



Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Mr. Fabián Salvioli

Preliminary Observations. Visit to Sweden (18 to 22 March 2024)

Stockholm, 22 March 2024

From 18 to 22 March 2024, I conducted an official visit to Sweden. The purpose of the visit was to examine the transitional justice measures adopted by the authorities in Sweden to address the legacy of human rights violations endured by the Sámi people and the Tornedalian, Kven, and Lantalais minority in the context of assimilation and related policies. The visit to Sweden is part of a wider visit to the Scandinavian peninsula on the subject. I would like to thank the authorities in Sweden for their openness and cooperation during the realization of the visit.

During the visit, I visited Stockholm, Kiruna and Jukkasjärvi. I met with Government officials and representatives of public entities at the central and local levels, including: the Ministry of Culture, Ministry of Education, Ministry of Rural Affairs and Infrastructure, Ministry of Climate and Enterprise, Ministry of Health and Social Affairs, Ministry of Employment, the National Board of Health and Welfare, the Public Health Agency of Sweden, Truth Commission for the Sámi People, Swedish National Heritage Board, National Historical Museums, National Museums of World Culture, the Parliamentary Committee on Reindeer Lands, the Living history Forum, Swedish Institute for Human Rights, Equality Ombudsman, and the Language Centre of Meänkieli. I also met with the Sámi Parliament and the Sámi School Board, representatives of the Sámi people and of the Tornedalian, Kven, and Lantalais minority, civil society organizations, the Church of Sweden, and academia.

Today I will share my preliminary observations concerning the progress made in addressing the legacy of assimilation and related policies in Sweden through transitional justice mechanisms. A detailed report of my visit will be presented to the United Nations Human Rights Council in September 2024.

Historical background

The Sámi 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 Lantalaiset (who descend from Finnish that settled along the Torne Valley since the 9th century), were the subject of policies adopted by the state and the church in the 19th and 20th century to suppress their linguistic and cultural identity and assimilate them to the Swedish. During this period, the use of Sámi and Meänkieli languages was forbidden in schools and Sámi people and Tornedalians/Kvens/Lantalaiset were subjected to racial biology studies, forced conversion, land settlement, and the forced accommodation of children in boarding schools, where many were subjected to abuses. Assimilation policies and boarding schools remained in force until the early 1960s, leading to a steep decline in the use of Sámi and Meänkieli languages and traditional practices.

Legislative reforms

In 1977, Sweden recognized the Sámi as an indigenous people. Since the 1990s onwards, Sweden has established a framework for the protection of certain rights of Sámi people and Tornedalians. In 1992, the Sámi Act established the Sámi Parliament, as a popularly elected body and government agency with mandate to work for a living Sámi culture. This mandate was extended to jurisdiction over reindeer herding affairs in 2007. In 2000, Sámi and Tornedalians were recognized as official national minorities (among three other), and Sámi and

Meänkieli as official minority languages. The National Minorities and Minority Languages Act of 2009 contains provisions concerning national minorities, national minority languages, administrative areas and the right to use minority languages in dealings with administrative authorities and courts as well as provisions concerning elderly care. The Constitution, as amended in 2011, recognizes the Sami as a people and states that opportunities shall be promoted for the Sámi people and for minorities to preserve and develop a cultural and social life of their own. A recent reform to the Minorities Act mandated municipalities and regions to adopt objectives and guidelines for their minority policy work, clarified their duty to inform and consult with minorities, and strengthened preschool education in minority languages. In 2022, Sweden adopted the Act on consultation on issues concerning the Sámi people, aimed at promoting the Sámi people's influence over matter affecting them.

In recent years, Sweden has also initiated a process of transitional justice through the establishment of truth-seeking processes regarding the violations suffered by Tornedalians and Sámi people, as well as measures of restitution through the repatriation of objects and human remains belonging to them.

Truth-seeking

In March 2020, the Government established A 'Truth and Reconciliation Commission for Tornedalians, Kvens and Lantalaïset with mandate to investigate the historical human rights violations and abuses suffered by them as result of the assimilation policies of the 19th and 20th centuries. In June 2020, the Government appointed the president and eight board members of the Commission, following consultation with representatives of the minority, including two board members representatives of the minority. The Commission, was mandated to identify and review assimilation policies and their impact on the minority group and individuals, undertake awareness and knowledge-raising about the minority and its historical experience, and to propose measures to contribute to redress and reconciliation. It started its work in October 2020 and travelled around Tornedalen to gather testimonies.¹ The Commission convened coffee meetings, following the tradition of the minority, to inform about the work of the commission and provide a space to share experiences. The Commission placed focus on the involvement of the minority. It submitted its final report to the Swedish Government in November 2023, where it stated that Sweden's policy of assimilation 'harmed the minority and continues to hinder the defence of its language, culture and traditional livelihoods'. The report provides recommendations on how to strengthen the Tornedalian culture and language and urged the Swedish State and the Church of Sweden to apologise for the historic injustices against the minority group. However, it did not evaluate questions of individual responsibility or about compensation to those affected. A wide consultation process on the contents of the report is currently underway spearheaded by the government. Civil society informed that the implementation of the recommendations is deficient, and that the report is underutilized and insufficiently publicized.

More recently, Sweden has ignited a truth-seeking process to shed light about the violations endured by Sámi people. The Truth Commission for the Sámi People was established in 2021 following a Sámi Parliament's petition. The Commission is an independent and autonomous body mandated to run between 2021 and 2025. Its members were appointed in June 2022 by the government, in consultation with the Sámi Parliament. The commission is mandated to examine the policies pursued towards the Sámi and the actions of relevant actors in the implementation of those policies; highlight the experiences of the Sámi; and analyse and shed light on the consequences of the policies pursued towards them.² The work of the Commission focuses on the role of national and local state institutions, and the Church of Sweden, up until the date in which it separated from the state in 2000. The Truth Commission began convening conversation meetings to collect testimonies in February 2023. It established an official website to provide access to information and receive testimonies. Given the relevance of the work that is being carried out by the Commission, it is imperative to ensure that it is fitted with the sufficient resources and afforded the necessary support. Several representatives of civil society have noted the need to increase the period for the reception of written and oral testimonies by the commission.

The implementation of the recommendations of the truth commissions will be vital to ensure the realization of rights of the affected communities, building their trust in state institutions, and achieving reconciliation. The relevant state authorities must urgently device and put in place a mechanism to support and monitor the

¹ <https://www.sametinget.se/160524>

² <https://www.sametinget.se/truth-commission>

implementation of the recommendations of both commissions. Such mechanism should be permanent until all recommendations have been implemented, independent, impartial, and be afforded sufficient technical and financial resources to deliver its work. Recommendations from the Truth Commission for the Sámi People on how to monitor and enforce the implementation of its recommendations will be important in this regard and must be duly considered by the relevant authorities.

A truth and reconciliation initiative initiated by the Church of Sweden led to the publication in 2016 of the White Paper “The Sámi and the Church of Sweden”, which documents the past violations committed and examines the guilt and responsibility of the institution towards the Sámi. The Church also prepared and published a book collecting testimonies about the nomad schools.

Reparation

With regards to reparation, Sweden has adopted some incipient measures in the field of restitution and satisfaction. Concerning the former, Sweden has adopted measures of restitution of cultural heritage and skeletal remains belonging to the Sámi people. Swedish state museums, institutes and universities have repatriated some artifacts and human remains that had been in their possession in some cases for centuries. Twelve initiatives have been completed or initiated so far. However, many more items are still in their collections. The research into the provenance of artifacts and remains which are suspected to belong to the Sámi and their repatriation is a complex process which involves many public entities where such objects are currently stored and requires resources and devoted efforts. I call on the government to consider adopting a national policy to deal with the issue comprehensively as well as to increase the financial, technical and human resources available to museums and other institutions to carry out this task and complete the process of repatriation. The Swedish National Heritage Board is investigating the prerequisites for repatriation and for a coherent regulatory framework.

Concerning measures of satisfaction, the Ministry of Agriculture apologized to the Sámi on behalf of the Government in 1998.³ No other state apology was issued. With regards to the Tornedalian/Kven/Lantalaiset minority, despite the recommendation of the Truth Commission, apologies towards the Tornedalians is yet to be issued. Although no longer a state institution at the time, in October 2021, the Church of Sweden made an official apology to the Sámi people in Uppsala Cathedral and renewed it a year later at the Luleå Cathedral. The apologies were part of a reconciliation process developed in close dialogue with the Sámi Council of the Church of Sweden, which includes an action plan with eight commitments to strengthen the use of Sámi languages and culture and the influence of Sámi people in the Church of Sweden and to increase awareness of the church’s historical relations and abuses against the Sámi people, and an allocation of 40 million krona.

With regards to rehabilitation measures, psychosocial support to deal with the effects or intergenerational trauma of past violations is not specifically provided to Sámi people, despite prevalence of suicide rates among its population above the national average, or to Tornedalians/Kvens/Lantalaiset. They 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. The Swedish government announced in 2021 that it would update its national strategy for suicide prevention and the promotion of good mental health, including for the first time Sámi perspectives, and allocated funding for the Sámi parliament to participate in developing the strategy.⁴ The government informed that a survey is being conducted to feed into the planned strategy.

Reparation in the form of compensation has not been offered to the Sámi people. I welcome the repatriation of Sámi objects and skeletal remains to the Sámi homeland, however I note with concern the scarcity of measures to repair the harmed inflicted on the Sámi during the 19th and 20th century and urge the authorities to design and implement, in consultation and with free, prior and informed consent of the Sámi people, a comprehensive reparation programme that includes measures of rehabilitation, compensation and satisfaction, and widens the scope of restitution measures.

³<https://www.ohchr.org/sites/default/files/Documents/Issues/Truth/CallLegacyColonialism/CSO/Swedish-Foundation-for-Human-Rights.pdf>

⁴<https://www.arctictoday.com/swedens-new-mental-health-strategy-will-include-Sámi-for-the-first-time/>

Memorialization and guarantees of non-recurrence

I have noted a scarcity of measures aimed at memorializing the legacy of assimilation and related policies. I did not receive information about the existence of memorials or museums to commemorate and dignify the victims of abuses and to inform current and future generations about those practices. Concerning the markings of buildings where violations took place as memory sites, I was informed that some of the five existing Sámi schools are housed in former nomad-boarding schools but official signage has not been established in the premises to identify them as memory sites. However, the school authorities do organize teaching activities for pupils about the past experiences lived in those schools and have displayed photos and commemorative objects from that time. I commend the practices carried out by teachers and urge the government to follow suit by adopting an overarching policy to mark memory sites. Concerning days of commemoration, the Sámi National Day is celebrated by members of the community across Sámi land but has not been established as a national public day in Sweden. Nonetheless, the authorities recommend raising the Sámi flag on the day and some regional authorities and teachers commemorate the day at their own initiative. Such initiatives are nevertheless scarce and must be scaled up.

Society as a whole seems to have little knowledge and information at its disposal regarding the history, culture and status of Sámi people, and much less so about the Tornedalians/Kvens/Lantalais minority who is largely invisibilized in Swedish society despite their status as national minority. Information and knowledge about the violations they have endured is also rare. Almost all actors with whom I met have noted with concern that school curricula and materials focus briefly on the Sámi people, with information which is deficient and incomplete about their identity and culture and without details about their history and abuses endured. Knowledge about the culture, history and abuses endured by Tornedalians/Kvens and Lantalais is reportedly not imparted in schools, leading to social unawareness about them. Comprehensive instruction of these topics in all education levels must be urgently scaled up. Teachers and public officials must likewise receive knowledge on the matter and on the human rights of minorities and indigenous peoples. Ignorance on this matter can and has helped reinforce prejudices and stereotypes about these communities. The Living History Forum is currently producing research and educational material aimed at secondary and tertiary level students, and their teachers, regarding the history and culture of the five national minorities including Sámi people and Tornedalians, and is planning to develop teaching support material to accompany them. The educational material is expected to include information about the role of the state, and in doing so I hope that the legacy of assimilation policies will be sufficiently addressed. The Forum is also carrying out an exhibition for younger schoolchildren on the history and culture of these minorities. I commend the work carried out by the Forum and call on the government to continue to support and promote, including through the allocation of necessary resources, its role in the production and transmission of accurate pedagogic knowledge and information about the minorities and about the role of the state in the abuses suffered by them.

The work of the truth commissions provides a robust and accurate account of past abuses and can constitute the foundation for pedagogic, academic, cultural and mediatic work on the subject. The publication of their reports must be accompanied by much needed work in the fields of memorialization and education to commemorate and inform current and future generations about the history and present status of Sámi people and Tornedalians/Kvens/Lantalais.

As a result of assimilation policies, the Sámi and Meänkieli languages have experienced a pronounced and worrying decline which could lead to their extinction. The Swedish government has adopted numerous measures to revitalize minority languages through the aforementioned legislation, 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 language in compulsory school (“mother tongue” and “modern language” instruction), remote education in minority language (albeit mostly used for Sámi language), minority language instruction in university, and teacher training in minority language. With regards to Sámi language, there are five Sámi schools in Sápmi, providing either full immersion, bilingual instruction, or several hours of Sámi language instruction. The impact of these measures has been relevant, but minority language use remains 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 Sámi languages. During my visit, numerous interlocutors expressed concern about the scarcity of preschool and primary school teachers and pedagogic material in minority language. 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 to translate existing educational material in both languages, and the promotion of sustainable working conditions for Sámi and Meänkieli teachers. I commend the measures adopted so far to revitalize minority languages and call on the authorities to reinforce and expand these measures to respond to the remaining and pressing challenges.

I take note of the overarching national policy against racism adopted by the Government and the role of the several programmes and entities in charge of its implementation. Notwithstanding, I have been informed by numerous interlocutors, including public officials, about the concerning rise in racism and hate crime against the Sámi people and other national minorities in mass and social media, and the insufficient accountability in this regard. I express grave concern about this 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 Treaty-Bodies’ general comments.

Consultation and consent of indigenous peoples and minorities on issues affecting them is an essential tenant of human rights. The Act on consultation on issues concerning the Sámi people establishes the duty of the Government and state authorities to consult Sámi representatives before adopting decisions that may have a direct impact on the Sámi language, culture, industries, or indigenous status. The Act was developed following consultation with the Sámi Parliament and Sámi associations, and entered into force for state entities in 2022 and for regional ones in 2024. The adoption of the act is a much awaited and an important step towards strengthening consultation requirements. However, several interlocutors noted with concern that the act does not ensure that the views of the Sámi people will be fully taken into consideration in decision-making, since their free prior informed consent, is not required.

With regards to the enforcement of the rights of Sámi and Tornedalians/Kven/Lantalaïset to land 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 “Sámi village” (Sameby). Non-reindeer herding Sámi and Tornedalians/Kven/Lantalaïset who resided in northern regions before the advent of the nation-state do not have rights to their traditional livelihoods enforced by legislation, which created a category split and conflict of interests between reindeer-herding and non-reindeer herding Sámi and the minority. Sámi interlocutors have expressed concern that due to insufficient state action to enforce the rights of Sámi people to land and natural resources, such as the Reindeer Husbandry Act, the Sámi rely mostly on the court system to assert their rights, which is costly and time consuming. In addition, the state does not provide free legal aid for this purpose, which must be rectified.

Despite numerous recommendations from UN human rights mechanisms, Sweden is yet to ratify ILO’s 169 Indigenous and Tribal Peoples Convention. I call on the state to move forward with the process of ratification as an essential guarantee of non-recurrence.

Final observations

During my visit, I heard reports about the oppression, discrimination, violence and violations of the rights to culture, language and traditional livelihoods experienced by Sámi people and Tornedalians/Kven/Lantalaïset as a result of assimilation policies and its current effects. The legacy of these violations has left an indelible mark in their wellbeing, culture, status and living conditions, which required urgent responses. Legislative reforms from

the 1990s onwards, and related policies, have aimed at redressing some of the harm inflicted on them by reversing the deleterious effect of assimilation policies in their culture, identity, and language; and securing their related rights. However, the revitalization of their language and culture remains precarious and requires the strengthening of compulsory school language education and of teacher language training and certification in Sámi and Meänkieli languages, as well as improved educational curriculum and material about their history and culture.

In recent years, an incipient process of transitional justice has been adopted to address the legacy of human rights violations committed against Tornedalians/Kven/Lantalaiset and Sámi people through the establishment of truth-seeking processes. The role of both truth commissions in shedding light over this dark period and providing a roadmap for the way forward is vital for accountability, healing, trust building and reconciliation. Ensuring the implementation of their recommendations is imperative and relevant mechanisms to that end must be devised urgently.

With regards to reparation, I underscore the language revitalization process, as well as the important repatriation and reburial initiatives carried out by state and church authorities on which I encourage the government to devote renewed resources and a national policy. I note, however, the lack of specialized psychosocial rehabilitation services for Sámi people and Tornedalians/Kvens/Lantalaiset, the lack of compensation measures for them, and the limited instances of state apologies offered to them. I call on the authorities to design and implement, in consultation with affected communities, measures in these areas to provide full reparation. I would also like to encourage the authorities to adopt a policy to memorialize the legacy of past abuses, to ensure that its transmission to current and future generations will be an affective guarantee of non-recurrence.

The continued effects of past abuses in the status and condition of Sámi people and Tornedalians/Kvens/Lantalaiset require particular attention. Discrimination, racism, and hatred against Sámi people and national minorities is still prevalent in society and must be urgently addressed in compliance with international standards on freedom of expression and on the prevention and combat of ethnic hatred and discrimination. Freedom of expression does not condone hate speech or discriminatory speech. Tornedalians/Kvens/Lantalaiset receive little support from state and non-state actors to promote their status and rights as national minority. I call on the authorities to prioritize their rights in the national agenda and to provide sufficient financial resources to ensure that representatives of this minority can effectively carry out their work. The infringement of rights of Sámi people and Tornedalians/Kven/Lantalaiset, in the context of development projects, including the so called “green transition”, has been a stated concern of numerous interlocutors. I call on the government to ensure that international standards regarding effective consultation of affected communities and free prior informed consent of indigenous peoples are complied with in these processes.