

## Editorial



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Human Rights and the Faroe Islands  
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### **Approaching human rights in a Faroese context**

It is the year of 1945. The Second World War is finally over. Nazi Germany has fallen, and Europe lies in ruins. Millions have lost their lives, and millions have fled their homes. In the spring of 1945, American and Soviet forces reach the first Nazi concentration camps. Shortly thereafter, journalists gain access to document a reality so horrific that few were willing to believe it.

On April 25<sup>th</sup> of the same year, 51 countries met in San Francisco, USA, to establish the United Nations (UN) with the slogan “Never again!” The military maritime activity at San Francisco harbour served as a reminder that the war against Japan was not yet over. At the same time, conflicts were raging in Palestine and between India and Pakistan. However, after five bloody years of fighting Adolf Hitler and Nazi Germany, the United States, Great Britain, and the Soviet Union glimpse a final victory. At the founding UN meeting in San Francisco, 51 states agree on the UN Charter, aimed at preventing wars between nations and regulating state behaviour so the world would “never again” descend into yet another devastating world war.

However, some visionary diplomats and politicians felt that something was missing. New international laws were indeed needed to prevent wars between nations. However, what could be done when national authorities turn their weapons against their own citizens? What is the value of peace between nations if there is no peace between citizens and the state within national borders? How

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do we build a new world where every individual has the right to protection against oppression, persecution, and discrimination? How can the international community pave the way for a future where every individual is treated with inherent dignity and rights, which governments are obliged to respect?

With these questions in mind, diplomats began to draft new international human rights law. Under the leadership of the first American UN ambassador, Eleanor Roosevelt, a committee was established to draft a UN declaration on universal rights. This Human Rights Commission included representatives from 18 countries, only five of which were from the Western world. It is thus incorrect to claim that international human rights laws were solely shaped by Western nations.

The first meeting of the new Human Rights Commission took place in an old factory on Long Island, New York, in January 1947. At this point in history, the world was on the brink of a new Cold War between East and West. Ideological differences between the new superpowers—the USA and the Soviet Union—were vast and fundamental, even though both had defeated Nazi Germany. Negotiations over a new universal declaration were marked by a clash between communist and liberal-democratic ideologies. Soviet diplomats emphasised collective rights and citizens' duties to the state, while American diplomats prioritised the individual over the state and sought to protect individuals from state interference and unnecessary regulation.

Disagreements also arose about the balance between economic rights (e.g., the right to food, clean water, clothing, and shelter) and civil and political rights (e.g., freedom of religion, freedom of speech, the right to vote, and freedom of assembly). Which rights are the most important? How comprehensive should the list of rights be? And what is the nature and number of welfare services that citizens are entitled to demand from the state?

Another fundamental disagreement concerned the philosophical foundation of rights. Does the individual have inherent worth and dignity? If so, where do these rights come from? Are they granted by God or a supernatural moral order? Or do they originate from ourselves? Are human rights bestowed by a higher metaphysical authority, or are they social conventions that humans agree upon without reference to any reality beyond humanity itself?

After lengthy negotiations and disagreements—an extraordinary story in its own right—the Universal Declaration of Human Rights was adopted on December 10, 1948. However, eight countries did not support the new declaration. Six communist countries voted against it, arguing that the declaration placed too much emphasis on individual rights over obligations to the state. The racist apartheid state of South Africa voted against because it could not accept the right of all individuals to move freely in a country divided into “whites only” and “blacks only” areas. Saudi Arabia also voted against because it could not accept gender equality within marriage.

The UN Declaration marked the beginning of international human rights law, later elaborated upon in various binding UN treaties. In addition to the European Convention on Human Rights, the Faroe Islands have today ratified the following treaties:

- [The International Covenant on Civil and Political Rights](#)
- [The International Covenant on Economic, Social, and Cultural Rights](#)
- [The Convention on the Elimination of All Forms of Discrimination Against Women](#)
- [The International Convention on the Elimination of All Forms of Racial Discrimination](#)
- [The Convention on the Rights of the Child](#)
- [The Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment](#)
- [The Convention on the Rights of Persons with Disabilities](#)

The question is what significance and role human rights play in our contemporary world. While states commit to international treaties, the principles and ideals enshrined in these treaties are violated daily. Pessimists argue that recognised human rights have no significance because, despite international laws and courts, there are no effective supranational authorities to punish states when fundamental rights are violated. Optimists, on the other hand, argue that without formal rights, there would be no normative standard for legitimate state behaviour. Without international human rights, there would be no ideals to strive for. Most state leaders seek normative recognition and wish to avoid moral condemnation whenever possible. According to this argument, human rights serve as the world's conscience, capable of influencing social and political behaviour, even if there is never complete agreement on how human rights should be interpreted and implemented in practice.

This interdisciplinary publication is an attempt to gather texts that shed light on human rights in a Faroese context. The special issue contains seven texts, six of which have been peer-reviewed, whilst the seventh is a commentary essay. All the texts focus on human rights, but their perspectives, topics, and disciplinary approaches vary. This means that there are many relevant subjects and areas not addressed in this collection, and we call for further research from more perspectives on human rights in a Faroese context.

### ***The articles in this special issue***

Human rights are commonly studied as legal constructs codified in international and national law. However, they are also understood as cultural, social, historical and political concepts, opening the field to fruitful insights from diverse disciplines. Such diversity is also reflected in this special issue, which

contains contributions from scholars in the fields of anthropology, sociology, law, philosophy, nursing history, educational studies, and political science.

As a mechanism for addressing inequalities, discrimination and violence, human rights afford significant shared concerns with citizenship studies. In this sense, human rights are key to understanding citizenship experiences, especially dignity, equalities, marginalisation, and inclusion/exclusion, several of which the authors in this special issue consider.

As basic norms, principles and standards, human rights can be understood as universal moral rights or wrongs, determining how people can or should be treated by the state, and by society. The Faroese Parliament has adopted all the above international human rights conventions implicating the state legally and morally. Whilst human rights as moral and legal responsibility might not always be evident in society, conventions provide a means to challenge the state or other parties who undermine human dignity.

Except one, all the papers in this special issue employ an empirical approach to analyse human rights in the Faroe Islands. Dealing with matters such as mental illness, abortion, gender, and immigration, the authors examine how rights are defined and practiced in the Faroese context. Some of the articles find that the local Faroese context not only impacts how human rights are understood and practiced, but also how being an island society is significant in framing human rights. In other words, human rights norms are shaped and performed in specific local contexts. Therefore, a context-specific approach analyses the local realities of human rights in the Faroe Islands and how human rights norms are continuously contested and redefined.

The first article, written by Turið Nolsøe and Turið Hermannsdóttir, concerns Faroese abortion legislation. The article is titled "‘The Faroe Islands handle this themselves’: The convergence of bodily and national autonomy in abortion rights", and it addresses international criticism concerning the limits to abortion rights in the Faroe Islands. Such criticism, the authors point out, has been voiced through CEDAW reports, in the Nordic Council and by Danish politicians, but has resulted in no further action being taken to coerce Faroese parliament to amend the legislation. The Danish debate concerning abortion rights in the Faroe Islands is examined through cases of Danish politicians publicly (in Danish national radio, newspapers, and the Danish parliament) voicing criticism of Faroese abortion legislation. Through the lens of bodily autonomy on the one hand and Faroese rights to self-government on the other, the article finds that Faroese self-governance surpasses the legitimacy of international criticism. The article provides important and interesting insight into how women’s rights are negotiated locally and subsequently, contested in international arenas. In this case, it is found that the Danish government upholds Faroese’ right to self-governance, in spite of international criticism from human rights organisations.

The second article, "An account of the conditions of Faroese individuals with a mental illness" is written by Elisabeth O.C. Hall, Jana Mortensen, Annemi Lund

Joensen, and Susanne Malchau Dietz. From a nursing history perspective, the authors examine the conditions of Faroese with mental illness spanning around 150 years, from the early 1800s, concluding their study in the late 1960s, when a psychiatric ward was established in the Faroe Islands. The authors base their analysis on historical documents, oral informants, articles and books in their discussion of the harsh conditions, treatment and set of views held of people with mental illness in the Faroe Islands at the time. Of particular importance in the article is the issue of patients being transferred from Faroese mental institutions to institutions in Denmark - and during WW2 to Scotland or England. Transfer journeys by sea were often harsh and long and had adverse effects on patients. Furthermore, being treated far from home, in a foreign country with a different language, without access to family, the article draws attention to two important points. Firstly, we are presented with historical understandings of the mentally ill. Secondly, the article sheds light on how the Faroe Islands, being a remote small island community, has significantly impacted conditions of the mentally ill in the form of a severe kind of displacement.

The third article by Kalpana Vijayavarathan is titled “Inclusive education as human rights for immigrant students in Faroese compulsory schools: A desktop study of Faroese policy documents and current Faroese research in the field”. This article deals with the important issue of education and language as fundamental aspects of human rights. The recent increase in immigration, the article points out, has created a much-needed focus on the inclusion of immigrant children in Faroese public schools. The article examines government policies and legislative documents to evaluate the foundations for immigrant children’s public-school education. The author argues that policy texts are a relevant unit of analysis as these are contextually situated, and therefore, reveal discourses of educational rights and how groups of children might be included/excluded from such rights. The article finds that Faroese policies do not adequately facilitate the inclusion of immigrant children and lean towards an assimilative stance with respect to learning Faroese as a second language. This is not least due to Faroese language and culture being the dominant ideology as a framework for the public school system.

The fourth article, “The emergence of gender equality legislation in the Faroe Islands: A discursive study” is authored by Erika Anne Hayfield and Jórún Vágshegy. The article is an examination of discourses concerning the law on gender equality and their underlying ideologies. The Gender Equality Act was adopted in 1994 after a much-heated debate, which had been ongoing for over a decade. Therefore, the authors take 1980 as their starting point to explore gender equality discourses in the public realm. Methodologically, the study employs a discourse-historical approach and examines newspaper articles, interviews, public documents, and parliamentary debates on the matter. The analysis reveals that while gender ideologies have evolved from 1980 to the present, they remain contested. Furthermore, being a small island community,

gender norms in the Faroe Islands are crucially influenced by their context, shaped by ongoing tensions between local traditions and external influences, particularly from the Nordic countries.

In the fifth article, “Human Rights: going from text to doctrine”, the authors Kristian Joensen and Jóhan Lamhauge address the question what human rights actually mean and how codified, yet abstract rights should be implemented in practice. In the political debate, new policy initiatives are often legitimised as a question of human rights and as something required by human rights standards. These invocations of human rights sometimes happen without reference to pronouncements by authoritative bodies. In this regard, the authors argue that elucidation of human rights instruments happens in a two-stage process of interpretation and construction to determine whether a policy aligns with human rights. Applying the recent case of *Føroya Reiðarafelag v. Fiskimálaráðið* as an example, the authors find that the distinction between interpretation and construction is given insufficient attention in the Faroese legal tradition.

The only quantitative study in this special issue is the seventh article by Heini í Skorini and Herit Albinus, which is titled “Pro-life, pro-choice and everything in between: A quantitative study of popular attitudes on abortion in the Faroe Islands”. The authors point out how in recent years, the issue of abortion has become a new point of contention in Faroese politics, which makes this study all the more relevant. In their study, the authors analyse respondent attitudes to abortion legislation, and whether abortion before the twelfth week of gestation should be legalised or not. Perhaps unsurprisingly, the authors find that the Faroese public is divided on this issue. People that support a liberalisation of abortion laws are generally less religious and more left-winged while geographical tensions between centre and periphery are also visible. Interestingly, respondents aged 30-44 were most likely to oppose legalising abortion on demand. However, unlike international studies, no significant differences were found between men and women, nor did education predict abortion attitudes.

The final article is a commentary essay, written by Jógvan Dalbø Hansen and is titled “Human Rights and Philosophical Challenges.” The article examines the metaphysical foundations of human rights and different philosophical approaches to the very idea of humans having certain rights. The author discusses the idea of natural rights and the distinction between moral realism and moral anti-realism. Furthermore, he explores the arguments for and against universalism vs. cultural relativism and what rights should count as “human rights”. In other words, how long should the list of rights be without causing human rights inflation? Presenting key thinkers of human rights from Thomas Aquinas and Thomas Hobbes to Jürgen Habermas and John Rawls, the author presents several different and sometimes conflictual philosophical understandings of human rights.

Our inspiration for this special issue relates to the significance of human rights as fundamental to justice, fairness, the wellbeing of citizens and the functioning of systems in Faroese society. In particular, the implication of studying human rights involves the protection of vulnerable groups in society. Our aim with this special issue is to analyse human rights and generate knowledge which can help promote awareness and education, justice, accountability and lead to necessary policies or legal reforms. However, all normative deliberations on human rights are contested and bound to trigger disagreement, because the struggle to realise human rights relates to fundamental ethical, cultural, and religious questions without universal agreement: What is a just society? What is a good life in dignity? What is the responsibility of the state vis-à-vis the individual? And what are the boundaries between human rights and human obligations?

This special issue is intended as a contribution to the academic debate concerning human rights in the context of the Faroe Islands. Human rights is a well-established research field cutting across diverse disciplines, several of which are represented in this special issue. However, we acknowledge that there remain important questions and lines of conflict within human rights which are not addressed.

Our hope is that this special issue can be a step in developing, inspiring, and triggering further research in this field.