

Abstract

Indigenous Greenlandic women's access to justice

A study of the legal pluralism in the Greenlandic criminal justice system compared to the holistic human rights framework by the CEDAW Committee in relation to gender-based violence.

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Violence against women represents a great challenge for the Greenlandic criminal justice system. However, there is little research on women's access to protection against violence.

My thesis addresses violence against women in Greenland, focusing on their ability for access to the criminal justice system as a part of the broader topic 'access to justice'. The reason behind focusing on the Greenlandic criminal justice system is that it has been seen as exceptional in its approach by ensuring access to the people by its people.

My study focuses on access to justice as an equality issues. It addresses Greenlandic women's access to criminal justice in light of their mixed identities; both as members of an indigenous group and as equal individual citizens. Indigenous women's ability to gain access to justice when victims of gender-violence, is complex and this should be given special attention because, as the CEDAW Committee has recognized, they may experience more difficulties in gaining access justice.

In order to research how tension between Inuit women's dual identities as individual citizens and as member of an indigenous group is reconciled in Greenland within the Greenlandic criminal justice system, I based myself on the CEDAW Committees holistic approach. I identified four sets of obligations within CEDAW, which I relied upon in my study: i. Legislation ii. Access to law iii. A gender-sensitive process within the court, and iv. Access to remedies.

My aim was studying the plurality of norms guiding the Greenlandic criminal justice system is to understand how the system works in practice. This is, as stated by Anne Hellum, key to understanding whether, and to what extent, the existing legal pluralism promotes or prevents women's human rights. By combining legal and empirical analysis, it became evident that there exist norms within this system that limits and promotes women's access to justice.