

UPR Hearing on Human Rights, 27 May 2015

Summary

Margretha Nónklett, Adviser at the Foreign Service, welcomed the guests and described the structure and process of the UPR

Jonas Christoffersen, Executive Director of the Danish Institute for Human Rights, described the important role of citizens and interest groups in such a process

After this, the interest groups and organisations that had signed up for the hearing presented their views.

Amnesty International in the Faroe Islands:

Kátrín á Neystabø (KáN), Secretary General of Amnesty International in the Faroe Islands (AI), was thankful for the opportunity to present AI's standpoints. KáN noted that it would have been better if the hearing had taken place earlier, especially when taking into consideration the short notice for shadow reports.

KáN said that AI had submitted a written contribution to the public hearing and is considering whether to also submit a shadow report.

KáN explained that in preparing its submission, AI had focused on the international agreements that apply to the Faroe Islands. Due to the limited resources of the Faroese section, AI had used reports published by other AI sections in the Nordic countries as its starting point. Most of the time, the human rights issues in other Nordic countries are largely comparable to the ones in the Faroe Islands.

AI highlighted six areas of importance. KáN emphasised that several other topics would have been relevant to focus on, e.g. children's rights, but that other organisations also work on these areas.

The six areas that AI drew attention to were:

- The need to amend the penal code - the section on rape needs to be updated

- The need to amend the procedural code - there is a lack of time limit to remand custodies
- The need to amend the marriage law - to also apply to two people of the same sex
- The UN Convention against Transnational Organized Crime (including the Optional Protocol on human trafficking) - should be implemented in the Faroe Islands
- An independent complaints unit to review the police force - should be established
- CIA air traffic in Faroese airspace - the participation of the Danish Kingdom should be investigated

LGBT Faroe Islands

Katrin W. Bærentsen (KWB), Member of the Committee in LGBT, was thankful for the invitation. She welcomed the opportunity to present the organisation's standpoints but noted that it was shocking that homosexuals, bisexuals and transsexuals are still identified as some of the weakest members of Faroese society and are made to feel like strangers in their own country. KWB reminded the audience that thousands of Faroese people support LGBT Faroe Islands and that these people can no longer be silenced.

KWB emphasised that all rights not yet secured for LGBT people are equally important to the organisation. LGBT has therefore decided to highlight a series of issues to draw attention to the current status and reality for LGBT people in the Faroe Islands. All of the issues concern rights that have been secured in neighbouring countries:

- The marriage law - homosexuals cannot get married in the Faroe Islands
- Adoption - same sex couples cannot adopt children in the Faroe Islands
- Insemination - homosexual women cannot get public support for artificial insemination
- Blood donation - homosexual men cannot donate blood in the Faroe Islands
- Legal gender reassignment - transgender people cannot change the legal identification of their gender in the Faroe Islands
- Gender reassignment therapy - access to medical advice on gender identity and the possibility for gender reassignment therapy/surgery are not good enough
- Hormone therapy - hormone therapy for transsexuals is not allowed in the Faroe Islands
- Transsexualism and mental illness - the Danish/Faroese healthcare system classifies transsexualism as a mental illness
- HPV vaccination for boys - homosexual men, bisexual men and men, who have sex with men, are not protected against HPV in the same way as women because they do not have the right to the HPV vaccination
- Anti-discrimination legislation - the Faroe Islands lack anti-discrimination laws

The Organisation for Persons with Disabilities

Tóra við Keldu (TvK), Chair of the Organisation for Persons with Disabilities (OPD), was thankful for the opportunity to present the organisation's assessment of human rights issues for persons with disabilities in the Faroe Islands.

TvK explained that OPD submitted a shadow report to the UN in 2014. It described some of the issues highlighted in the UN Convention on the Rights of Persons with Disabilities which the Faroese Government has yet to address and implement policy on in a sufficient manner. OPD also participated in the hearing and presented the most important issues of concern for the organisation in the shadow report to the UN committee.

With basis in the UN Convention on the Rights of Persons with Disabilities, OPD emphasised the following issues:

Article 33 - Implementation and monitoring:

- The Government should establish and finance an independent human rights office tasked with protecting the interests of persons with disabilities. The Council for Persons with Disabilities should be reorganised as an independent council with 16 members.

Article 4 - Public obligations:

- The Government should implement disability policy with emphasis on cross-sectoral consistency and cooperation.

Article 30 - Participation in cultural life, recreation, leisure and sport:

- It is necessary to find a solution so that people with deafness and other hearing impairments can access all programmes produced by the Faroese Broadcasting Corporation.

TvK reminded the audience of the UN committee's conclusions after the last hearing on the disability treaty and noted that OPD expects the conclusions to be included in the Government's UPR report.

At the end of the presentation, TvK argued that to achieve societal change Faroese people must work together to secure equal rights for everyone and to enable everyone's daily lives to be as active as possible.

Pro Vita:

Maria Forrestal (MF), Coordinator of Pro Vita, was thankful for the opportunity to present her organisation's standpoints. She emphasised that it was not the intention to offend anyone and apologised if this was the case.

MF pointed out that, in March 2015, the UN Committee on the Elimination of Discrimination against Women (CEDAW) concluded, among other things, that Faroese abortion law needs to be reviewed. The Committee also raised questions about the healthcare provided to women in the Faroe Islands and Greenland.

MF explained that Faroese abortion law permits the performance of abortion under several very loosely defined circumstances, including 16 weeks into pregnancy, i.e. 4 weeks later than in Denmark.

MF emphasised the following standpoints:

Abortion is not a human right.

- Abortion is not defined as a human right in any human rights convention. On the contrary, abortion is the conscious killing of healthy unborn humans. To perform abortion is to discriminate.

Abortion is not healthcare.

- There is a fundamental difference between abortion and necessary medical treatment, where the purpose is to save a mother's life, even in such cases where the treatment leads to the death of her unborn child. In contrast to this, the purpose of abortion is to terminate life.

Abortion endangers women's health

- Research shows that in most cases abortion happens because the mother feels pressured or directly forced to go through with it because she is let down, lacks information and support, and/or lives in fear or poverty.
- Research shows that women that have had an abortion are at greater risk of committing suicide, developing breast cancer and that they have a higher death rate. Research also shows that miscarriages, preterm births and other female health issues are more common after an abortion.
- Relationship problems and mental health issues after an abortion (post abortion trauma) are widespread, and several women and men - also in the Faroe Islands - go through severe suffering because of abortion.

Abortion is not a solution.

- People need more information and support before making the decision get an abortion.
- We need to foster hope and recovery for the women and men that have been hurt by abortion.

- People that deny women information and healthcare and people that use violence or force and, in this way put the lives and health of women and their unborn children at risk, should be punished.

Public discussion and summary

Several people took the opportunity to contribute to the discussion. This summary is organised by topic and not by who said what.

Many people were grateful for the opportunity to present their views at the hearing as well as the opportunity to send in written remarks after the meeting to info@tinganes.fo. However, one participant questioned whether it was sufficient to just have a meeting in Tórshavn and not elsewhere in the country. This person also questioned whether all the relevant organisations had been invited to the hearing.

Early retirees cannot move freely between the Faroe Islands and Denmark

One listener told the audience about her son with Asperger syndrome who has been living in Denmark. Faroese authorities decided that he should move back to the Faroe Islands, but now he wishes to move back to Denmark. The problem is that early retirees cannot just move between the Faroe Islands and Denmark. However, the man would have been able to move to Sweden. The problem therefore lies between Faroese and Danish authorities.

The listener argued that it is a violation of human rights when certain people are not afforded the right to move freely between countries. The situation violates articles 18 and 33 in the UN Convention on the Rights of Persons with Disabilities. Nevertheless, both Faroese and Danish authorities claim that they are unable to do anything about the situation. The listener also noted that there is no complaints procedure for such cases.

Forced removal

One listener told the audience about her daughter, who had become pregnant in Denmark. Danish authorities had recommended that she get an abortion. The woman did not want an abortion and moved to the Faroe Islands. Soon after giving birth, the child was removed from its mother without the mother having been offered any help. Since then, the child has been transferred backward and forward between different public institutions. The mother is in a very poor condition because of this treatment. The listener asked why there is no Children's Representative in the Faroe Islands since such a figure would have been able to help the family with this case.

Another listener pointed out that the Parliamentary Ombudsman has been given authority to act as the Children's Representative.

One listener questioned the reason for not offering abortion on demand in the Faroe Islands when the authorities remove the children from their mother anyway. This

person emphasised that authorities should help mothers in need rather than take their children away from them.

Sign language should be recognised as an official language

One listener told the audience that, for deaf people, sign language is the native language. Despite this, sign language is not recognised as an official language in the Faroe Islands and there is no language council tasked with protecting and developing Faroese sign language.

Another listener reminded the audience that one of the conclusions of the UN Committee on the Rights of Persons with Disabilities was precisely that the Faroese Government should recognise Faroese sign language as an official language.

Marriage is an institution for a man and a woman

One listener said that he represented the segment of the Faroese population that does not think that marriage should be extended to two people of the same sex. This person said that children have a God-given right to their own mother and father and that it would have unmanageable consequences for Faroese society if two people of the same sex could enter into matrimony. This person also referred to the UN Convention on the Rights of Children, which asserts that children have the right to their own parents and to receive care from them.

Discrimination in connection with services to persons with disabilities

The chair of the meeting read out a letter from a relative to a person with Parkinson's disease. The letter had been written in consultation with the Faroese Parkinson's Organisation. It concerned a person that was very physically disabled because of his disease. He had been offered a place in an exercise team that provides relevant treatment. However, the person was unable to take the bus to the exercise location due to his disease, so he had to take a taxi.

An application had been submitted to the municipality's Social Department asking for the man to become a member of the National System for Special Transportation, enabling him to use the OPD bus at a reasonable price. He was denied membership on the grounds that he does not use a wheelchair. An appeal was sent to the Minister of Social Affairs, but it was also denied on the grounds that the man is not a wheelchair user.

This person and his relatives have been left perplexed that there exists such discrimination against persons with disabilities. There is no point in offering treatment opportunities if the disabled person is unable to travel to the location of the treatment. The letter drew attention to Article 20 in the UN Convention on the Rights of Persons with Disabilities which asserts that State Parties should facilitate the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost.

One listener emphasised that the purpose of the OPD bus is to facilitate mobility for persons with disabilities. A representative for OPD pointed out that the so-called OPD bus does not exist anymore. Tórshavn Municipality has assumed responsibility for the service, which is now called the National System for Special Transportation.

International legislation should supersede national legislation

One listener argued that the Danish judicial system does not obey the principles of international law and that this is being used as an excuse for not updating the procedural code in the Faroe Islands. This person pointed out that international human rights legislation always supersedes national legislation but that the problem is that Denmark does not acknowledge this reality.

Immigration and racism

One listener told the audience that she was an immigrant and had been shocked to witness the recent discussion on social media on refugees. All refugees are described as Muslim and all Muslims are branded as representing Islamic State. Before this discussion, she had not considered racism to be a serious problem in the Faroe Islands, but the discussion was evidence that there is a lot of racism in the Faroe Islands. Another listener argued that there was a need for better coordination of the teaching of Faroese language to foreigners. Yet another listener added that Faroese authorities should consider translating relevant material to other languages so that newcomers, who cannot speak Faroese, can access necessary information.

Conclusions of the UN committees

One member of the audience suggested that the Faroese Government publishes a summary of when reports are to be submitted to the UN and when hearings take place. The summary could also explain where to find the reports and conclusions from the UN hearings and how to follow up on the conclusions. It was also suggested that the website of the Prime Minister's Office states who in the Government is responsible for the different areas.

Establishment of a Faroese human rights institute

One listener noted that we must work to secure equal rights for everyone in the Faroe Islands. Everyone is of equal value, but not everyone is in the possession of equal opportunities. This person said that the hearing had uncovered a lot of interesting facts, which show that human rights are not sufficiently secured in the Faroe Islands. This person argued for the need to establish a human rights institute in the Faroe Islands but emphasised that Faroese people themselves must take the initiative to establish such an institute.

Another listener agreed with the need to establish a separate Faroese human rights institute, especially in light of the important differences between the Faroe Islands and Denmark.

One listener recommended that a future human rights institute be combined with an existing governmental institution, such as the office of the Parliamentary Ombudsman, in order to prevent the institute from becoming a small, weak institution. Combining the institute with another institution would also enable the institute's employees to become part of a bigger professional environment. The listener pointed out that the human rights field is so complex that 2-3 employees alone are not enough to perform all the tasks.

Another listener disagreed with the view that a future human rights institute should be combined with the Parliamentary Ombudsman on the grounds that the Ombudsman's primary task is to investigate the administration.

One listener asked what the Danish Institute for Human Rights recommended. Jonas Christoffersen responded that Faroese authorities need to work out what the best solution is for Faroese society. JC explained that there are many different ways to organise a human rights institute. In Finland they have a human rights department that is administratively combined with the Ombudsman's office. In Norway they have a cross-disciplinary department that is part of the University of Oslo. The department's status as an independent human rights institute is currently under review. In Iceland they have the Icelandic Human Rights Centre, but this cannot be regarded as a human rights institute as the centre's authority and independence are not legally stipulated.

The following remarks were submitted to the Foreign Service after the hearing

Discrimination in connection with services to persons with disabilities

After the meeting, one listener explained that immigrants without Danish/Faroese citizenship are discriminated against when it comes to public allowances relating to deafness and blindness. They only get a fraction (1/8) of the financial support that people with Danish/Faroese citizenship receive. The reduced level of support also affects them later in life as the amount of support provided by the joint and several pension fund is reduced accordingly.

Written commentary on the right to abortion

One letter submitted to the Foreign Service explained that the Faroe Islands together with Ireland is the only country in our part of the world which does not allow abortion at the request of the pregnant woman. The abortion discussion is ignited every now and then in the Faroe Islands, but it is such a sensitive topic that it seems like politicians - even female politicians that support abortion on demand - are afraid to join the discussion.

Currently, it is only possible to perform abortion in cases where the woman has been raped, the woman's health is in danger, or the foetus is at risk of developing serious genetic diseases. Therefore, if a Faroese woman wishes to get an abortion (but does not meet any of these criteria), she has to travel to Denmark to get it done.

Even though the Faroe Islands have signed the CEDAW treaty, which stipulates among other things that:

- Everyone has the right to decide the number and spacing of their children;
- Everyone has the right to get advice and information on sexual and reproductive rights;
- Everyone has the right not to be discriminated against in the healthcare system.

Faroese women do not have the right to decide and plan on their own when to have children and how many children to have.

It is important for the personal, social and economic progress of the Faroe Islands that Faroese women are secured the right to make their own decisions on the timing and number of their children. In order for this right to be secured, we need to legalise abortion on demand in the Faroe Islands.

Written commentary on the suppression of freedom of speech

One letter submitted to the Foreign Service explained that many Faroese people have been subject to miscarriages of justice. The sender hoped that the UN would rectify these circumstances in the future so that human rights also apply in the Faroe Islands. The sender also expressed discontent with the short deadline for submitting written commentaries.

Although freedom of speech has been a constitutionally guaranteed right since 5 June 1849, one Faroese editor and his paper are continually prosecuted by authorities. This editor is the journalist in the Danish Kingdom who has served the longest time in prison for newspaper content.

In the eighties he was sentenced for exposing corruption. Even though it later turned out that his accusations were correct - and authorities admitted this - neither an apology nor compensation were even considered. The persecution continued without hesitation.

Now the accusations against the journalist are of a different nature. Now he is being convicted of citing the views of other people. Even though these people are fully prepared to stand by their words, they are not allowed to present their views in court and action is instead brought against the editor. The editor is being convicted despite the fact that both Danish law and the European human rights treaties (implemented in the Danish state) stipulate that sources may be cited without the journalist being convicted for what they say. His appeals have been denied by the court.

His appeals have also been dismissed by the European Court of Human Rights (ECHR), and top experts believe this is can only be because of Danish pressure.

It is an on-going problem that Faroese and Greenlandic appeals submitted to ECHR in Strasbourg are not treated. Faroese and Greenlandic cases disappear in the big pile of Danish appeals. For this reason, the numerous violations of human rights in the Faroe Islands and Greenland are left unregistered and dismissed without explanation. This is also a breach of human rights as all dismissals require an explanation.

The editor has also been discriminated against in other ways. He was sentenced to 30 days in prison without a defence since his lawyer no longer wished to defend him. In a different conviction, the court refused to appoint a competent lawyer - even with confirmed banker's guarantee.

Moreover, the editor has been sentenced to 60 days in prison on the basis of an illegal conviction. He has since been reconvicted by the same judges that have convicted him before and have reused their previous convictions as a basis for new convictions. This is illegal and a violation of human rights. The Danish court has also acknowledged that

documents have been removed from the editor's case before its hearing in the high court. This has happened twice. The likelihood that it has happened on more occasions cannot be eliminated.

The editor has been convicted for citations by named sources several times and this is not in accordance with UN agreements.

One of the problems is that legislation is not being updated in the Faroe Islands. The Danish court does not obey international law. Jury sessions only take place once in the judicial treatment of a penalty. Moreover, there are no open prisons in the Faroe Islands, which furthermore are affected by paedophiles and rich people that are not brought to court.

Written commentary from the Deaf Association

The written submission from the Deaf Association (DA) argued that it is a human right that Faroese sign language is recognised as equivalent to spoken Faroese and that all programmes broadcast by the Faroese Broadcasting Corporation are interpreted to sign language. DA pointed out that the UN committee that oversees the Convention on the Rights of Persons with Disabilities has also recommended that the Faroese Government implements these policies.

The recognition of Faroese sign language:

Few people in the Faroe Islands are aware that we have two distinct languages: spoken Faroese and Faroese sign language. Spoken Faroese is officially recognised and a language council is responsible for developing and protecting the spoken Faroese language. Most of our neighbouring countries have recognised their native sign language as the language of the deaf and thus an official language. They have passed laws that ensure that a language council is responsible for protecting this particular language. This opportunity has not been granted to Faroese sign language which is therefore not legally protected or cared for.

Signing of programmes broadcast by the Faroese Broadcasting Corporation:

Programmes produced and broadcast by the Faroese Broadcasting Corporation reach all citizens in the Faroe Islands, including those that use sign language. Steps are therefore needed to interpret all of these programmes to sign language. It is a human right to be able to follow news programmes, political programmes, discussion programmes, cultural programmes, etc., in order to be able to function as an equal citizen in Faroese society and have the opportunity to participate in all societal affairs.