

Mandates of the Special Rapporteur on violence against women and girls, its causes and consequences; the Special Rapporteur on the rights of Indigenous Peoples and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Ref.: AL DNK 1/2026
(Please use this reference in your reply)

31 March 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on violence against women and girls, its causes and consequences; Special Rapporteur on the rights of Indigenous Peoples and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pursuant to Human Rights Council resolutions 59/20, 60/4 and 52/36.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of ethnic, sex and gender specific discrimination related to the use of parenting competency tests including psychometric tests – known as FKU-, which has led to the forced removal and continued separation of three children from their mother, Ms. Keira Kronvold, for being an Inuk indigenous woman of Greenland and lives in Thisted, Denmark.**

According to the information received:

Use of “parenting competency” tests (FKU) which include psychometric tests and their reported impact on Greenlandic Inuit women

Municipalities in Denmark reportedly use ‘parenting competency’ psychometric tests—known in Danish as *forældrekompetenceundersøgelse* (FKU)—and which are seen as controversial by indigenous populations of Greenland. These tests are reportedly being used by Danish social services as part of child protection investigations and assessments of parental suitability, including for indigenous parents from Greenland. The FKU assessments normally cover areas such as attachment, personality traits, cognitive abilities and psychopathology, and they take approximately 15–20 hours. These tests are reportedly widely used in Denmark in the context of child protection investigations and have reportedly been publicly criticised by campaigners and human rights bodies as culturally unsuitable for Inuit People. Concerns have been raised regarding the fact that the assessment may include culturally specific prompts and general-knowledge questions that may not be an appropriate or culturally fair measure of parental capacity, particularly for persons from Inuit backgrounds who are expected to conform to non-indigenous cultural norms, including with regards to parenting.

The information received also highlights concerns about the lack of cultural and linguistic suitability of these tests when applied to Greenlandic parents whose first language may be Kalaallisut (West Greenlandic) and who may not be fluent

in Danish. Such tests may fail to account for language barriers, especially when the psychological assessments are conducted in Danish without interpretation in the parent's first language, and for cultural differences, potentially placing Greenlandic parents at risk of being wrongly assessed in child placement cases.

Since these tests have reportedly not been adapted to take cultural differences into account, Greenlandic Inuit parents may risk obtaining such low test scores that it is concluded that they possess low cognitive skills, without there being any actual evidence to support it. Such potential misjudgements may have far-reaching consequences for both children and parents as they, in worst case, can contribute to the forced removal of a child.¹

The information received further points to the disparate impact of such measures on Greenlandic parents, with 7 percent of children born in Greenland and 5 percent of children with at least one parent born in Greenland being placed outside of the home compared to 1 percent of children born in Denmark.

The information received also suggests that the application of FKU assessments and related child protection processes may have a particularly acute impact on Inuk indigenous women of Greenland, including during pregnancy and the immediate postpartum period, where child protection measures reportedly resulted in separation of a mother and newborn within hours of birth and placement for adoption. In doing so, Inuk indigenous women in Greenland are reportedly denied their right to form a family, and for parents to care for their children, if it is in the best interest of the child.

Furthermore, the removal of Inuit children from their parents to be placed with non-Inuit parents may negatively affect their cultural identity, language continuity, and sense of belonging, especially when children are placed with Danish foster parents and where mothers have expressed fear that children may lose language and identity.

Finally, we have received information that the FKU has been abolished in the beginning of 2025 and that a special unit with expertise in Greenlandic linguistic and cultural conditions (VISO) was created on 1 May, as well as about the possibility of reviewing proceedings in which the separation of children from their parents was decided based on those tests. However, no information has been provided regarding the implementation of this directive, including on progress of this case-review process or the existence of reparation mechanisms in cases where the rights of women and children may have been violated. Likewise, it is not clear whether these review processes will include cases where children were removed and declared adoptable on the basis of those tests.

The Case of Ms. Keira Alexandra Kronvold and her three children

According to the information received, Ms. Keira Alexandra Kronvold is a Greenlandic Inuit mother living in Thisted, Denmark. She has lived in Thisted

¹ The Danish Institute for Human Rights, "Testing of parenting competencies in Greenlanders in Denmark," 24 May 2022, accessed 5 February 2026, <https://www.humanrights.dk/publications/testing-parenting-competencies-greenlanders-denmark>.

for close to two decades. Ms. Kronvold works in a fish factory in Hanstholm and has not finished her education.

Ms. Kronvold has three children, namely [REDACTED]. Ms. Kronvold self-identifies as an Inuk woman who belongs to the Indigenous people of Greenland, which she referred to by the Greenlandic name, Kalaallit Nunaat.

Ms. Kronvold also reports that she was forced by the Danish health officials to have an abortion on two occasions and to use an IUD against her wishes, which caused her immense psychological suffering. These abortions were imposed on her reportedly since she gave birth to [REDACTED]. She was given a choice on these occasions to either abort her pregnancies or agree for her children to be given away to child welfare services adoption. She therefore aborted. Ms. Kronvold was also forced to put in an IUD. Eventually, Ms. Kronvold insisted on removing the IUD and as a result finally got pregnant. She therefore became pregnant and delivered three children.

Reportedly, the three children of Ms. Kronvold have been removed from her without her consent, in 2014 in the case of [REDACTED] and in 2024 in the case of [REDACTED]. In both instances, the removal decisions were partly based on the results of FKU. [REDACTED] was reportedly removed two hours after she was born. Information was not provided about why the decision was taken to separate her from her children. The removal took place despite the fact that Ms. Kronvold does not take drugs, does not consume alcohol and has a job.

Earlier child welfare history concerning [REDACTED]

In 2011, the municipality of Thisted reportedly raised concerns about [REDACTED] attendance at childcare/school and took a decision to conduct a child welfare investigation with the purpose of investigating whether [REDACTED] developmental needs were being met. In November 2011, the municipality of Thisted decided to provide Ms. Kronvold with support from a family consultant. In December 2012, when Ms. Kronvold was 9 weeks pregnant with her second child, the municipality of Thisted assessed that a child welfare investigation should be initiated regarding [REDACTED]. In July 2013, after Ms. Kronvold gave birth, a decision was made to provide her with additional support at home. In April 2014, Ms. Kronvold was requested to take a Parenting Competency Survey as part of the FKU. Subsequently, the chairman of the Children and Youth Committee decided that there would be an emergency placement of [REDACTED] in a foster family. Reportedly, the decision was taken based mainly on the concerns raised by the municipality and on the results of the FKU. Ms. Kronvold was also reportedly told that she had to speak her Indigenous language less to her daughter and instead speak more Greenlandic to her. At the time of removal, [REDACTED] was nine years old and [REDACTED] was eight months old and still being breastfed.

The foster family where the children were urgently placed resigned shortly after the placement and both children were subsequently placed at the Sabroegården family center. On 16 May 2014, [REDACTED] was placed in network care with his

grandparents (father's parents) and, since July 2016, he has lived with his father and Ms. Kronvold visits him two days a week.

██████████ was placed in foster care and later in a youth institution. ██████████

██████████ According to Ms. Kronvold, ██████████ was placed with foster parents who did not treat her well. ██████████ was also reportedly not allowed to speak about her mother and was not allowed to express emotions towards her mother when she met with her. In 2023, when ██████████ was 18 years old, she moved back with her mother for a while, ██████████

In 2016, Ms. Kronvold was subjected to another parenting skills survey (FKU) based on which it was decided to continue the separation from her children. On 14 October 2019, Ms. Kronvold was subjected to another psychological study, which led to the same conclusion.

Assessment process concerning ██████████ during Ms. Kronvold's pregnancy

On 17 May 2024, the Children and Family Counseling Service of the municipality of Thisted opened a case concerning the unborn child (██████████) at Ms. Kronvold's request, who at the time was three months pregnant. Ms. Kronvold contacted this service because she feared that she could be separated from her third child at birth. She requested support and accompaniment to prevent separation.

Subsequently, Ms. Kronvold was subjected to an examination by a family consultant and psychologist, including a WAIS-IV session on 16 July 2024 and a Rorschach session on 22 July 2024. The aim of this examination was reportedly to assess Ms. Kronvold's ability to take care of the basic, security and emotional needs of the future child. During the test, Ms. Kronvold was reportedly told that the purpose of the test was to determine whether she was "civilised enough." She was also asked why she intended to continue the pregnancy, which she experienced as a form of pressure to have an abortion.

On 3 October 2024, the examination was completed and reviewed with Ms. Kronvold. During the review, Ms. Kronvold reportedly felt pressure to "become Danish." This is also reflected in the status report from the family consultant and psychologist of 3 October 2024 which mentions, among other concerns, that "Keira draws on her Greenlandic background, where even small facial expressions have communicative significance. However, as the child will grow up in Denmark, it is assessed that Keira will have difficulty preparing the child for the social expectations and codes necessary to navigate Danish society." It was also reported that Ms. Kronvold has difficulty expressing herself in Danish and that she tends to use more Greenlandic than English words. The voluntary placement of ██████████ outside the home was recommended to Ms. Kronvold, which she refused.

In addition, Keira alleges that, during the most recent testing process, she was told that the purpose of the test was to determine whether she was "civilised

enough.” The information received alleges that, during the assessment process, Keira was asked why she intended to continue the pregnancy, which she reportedly experienced as a form of pressure to have an abortion.

During her pregnancy, Ms. Kronvold reportedly experienced significant psychosocial stressors linked to the earlier forced removal of her two older children and to the need to undertake again psychological and parenting-related testing. On 19 June 2024, three days after the WAIS-IV session and at approximately 19 weeks of pregnancy (GA 19+1), Ms. Kronvold presented herself to an acute/emergency receiving unit because of severe abdominal pain and was placed under observation due to a “threat of miscarriage”.

Decision of the placement of the unborn child, ██████ outside the home immediately after birth without consent

On 10 October 2024, Ms. Kronvold attended the hearing on the child welfare investigation with the Child and Youth Counsellor and Family Care Consultant where she was informed about the municipality’s intention to make a recommendation to carry out a forced removal, possibly a forced adoption. Ms. Kronvold made it clear that she did not wish to consent to the placement of ██████ out of home.

On 11 October 2024, Ms. Kronvold submitted an objection to Thisted Municipality's decision on the following grounds: 1) distortion of the description of her life and circumstances; 2) use of results of psychometric tests that are not culturally sensitive and appropriate for Greenlandic parents; 3) lack of competence of the psychologist for administering psychological tests to individuals with a different cultural background and linguistic identity.

Subsequently, the Children and Family Counselling of Thisted Municipality submitted the case to the Children and Youth Committee with the recommendation that a decision be taken for Ms. Kronvold’s unborn child to be placed outside her own home immediately after birth.

On 24 October 2024, the Children and Youth Committee reviewed the case and concluded that Ms. Kronvold’s unborn child should be placed outside the home immediately after birth without consent, under section 49(1) of the Children’s Act, and for 3 years from the time of birth. According to information received, the decision was based on the status report from the Family Care Consultant and psychologist of 3 October 2024; a supplementary status report of 8 October 2024; psychological papers, including a psychological study of 14 October 2019; observations from previous case files; the situation of ██████ father; the history of both parents; and other risk factors. The decision states that the decision was based on the finding of “a clear risk that the child will suffer serious harm to health and development due to the limited personal resources of the prospective parents.” Reportedly, the decision does not provide evidence of imminent risks to the child’s life or personal integrity, nor does it indicate that safeguards were put in place to address the potential mental health impact that such an early separation may have on a newborn and her mother.

After giving birth, Ms. Kronvold was only allowed to remain with her new-born daughter, [REDACTED] for two hours, after which he was removed from her and placed in foster care.

Post-birth proceedings and subsequent investigations

According to the information received, on 2 December 2024, the Danish Social Appeals Board heard the case and found procedural problems with the assessment of 3 October 2024. It concluded that the assessment was not valid because it was carried out by a psychologist who had previously treated Ms. Kronvold and her daughter [REDACTED] in contradiction with the ministry's guidelines. Furthermore, the Danish Social Appeals Board raised concerns regarding the use of parental competence assessments in cases where parents have a Greenlandic background. The board ordered Thisted Municipality to conduct a new investigation - without the use of standardized tests - and with the involvement of expertise from the National Knowledge and Specialised Counselling Organization (VISO) in Greenlandic language and culture. The Danish Social Appeals Board also decided to uphold the placement, but changed the period of validity.

Further to the decision of the Danish Social Appeals Board, Thisted Municipality requested a new investigation. The investigation was carried out between August and November 2025 by the special unit with expertise in Inuit linguistic and cultural matters in the National Knowledge and Special Counselling organization (VISO) under the Danish Social and Housing Agency. The study included a culturally and linguistically specialized assessment focused on Inuit culture, reportedly at Ms. Kronvold's request and with the stated purpose of informing the municipality's decision-making. However, Ms. Kronvold further alleges that, in any event, her difficulties communicating in Danish were not sufficiently taken into account during the process. The study included interviews with Ms. Kronvold, the fathers of [REDACTED], the foster parents and Thisted Municipality, as well as observations of [REDACTED] with Ms. Kronvold and with the foster parents. It was conducted without the use of standardized tests.

On 10 November 2025, the report of the VISO study was finalized. The report noted that Ms. Kronvold had shown warmth and attention and had responded appropriately to [REDACTED] basic needs. It also noted that Ms. Kronvold had maintained employment for a long time, which indicated structure, persistence, and the ability to maintain a certain stability in everyday life; and that she had shown responsibility and ability to comply with agreements and obligations in the context of the study. However, it assessed Ms. Kronvold's ability to maintain a stable, emotionally regulated, and reflective parenting position over time as limited, and expressed concern about long-term secure attachment if she parented alone. The report concluded Ms. Kronvold did not currently have the prerequisites to provide [REDACTED] with sufficient stability and developmentally supportive care.

In November 2025, Ms. Kronvold sent comments on the VISO report to Danish Social and Housing Agency, expressing concerns about methodological and

professional shortcomings. The most notable concern was the fact that the report was conducted without the use of an interpreter, despite the fact that Ms. Kronvold has Greenlandic as her first language, even though the study was largely based on an assessment of her mentalization, reflection and understanding. The report's assessments were therefore based on statements and conversations in a language where Ms. Kronvold cannot be expected to express nuances and emotional complexity at the same level as in her native language. Other concerns raised include the fact that Ms. Kronvold's mentalization was primarily assessed based on general interpretations and previous case files; that cultural understanding was not adequately integrated into the assessment; that the report draws predominantly on historical data rather than contemporary observations; and that several statements and assessment lack professional evidence.

On 17 December 2025, the Children and Youth Committee decided to continue ██████ placement outside the home without consent under section 47(1)(1) of the Children's Act, for a period of two years.

On 19 December 2025, the Danish Social and Housing Agency responded to Ms. Kronvold's comments on the VISO report confirming its methodology and conclusions.

On 12 February 2026, the Danish Social Appeals Board (Ankestyrelsen) decided to uphold the Thisted Child and Youth Committee decision of 17 December 2025 to continue ██████ placement outside the home and applied the standard two-year reconsideration period. The decision reportedly found an "obvious risk" of serious harm to ██████ if she returned home and considered in-home support insufficient, without providing further explanation on the type of risk. It also reportedly criticized the original decision for not stating the purpose and expected duration of the placement but held that this procedural defect did not change the outcome. The Appeals Board reportedly accepted the VISO assessment as valid, addressed the interpreter issue by concluding interpretation was used sufficiently, and noted that cultural concerns were raised but did not set out specific cultural preservation measures in the decision.

Ms. Kronvold's contact with ██████ is reportedly limited to short, supervised visits. She may visit ██████ once a week for one hour. Her children, ██████, may see their baby sister once a month.

Ms. Kronvold has had a long-standing concern that no administrative entity has taken into consideration her concerns about losing custody with her children and the reduced contact with her daughter even when such contact was granted.

According to the information received, Ms. Kronvold appealed the decision and a court hearing before the Western High Court (Vestre Landsret) is scheduled on 1 May 2026.

As a consequence of the forced abortions and her reported ordeal of fighting to retain the custody of her children over the years, Ms. Kronvold has suffered

insomnia, depression, anxiety and trauma, accompanied by a persistent feeling of having been unfairly treated and let down. Ms. Kronvold has indicated that she has suffered immense psychological harm. Ms. Kronvold has sought the help of private mental therapists over the years (as she felt she could not trust the State-appointed mental therapists that were offered to her).

Without prejudging the accuracy of the information made available to me, we are concerned that the disproportionate impact of FKU assessments on Greenlandic parents may amount to ethnic discrimination. While welcoming the decision to prevent the use of such tests for Greenlandic parents, we wish to reiterate that parents and children who may have been subjected to disproportionate decisions where discriminatory FKU or similar standardized tests were used or materially relied upon should have access to justice and remedies.

Regarding the case of Ms. Kronvold, we are concerned that the decisions to remove Ms. Kronvold's children from her without consent may be discriminatory and disproportionate. In particular, we are concerned that the decision of April 2014 concerning ██████████ was partly based on the results of 'FKU that are culturally unsuitable for Inuk indigenous parents of Greenland. While acknowledging the positive development of the use of VISO expertise in the new investigation concerning ██████████ we are concerned that this new investigation did not adequately take into account the cultural and linguistic barriers faced by Ms. Kronvold, and that it drew heavily on the conclusions of previous reports that were apparently unsuitable for Inuk parents.

We are alarmed at the repeated removal of Ms. Kronvold's children from her on account of her being an unfit mother and subjecting her to inappropriate and discriminatory parenting tests, and disrespecting her autonomous decisions regarding her procreation and contraception choices, in view of her identity as an indigenous woman, causing her grave psychological suffering. Indigenous women and girls are often subjected to multifaceted and complex spectrum of mutually reinforcing human rights violations, including in the context of sexual and reproductive health services and childbirth. Discrimination and violence against indigenous women and girls on account of being female and indigenous also threaten to disrupt their spiritual and cultural lives, and have an impact on the very essence of their family units and the social fabric of their communities and nations.

It is evident that due to the forced abortions and the forced removal of her children that appears to be unjustified, Ms. Kronvold has suffered psychological violence that may amount to torture, inhumane and degrading treatment. None of these procedures occurred with her genuine free and informed consent which is essential. She continued to be visibly shaken when recalling her experiences, particularly her separation from her daughter, and cried repeatedly during the interview.

We are also concerned that the child protection investigations did not include an analysis of the implications of the separation for the mother and the child in terms of their well-being and health; nor of the imminent risk faced by the newborn child. Under international human rights law, any separation of the child from his or her parents must be deemed necessary in the best interests of the child and be subject to judicial review, in accordance with applicable law and procedures. The right to family life is a fundamental principle and the forced removal of a child should only occur as a last

resort. Early attachment and breastfeeding have lasting positive impacts. Unnecessary separation can cause emotional distress to newborns and may potentially violate rights to dignity, health, and freedom from ill-treatment.

We are also concerned that insufficient safeguards may have been taken to ensure culturally and linguistically appropriate assessments and placements of Ms. Kronvold's children, as this is required where a parent or child belongs to an Indigenous People, in order to maintain cultural continuity and family unity. In particular, we are concerned that the possibility of home-based support for [REDACTED] - as a more proportionate measure – was not considered, nor the possibility for placement in a Greenlandic family. In this respect, there are concerns that Ms. Kronvold's case may not represent an isolated case.

While VISO has refined its working methods, it continues to be concerning for us that the decisions of VISO cannot be appealed, particularly given the contested nature of VISO's approach to "Inuit Identity" and Greenlandic norms that is reportedly dominated by stereotypes. This may constitute a violation of the right to an effective remedy and to equality before the law.

These allegations raise concerns regarding international human rights standards relating to the protection of family life and family unity; the rights of the child, including the best interests of the child and the right not to be separated from parents except when necessary; the right to non-discrimination; and the right to access to justice and remedies, including access to information, legal assistance and effective review.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information as to the reported subjugation of Ms. Kronvold to two forced abortions against her consent.
3. Please provide information on how the legal and policy framework governing emergency and non-emergency out-of-home placements, including measures taken in relation to unborn or newborn children for immediate separation after birth, provide the necessary procedural safeguards to meet standards for necessity and proportionality, including the consideration of less intrusive alternatives and the requirements for reasoned decisions.
4. Please provide information on how the legal and policy framework governing emergency and non-emergency out-of-home placements ensures timely independent review and appeal, periodic review of

ongoing placements, and effective oversight of contact/visitation restrictions, including the competence of review bodies to modify contact arrangements.

5. Please provide information on how the legal and policy framework governing emergency and non-emergency out-of-home placements guarantee non-discrimination and culturally and linguistically appropriate assessments and placements, in particular for Indigenous Greenlandic parents living in Denmark, including access to interpretation and measures to preserve children's language, cultural continuity, and community ties.
6. Please provide information on whether standardized FKU and related standardized psychological testing, though having been terminated officially are still used in practice in protection proceedings of children from Greenland, even if their use was abolished in principle. If not, please provide information on whether any prior test results may still be relied upon in ongoing cases.
7. Please provide information on possible case-review mechanism examining decisions where FKU or similar standardized tests were used or materially relied upon; as well as on measures in place to ensure effective access to justice and reparation for women and children who may have been subjected to human rights violations as a result of decisions founded on FKU or similar standardized tests.
8. Please explain what procedural guarantees were afforded to Ms. Kronvold and her children, including the former's ability to raise concerns about the actual level of contact she has with her children.
9. Please provide information on the assessments relied upon (including any psychological testing, family consultant observations, and VISO assessments), their methodology and safeguards for cultural and linguistic appropriateness, and the avenues available to Ms. Kronvold and other women in a similar situation to challenge them. In particular, please clarify how Ms. Kronvold's reported difficulties communicating in Danish were addressed to ensure effective and inclusive participation.
10. Please provide information on how VISO's new working arrangements will ensure that stereotypical assessments of Inuit cultural norms are avoided. To what extent have Indigenous peoples and Greenlandic organizations with expertise in the placement field been involved in the planning, implementation, and evaluation of initiatives such as VISO and its working methods?
11. Please provide information on how VISO coordinates with municipalities regarding compulsory and voluntary placements of children of Inuit parents from Greenland. In particular, please indicate what margins exist for the consent by a parent to be withdrawn; the impact on the placement procedure as well as the ability of parents to contact VISO directly.

12. Please provide information on how the engagement with Ms. Kronvold was trauma informed and sensitive, considering the trauma she continues to suffer as a result of her experiences.
13. Please provide information on the basis for the reported decision to separate [REDACTED] shortly after birth, including whether any assessment was undertaken of the physical and mental health impacts on Ms. Kronvold and [REDACTED] (including maternal–infant bonding and breastfeeding) and what support was offered.
14. Please provide information as to the basis for the reported separation of [REDACTED] shortly after her birth from her mother, and the extent to which Ms. Kronvold has been able to effectively appeal the decision.
15. Please provide information as to the psychological and physical condition of [REDACTED] and the extent to which she has been afforded appropriate health and care that centres her best interest.
16. Please provide the current placement/custody status of each child; the current contact arrangements, including criteria for expanding contact; and the reunification plan, including measurable steps, services offered, timelines, and measures taken to preserve family and sibling relationships.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary measures be taken to protect the rights and freedoms of the individuals mentioned, including by ensuring that any decisions affecting them are taken in accordance with applicable safeguards and subject to effective review, and to take effective measures to prevent the recurrence of such concerns, should they be confirmed to have occurred.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

We would appreciate it if a copy of this letter could be transmitted to the attention of the Naalakkersuisut (Government of Greenland).

Please accept, Excellency, the assurances of our highest consideration.

Reem Alsalem

Special Rapporteur on violence against women and girls, its causes and consequences

Albert K. Barume

Special Rapporteur on the rights of Indigenous Peoples

Ashwini K.P.

Special Rapporteur on contemporary forms of racism, racial discrimination,
xenophobia and related intolerance

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to its legal obligations under the international treaties it has ratified, as well as to broader international human rights standards concerning the protection of family life, children's rights, non-discrimination, cultural and linguistic rights, women's rights during pregnancy and the postpartum period, and due process guarantees.

We wish to refer to the International Covenant on Civil and Political Rights (ICCPR), ratified by Denmark on 6 January 1972. The Covenant provides for protection against arbitrary or unlawful interference with privacy, family and home (article 17), recognizes the family as the natural and fundamental group unit of society entitled to protection by society and the State (article 23), and affirms the right to equality and non-discrimination in the enjoyment of rights (articles 2 and 26). The ICCPR further requires States to ensure an effective remedy for rights violations (article 2(3)) and contains due process guarantees relevant to decision-making affecting fundamental rights and interests (article 14). The Covenant also recognizes that persons belonging to ethnic, religious, or linguistic minorities shall not be denied the right, in community with members of their group, to enjoy their own culture and to use their own language (article 27).

In this regard, general comment No. 16 of the Human Rights Committee, on article 17 of the ICCPR, clarifies that interferences with privacy and family life must be provided by law and must not be arbitrary, emphasizing the need for effective safeguards in practice. General comment No. 19, on article 23 of the ICCPR, underlines that States should adopt appropriate measures to ensure the protection of the family and its members. Furthermore, general comment No. 23, on article 27 of the ICCPR, provides interpretive guidance regarding the protection of minority cultural and linguistic rights, including in circumstances where language and culture are relevant to participation in public processes and the enjoyment of family life.

We also wish to recall the Convention on the Rights of the Child (CRC), ratified by Denmark on 19 July 1991. The CRC requires that the best interests of the child be a primary consideration in all actions concerning children (article 3). It provides that a child shall not be separated from his or her parents against their will except when competent authorities determine that such separation is necessary in the child's best interests, and it affirms the right of the child to maintain personal relations and direct contact with both parents on a regular basis, except if contrary to the child's best interests (article 9). The CRC further sets out safeguards related to family reunification (article 10), the child's right to be heard in any judicial and administrative proceedings affecting the child (article 12), protection from all forms of violence (article 19), special protection and assistance for children deprived of their family environment and the appropriateness of alternative care (article 20), and the requirement of periodic review of treatment and placement (article 25). The CRC also guarantees rights relating to cultural identity and language for children belonging to minorities or Indigenous peoples (article 30), and protections concerning children's health and development (including article 24).

In connection with these provisions, general comment No. 14 of the Committee on the Rights of the Child clarifies that the “best interests of the child” is a substantive right, a fundamental interpretive principle, and a rule of procedure requiring decision-makers to assess and justify how the child’s best interests have been considered. General comment No. 12 stresses that article 12 requires meaningful opportunities for children to be heard and for their views to be given due weight, including through child-friendly and effective procedures. General comment No. 15 emphasizes the child’s right to the highest attainable standard of health, including mental health, and highlights obligations relating to early childhood, prevention of harm, and access to appropriate services. Additionally, general comment No. 11 provides guidance on the rights of Indigenous children, including the importance of safeguarding cultural identity, language continuity, and the avoidance of practices that may contribute to cultural erosion or assimilation. In this General Comment, the Committee specifically noted, with regard to children in foster care:

“States parties should, in cooperation with indigenous families and communities, collect data on the family situation of indigenous children, including children in foster care and adoption processes. Such information should be used to design policies relating to the family environment and alternative care of indigenous children in a culturally sensitive way. Maintaining the best interests of the child and the integrity of indigenous families and communities should be primary considerations in development, social services, health, and education programmes affecting indigenous children.

Furthermore, States should always ensure that the principle of the best interests of the child is the paramount consideration in any alternative care placement of indigenous children and in accordance with article 20(3) of the Convention pay due regard to the desirability of continuity in the child’s upbringing and to the child’s ethnic, religious, cultural and linguistic background. In States parties where indigenous children are overrepresented among children separated from their family environment, specially targeted policy measures should be developed in consultation with indigenous communities in order to reduce the number of indigenous children in alternative care and prevent the loss of their cultural identity. Specifically, if an indigenous child is placed in care outside their community, the State party should take special measures to ensure that the child can maintain his or her cultural identity.”

I further wish to refer to the United Nations Guidelines for the Alternative Care of Children (General Assembly resolution 64/142), which are intended to guide policy and practice in relation to children deprived of parental care. The Guidelines emphasize that removal of a child from parental care should be a measure of last resort, should be necessary and proportionate, and should be accompanied by appropriate support to families, meaningful review, and efforts—where consistent with the best interests of the child—toward maintaining family ties and enabling reunification.

I also wish to recall the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Denmark on 21 April 1983. CEDAW requires States to eliminate discrimination against women in law and in practice, including in access to justice and effective remedies, and in the context of

family relations and motherhood. In particular, article 12 of CEDAW requires States to eliminate discrimination against women in the field of health care, including in relation to pregnancy, confinement, and the post-natal period.

General recommendation No. 24 of the CEDAW Committee on women and health underlines States' duties to ensure that women receive appropriate services and support in connection with pregnancy, childbirth, and the post-natal period, and to address practices that undermine women's dignity and informed decision-making. General recommendation No. 33 on women's access to justice stresses that women must have effective access to fair, impartial and accessible processes, including legal assistance where necessary, and effective remedies. General recommendation No. 35 updates the Committee's guidance on gender-based violence against women, emphasizing due diligence obligations to prevent, investigate, punish, and provide reparation for gender-based harms, including where State action or omission has discriminatory effects.

Furthermore, and in general recommendation No. 35, the CEDAW Committee pointed out that "violations of women's sexual and reproductive health and rights such as forced sterilization, forced abortion, forced pregnancy... are forms of gender-based violence that, depending on the circumstances, may amount to torture, or cruel or inhuman or degrading treatment."

We wish to refer to the United Nations Declaration on the rights of Indigenous Peoples adopted by the general assembly on 13 September 2007, with a favourable vote from your Excellency's Government.

Article 8 of the Declaration states that Indigenous peoples and individuals have the right not to be subjected to forced assimilation, while article 23 stipulates that Indigenous peoples have the right to determine and develop priorities for programs affecting their children, including social and family services.

We also wish to draw attention to the 2023 report of the Special Rapporteur on violence against women and girls on custody, violence against women and violence against children (A/HRC/53/36), which underscores that custody and contact decisions may, in some contexts, reflect gender bias and stereotyped assumptions about mothers, including through the use of contested or pseudo-concepts that can divert attention from the specific facts of a case and contribute to the secondary victimization of women and children. The report further highlights that women from minority groups may face compounded barriers in such proceedings—among them language barriers and reduced access to effective participation and justice—and notes that limited access to legal aid and representation can create structural disadvantages in family-related proceedings, with implications for fairness and equality of arms.

We further wish to recall the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Denmark on 6 January 1972. The Covenant recognizes, inter alia, that special protection should be accorded to mothers during a reasonable period before and after childbirth (article 10(2)) and affirms the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (article 12). In this respect, general comment No. 14 of the Committee on Economic, Social and Cultural Rights clarifies the normative content of the right to

health, including obligations related to availability, accessibility, acceptability, and quality of health services, as well as the importance of non-discrimination. General comment No. 22 provides guidance on the right to sexual and reproductive health, emphasizing informed decision-making, the prohibition of coercion, and access to appropriate information and services, including during pregnancy and the postpartum period.

We also wish to recall the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), ratified by Denmark on 9 December 1971. CERD requires States to prohibit and eliminate racial discrimination in all its forms and to guarantee equality before the law in the enjoyment of human rights. In contexts involving decisions that may disproportionately affect persons with an Inuit background or other minority groups, these obligations underscore the importance of safeguards against discrimination, including indirect discrimination, as well as the need for culturally and linguistically appropriate processes and effective oversight.

Where the persons concerned belong to an Indigenous people or a minority, additional developments on cultural integrity and language rights are relevant. In this regard, we wish to recall the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly in 2007, which affirms, *inter alia*, the rights of Indigenous peoples and individuals to be free from forced assimilation, to maintain and strengthen their distinct cultural institutions, and to revitalize, use, develop and transmit their languages to future generations.

I also wish to recall the report of the Special Rapporteur on violence against women and girls on violence against indigenous women and girls (A/HRC/50/26), which highlights that indigenous women and girls may face intersectional discrimination linked to gender, race/ethnicity and socioeconomic factors, and that they often encounter significant barriers in accessing justice, including language barriers, discrimination and bias, fear of stigmatization and risks of re-victimization. The report further notes that such barriers may be compounded by a lack of expertise in indigenous languages and culture, inadequate legal support and assistance, and harmful stereotyping by authorities, resulting in discrimination and distrust in justice systems. In this regard, the report emphasizes the need for States to ensure that indigenous women and girls have effective access to justice systems free from ethnic and/or gender-based discrimination, including through access to legal aid and representation, and access to information in their own languages, and stresses the importance of collecting disaggregated data to inform evidence-based, rights-based policy responses.

The Special Rapporteur on Violence against Women and Girls, in her report on mistreatment and violence against women in reproductive health services with a focus on childbirth and obstetric violence (A/74/137), pointed out that “Forced sterilization and abortion are medical treatments practiced without informed consent around the globe. They are carried out by health professionals for multiple reasons, as being somehow in the so called best interest of the woman or based on the belief that certain groups of women from minority grounds, such as...indigenous women...are not “worthy” of procreation, are incapable of making responsible decisions regarding contraception, are not fit to be “good mothers” or that their offspring are not desirable” The Special Rapporteur also recalled in the afore-mentioned report States’ obligations “to respect, protect and fulfil women’s human rights, including the right to highest

standard attainable of physical and mental health during reproductive services and childbirth, free from mistreatment and gender-based violence, and to adopt appropriate laws and policies to combat and prevent such violence, to prosecute perpetrators and to provide reparations and compensation to victims.”

Finally, we wish to recall the Convention on the Rights of Persons with Disabilities (CRPD), ratified by Denmark on 24 July 2009. The CRPD affirms non-discrimination and equality, including in access to justice and decision-making affecting family life, and is relevant to the extent that assessments, procedures, or outcomes engage disability-related considerations. The Optional Protocol to the CRPD, acceded to by Denmark on 23 September 2014, reinforces the importance of effective remedies and accountability mechanisms.

The Special Rapporteur on the rights of Indigenous Peoples after his official visit to Denmark and Greenland recommended in his report that Denmark reviews urgently the procedures for out-of-care assessments in relation to Inuit children from Greenland; ensure that relevant legislation is made available in Greenlandic; address structural prejudices within social authorities by strengthening training for staff; and, in particular, strengthen interaction with Inuit community organizations in Denmark in order to establish and support more Inuit foster families in Denmark.