

**Mandates of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Rapporteur on the rights of Indigenous Peoples**

Ref.: AL SWE 1/2025

(Please use this reference in your reply)

25 February 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and Special Rapporteur on the rights of Indigenous Peoples, pursuant to Human Rights Council resolutions 54/8 and 51/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged insufficient budget allocated to the Truth Commission for the Sámi People for 2025 and the request for extension of its mandate.**

According to the information received:

In 2021, the Truth Commission for the Sámi People was established following a petition by the Sámi Parliament. The Commission is an independent and autonomous body established to run between 2021 and 2025. The mandate of the commission is 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>1</sup> The commission is expected to submit its findings in December 2025 with a three-volume report and recommendations.

In June 2022, the members of the commission were appointed by the government, in consultation with the Sámi Parliament. To ensure compliance with international standards, including the UN Declaration on the Rights of Indigenous Peoples, the working methods adopted by the Commission include extensive consultation and community dialogue with the Sámi people, a time and resource intensive activity which differentiates this institution from other government inquiries.

In February 2023, the Commission began convening interviews and conversation meetings with the Sámi people to collect testimonies. The commission also started to receive written testimonies through its official website. By 15 February 2024, the Commission had received 270 requests for testimony through interview. By June 2024, over 200 interviews had been conducted and more than 40 written testimonies had been received. The interviews are routinely transcribed and analyzed alongside the written testimonies and the views that emerged during the conversation meetings. Together they form the basis for the analysis, observations and recommendations to be issued by the commission.

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<sup>1</sup> <https://sanningskommissionensamer.se/en/about-the-assignment/>

In 2025, the Commission received a budget allocation of 9 900 000 SEK, despite having requested 14 400 000 SEK to adequately fulfil its functions. The amount allocated is calculated to scarcely cover the salary of the secretariat, leaving no funds available to cover the expenses of other requested activities such as the hiring of additional staff for the final analysis of the consequences of assimilation policies on the Sámi; the translation of the conclusions and recommendations of the final report of the Commission to Sámi languages; and the convening of communication and dialogue sessions about the findings of the Commission with representatives of the Sámi People.

In addition, staff instability in the secretariat and recent changes in the membership of the commission, including the vacant position of the chairperson, have brought additional challenges which could further affect the effective implementation of the Commission's mandate in its final year.

The institution has estimated that the time and resources available at the time are insufficient to adequately complete its mission by December 2025, as originally established. In January 2025, the commission requested an extension of its mandate until 1 October 2026, which would allow it sufficient time to analyze all the collected testimonies and secure time for additional dialogue with the Sámi people based on the results of the testimonies and information gathered. Civil society representatives have supported this request.

Further, some media outlets have questioned the legitimacy and methods of work of the Commission, as well as the reputation of its members. The misinformation the Commission was subjected to was not rectified with official accurate accounts about them.

We take note of the establishment and work of the Truth Commission for the Sámi People and of the comprehensive consultative process and dialogue it has established with the concerned community. We also acknowledge the concomitant time and resources required to fulfil its mission respecting the established methods of work and international standards on transitional justice and the rights of Indigenous Peoples. In this connection, we note with concern the reported insufficient budget allocation to the Truth Commission for the Sámi People for 2025 which could affect the capacity of the institution to effectively discharge its functions and fulfil its mandate within the scheduled timeframe. We also note with concern that the incomplete composition of the commission and staff instability in the secretariat are said to have further negatively impacted its work. We echo the concerns of the commission, representatives of civil society and the former Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, in his country visit report of 2024 (A/HRC/57/50/Add.3, para. 38), regarding the apparent insufficient time available to adequately complete the tasks expected from the commission in the current circumstances and support the request for consideration of an extension as necessary. Given the relevance and importance of the work that is being carried out by the Commission, it is imperative to ensure that it is fitted with sufficient resources and support to finalize its work, including adequate budget, time and human resource allocation, timely appointment of a new chairperson of the institution, and the dissemination of accurate public information about the role and reputation of the

commission and its members.

In this regard, we recall that international standards establish the right of victims and their families to know the full extent of the truth about the circumstances, reasons and responsibilities that led to the human rights violations endured and the concomitant duty of the State to adopt the necessary measures to fulfil this right. The right to truth about gross violations of human rights is an inalienable right linked to the State's duty to protect human rights, conduct effective investigations, and guarantee effective remedies and reparation, as established in the International Covenant on Civil and Political Rights (ICCPR) and other international human rights instruments. Similarly, international standards on transitional justice and on the right of Indigenous Peoples establish the duty of States to ensure the effective consultation and participation of victims and affected persons and communities in the design and implementation of decisions that affect them, including in this case transitional justice processes. Affording the Commission adequate resources and time to complete its tasks comprehensively will be the most effective and adequate way to ensure compliance with such standards. While we understand that financial considerations, or even constraints, can explain a decision to restrain the budget allocation for 2025, we wish to recall that under international law such considerations cannot form the basis of decisions that impede the adequate fulfilment of the obligations of States. Indeed, in its general comment 31, the Human Rights Committee has established that the requirement under article 2, paragraph 2 to take steps to give effect to the Covenant rights (ICCPR) is unqualified and of immediate effect, and that a failure to comply with this obligation cannot be justified by reference to political, social, cultural or economic considerations within the State (paragraph 14).

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

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

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please inform about the status of the request submitted by the Commission to extend its mandate until 1 October 2026 in order to effectively comply with its mission.
3. Please inform the reasons for the decision to establish a budget allocation of 9 900 000 SEK rather than 14 400 000 SEK as originally requested by the Commission, and whether an increase of the budget or funding for the institution is being considered. Please inform which activities are expected to be covered with the current allocated budget and whether there are alternative solutions planned for the funding of the remaining expenses.

4. Please inform about the current composition of the commission and the process of appointment of a new chairperson.
5. Please inform if and how the current composition of the secretariat of the commission is adequate and sufficient to fulfill the tasks entrusted to it until the end of the commission's mandate.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

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

Bernard Duhaime  
Special Rapporteur on the promotion of truth, justice, reparation and guarantees of  
non-recurrence

Albert K. Barume  
Special Rapporteur on the rights of Indigenous Peoples

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, and without prejudice to the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to article 2.3 of the Covenant on Civil and Political Rights, ratified by Sweden in 1971, which establishes that States must undertake measures to ensure that persons whose rights are violated shall have an effective remedy. As established by the Human Rights Committee in its general comment No. 31, States have an obligation to investigate and, where applicable, punish serious human rights violations. Similarly, the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity establish the duty of States to undertake prompt, thorough, independent and impartial investigations of violations of human rights and international humanitarian law (principle 19).

In its general comment 31, the Human Rights Committee established that article 2.3 of ICCPR requires that in addition to effective protection of Covenant rights States Parties must ensure that individuals also have accessible and effective remedies to vindicate those rights. As established by the Committee, besides judicial procedures administrative mechanisms are particularly required to give effect to the general obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies. A failure by a State Party to investigate allegations of violations could in and of itself give rise to a separate breach of the Covenant (paragraph 15). The Committee further established that the requirement under article 2, paragraph 2 to take steps to give effect to the Covenant rights is unqualified and of immediate effect, and that a failure to comply with this obligation cannot be justified by reference to political, social, cultural or economic considerations within the State (paragraph 14).

In addition, we wish to recall that victims of serious human rights violations and their relatives have the inalienable right to know the truth about past events concerning the commission of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the commission of these crimes. The right to truth about gross violations of human rights and serious violations of international humanitarian law is an inalienable right linked to States' duty to protect human rights, to conduct effective investigations, and to guarantee effective remedies and reparation, as established in the ICCPR. The right to truth has been enshrined in numerous international instruments including the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity (Updated Set of Principles) and the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Basic Principles and Guidelines). Full and effective exercise of the right to the truth provides a vital safeguard against the recurrence of violations.

The Updated Set of Principles establishes the responsibility of States to take appropriate measures to give effect to the right to truth. As part of the measures to guarantee this right, States may establish non-judicial procedures that complement the

role of the judiciary, such as truth commission or a commission of enquiry to determine the circumstances surrounding these violations in order to bring out the truth and prevent the disappearance of evidence (principle 5). Truth commissions must be established through procedures that ensure their independence, impartiality and competence (principle 7) and must be provided with sufficient material and human resources to carry out their work (principle 11). When establishing a commission of inquiry, the Government should undertake to give due consideration to the commission's recommendations (principle 12).

In addition, we wish to recall that the realization of the right to truth can provide a form of satisfaction to victims. As established in the Basic Principles and Guidelines, States have the duty to provide victims with adequate, effective and prompt reparation for the harm suffered. Full reparation owed to victims should include the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. According to the instrument, satisfaction shall entail, *inter alia*: verification of the facts and full and public disclosure of the truth; an official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim; and the inclusion of an accurate account of the violations that occurred in training and educational material at all levels (paragraph 22).

Concerning the need to ensure effective consultation with the Sámi people in the investigations of the Truth Commission for the Sámi People, we would like to recall that the Updated Set of principles emphasizes the meaningful role of victims in transitional justice processes and the importance of broad public consultations in decisions related to the establishment and composition of truth commissions (see principles 6, 32 and 35). Similarly, Human Rights Council resolution 12/11 on Human rights and transitional justice stresses the importance of a comprehensive process of national consultation, particularly with those affected by human rights violations, in contributing to a holistic transitional justice strategy that takes into account the particular circumstances of every situation and is in conformity with human rights. It further underlines that truth-seeking processes have to be designed founded on broad national consultations with the inclusion of victims and civil society, including non-governmental organizations (op. 5 and 12). In addition, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), establishes the duty of States to consult in good faith with the Indigenous Peoples concerned through their own representative institutions to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them (article 19). Moreover, the former Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, noted the indispensable contributions by victims to the operation of truth commissions, which depend almost entirely on victims' testimony (A/HRC/34/62, para 87), and stated that truth commissions shall give voice to victims and affirm their status as rights holders. (A/HRC/24/42, para. 91). In his connection, we take note of the methods of work adopted by the Truth Commission to facilitate adequate consultation and dialogue with the Sámi people and recall the need to ensure adequate resources to effectively discharge this function.

Finally, we would like to recall the report of the former Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, following his country visit to Sweden contained (A/HRC/57/50/add.3), in particular his recommendations addressed to the Government to: "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” (paragraph 60.b) and to “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 Tornedaliens, Kvens and Lantalaiset 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” (paragraph 60.d)