medical treatment and care, including for persons with disabilities as well as access to the full breadth of disciplines within tertiary education, still remain limited in Greenland it does not mean that there exists a legal obligation to go to Denmark in order to avail of such opportunities. When students who wish to pursue tertiary education in Denmark, their student allowances/ grants and travel costs are covered by the Government of Greenland, while they enjoy free tuition. Referrals to specialized medical treatment and care are also at the expense of the Government of Greenland.

Re. paragraph 16:

As a continuation of paragraph 15, it is worth noting the role of the four Kalaallit Illuutaat (sg. Kalaallit Illuat- The House of Kalaallit”) in each of the four major towns in Denmark. The funding of the Greenlandic houses, that are individual legal entities, is secured from the local host municipalities, private donations and grants from the fiscal budget of the Government of Greenland (approx. 20 million DKK annually). The primary role of the houses is to administer counselling for Greenlandic student in Denmark, to assist persons in need (Greenlanders permanently living in Denmark) in their encounters with the Danish social services and to serve as a cultural community house / gathering place for Greenlanders living in Denmark.

C.

Re Paragraph 33:

The Overseas Association Decision” was replaced with “Decision on the Overseas Association, including Greenland” with Council Decision (EU) 2021/1764 of 5 October 2021.

Re. paragraph 35:

As stated earlier the people of Greenland is one people- Kalaallit. See also comment below in paragraph 36

Re. paragraph 36:

It should be noted that Kalaallit - Inuit of Greenland, is in control of all its democratically elected central institutions, Naalakkersuisut – the Government of Greenland, Inatsisartut – the Parliament of Greenland and its five local municipal councils as well as the smaller “hamlet/ settlement councils”.

A complex institutional system of public hearings and consultations are in place for Greenland wide legislative initiatives and administrative acts pertaining to all the competence areas of Greenland. For any decisions that has a more localized impact or effect, there are inbuilt safeguards to ensure that the local population are being heard and can submit their objections E.g. in zoning plans and laws (including on the allocation of building sites for all purposes – housing, production sites, mineral exploration and

exploitation etc.), for mineral exploration and exploitation there are obligations to conduct Environmental and Social Impact studies with specific attention to the participation of the local communities potentially most affected. In relation to fisheries and hunting, institutions, such as locally elected Fisheries Councils and Hunting Councils, exist with strict obligations to ensuring and reflecting the views of those most affected. Though, this institutional system of public hearings and consultations, do not differentiate on basis of ethnicity (between Inuit and non-Inuit), the fact that Inuit are in majority ensures that Inuit are fully consulted on all government initiatives both at a Greenland wide-level and at local municipal and hamlet level.

Though there is an openness to discuss possible improvements e.g., on the length of the hearing and consultation phases, it is the opinion of the Government of Greenland that these institutional systems (or rather these institutional mechanisms) comply with the FPIC principles of both UNDRIP and ILO 169. It should also be born the mind, that norms and standards for FPIC protocols are intended for countries and situations where the Indigenous Peoples themselves are not in democratic control of the decisions affecting them.

Re. paragraph 37:

The Government of Greenland does not agree entirely with the statement that "The centralization of bureaucracy and decision-making is inefficient in reaching all settlements and addressing their specific requests and needs". First of all, it is important to bear in mind that there is a high degree of devolution from the national level to the level of municipalities as well as to the local hamlet/ settlement councils. Secondly, albeit that the size and level of bureaucracy and its efficiency can be debated (and which they are in Greenland), the bureaucratic make-up and the administrative procedures are in place to ensure good governance, the respect for equal rights and freedoms and the rule of law. The enormous distances in Greenland, with more than 70 populated towns and settlements and the often very harsh climatic conditions should be taken into account when assessing the efficiency of the political institutions and the administration in Greenland.

Re. paragraph 38:

The development of the existing Greenlandic Inuit institutions has had overwhelming public support of the general population in Greenland, both with the advent of Home Rule and later with the advent of Self-government. As also discussed in the paragraph above, the efficiency and effectiveness of the government to accommodate to specialized and very localized needs and conditions can always be debated and they should. The Government of Greenland agrees firmly with the third preambular paragraph of the draft constitution for Greenland which was just published in June of this year: "*Inuit is the indigenous people of our country. From here comes our unique cultural distinctness, our history, our heritage and our strength. This must never be forgotten and must be celebrated, honored, respected and protected at all times. It is our wealth; it is our responsibility.*"

D

Re. paragraph 43

Comment under paragraph 36 also applies to this paragraph.

It should be noted that the decision to extend the airport in Nuuk was taking in accordance with processes described under paragraph 36 and where the original initiative came from municipal level following extensive democratic debates and hearings. In regard to the Arctic Circle Road between Sisimiut and Kangerlussuaq, no decision has been taken to date. The initiative comes from the municipality of Qeqqata. A range of legal and financial issues has to be clarified and settled before a proposal to establish such a road can be considered.

Re. paragraph 44:

It is stated, that the Special Rapporteur calls upon the Government of Greenland to adopt adequate mechanisms to implement the rights of Indigenous Peoples regarding the Government's uranium moratorium. However, it should be clarified that the Government of Greenland is the democratically elected government of the Indigenous People of Greenland – the Kalaallit / Greenland Inuit. Thus, the moratorium is to be seen as an expression of the

will of the Indigenous People of Greenland. Therefore, it seems contradictory to call upon the Government of Greenland to take measures to implement the rights of Indigenous People, when the moratorium is in fact drafted by the Indigenous People itself.

Re. paragraph 45-46:

See comment under paragraph 36. When it comes to environmental safeguards, please see comments under 94 (a) pertaining to the Aarhus Convention.

F

Re. paragraph 52:

The data of this reference (source 19 “Greenlandic Perspectives on Climate Change p. 60), is misinterpreted. “A majority (76%) of families in Greenland get either some (44%), half (16%), most or all (16%) of their food from wild foods they hunt, fish or gather.”

Re. Paragraph 57

The cited source (A/HRC/39/48/Add.2.) describes the effects of climate change and pollution on human health in the Arctic in very broad terms, and should therefore be read as such.

Re. paragraph 61:

It is to be noted, that a free travel zone has not been established yet, but that the issue of increased mobility is of great interest to the Government of Greenland, and is expected to be discussed further in the near future.

Re. paragraph 71

For Greenland: a new gender equality and anti-discrimination law will be presented to Inatsisartut in late 2023, which ensures the protection against discrimination based on gender, pregnancy, maternity leave, sexual orientation, gender identity, gender expression, gender characteristics, race, skin color, national, social or ethnic origin, disability, age, political view, religion or belief, both within and outside of the labor market. To further enhance protection, an independent appeals board will be established, offering an alternative to the court system. The Greenlandic Government is committed to improve citizens’ rights and equality, promoting a fair and inclusive society.

Re. paragraph 79

In September 2023, the Government of Greenland issued its strategy for suicide prevention “Qamani” (meaning “in here” or “within”). The strategy, which will be applied for the years 2023-2028, has the main objectives of ensuring that everyone knows where to get help and that help is accessible. At the same time, the strategy will ensure the availability of quality initiatives and enhanced cooperation within communities for prevention. Lastly, the strategy will focus on eliminating the taboo around suicide and provide tools for talking about suicide. The preparation of the strategy involved, inter alia, professionals, civil society organizations, including youth focus groups.

It should also be mentioned that Greenland has a countrywide helpline where persons in distress and at risk of suicide can call 24/7 for help in their preferred language. The phone number of this help line is 801180 (+299 801180).

J

Re. paragraph 82

The Special Rapporteur expresses his concern that “a large number of settlements do not have access to water and sanitation, which is particularly challenging for persons with disabilities”. In principle, all settlements in Greenland have access to water and sanitation. It is the duty and responsibility of the municipal authorities to provide for water and sanitation services. However, in most of the more than 50 settlements as well as in parts of some of the 16 towns there is no piped water and flush toilets in private homes. Ensuring piped water and sewage systems in Greenland is extremely costly and challenging in a climate where temperatures reach below zero Celsius for many months of the year. Water has to be fetched at local tap-stations and the municipal services collect and empty the

portable toilets at regular intervals from the private homes. In addition, most settlements have access to communal public service houses with bath and laundry facilities. The Government of Greenland is keenly aware of the continued need to ensure equal access of services for persons with disabilities.

Re. paragraph 84:

There are no clear comprehensive statistics on the number of persons with disabilities in Greenland. Statistics published by the Ministry of Social Affairs show that 1542 persons in 2016-2017 received support from their municipality because of one or more disabilities, and for 2018-2019 that figure was 1131.

A survey from 2020 shows that nearly one-fifth of the Greenlandic population identify as having one or more disabilities.

Re. paragraph 85:

There has been legislation in place on support for persons with disabilities since 1979. The new amended law on support for persons with disabilities came into force in 2020.

Re. paragraph 86:

Persons with psychosocial/ mental disabilities have equal rights to support as all other person with disabilities.

Re. paragraph 89:

In reference to the case of sexual assault mentioned, it should be noted that prompt action was taken to investigate the case and to bring the offender to justice and ensure compensation and rehabilitation for the victim. Furthermore, preventive guidelines have been developed for staff working in care homes to ensure the safety and physical and mental integrity of persons living in care homes.

Re. paragraph 90:

The Constitutional Commission of the Inatsisartut (Parliament of Greenland) published its report containing a draft constitution for Greenland in June of 2023. The draft constitution in its preamble, whose first paragraph start out with the words: "Uagut, inuiaat Kalaallit" - We, the Greenlandic people, states that Inuit is the Indigenous People of the country. International human rights and international rule of law are firmly embedded in the operative paragraphs of the draft constitution. The draft constitution can be found on the following link:

https://tunngavik.gl/emner/publikationer/forfatningskommissionens-betaenkning?sc_lang=kl-gl

The work and the report, including the draft constitution has been submitted to Inatsisartut that will take a decision on how to further the work in establishing a constitution for a sovereign state of Greenland. In addition, it should be mentioned that the Government of Greenland on 26 September 2023 established (with the endorsement of Inatsisartut (the Parliament)) a specific ministerial portfolio on "Independence". The new portfolio has been added to the portfolio of the Minister for Foreign Affairs.

Re Paragraph 93

(a)

Re. the Paris Agreement: The Government of Greenland has put a proposal to the Inatsisartut/ the Parliament on the lifting of the territorial exemption for Greenland of the Paris Agreement. Parliament will discuss the proposal during the autumn session of this year 2023.

Re. the Aarhus convention: While Greenland is not presently a party to the Aarhus Convention, the rights and principles reflected in the Convention have already been incorporated into Greenlandic environmental law to a significant degree. This includes access to environmental information held by public authorities; public participation in environmental decision-making; and access to justice, i.e., the right to appeal environmental decisions including, but not limited to, cases where it is alleged that

access to environmental information or public participation in decision-making has been curtailed.

It should also be noted that Greenland has previously carried out an in-depth analysis of the legislative and administrative consequences of a full implementation of the Aarhus Convention. Based on this analysis, it was concluded that a full and formal implementation of the Aarhus Convention would result in a significant and undue administrative burden in light of the fact that Greenland is already in substantial compliance with the Convention.

(b)

Please see comments under paragraph 6

Re. paragraph 94:

As mentioned under paragraph 91, the Government of Greenland is soon to present to the Parliament (Inatsisartut) a draft legislation on the prohibition of discrimination in Greenland. The draft law will cover all grounds of discrimination and provide for a complaints body.

(c)

In Greenland, there is a general awareness of the ILO Convention no. 169 and the UN Declaration on the Rights of Indigenous Peoples. The Government of Greenland is fully committed to the human rights standards of these two instruments. Greenland welcomes a debate on how the standards of these instruments can be adapted to a situation where a country like Greenland has extensive self-government with a recognized right of self-determination as is stipulated under the Act of Self-Government.

Re. paragraph 95

(b)

The then Minister of Health, Mimi Karlsen, sent out a press release on 12 December 2022 where she encouraged women who had received intrauterine devices (IUDs) after 1991 without their consent to notify their experience to the Greenlandic health authorities.

<https://naalakkersuisut.gl/Nyheder/2>

The notified cases are now investigated by the Greenlandic authorities and the necessary legal initiatives taken.

Re. Paragraph 97 (a-c) and paragraph 101 (a-b):

Please see comments under paragraph 36
