

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 3/2025

(Please use this reference in your reply)

17 December 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 60/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the pending by-election of three members of the Truth Commission for the Sámi People.**

In this regard, we would like to bring to your attention AL SWE 1/2025 concerning the Truth Commission for the Sami People, including the by-election of its members. We are grateful for your Excellency's Government letter of 16 April 2025, in which you provided responses regarding the appointment and independence of the Truth Commission for the Sami People; the Government's consideration of the Commission's request to have its mandate extended; the budget allocation to the Commission; and the current composition of the commission and its secretariat.

Regarding the membership of the commission, we take note of the information in your letter indicating that the new chairperson of the Truth Commission was appointed on 31 March 2025 following consultation with the Sami Parliament; that the Commission is composed of nine members (excluding the chairperson) since three members resigned in the autumn of 2024; that the commissioners represent a wide array of competencies; that a secretariat (composed of staff appointed by Government Offices in close dialogue with the Truth Commission) assists in carrying out the work of the Commission; that the Commission experienced staff turnover which has put a strain on the institution; and that a new principal secretary and several new members of staff have been appointed in early 2025 to strengthen the work of the Truth Commission.

In the meantime, we have received information that the mandate of the Truth Commission has been extended until October 2026.

According to the new information received regarding the membership of the Truth Commission for the Sámi People:

An agreement between the Sami Parliament and the State of Sweden regarding the number, competence and selection of the members of the Truth Commission for the Sámi People was reached in June 2022, prior to the initiation of their selection process. The agreement established that the Commission should consist of a chairperson and twelve members, and that their areas of competence should include the following: Sami cultural and/or language competence (2 members); human rights (3 members); international expertise (1 member);

history (4 members); ethnology (1 member); and archaeology (1 member).

Members of the Truth Commission were appointed in June 2022 following these selection criteria. In the autumn of 2024, three members of the commission, two of whom were human rights experts and one of whom was an expert in history, resigned.

On 2 Dec. 2024, the Sami Parliament's Steering Group for the Truth Commission selected three candidates to fill the vacant positions left by the resigning members. Two of the selected candidates have national and international expertise in human rights, and the third candidate has expertise in history. In addition, the candidates have previous experience working in international truth-seeking mechanisms. This expertise was considered crucial to strengthen the independence and competence of the commission to effectively carry out its mandate, especially in its final stages.

Despite the Steering Group's selection, state authorities have not initiated the official process to by-elect and appoint the three members, indicating that they have prioritized the appointment of the chairperson of the Commission, which took place in March 2025. The Government has also reportedly prioritized the appointment of staff of the secretariat of the commission over the by-election of its members.

Several interlocutors have expressed concern that the focus on strengthening the secretariat rather than membership of the commission could lead to interferences of a technical nature and negatively impact on the role of the commission as an independent truth-seeking mechanism, as opposed to a regular state investigation.

We welcome the appointment of the new Chairperson of the Truth Commission for the Sámi People and the decision to extend the mandate of the commission until October 2026 to allow it to effectively fulfill its mission, as requested in AL SWE 1/2025. In addition, we take note of the appointment of a new principal secretary and several members of staff of the secretariat to better support the work of the commission. However, we express concern about lack of progress in the by-election and appointment of the three pending members of the commission. While strengthening the secretariat support provided to the commission is a welcome and necessary development to advance the work of the commission, we wish to underscore that this measure cannot replace the by-election and appointment of members of the commission who are selected to fulfill their unique role as independent experts following a preestablished agreed criteria for their expertise, competence, impartiality and representativeness. We wish to recall that the Truth Commission for the Sámi People has an inclusive mandate to strengthen and protect the rights of the Sámi People, and that the representativeness and expertise of its membership is crucial to effectively fulfil it.

In this regard, we wish to recall that according to international standards, truth-seeking mechanisms established in transitional justice contexts must be and be perceived to be fully independent from the Government or interested parties in order to ensure their legitimacy, impartiality and effectiveness. The Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity

of February 2005 urges States to ensure that commissions of inquiry, including truth commissions, are established through procedures that ensure their independence, impartiality and competence. It further stipulates that in determining membership, concerted efforts should be made to ensure adequate representation of appropriate groups whose members have been especially vulnerable to human rights violations. (principle 7). As noted by the mandate of the Special Rapporteur on the promotion of truth, justice reparations and guarantees of non-recurrence, truth commissions derive their power to a large extent from the moral authority and competence of commissioners. Hence selecting suitable commissioners is a crucial factor in their good functioning. The procedure needs to be transparent guaranteeing the independence, impartiality, expertise and legitimacy of the Commission (A/HRC/24/43, paragraph 53). The mandate further noted that Commission members should be selected in accordance with clear, public criteria, should have expertise in the field of human rights and humanitarian law, and should reflect adequate representation of groups in situations of vulnerability. They must be people of high moral character, neutrality and integrity (A/HRC/54/24, para. 28).

In this connection, we would like to underscore the importance of ensuring that the Commission is afforded the necessary resources, including its full composition and the necessary technical, political and financial support, to effectively carry out its work until the end of its extended mandate.

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 current composition of the commission and the process of appointment of the three pending members. If the appointments have not been made, please explain the reasons why.
3. Please inform if the Truth Commission has been equipped with sufficient resources, including the necessary technical, financial and political support, to carry out its mandate until the end of its extended mandate.
4. Please inform if the government has established or is considering establishing an independent mechanism, in consultation with the Sami Parliament and the Sami People, to support and monitor the implementation of the recommendations of the Truth Commission, as recommended in the visit report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be

made public via the communications reporting [website](#). 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 guarantee the rights to truth, justice, reparation and guarantees of non-recurrence of the human rights violations committed against the Sámi People in the context of assimilation and related policies.

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 again 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. 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). Similarly, the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, established that States must undertake prompt, thorough, independent and impartial investigations of violations of human rights and international humanitarian law (principle 19). 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 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 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.

Furthermore, we would like to recall that the realization of the right to truth can provide a form of satisfaction to victims and survivors. 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).

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 survivors and affected persons and communities in the design and implementation of decisions that affect them, including in this case transitional justice processes. 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).

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). Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions (article 18). Article 40 further elaborates that Indigenous Peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights.

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" (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 Tornedalians, Kvens and Lantalaiget 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)