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## Consejo de Derechos Humanos

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**Promoción y protección de todos los derechos humanos, civiles, políticos, económicos, sociales y culturales, incluido el derecho al desarrollo**

## Visita a Finlandia y Suecia

### **Informe del Relator Especial sobre la promoción de la verdad, la justicia, la reparación y las garantías de no repetición, Fabián Salvioli\***

#### *Resumen*

Del 11 al 22 de marzo de 2024, el Relator Especial sobre la promoción de la verdad, la justicia, la reparación y las garantías de no repetición, Fabián Salvioli, realizó una visita oficial a Finlandia y Suecia para examinar las medidas de justicia transicional adoptadas por estos países para encarar el pasado de violaciones de los derechos humanos cometidas contra el pueblo sami y los tornedalianos, kvenes y lantalainen en el contexto de las políticas de asimilación. Señala las iniciativas positivas en el ámbito de la búsqueda de la verdad y algunos aspectos de la reparación, así como las dificultades en relación con la preservación de la memoria histórica y las garantías de no repetición. El Relator Especial concluye formulando recomendaciones dirigidas a ambos Estados.

\* El resumen del presente informe se distribuye en todos los idiomas oficiales. El informe propiamente dicho, que figura en el anexo, se distribuye únicamente en el idioma en que se presentó.



## **Anexo**

# **Informe del Relator Especial sobre la promoción de la verdad, la justicia, la reparación y las garantías de no repetición, Fabián Salvioli, sobre su visita a Finlandia y Suecia**

## **I. Introduction**

1. From 11 to 22 March 2024, the Special Rapporteur conducted an official visit to Finland and Sweden, as part of a regional visit to the Scandinavian peninsula. A visit to Norway, which was expected to take place in conjunction with that visit, could not be undertaken during the same period due to delays in the confirmation of the visit.

## **II. Finland**

2. From 11 to 15 March 2024, the Special Rapporteur visited Finland to examine the transitional justice measures adopted by the Government to address the legacy of human rights violations endured by the Sami people in the context of assimilation and related policies. He met with representatives of national ministries, the Truth and Reconciliation Commission concerning the Sami, the parliamentary group monitoring the Commission, the Sami Psychosocial Support Unit, the National Museum of Finland, the Finnish Human Rights Centre, the Sami Parliament, the Skolt Sami Siida Council, representatives of the Sami people and civil society organizations. He visited Helsinki and Inari and had the opportunity to visit museums and academic institutions, such as the Sami Museum Siida, the primary school at Inari and the Sami Educational Institute. The Special Rapporteur thanks the authorities in Finland for their openness and cooperation in the realization of the visit.

### **A. Historical background**

3. The Sami people, who are descendants of the first inhabitants of the northern regions and have traditionally inhabited the territory of Sapmi, were the subject of assimilation policies adopted by the State and the church in the nineteenth and twentieth centuries, including the forced accommodation of Sami children in boarding schools, where they were forbidden to speak the Sami languages and forced to integrate into the majority culture, and where some were subjected to violence, sexual violence and/or exploitation. Assimilation policies were accompanied by measures of religious conversion, racial biology examinations, land settlement and the replacement of Sami governance by Finnish administration. During that period, the Sami were removed from parts of their lands, stripped of their culture and made to believe that they were inferior. Forced accommodation in boarding schools affected Sami families until the late twentieth century, when a Sami movement began to demand reforms to the educational system. The policies of assimilation continued into the 1970s and led to a steep decline in the use of the Sami languages and traditional practices. Nowadays, of the three Sami languages that have survived, Northern, Skolt and Inari, the latter two are at risk of virtual extinction, with only 300 persons speaking Inari Sami and even fewer speaking Skolt Sami.

### **B. Legislative reforms to promote human rights**

4. In 1995, a shift in the State's approach to the Sami, prompted by Sami activism, led to recognition of the status of the Sami in the Constitution and in the Sami Parliament Act. The Constitution recognizes the Sami as an Indigenous People and their right to linguistic and cultural self-government within their homeland. The Act further enshrines the right of the Sami as an Indigenous People to cultural autonomy within their homeland in matters concerning their language and culture, and mandates the Sami Parliament "to look after the

Sámi language and culture, as well as to take care of matters relating to their status as an indigenous people”. Although the Act states that the authorities shall negotiate with the Sami Parliament regarding “all far-reaching and important measures that directly or indirectly may affect the status of the Sámi as an indigenous people”, in practice the Parliament has limited decision-making power. The Sami Language Act of 2003 affirms that Sami people have the right to use the Sami languages before certain State authorities and in relation to certain administrative and legal procedures, especially within the Sami homeland. Education in the Sami languages is guaranteed by law within the Sami homeland and under the Act on the Financing of Education and Culture, municipalities receive increased subsidies for teaching in the Sami language within the homeland area. The Skolt Sami Act was adopted in 1995 to promote the living conditions and livelihood opportunities of the Skolt population and region, and to maintain and promote Skolt culture.

## C. Transitional justice measures

### 1. Truth-seeking

5. In recent years, Finland has begun a process of transitional justice. It has established a truth-seeking process to shed light on the violations endured by the Sami people because of assimilation policies. Pursuant to a proposal of the Sami Parliament, in 2017 the Government of Finland and the Sami Parliament agreed to initiate a truth and reconciliation process. Negotiations between them and the Skolt Village Assembly concerning the mandate of a truth and reconciliation commission were launched in February 2019. In October 2021, the Government established the Truth and Reconciliation Commission concerning the Sami People. The five members of the Commission were appointed by the Government (two), the Sami Parliament (two) and the Skolt Village Assembly (one). The commission was inaugurated in February 2022, but its operations were delayed by resignations, due to a reported lack of resources and a failure to consider Sami perspectives. Originally expected to finalize its work by November 2023, its mandate was extended until December 2025, to compensate for the delay. A Sami psychosocial support unit was created alongside the Commission to provide support to the Sami. The Commission and the unit jointly receive a budget of 5.5 million euros for their operations from the Office of the Prime Minister. A parliamentary monitoring group for the Commission was established by the Prime Minister in November 2021. It is tasked with supporting the work of the Commission and consists of representatives of the political parties present in the Parliament, the Sami Parliament, the Skolt Village Assembly, the Evangelical Lutheran Church and the Orthodox Church. To ensure that a human rights approach is embedded in the work of the monitoring group, a representative of the Finish Human Rights Centre should be invited to participate in the group.

6. The Commission is mandated to “identify and assess historical and current discrimination, including the assimilation policy of the state and violations of rights, to find out how they affect the Sámi and their communities in the current situation, and to propose ways to promote links between the Sámi and the state of Finland and among the Sámi people”. It is also mandated to ensure that “the state of Finland will bear responsibility for its actions and, together with the Sámi Parliament, the Skolt Village Assembly and other Sámi operators, will work to strengthen the realisation of the rights of the Sámi people in Finland”.<sup>1</sup> Matters related to the rights to Sami ancestral lands and natural resources are regrettably not included in the Commission’s mandate. The Commission has a mandate to provide proposals for action.<sup>2</sup> That is an essential aspect of its mandate and must be carefully and effectively executed to provide a clear and enforceable road map for State and local public entities to discharge their duties to the Sami people. Recommendations must be specific, tailor-made and targeted to the relevant State and non-State actors, with duties to respect and fulfil the rights of the Sami people. The Commission will present its report in November 2025.

7. Since 2023, the Commission has been organizing consultations to collect written and oral testimonies about life as a Sami person in Finland; historical or current discrimination;

<sup>1</sup> See <https://sdt.sk.fi/en/mandate>.

<sup>2</sup> Ibid.

and inappropriate treatment and other experiences related to the activities of the State or the authorities and their impact on the Sami people.<sup>3</sup> Mechanisms have been established to ensure victim consent and confidentiality and 150 hearings have been held in villages and cities, both inside and outside the Sami homeland. The hearings are preceded by information sessions, at which representatives of the Commission and the psychosocial support unit explain the methods of work of the Commission and the unit. Outreach to promote victim engagement has also been carried out on mass and social media. At the end of the Commission's work, the information gathered will be stored securely in the Sami section of the National Archives.

8. There is insufficient research and information in Finland about the forms of violence inflicted on the Sami people and the intergenerational trauma they experienced. Coping mechanisms and societal taboos have also hampered the disclosure of information about the abuses endured. The role of the Commission in shedding light on those abuses and providing recommendations for the way forward, and that of the support unit in supporting and preparing in culturally appropriate ways those victims who wish to come forward, will be vital for accountability, healing, trust-building and reconciliation. The effective implementation of the Commission's recommendations will be another crucial aspect of the process and must not be neglected in current decisions. Currently, there is no framework foreseen for monitoring the implementation of those recommendations. There is an urgent need to put in place, in consultation with the Sami people, an independent mechanism with sufficient technical and financial resources to undertake the task of implementation. Suggestions from the Commission on how to effectively monitor and enforce the implementation of its recommendations will be important in this regard and must be duly considered by the relevant authorities. The Special Rapporteur encourages the Commission to include in its final report a recommendation outlining a monitoring process.

9. Given the relevance of the work that is being carried out by the Commission, it is imperative to ensure that it has sufficient resources and the necessary support. It should also explore cooperation avenues with international experts and practitioners with experience in similar initiatives, to complement and guide its efforts.

## 2. Reparation

10. Alongside its truth-seeking efforts, Finland has adopted a mechanism to provide reparation for the Sami people in the form of rehabilitation, with the establishment of the Sami psychosocial support unit Uvjj – Uvjâ – Uvja – Untuva. The unit provides countrywide psychosocial support in the Sami languages and, in accordance with Sami culture, to Sami persons who require such support in connection with testimonies or other psychosocial matters. The unit operates with financing provided by the Office of the Prime Minister and comes under the Health and Welfare District of Lapland. It has a very small team of trained Sami professionals and its mandate is currently tied to the existence of the Truth and Reconciliation Commission, although virtually all interlocutors have demanded its extension on a permanent basis. The crucial work carried out by the unit is highly valued by Sami people and very well regarded by numerous other stakeholders. The Special Rapporteur commends the establishment of and the work carried out by the unit and urges the authorities to ensure that it is established as a permanent independent unit within the Ministry of Health and Welfare, with an adequate and autonomous budget and substantially increased human and financial resources to respond to the needs of the Sami population of 10,000 persons. The Government reported that the Finnish Institute for Health and Welfare had signed a cooperation agreement with the Sami Parliament in 2023 to promote the health and well-being of the Sami people.

11. With regard to restitution, in 2021 the National Museum of Finland completed the repatriation of the Sami collection to the Sami Museum Siida, which consisted of 2,200 objects, including the oldest known Sami objects in Finland. The repatriation project was funded by both museums, with additional support provided by the Government, including for the construction of an annex to the Sami Museum to store the collection. The repatriation project received national and international praise and was awarded the European 2022

<sup>3</sup> See <https://sdt.sk.fi/kuulemiset> (in Finnish).

Heritage Europa Nostra Award.<sup>4</sup> In 1995 and 2001, the Government undertook the repatriation to the Sami homeland of Sami remains found in the anatomical collection of the Department of Biodmedicine of the University of Helsinki, which were then stored in the Sami Museum Siida. In 2022, the museum organized the reburial of those remains with State funding.<sup>5</sup> At the reburial ceremony, the Director General of the Department for Art and Cultural Policy of the Ministry of Education and Culture expressed deep regret that the Ministry had granted a permit for excavations in 1934 without the consent of the Sami community. The Special Rapporteur commends these important initiatives.

12. Concerning measures of satisfaction, the State of Finland has not made other official apologies to the Sami. It is expected that the work of the Truth and Reconciliation Commission may lead to a public acknowledgment of the harm inflicted on the Sami. Consultations conducted during the negotiations for the establishment of the Commission showed that an apology from the Government was expected, with reservations by the Sami people if it was not to be accompanied by effective measures to improve their status and redress the harm suffered. During a ceremony to rebury the repatriated remains of Sami people in 2012, the Oulu Diocese of the Evangelical Lutheran Church of Finland apologized to the Sami for the anthropological research carried out on Sami skeletal remains, following their exhumation from Sami cemeteries.

13. Reparation in the form of compensation and restitution of ancestral lands or natural resources has not taken place.

14. The Special Rapporteur welcomes the adoption of important reparation measures, such as the establishment of the psychosocial support unit and the repatriation of Sami objects and skeletal remains to the Sami homeland. However, he notes with concern the scarcity of other measures to repair the harm inflicted on the Sami people. The design and implementation, in consultation with the Sami people and with their consent, of a comprehensive reparation programme that includes measures of compensation and satisfaction; strengthens the existing measures of rehabilitation; provides transformative reparation; and widens the scope of restitution measures in compliance with international standards on the rights of Indigenous Peoples, will be crucial to remedy the harm done.

### 3. Memorialization and guarantees of non-recurrence

15. The Special Rapporteur visited the Sami Museum Siida and witnessed the quality and relevance of the work done there to preserve, keep alive and disseminate Sami culture and history, including memories of abuse. Its operations are supported through central government transfers and discretionary grants, including 819,574 euros in central government transfers in 2024. The Special Rapporteur commends the establishment and performance of the Museum and encourages the authorities to provide it with sufficient and sustained economic and institutional support.

16. The Special Rapporteur has noted the scarcity of other measures aimed at memorializing the legacy of assimilation and related policies, such as memorials, commemoration days and the marking as memory sites of buildings where violations took place, such as boarding schools.

17. Society seems to have little knowledge of, or information at its disposal regarding, the history, culture and status of the Sami people in Finland, and even less about the violations they have endured. The core national educational curricula touch briefly on this topic and need to be urgently updated to comprehensively incorporate instruction about the Sami at the primary, secondary and tertiary levels. In light of their public role and position in society, teachers and public officials should likewise receive training on this topic and on the human rights of Indigenous Peoples. Ignorance on this matter can and has helped to reinforce societal prejudices and stereotypes about the Sami people.

18. The outcome report of the Truth and Reconciliation Commission will be an essential tool for exposing the truth surrounding this topic, and will provide a robust and accurate

<sup>4</sup> See <https://www.europeanheritageawards.eu/winners/return-to-the-sami-homeland/>.

<sup>5</sup> See [https://valtioneuvosto.fi/-/1410845/saamelaisvainajat-lasketaan-maahan-uudelleen-elokuussa?languageId=en\\_US](https://valtioneuvosto.fi/-/1410845/saamelaisvainajat-lasketaan-maahan-uudelleen-elokuussa?languageId=en_US).

account that can constitute the foundation of didactic, academic, artistic and media work on the subject. Using the report as the basis for educational and cultural policies and activities, and actively pursuing them, must be prioritized by the Government. The report should therefore be widely disseminated and accompanied by much needed work in the fields of memorialization, education and culture, in order to inform current and future generations about the past and present status of the Sami people. In that regard, the Government stated that the Ministry of Education and Culture awarded yearly grants to the Sami Parliament to support Sami initiatives to maintain and develop Sami culture, with a budget allocation of 522,000 euros for 2024. The Government resolution for the Cultural Heritage Strategy 2023–2030 includes measures aimed at strengthening the opportunities of Sami children and youth to learn about their cultural heritage; protecting the rights of Indigenous Peoples in the use and utilization of cultural heritage; and strengthening the preconditions for their realization.

19. The Special Rapporteur has been informed by numerous interlocutors, including public officials, about worrying episodes of overt racism and hate speech against the Sami people that have been voiced in social and mass media and by elected officials, such as members of parliament, and about the lack of accountability for those episodes. The Special Rapporteur expresses grave concern about this situation and would like to recall the duty of the State to ensure that freedom of expression is exercised in full compliance with international human rights standards, in particular article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (on the prohibition of incitement to discrimination and hatred), and articles 19 and 20 of the International Covenant on Civil and Political Rights (on the right to freedom of expression and on the prohibition of advocacy of national, racial or religious hatred), and the relevant general comments of the treaty bodies.

20. As a result of assimilation policies, the Sami languages have experienced pronounced deterioration, leading to the near extinction of some of them. The Government and the Sami Parliament have adopted numerous measures since 1995 to revitalize the Sami languages, which have led to positive outcomes, such as the adoption of language nests for early childhood (for example, 12 are being supported in 2024 with a budget allocation of 1.3 million euros), the establishment of Sami language education and education in the Sami languages in the Sami homeland and outside it, since over 70 per cent of the Sami population live outside the homeland, and the provision of remote education in the Sami language. Other policies to promote and monitor progress in this field include the establishment of the Sami Youth Council, under the Sami Parliament, to promote Sami culture, identity and language among Sami youth; a language policy programme to protect and strengthen minority languages;<sup>6</sup> the Sami Barometer and an indicator tool to follow up and report on the realization of the linguistic rights of Sami speakers;<sup>7</sup> and a report on the application of language legislation.<sup>8</sup>

21. The impact of these measures has been very positive and the results are evident in the increasing number of children, youth and adults who speak the Sami languages. However, the situation is still precarious and some languages continue to be at risk of extinction. A concern underscored by numerous interlocutors is the scarcity of basic education teachers and educational material in the Sami languages. Measures to redress this shortcoming should encompass the increase of resources aimed at paying the salaries of teachers, translating educational material into the three Sami languages, producing culturally appropriate educational material so that teachers don't have to do that themselves, and promoting sustainable working conditions for Sami teachers. The Government reported on the provision of grants to develop early education and life-long professional learning for Sami teachers; the provision of a higher education programme for early childhood education and special education with a focus on the Sami languages and culture (in Inari); and the assignment of responsibility to the Giellagas Institute of Oulu University to organize academic research on the Sami languages and culture. The Special Rapporteur commends the measures adopted to

<sup>6</sup> See <https://julkaisut.valtioneuvosto.fi/handle/10024/164216> (in Finnish).

<sup>7</sup> See <https://julkaisut.valtioneuvosto.fi/handle/10024/162826> (in Finnish) and [https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161088/OMSO\\_35\\_2018\\_Follow-up\\_indicators\\_for\\_linguistic\\_rights.pdf?sequence=1&isAllowed=y](https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161088/OMSO_35_2018_Follow-up_indicators_for_linguistic_rights.pdf?sequence=1&isAllowed=y).

<sup>8</sup> See <https://julkaisut.valtioneuvosto.fi/handle/10024/163710>.

date to revitalize the Sami languages and calls on the authorities to reinforce and expand those measures to respond to the pressing challenges that remain in this field.

22. Challenges in the availability of public services in the Sami languages were underscored by interlocutors. A 2020 survey showed that Sami speakers considered these services, and information about them, inadequate and that only 7 per cent of respondents in the Sami homeland considered their availability to be good.<sup>9</sup> The Government reported on the allocation of 2 million euros in 2022 to projects led by academic institutions to train Sami-speaking social and health-care personnel.

23. The current Sami Parliament Act and the interpretation of it by the Supreme Administrative Court have given rise to decisions by two United Nations human rights mechanisms that Finland has violated its international human rights obligations in respect of the Sami and their self-determination. In 2015, the Supreme Administrative Court of Finland ruled that over 100 people, who identified as Sami, but who were not recognized as Sami persons by the Sami community and the Sami Parliament, should be added to the electoral roll and therefore be eligible to vote in the elections for the Sami Parliament. In 2019, the Human Rights Committee established in two rulings that through that decision, Finland had violated the rights of the Sami people and urged the Government to pass amendments to the Sami Parliament Act that are in line with international human rights law, in particular the principle of self-determination. In June 2022, the Committee on the Elimination of Racial Discrimination also found that Finland had violated international human rights law and recommended that it urgently initiate a genuine negotiation for the review of section 3 of the Sami Parliament Act, which should be defined in a manner that respects the right of the Sami people to provide their free, prior and informed consent on matters relating to membership of their community and their political participation. However, on 27 March 2024, the Supreme Administrative Court ruled that 72 other persons should be added to the electoral roll, overturned the previous election results and ordered a new electoral process before the end of June 2024. Despite the decisions of the two human rights committees and three attempts to revise it in the parliament, a reform of the Sami Parliament Act is still pending. A fourth draft, which aims to enhance the right to self-determination of the Sami people, in compliance with international standards and the rulings of the committees, was drafted by the Government in collaboration with the Sami Parliament and presented to the Finnish parliament, where it is pending approval. The Special Rapporteur underscores the urgent need to revise the Act to bring it into full compliance with international standards on the right of Indigenous Peoples to self-determination, including with regard to their own identity and membership, in line with the criteria established in the decisions of the human rights committees. The Special Rapporteur received worrying reports that on 13 March 2024, the police in Ivalo had announced that they were investigating whether the members of the Electoral Commission of the Sami Parliament had committed a crime when they applied the Sami Parliament Act in a manner that sought to comply with international human rights standards. He is deeply concerned that criminal prosecution may be used as a form of retaliation against the Sami for exercising their right to self-determination in determining their identity and membership.

24. In regard to the impact of economic activities on the life of the Sami people, the Special Rapporteur was informed that the protection of their rights and culture was taken into account in the amended Climate Change Act (423/2022) and the Nature Conservation Act (9/2023), however, he is concerned that the amended Mining Act of 2011 does not require the State to ensure their free, prior and informed consent, and that government logging companies continue to operate in Sami lands without consultation or consent from the Sami.<sup>10</sup>

25. Despite numerous recommendations from United Nations human rights mechanisms, Finland has yet to ratify the Indigenous and Tribal Peoples Convention 1989 (No. 169). The Special Rapporteur calls on Finland to move forward with the process of ratification of that treaty as an essential guarantee of non-recurrence.

<sup>9</sup> See <https://julkaisut.valtioneuvosto.fi/handle/10024/162826> (in Finnish).

<sup>10</sup> Information received from civil society.

## D. Conclusion

26. The Sami people in Finland have been subjected to long-term abuses and violations at the hands of the State and other authorities. The legacy of those violations has left an indelible mark on their well-being, culture, status and living conditions, which requires an urgent response.

27. Legislative reforms from the 1990s onwards have aimed to redress some of the harm inflicted on the Sami people and secure some of their rights. The Constitutional Reform of 1995, the Sami Parliament Act, the Sami Skolt Act and the Sami Language Act, among others, as well as language promotion and education policies, have provided essential tools to advance the language and cultural rights of the Sami people, revitalize their languages and reverse the deleterious effects of assimilation policies. Notwithstanding that progress, education in the Sami languages should be further strengthened. In recent years, an incipient process of transitional justice has been adopted to address the legacy of human rights violations committed against the Sami people. The Truth and Reconciliation Commission and the Sami psychosocial support unit are the hallmarks of this process and should receive full political, economic and social support.

28. Truth-seeking efforts must be directed at elucidating the scope, circumstances, responsibilities and current effects of those past abuses, but also at providing a road map for much-needed remedy, reparation and reconciliation. The Truth and Reconciliation Commission is uniquely positioned to guide future efforts aimed at redressing the harm done and ensuring the full realization of the rights of the Sami people. Full and effective implementation of its recommendations will be vital for the transitional justice process of Finland and adequate mechanisms to achieve this task must be devised urgently.

29. With regard to reparation, the Special Rapporteur commends the vital work carried out by the psychosocial support unit and underscores the importance of the repatriation and reburial initiatives carried out by the National Museum of Finland and the Sami Museum Siida. He also notes the important memorialization work carried out by the latter and would like to encourage it to deepen its work in the memorialization of the legacy of past abuses, in order to ensure that its transmission to current and future generations will be an effective guarantee of non-recurrence. Memorialization and education on this topic must be urgently scaled up by Finnish public institutions across the country. Despite those efforts, the Special Rapporteur notes with concern the lack of progress in other areas of reparation owed to Sami victims, such as compensation and satisfaction, and calls on the authorities to design and implement, in consultation with the Sami people and with their free, prior and informed consent, adequate measures in that regard. The issue of the rights of affected communities to their ancestral lands and natural resources has not yet been addressed in the transitional justice process and requires attention in compliance with international standards on the matter.

30. The continued effects of past abuses in the status and condition of the Sami people in Finland require particular attention. Discrimination, racism and hatred with regard to the Sami people are still prevalent in Finnish society and must be urgently addressed, in compliance with international standards on freedom of expression and on the prohibition of incitement to hatred and discrimination. The right to freedom of expression does not sanction the use of hate speech or discriminatory speech.

31. The self-determination of Indigenous Peoples, such as the Sami, is a right enshrined in international standards and must be equally reflected in Finnish society. Approval of the revised Sami Parliament Act, recently brought forward by the Government, will be vital to bring the national legislation on the matter into compliance with international standards and the rulings of international bodies. Progress in this field will provide a measure of the true commitment of the State to respecting the rights of Indigenous Peoples.

32. The Special Rapporteur commends the progress made in advancing transitional justice processes to address the legacy of colonialism in relation to the rights of the Sami people in Finland and calls on the authorities to reinforce them to address the remaining challenges in compliance with international standards and in line with the recommendations set out in section IV A below.



### III. Sweden

33. From 18 to 22 March 2024, the Special Rapporteur conducted an official visit to Sweden to examine the transitional justice measures adopted to address the legacy of human rights violations endured by the Sami people and the Tornedalian, Kven and Lantalaïset minority in the context of assimilation and related policies. The Special Rapporteur visited Stockholm, Kiruna and Jukkasjärvi, where he met with officials from several government ministries, as well as with representatives of the National Board of Health and Welfare, the Public Health Agency of Sweden, the Truth Commission for the Sami People, the Swedish National Heritage Board, the National Historical Museums, the National Museums of World Culture, the Parliamentary Committee on Reindeer Lands, the Living History Forum, the Swedish Institute for Human Rights, the Equality Ombudsman and the Meänkieli language centre. He also met with the Sami Parliament and the Sami School Board, representatives of the Sami people and of the Tornedalian, Kven and Lantalaïset minority, civil society organizations, the Church of Sweden and academia. The Special Rapporteur thanks the authorities in Sweden for their openness and cooperation in the realization of his visit.

#### A. Historical background

34. The Sami people (who descend from the first inhabitants of the northern regions and have traditionally inhabited the territory of Sápmi) and the Meänkieli-speaking Tornedalians, Kvens and Lantalaïset (who descend from Finnish peoples who settled along the Torne Valley in the ninth century) were the subject of policies adopted by the State and the church in the nineteenth and twentieth centuries to suppress their linguistic and cultural identity and assimilate them into the Swedish linguistic and cultural identity. During this period, the use of the Sami and Meänkieli languages was forbidden in schools and both the Sami and the Tornedalians, Kvens and Lantalaïset were subjected to racial biology studies, forced conversion, land settlement and the forced accommodation of children in boarding schools, where many were subjected to abuse. Assimilation policies and boarding schools remained in force until the early 1960s, leading to a steep decline in the use of the Sami and Meänkieli languages and traditional practices.

#### B. Legislative reforms to promote human rights

35. Since the 1990s, Sweden has established a framework for the protection of certain rights of the Sami and Tornedalians. In 1992, the Sami Act established the Sami Parliament as a popularly elected body and government agency with a mandate to work for a living Sami culture. That mandate was extended to jurisdiction over reindeer-herding affairs in 2007. In 1977, Sweden recognized the Sami as an Indigenous People. In 2000, the Sami and Tornedalians were recognized as official national minorities (alongside Jews, Roma and Sweden Finns), and Sami and Meänkieli as official minority languages (alongside Finnish, Romani Chib and Yiddish). The National Minorities and Minority Languages Act of 2009 contains provisions concerning national minorities, national minority languages, the right to use minority languages in dealings with administrative authorities and courts, and provisions concerning minority elderly care. The Constitution, as amended in 2011, recognizes the Sami as a people and states that opportunities shall be promoted for them and for other minorities to preserve and develop a cultural and social life of their own. A recent reform to the Minorities Act mandates municipalities and regions to adopt objectives and guidelines for their minority policy work, clarifies their duty to inform and consult with minorities and strengthens preschool education in minority languages. In 2022, Sweden adopted the Act on Consultation on Issues Concerning the Sami People, aimed at promoting their influence over matters affecting them.

## C. Transitional justice measures

### 1. Truth-seeking

36. In March 2020, the Government initiated a truth-seeking process by establishing the Truth and Reconciliation Commission for Tornedalians, Kvens and Lantalaïset with a mandate to investigate the historical human rights violations and abuses suffered by them as a result of the assimilation policies of the nineteenth and twentieth centuries. In June 2020, the Government appointed the president and eight board members of the Commission (including two representatives of the minority group), following consultation with representatives of that minority. The Commission was mandated to review assimilation policies and their impact on the minority group, undertake awareness-raising about their historical experience and propose measures to contribute to redress and reconciliation. Matters related to the rights to ancestral lands and natural resources were regrettably not included in its mandate. The Commission started its work in October 2020 and travelled around Tornedalen to gather testimonies.<sup>11</sup> The Commission convened coffee meetings, following the traditions of the minority group, to let them know about its work and provide a space to share experiences. The Commission placed a strong focus on the involvement of the minority people in the process.

37. The Commission submitted its final report to the Government in November 2023, in which it stated that the policy of assimilation had harmed the minority and continued to hinder the defence of its language, culture and traditional livelihoods. It also provided recommendations on how to strengthen the Tornedalian culture and language and urged the State and the Church of Sweden to apologize for the historic injustices committed against the minority group. It did not, however, evaluate questions of individual responsibility or any compensation to be afforded to those affected. A wide consultation process on the contents of the report was undertaken, spearheaded by the Government. Civil society reported that the implementation of the recommendations was deficient and that the report had been underutilized and insufficiently publicized.

38. More recently, Sweden has ignited a truth-seeking process to shed light on the violations endured by the Sami people. The Truth Commission for the Sami People was established in 2021, following a petition by the Sami Parliament. The Commission is an autonomous body, whose members were appointed by the Government, in consultation with the Sami Parliament, in June 2022. The Commission is mandated to examine and report on the policies to which the Sami were subjected and the subsequent consequences for the Sami people, and to propose recommendations that could contribute to making amends and promoting reconciliation.<sup>12</sup> The Commission's recommendations will provide an enforceable road map for State and local public entities to discharge their duties towards the Sami and must therefore be comprehensively drafted. The Commission began convening meetings to collect the testimonies of victims in February 2023 and established an official website to provide access to information and receive testimonies. A number of representatives of civil society have demanded that the period for the receipt of written and oral testimonies be extended, which the Special Rapporteur supports. Given the relevance of the work of the Commission, it is imperative to ensure that it is equipped with sufficient resources and afforded the necessary support. Material from such inquiries is sent to the national archive and is available to the public.

39. The effective implementation of the recommendations of both commissions is vital to ensure the realization of the rights of the communities affected, strengthen their trust in State institutions and achieve reconciliation. However, concerns have emerged regarding the reportedly deficient implementation of the recommendations of the first commission and the lack of a framework to follow up on the work of both commissions. The Government should consider establishing an independent mechanism, in consultation with the communities affected, to support and monitor the implementation of the recommendations of both commissions and provide sufficient human, technical and financial resources for the job to be done. Suggestions from the commissions (including, if possible, from former members of

<sup>11</sup> See <https://www.sametinget.se/160524>.

<sup>12</sup> See <https://www.sametinget.se/truth-commission>.

the Truth and Reconciliation Commission for Tornedalians, Kvens and Lantalaïset) on how best to monitor and enforce the implementation of their recommendations will be important in this regard and must be duly considered by the relevant authorities.

40. A truth and reconciliation initiative by the Church of Sweden led to the publication in 2016 of a white paper entitled “The Sami and the Church of Sweden”, which documents the past violations committed and examines the guilt and responsibility of the institution as regards the Sami.<sup>13</sup> The Church also prepared and published a book collecting testimonies about the nomad schools. The Special Rapporteur commends those endeavours.

## 2. Reparation

41. With regard to reparation, Sweden has adopted some incipient measures in the field of restitution and satisfaction: it has adopted measures of restitution of cultural heritage and skeletal remains belonging to the Sami people, and State museums, institutes and universities have repatriated artifacts and human remains that had been in their possession, in some cases for centuries. Twelve repatriation initiatives have been completed or initiated so far. However, many more items remain in the collections of those institutions. The research into the provenance of artifacts and remains, and their repatriation, is a complex and resource-intensive process that involves many public institutions. In view of the complexity of the matter, it will be important to adopt a national policy that provides an overarching regulatory, technical and financial framework for action in this field. The Government stated that its 2016/17:116 Policy on Cultural Heritage regulates practice in this field and that the Swedish National Heritage Board is investigating the prerequisites for repatriation and for a coherent regulatory framework.

42. As regards measures of satisfaction, the Ministry of Agriculture apologized to the Sami on behalf of the Government in 1998,<sup>14</sup> but no other State apology has been issued. Despite the recommendation of the Commission, no apologies were issued to the Tornedalians, Kvens and Lantalaïset. Although no longer a State institution at the time, in October 2021, the Church of Sweden made an official apology to the Sami people in Uppsala Cathedral and renewed it a year later in Luleå Cathedral. The apologies were part of a reconciliation process developed in close dialogue with the Sami Council of the Church of Sweden, which includes an action plan with eight commitments to strengthen Sami languages, culture and influence in the Church, and increase awareness of the church’s historical relations with and abuses of the Sami people, as well as an allocation of SKr 40 million.<sup>15</sup> The Church of Sweden has also initiated a reconciliation process with the Tornedalians, Kvens and Lantalaïset. The Special Rapporteur commends the processes led by the Church.

43. With regard to rehabilitation measures, psychosocial support to deal with the effects and intergenerational trauma of past violations is not specifically provided to Sami people, despite the reportedly high rates of suicidal behaviour among its population, above the national average;<sup>16</sup> nor is it provided to Tornedalians, Kvens and Lantalaïset. Those populations can access such services through the country’s public health system, which is available to all citizens and is operated under the responsibility of each region and municipality, according to the constitutional principle of local self-governance. The Government stated that the National Board of Health and Welfare had developed tools to monitor the health of the national minorities, produced and disseminated information about their rights among health- and elderly care staff, and developed mechanisms to counter racism in health care. The Public Health Agency had produced tools to monitor, research and

<sup>13</sup> See <https://www.svenskakyrkan.se/forskning/the-church-of-sweden-and-the-sami-a-white-paper-project>.

<sup>14</sup> See Veli-Pekka Lehtola, “Sami histories, colonialism and Finland”, *Arctic Anthropology*, vol. 52, No. 2 (2015) and <https://www.ohchr.org/sites/default/files/Documents/Issues/Truth/CallLegacyColonialism/CSO/Swedish-Foundation-for-Human-Rights.pdf>.

<sup>15</sup> See <https://www.svenskakyrkan.se/samiska/ursakt-till-det-samiska-folket> (in Swedish) and <https://www.svenskakyrkan.se/ataganden-pa-engelska>.

<sup>16</sup> See <https://www.folkhalsomyndigheten.se/contentassets/c5f23f317c4040e5adef075d7d4a0c26/hur-mar-samer-sverige.pdf> (in Swedish).

report on the health, including the mental health, of national minorities and had translated information on the promotion of good health into minority languages. In addition, a knowledge network for Sami health has been established between four northern regions, the Sami Parliament and Sami organizations, which has been financed by the Government since its creation. The Government is developing a new national strategy for mental health and suicide prevention, including, for the first time, Sami perspectives, and has allocated funding for the Sami Parliament to participate in developing the strategy.<sup>17</sup> A survey is being conducted to feed into the planned strategy. Reparation in the form of compensation and restitution of ancestral lands and natural resources has not taken place.

44. The Special Rapporteur welcomes the apologies and the repatriation of Sami objects and skeletal remains to the Sami homeland, however he notes with concern the scarcity of other measures to provide reparation to the Sami people and to Tornedalians, Kvens and Lantalaïset. To repair and reverse the harm inflicted on them, it is important to design and implement a comprehensive reparation programme that includes measures of rehabilitation, compensation, satisfaction, transformative reparation and a widened scope of restitution addressed to both minorities affected, in consultation with them and with their consent, and in compliance with international standards on the rights of Indigenous Peoples and minorities.

### **3. Memorialization and guarantees of non-recurrence**

45. The Special Rapporteur noted a scarcity of measures aimed at memorializing the legacy of assimilation and related policies. He did not receive any information about the existence of memorials or museums to commemorate and dignify the victims of abuse, or to inform current and future generations about those practices. As regards the marking as memory sites of the buildings where violations took place, the Special Rapporteur was informed that some of the five existing Sami schools were housed in former nomad boarding schools, but that official signage had not been put up in the premises to identify them as memory sites. However, the school authorities do organize teaching activities for pupils about the abuses committed in those schools and have displayed photos and commemorative objects from that time. The Special Rapporteur commends the practices carried out by teachers and urges the Government to follow suit by adopting an overarching policy to mark memory sites. As regards days of commemoration, the Sami National Day is celebrated by members of the community across Sami lands but has not been established as a national public holiday in Sweden. Nonetheless, the authorities do recommend that the Sami flag be raised on the day and some regional authorities and teachers commemorate the day on their own initiative. Such initiatives are, however, scarce and must be scaled up.

46. Society seems largely uninformed about the history and culture of the Sami people and even less so about the Tornedalian, Kven and Lantalaïset minority, which is largely invisible in Swedish society, despite its status as a national minority. Knowledge of the violations they have endured is also rare. Almost all actors with whom the Special Rapporteur met noted with concern that school curricula and materials focused briefly or insufficiently on the culture and history of the Sami people and the abuses they had endured, and even less on those of the Tornedalians, Kvens and Lantalaïset. The Government reported that recent curricular reforms had strengthened and unified the teaching about national minorities in primary and secondary schools. Comprehensive instruction on such topics at all education levels needs to be sustained to combat existing prejudices and intolerance. Teachers and public officials must likewise receive training on the matter, and on the human rights of minorities and Indigenous Peoples more generally. Cultural and media work on the topic is also lacking and should be prioritized. The reports of the truth commissions can provide a robust and accurate account in this regard and should constitute the foundation for educational, cultural and media work to inform current and future generations about the history and present status of the Sami people and Tornedalians, Kvens and Lantalaïset. The reports should be widely disseminated and utilized by all relevant public institutions as an essential aid to their social appropriation. The Living History Forum implements educational

<sup>17</sup> See <https://www.arctictoday.com/swedens-new-mental-health-strategy-will-include-sami-for-the-first-time/>.

activities for school and public sector staff on combating racism and on Indigenous rights, and is currently producing educational material for secondary and tertiary level students and their teachers, as well as an exhibition for younger school children about the culture and history of the five national minorities. The educational material is expected to include information about the role of the State and the Special Rapporteur hopes that the legacy of assimilation policies will be sufficiently reflected in it. The Special Rapporteur commends the work of the Forum in the production and transmission of accurate pedagogic information about this topic and calls on the Government to continue to support it through allocation of the necessary resources.

47. As a result of assimilation policies, the Sami and Meänkieli languages have experienced a pronounced and worrying decline, which could lead to their extinction. The Government has adopted numerous measures to revitalize minority languages through the legislation mentioned above; the enhancement of rights in special administrative areas; an action programme for the preservation of minority languages; the establishment of language centres for minority languages and policy actions, such as the provision of tuition in minority languages over the period of compulsory schooling (mother tongue and “modern language” instruction); remote education in minority languages (with an increased number of children receiving it); minority language instruction at university; and teacher training in minority languages. With regard to the Sami language, there are five Sami schools in Sápmi, providing either full immersion, bilingual instruction, or several hours of Sami language instruction. The impact of these measures has been positive, but minority languages remain at risk. In 2017, the Advisory Committee on the Framework Convention for the Protection of National Minorities expressed concern at the lack of minority language speakers among staff in preschools, homes for the elderly and local administration. To enhance minority language instruction, Sweden has recently adopted amendments to the National Minorities Act to strengthen requirements for preschool and other educational activities in minority languages. In 2020, the Swedish National Agency for Education had the preschool curriculum translated into Meänkieli and three Sami languages.

48. During the visit, numerous interlocutors expressed concern about the scarcity of preschool and primary schoolteachers and pedagogic material in minority languages. Measures to redress this shortcoming should encompass additional resources for the recruitment and training of minority language teachers; the inclusion of mother tongue classes in regular schooling hours (rather than after-school hours); additional resources to produce culturally appropriate material and translate existing educational material in both languages; and the promotion of sustainable working conditions for Sami and Meänkieli teachers. The Government reported that procurement of teaching materials in national minority languages is under way, managed by the Swedish National Agency for Education. The Special Rapporteur commends the measures adopted so far to revitalize minority languages and calls on the authorities to reinforce and expand them to respond to the critical challenges remaining.

49. The Special Rapporteur takes note of the overarching national policy against racism adopted by the Government and the role of the entities in charge of its implementation and related programmes. Nonetheless, he has been informed by numerous interlocutors, including public officials, about the worrying rise in racism and hate crime directed at the Sami people and other national minorities in mass and social media, and the insufficient accountability in that regard. He expresses grave concern about the situation and would like to recall the duty of the State to ensure freedom of expression is exercised in full compliance with international human rights standards, particularly article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (on the prohibition of incitement to discrimination and hatred), and articles 19 and 20 of the International Covenant on Civil and Political Rights (on the right to freedom of expression and on the prohibition of advocacy of national, racial or religious hatred), and the relevant general comments issued by the treaty bodies.

50. Consultation with and the consent of Indigenous Peoples and minorities on issues affecting them is an essential tenet of human rights. The Act on Consultation on Issues Concerning the Sami People establishes the duty of the Government, the State authorities, the regions and the municipalities to consult Sami representatives before adopting decisions

that may have a direct impact on Sami languages, culture, industries or Indigenous status. The Act was developed following consultation with the Sami Parliament and Sami associations, and entered into force for State entities in 2022 and for regional ones in 2024. The adoption of the Act was a much awaited and important step towards strengthening consultation requirements. However, several interlocutors noted with concern that the Act does not ensure that the views of the Sami people will be duly taken into consideration in decision-making, since their free, prior and informed consent is not required.

51. With regard to the enforcement of the rights to lands and natural resources, pursuant to the Reindeer Husbandry Act of 1971, members of a reindeer-herding community have the right to hunt and fish in their Sami village (*sameby*). In a ruling, the Supreme Court decided that the Girjas reindeer herding community alone had the right to decide on issues relating to fishing and hunting small game on the reindeer-herding lands they have used since time immemorial. Non-reindeer herding Sami and Tornedalians, Kvens and Lantalaïset, who were living in the northern regions before the advent of the nation State, do not have their rights to traditional livelihoods and natural resources enforced by legislation or court decisions, which has created a category split, with differing sets of rights and conflicts of interest between reindeer-herding and non-reindeer-herding Sami and Tornedalians, Kvens and Lantalaïset. Sami interlocutors expressed concern that due to insufficient State action to enforce the rights of the Sami people to land and natural resources, such as those recognized in the Reindeer Husbandry Act, they must rely mostly on the court system to assert their rights, which is costly and time-consuming. The State does not provide free legal aid for this purpose, a situation that must be rectified.

52. Sweden has not ratified the Indigenous and Tribal Peoples Convention 1989 (No. 169), despite numerous recommendations from United Nations human rights mechanisms. The Special Rapporteur calls on Sweden to ensure its prompt ratification as an essential guarantee of non-recurrence.

## D. Conclusion

53. During his visit, the Special Rapporteur heard reports about the oppression, discrimination, violence and violations of the rights to culture, language and traditional livelihoods experienced by the Sami people and Tornedalians, Kvens and Lantalaïset as a result of assimilation policies. The lasting effect of these violations on the well-being, identity, culture and status of those minorities has lingered for decades and requires a response by the State. Legislative reforms and related policies from the 1990s onwards have aimed to redress some of the harm inflicted on them by reversing the deleterious effect of assimilation policies on their language and culture, and securing related rights. However, the revitalization of their language and culture remains precarious and requires that language education in the years of compulsory schooling and teacher language training and certification in the Sami and Meänkieli languages be strengthened, and the educational curriculum and material about the history, status and culture of those minorities improved and expanded.

54. In recent years, an incipient process of transitional justice has been adopted to address the legacy of human rights violations committed against the Tornedalian, Kven and Lantalaïset minority and the Sami people through the establishment of truth-seeking processes. The role of both truth commissions in shedding light on this dark period and providing a road map for the way forward is vital for accountability, healing, trust-building and reconciliation. It is imperative that the recommendations of the two commissions are implemented and relevant mechanisms to that end must be devised urgently.

55. With regard to reparation, the Special Rapporteur takes note of the important repatriation and reburial initiatives carried out by the State and the church authorities, and encourages the Government to devote renewed resources and a national policy to these tasks. On the other hand, he notes the lack of specialized psychosocial rehabilitation services for the Sami people and for Tornedalians, Kvens and Lantalaïset, the lack of compensation measures for them and the limited instances of apologies offered by the State. The Special Rapporteur calls on the authorities to design and implement, in consultation with the

communities affected, measures in these areas to provide full reparation. He would also encourage the authorities to adopt a policy to memorialize and impart education about the legacy of past abuses against these communities, to ensure that its transmission to current and future generations will be an effective guarantee of non-recurrence. The issue of the rights of the communities affected to their ancestral lands and natural resources has not yet been addressed in the transitional justice process and requires attention, in compliance with international standards on the matter.

56. The continuing effects of past abuses on the status and condition of the Sami people and of the Tornedalian, Kven and Lantalaïset minority require particular attention. Discrimination, racism and hatred of them are still prevalent in areas such as education, employment, the service sector, the Internet and the media, and must be urgently addressed in compliance with international standards on freedom of expression and on the prohibition of incitement to hatred and discrimination. The Special Rapporteur recalls in this regard that the right to freedom of expression does not sanction the use of hate speech or discriminatory speech. Tornedalians, Kvens and Lantalaïset are largely invisible in Swedish society and receive little attention and support from State institutions and non-State actors to promote their status and rights as a national minority. The Special Rapporteur calls on the authorities to prioritize their rights in the national agenda and to provide sufficient financial resources to ensure that their representatives can effectively carry out their much-needed work to advocate for their rights, promote their culture and raise their profile as national minorities.

57. In the context of development projects, including the so-called green transition, the infringement of the rights of the Sami people and those of the Tornedalian, Kven and Lantalaïset minority was a concern stated by numerous interlocutors. The Special Rapporteur calls on the Government to ensure that international standards regarding the effective consultation of the communities affected and the free, prior and informed consent of Indigenous Peoples are complied with in such projects.

58. The Special Rapporteur commends the progress made so far in advancing a transitional justice agenda to address the legacy of assimilation policies on the rights of the Sami people and of the Tornedalians, Kvens and Lantalaïset, and calls on the authorities to reinforce that progress so as to address the remaining challenges, in compliance with the international standards applicable to this field and to the rights of Indigenous Peoples and minorities, in line with the recommendations set out below.

## **IV. Recommendations**

### **A. Recommendations addressed to the authorities in Finland**

59. **The Special Rapporteur recommends that the Government of Finland:**

- (a) **Ratify the Indigenous and Tribal Peoples Convention 1989 (No. 169);**
- (b) **Ensure that the Truth and Reconciliation Commission has the necessary financial, technical and political support to carry out its work;**
- (c) **Ensure that the Truth and Reconciliation Commission proposes recommendations that are specific, tailor-made and provide a clear and enforceable road map for State and local public entities to effectively discharge their duties towards the Sami people, as well as guidance on how to monitor and enforce the implementation of its recommendations. The Commission should explore cooperation avenues with international experts and practitioners with experience in similar initiatives to complement and guide their efforts;**
- (d) **Design and implement, in consultation with the Sami people, a mechanism to monitor the implementation of the recommendations to be contained in the report of the Commission. Such a mechanism should be independent, receive sufficient technical and financial resources, and remain in function until all recommendations have been implemented;**

- (e) Invite a representative of the Finish Human Rights Centre to participate in the parliamentary group for the Truth and Reconciliation Commission;
- (f) Ensure that the Sami people are granted access to the archives of the Truth and Reconciliation Commission, which will be established in the Sami section of the National Archives;
- (g) Establish the mandate of the Sami psychosocial support unit Uvjj – Uvjâ – Uvja – Untuva as a permanent independent unit within the Ministry of Health and Welfare, with an autonomous budget and sufficient human and financial resources and geographical presence to allow it to service the needs of the Sami people across the country;
- (h) Design and implement, in full consultation with and with the consent of the Sami people, a comprehensive reparation programme that includes measures of compensation and satisfaction (including public apologies), strengthens the existing measures of rehabilitation, provides transformative reparations and widens the scope of restitution measures available to them, in compliance with international standards on the rights of Indigenous Peoples;
- (i) Consider adopting an overarching regulatory, technical and financial framework to guide and facilitate measures of restitution of Sami objects and skeletal remains;
- (j) Adopt a national policy to memorialize the legacy of the assimilation policies related to the rights of the Sami people, and ensure that public institutions across the country adopt or scale up memorialization and education about the lasting effects of those policies on the rights of the Sami people;
- (k) Ensure that the outcome report of the Truth and Reconciliation Commission is widely disseminated, both to the populations affected and to Finnish society as a whole, and that its dissemination is accompanied by sustained efforts in the fields of memorialization, education and culture to both commemorate and inform current and future generations about the history and present status of the Sami people;
- (l) Provide the Sami Museum Siida with sufficient and sustained economic and institutional support to carry out its mission. The Museum should deepen its work in the memorialization of the legacy of past abuses to ensure transmission of that information to current and future generations;
- (m) Urgently update the core national educational curricula to comprehensively incorporate education at the primary, secondary and tertiary levels on the history, culture and status of the Sami people in Finland and the violations they have endured. Ensure that teachers and public officials receive training on this topic and on the human rights of Indigenous Peoples;
- (n) Reinforce and expand the existing measures aimed at revitalizing the Sami languages and promoting Sami language services in public institutions, including the health sector, to respond to the remaining challenges in this field. In particular, adopt measures to redress the scarcity of basic education teachers and educational material in the Sami languages, including by increasing the resources aimed at paying the salaries of Sami language teachers, translating educational material into the three Sami languages, producing culturally appropriate educational material for Sami teachers and promoting sustainable working conditions for them;
- (o) Adopt measures to curb and address discrimination, racism and hate speech directed against the Sami people, in compliance with international standards on freedom of expression and on the prohibition of incitement to hatred and discrimination, and ensure accountability is pursued where required by law compliant with such international standards;
- (p) Revise sections 3 and 9 of the Sami Parliament Act to bring it into compliance with international standards regarding the rights of Indigenous Peoples to self-determination, to determine their own identity and membership, and to their free,



prior and informed consent on issues affecting their status, as well as in compliance with the rulings of international human rights mechanisms on the matter;

(q) Ensure that criminal prosecution is not misused as a form of retaliation against the Sami people for exercising their right to self-determination in determining their identity and membership;

(r) Revise legislation, policies and practices, including those regarding development and logging and mining projects that impact the rights and status of the Sami people, to ensure that their free, prior and informed consent is obtained in all instances;

(s) Ensure that the rights of the Sami people enshrined in international standards are legally recognized in domestic law;

(t) Ensure that international standards on the rights of Indigenous Peoples are embedded in all decisions, legislation, processes and mechanisms regarding transitional justice for past colonial abuses.

## **B. Recommendations addressed to the authorities in Sweden**

60. The Special Rapporteur recommends that the Government of Sweden:

(a) Ratify the Indigenous and Tribal Peoples Convention 1989 (No. 169);

(b) Ensure that the Truth Commission has the necessary financial, technical and political support to carry out its work, and consider extending the period for the receipt of written and oral testimonies by the Commission;

(c) Ensure that the Truth Commission for the Sami people proposes a comprehensive and tailor-made set of recommendations that provide an enforceable road map for State and local public entities to discharge their duties towards the Sami;

(d) Design and implement, in consultation with and with the consent of the communities concerned, a mechanism to monitor the implementation of the recommendations of the Truth and Reconciliation Commission for Tornedalians, Kvens and Lantalaïset and the Truth Commission for the Sami people. Such a mechanism should be independent, receive sufficient technical and financial resources, and remain in function until all recommendations have been implemented;

(e) Consider adopting an overarching regulatory, technical and financial framework for action in relation to research on the provenance and restitution of objects of cultural heritage belonging to the communities affected;

(f) Design and implement a comprehensive reparation programme addressed to the Sami people and to Tornedalians, Kvens and Lantalaïset that includes measures of rehabilitation, compensation and satisfaction (including public apologies), transformative reparation and a widened scope of restitution, and ensure that the affected communities are consulted and give their consent, in compliance with international standards on the rights of Indigenous Peoples and minorities;

(g) Adopt a national policy to memorialize the lasting effects of assimilation policies on the rights of the Sami people and of the Tornedalian, Kven and Lantalaïset minority. Public institutions across the country must adopt or scale up memorialization and education efforts on this issue. Adopt an overarching policy to mark as memory sites the areas or buildings where human rights violations were inflicted on the communities affected in the context of assimilation policies;

(h) Ensure that the reports of both truth commissions are published, widely disseminated, utilized by all relevant public entities and are accompanied by sustained efforts in the fields of memorialization, education and culture to inform current and future generations about the history and present status of the Sami people and of the Tornedalians, Kvens and Lantalaïset;

(i) **Maintain, and increase where needed, comprehensive education about the culture and history of the Sami people and of the Tornedalians, Kvens and Lantalaïset, and the abuses both endured, at all three levels of education, and improve the educational curriculum and material on this topic. Ensure that teachers and public officials receive training on the matter and on the human rights of minorities and Indigenous Peoples;**

(j) **Continue to support and promote, including through the allocation of the necessary resources, the role of the Living History Forum in the production and transmission of accurate pedagogic information about the history, culture and status of the five national minorities and the role of State institutions therein. The Forum is encouraged to comprehensively address the legacy of assimilation policies within this project;**

(k) **Reinforce and expand measures aimed at revitalizing the Sami and Meänkieli languages and redressing the scarcity of preschool and primary schoolteachers and pedagogic material in these languages, including by providing additional resources for the recruitment, training and certification of minority language teachers. promoting the inclusion of mother tongue classes in regular schooling hours (rather than after-school hours), providing additional resources to produce culturally appropriate material and translate existing educational material into both languages, facilitating sustainable working conditions for Sami and Meänkieli teachers, and adequately funding Sami and Meänkieli language resource centres;**

(l) **Adopt measures to address, prevent and curb discrimination, racism and hate speech against the Sami people and Tornedalians, Kvens and Lantalaïset, in compliance with international standards on freedom of expression and on the prevention and combating of ethnic hatred and discrimination, including by reinforcing existing policies in this field, and ensure accountability is pursued where required by law compliant with such international standards;**

(m) **Ensure that existing and future legislation, including the Act on Consultation on Issues Concerning the Sami People, enshrines the right to the free, prior and informed consent of Indigenous Peoples and the minority communities affected in decision-making that may have a direct impact on their language, culture, industries or Indigenous status. Ensure that development and mining projects fully comply with international standards on the effective consultation of affected communities and the free, prior and informed consent of Indigenous Peoples to ensure that the rights of the Sami people and the Tornedalians, Kvens and Lantalaïset, as applicable, are not violated in such processes;**

(n) **Provide free legal aid to the Sami people and to the Tornedalians, Kvens and Lantalaïset to enforce their rights before the courts and ensure that the burden of proof of such rights does not unjustifiably fall on them;**

(o) **Prioritize the Tornedalians, Kvens and Lantalaïset in the national agenda, in order to promote their status and rights as a national minority. Provide sufficient financial resources to ensure that their representatives can effectively carry out their work to advocate for their rights, promote their culture and raise their profile as a national minority;**

(p) **Ensure that the rights of the Sami people and of the Tornedalians, Kvens and Lantalaïset enshrined in international standards are recognized in domestic law;**

(q) **Ensure that international standards on the rights of Indigenous Peoples and minorities are embedded and fully respected in all decisions, legislation, processes and mechanisms regarding transitional justice for past colonial abuses.**