

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

***Preliminary Observations. Visit to Finland (11 to 15 March 2024)***

Helsinki, 15 March 2024

From 11 to 15 March 2024, I conducted an official visit to Finland. The purpose of the visit was to examine the transitional justice measures adopted by the authorities in Finland to address the legacy of human rights violations endured by the Sámi people, in the context of assimilation and related policies. The visit allowed me to acquire a broad view of the initiatives taken; identify good practices, gaps and shortcomings; and formulate recommendations in that regard. The visit to Finland is part of a wider visit to the Scandinavian peninsula on the subject. I would like to thank the authorities in Finland for their openness and cooperation during the realization of the visit.

During the visit, I meet with Government officials and representatives of public entities at the central and local levels, including the Prime Minister’s Office, the Ministry of Justice, the Ministry of Agriculture and Forestry, the Ministry of Economic Affairs and Employment, the Ministry of the Environment, the Ministry of Social Affairs and Health, the Ministry of Education and Culture, the Truth and Reconciliation Commission Concerning the Sámi, the Parliamentary Group Monitoring the Truth Commission, the Sámi Psychosocial Support Unit, the National Museum of Finland. I also met with the Sámi Parliament, the Skolt Sámi Siida Council, as well as with representatives of Sámi people and civil society organizations. I visited Helsinki and Inari and had the opportunity to visit museums and academic institutions such as the Sámi Museum Siida, the primary school of Inari, and the Sámi Educational Institute.

Today I will share my preliminary observations concerning the progress made in addressing the legacy of assimilation and related policies. 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 are descendants of the first inhabitants of the northern regions and have traditionally inhabited the territory of Sápmi, were the subject of assimilation policies adopted by the state and the church in the 19th and 20th century, including the forced accommodation of Sámi children in boarding schools where they were forbidden to speak the Sámi language and forced to integrate in the majority culture. Assimilation policies were accompanied by measures of religious converting, land settlement, and replacement of Sámi governance by Finish administration. During that period, Sámi were removed from parts of their land, stripped of their culture and made to believe that they were inferior. Forced accommodation in boarding schools affected Sámi families until the late 20th century, when a Sámi movement began demanding reforms to the educational system. The policies of assimilation continued until the 1970s and led to a steep decline in the use of Sámi language and Sámi traditional practices. Nowadays, of the 3 Sámi languages that have survived, Northern, Skolt, and Inari Sámi languages, the latter two are at virtual risk of extinction with only 300 persons speaking Inari Sámi and even less speaking Skolt Sámi.

*Legislative reforms*

In 1995, a shift in the state’s approach to the Sámi prompted by Sámi activism, led to the establishment of the status of the Sámi in the Constitution of Finland and in the Sámi Parliament Act. The Constitution recognizes the Sámi as an indigenous people and their right to linguistic and cultural self-government within their homeland. The Sámi Parliament Act further enshrines the right of the Sámi as an indigenous people to cultural autonomy within their homeland in matters concerning their language and culture, and mandates the Sámi 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 affirms that authorities shall negotiate with the Sámi Parliament regarding “all far-reaching and important measures that directly or indirectly may affect the Sámi’s status as an indigenous people”, the Parliament has limited decision-making power. In addition, the Sámi Language Act of 2003 affirms that Sámi people have the right to use the Sámi language before certain State authorities and in relation to certain administrative and legal procedures, especially within the Sámi Homeland. Education in the Sámi language is guaranteed by law within the Sámi Homeland, and under the Act on the Financing of Education and Culture, municipalities receive increased subsidies for teaching in the Sámi language within the homeland area. The Skolt Sámi Act was adopted in 1995 to promote the living conditions and livelihood opportunities of the Skolt population and region and to maintain and promote the Skolt culture.

In recent years, Finland has also initiated an incipient process of transitional justice through the establishment of a truth and reconciliation commission and an entity to provide psychosocial rehabilitation to Sámi people for the harm intergenerational trauma suffered as a result of assimilation and related polices.

*Truth-seeking*

Finland has recently ignited a truth-seeking process to shed light about the violations endured by Sámi people. Pursuant to a proposal of the Sámi Parliament, in 2017, the Government of Finland and the Sámi Parliament agreed to initiate a truth and reconciliation process. Negotiations between the State of Finland, the Sámi Parliament and the Skolt Village Assembly concerning the mandate of the truth and reconciliation commission were launched in February 2019. In October 2021, the Government established the Truth and Reconciliation Commission concerning the Sámi People. The five members of the Commission were appointed by the Government (2) and the Sámi Parliament (2), and the Skolt Village Assembly (1). The commission was inaugurated in February 2022, but its operations were delayed by resignations due to a reported lack of resources and consideration of Sámi perspectives. Originally expected to finalize its work by November 2023, its mandate was extended until December 2025, to account for the delayed initiation. A Sámi Psychosocial Support Unit was created alongside the Commission to provide support to the Sámi. The Commission and the Unit jointly receive a budget of 5.5 million euros for their operations from the Prime Minister’s Office. A Parliamentary monitoring group for the Commission was established by the Prime Minister in November 2021, tasked with supporting the work of the Commission, and it is conformed of representatives of political parties present in Parliament, the Sámi Parliament and 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 Center should be invited to participate in the group.

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”.[[1]](#footnote-1) The Commission will present its report in November 2025, which will assess the injustices and violations of rights experienced by the Sámi that have resulted from the actions of the state and authorities, and will propose measures to improve the position of the Sámi in Finland and prevent the injustices from happening again.[[2]](#footnote-2)

The Commission is organising consultations to collect the experiences of individual Sámi and communities about life as Sámi in Finland. Through these consultations, the commission will map the actions of the Finnish state and various authorities and their impact on the Sámi people. The Truth Commission has initiated consultations last year and has conducted 150 hearings so far, in villages and cities inside and outside of the Sámi Homeland. During the hearings and through the submission of written statements, Sámi persons and groups can share information about historical or current discrimination, inappropriate treatment and other experiences related to the activities of the state or authorities.[[3]](#footnote-3) The hearings have been preceded by information sessions where representatives of the TRC and Psychosocial Support Unit have explained to interested Sámi persons the mechanisms and methods of work of the Commission and the Unit. Other outreach mechanisms have included dissemination of information and calls for participation via social media and media outlets to facilitate and encourage engagement by victims to come forward with their testimonies. The TRC has established mechanisms to ensure victim consent and confidentiality. At the end of the Commission's work, the information gathered will be stored securely in the Sámi Archives of the National Archives.

During my visit, I have heard reports about the discrimination endured by Sámi people and the violation of their right to self-determination, their cultural and language rights, and their rights to exercise their traditional livelihoods and access their land and natural resources. Moreover, I have heard disturbing reports about serious human rights violations committed against Sámi children in boarding schools, including violence and sexual violence and exploitation. The legacy of that harm and the intergenerational trauma that this has caused has not be properly assessed and there is insufficient research and information about the forms of violence that was inflicted on Sámi people. Coping mechanisms and societal taboos have also hampered the disclosure of information about the abuses endured. The role of the TRC in shedding light over this dark period of Finish and Sámi history, and of the 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.

Concerns have emerged about the need to ensure effective follow-up of the report of the Commission and about the means to ensure that. At the moment, there is no framework foreseen to monitor the implementation of the report. The TRC has mandate to provide recommendations to strengthen the realisation of rights of the Sámi people, promote reconciliation and foster acknowledgement of state responsibility for the harm done. This is an essential aspect of the mandate of the Truth Commission 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 towards the Sámi 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 Sámi people. The implementation of such recommendations is another vital aspect of the process and must not be neglected from current decisions. The relevant authorities must urgently device and put in place, in consultation and with the free, prior and informed consent of the Sámi People, a mechanism to monitor and review the implementation of the recommendations to be contained in the TRC report. 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 TRC 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.

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. The TRC should also explore cooperation avenues with international experts and practitioners with experience in similar initiatives, to complement and guide their efforts.

*Reparation*

Alongside its efforts to advance a truth-seeking, Finland has adopted a mechanism to provide reparation, in the form of rehabilitation, to the Sámi, with the establishment of the Sámi Psychosocial Support Unit Uvjj – Uvjâ – Uvja. The Unit provides country-wide psychosocial support to Sámi persons who require it either in connection to the TRC’s hearings or otherwise, and it is provided in the Sámi languages and in accordance with Sámi culture. On the national level, it is the only unit that provides advice and support and carries out crisis work in all of the three Sámi languages spoken in Finland. The Unit operates with financing provided by the Prime Minister’s office and is ascribed to the Health and Welfare District of Lapland. The Unit’s mandate is currently tied to the existence of the TRC, but virtually all interlocutors with whom I met have demanded its extension beyond this period and on a permanent basis. The Unit posses a very small team of trained Sámi professionals and should benefit from substantially increased human and financial resources to respond to the needs of a Sámi population of 10,000 persons. The crucial work carried out by the Unit is highly valued by Sámi people and highly regarded by numerous other stakeholders. I commend the creation and the work that is being performed by the Unit and urge the authorities to ensure that after the TRC finalizes its work, the Unit is established as a permanent independent unit within the Ministry of Health and Welfare with sufficient and autonomous budget.

With regards to restitution, in 2021 the National Museum of Finland completed the repatriation of the Sámi collection to the Sámi Museum Siida, which consisted of 2200 objects included the oldest known Sámi objects in Finland. The repatriation project was funded by both museums together with additional support coming from the Government of Finland. The repatriation project received the European Heritage Europa Nostra Award of 2022[[4]](#footnote-4). In addition, the government performed the repatriation of Sámi remains found in the anatomical collection of the Department of Biodmedicine of the University of Helsinki in 1995 and 2001 to the Sámi Homeland, which were stored in the Sámi Museum Siida. In 2022, the museum organized the reburial of the remains.[[5]](#footnote-5) I commend these initiatives.

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

Reparation in the form of compensation has not been offered to the Sámi people. I welcome the establishment of the Psychosocial Support Unit and 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 compensation and satisfaction, strengthens the existing measures of rehabilitation and widens the scope of restitution measures.

*Memorialization and guarantees of non-recurrence*

I have visited the Sámi Museum Siida and have witnessed the quality and relevance of the work they do to keep alive, preserve and transmit to current and future generations information and artifacts of Sámi culture and history, including memories of the abuse. I commend the establishment of this institution and encourage the authorities to provide it with sufficient and sustained economic and institutional support.

I have noted a scarcity of other measures aimed at memorializing the legacy of assimilation and related policies, which goes hand in hand with the scarcity of information about the abuses inflicted on Sámi people and the impact they had and continue to have on affected communities. I have noted a lack of memorials, commemoration days or markings as sites of memory buildings where violations took place, such as boarding schools. Society as a whole seems to have little knowledge and information at its disposal regarding the history, culture and status of Sámi people in Finland and even less so about the violations they have endured. The core national educational curricula briefly touches upon this topic and must be urgently updated to comprehensively incorporate instruction in primary and secondary levels about it and about the history and culture of Sámi people. Teachers and public officials must likewise receive knowledge on this topic and on the human rights of indigenous peoples. Ignorance on this matter can and has helped reinforce prejudices and stereotypes about these communities.

The work of the TRC will be an essential tool to elucidate the truth about this topic and to provide a robust an accurate account of it that can constitute the foundation for pedagogic, academic, cultural and mediatic work on the subject. The report of the TRC 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.

I have been informed by numerous interlocutors, including public officials, about concerning episodes of overt racism and hate speech expressed in social media, mass media and by public officials, such as members of Parliament, directed against the Sámi people, and the lack of 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.

As a result of assimilation policies, the Sámi language has experienced pronounced deterioration leading to the almost extinction of some of them. The Finish government and the Sámi Parliament have adopted numerous measures since 1995 to revitalize Sámi languages, which have led to positive outcomes, such as the adoption of language nests for early childhood, the establishment of Sámi language education and education in Sámi language in Sámi Homeland and outside of it, and the provision of remote education in Sámi language for the over 70 percent of the Sámi population which reside outside of the Sámi Homeland. 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 language. However, the situation is still precarious, and some languages continue at risk of extinction. One concern in this regard that was underscored by numerous interlocutors, is the scarcity of basic education teachers and educational material in Sámi language. Measures to redress this shortcoming should encompass the increase of resources aimed at paying the salaries of teachers, translating educational material in the 3 Sámi languages and producing culturally appropriate educational material so teachers don’t have to do it themselves, and promoting sustainable working conditions for Sámi teachers. I commend the measures adopted so far to revitalize Sámi languages and call on the authorities to reinforce and expand these measures to respond to the remaining and pressing challenges in this field.

The current Sámi 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 Sámi and their self-determination. In 2015, the Supreme Administrative Court of Finland ruled that over 100 people, who identified themselves as Sámi but who were not recognized as Sámi persons by the Sámi community and the Sámi Parliament, should be added to the electoral roll and therefore be eligible to vote in the Sámi Parliament elections. In 2019, the UN Human Rights Committee established in two rulings that through such judicial decision Finland had violated the rights of the Sámi people and urged the government to pass amendments to the Sámi Parliament Act that are in line with international human rights law, in particular the principle of self-determination. In June 2022, the UN Committee on the Elimination of Racial Discrimination (CERD) also found that Finland had violated international human rights law and recommended that the State party urgently initiate a genuine negotiation for the review of section 3 of the Act on the Sámi Parliament, which should be defined in a manner that respects the right of the Sámi people to provide their free, prior and informed consent on matters relating to their own membership and their political participation. Despite these decisions, and 3 attempts to revise it in Parliament, a reform of the Sámi Parliament Act is still pending. A 4th draft, revised in consultation with Sámi people to ensure compliance with international standards and the rulings of the committees, was presented to Parliament by the current administration and is pending approval. I urge the relevant legislative authorities to adopt the necessary measures to urgently adopt the revised Act to bring the existing provisions in compliance with international standards regarding the right of indigenous people to self-determination and to determine their own identity and membership, in line with the criteria established in the aforementioned rulings. I received concerning reports that the police in Ivalo announced two days ago that they were investigating whether the members of the Electoral Commission of the Sámi Parliament committed a crime when they applied the Sámi Parliament Act in a manner that sought to comply with international human rights standards. I am deeply concerned that criminal prosecution may be used as a form of retaliation against indigenous Sámi for exercising their right to self-determination in determining their identity and membership.

*Final observations*

The Sámi people in Finland have been subjected to long term abuses and violations at the hands of state and other authorities. The legacy of these violations has left an indelible mark in their wellbeing, culture, status and living conditions, which require urgent responses.

Legislative reforms from the 1990s onwards have aimed at redressing some of the harm inflicted on the Sámi people and securing their language and cultural rights in Finish society. The Constitutional Reform of 1995, the Sámi Parliament Act, the Sámi Skolt Act and the Sámi Language Act, among others, provided essential tools to advance language and cultural rights of the Sámi People, revitalize Sámi languages, and reverse the deleterious effect of assimilation policies in this field. Education in Sámi language 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 Sámi people. The Truth and Reconciliation Commission and the Sámi Psychosocial Support Unit are the hallmarks of this process and must receive full political, economic, and social support. Truth seeking efforts must be directed at elucidating the circumstances and responsibilities involved in those abuses and at providing a roadmap for the way forward. The TRC is positioned in a unique place to guide future efforts aimed at redressing the harm done and ensuring the full realization of the rights of Sámi people. Implementation of its recommendations will be vital and relevant mechanisms must be devised urgently.

With regards to reparation, I commend the vital work carried out thy the Psychosocial Support Unit and underscore the important repatriation and reburial initiatives carried out by the National Museum of Finland and the Sámi Museum Siida. I also note the important memorialization work carried out by the latter Museum and would like to encourage it to deepen its work in the memorialization of the legacy of past abuses, to ensure that its transmission to current and future generations will be an affective guarantee of non-recurrence. Memorialization and education on this topic must be urgently scaled up by Finish public institutions across the country. Despite these efforts, I note with concern the lack of progress in other areas of reparation owed to Sámi victims, such as compensation and satisfaction. I call on the authorities to design and implement, in consultation and with the free, prior and informed consent of the Sámi, apologies and measures of compensation and restitution addressed to them.

The continued effects of past abuses in the status and condition of Sámi people in Finland require particular attention. Discrimination, racism and hatred against Sámi people are still prevalent in Finish 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.

Finally, the self determination of the indigenous peoples, such as the Sámi people, is a right enshrined in international standards and must be equally reflected in Finish society. I urge the legislative authorities to approve the revised Sámi Parliament Act recently presented by the Government to bring it in compliance with international standards and the rulings of international human rights mechanisms regarding Finland. Progress in this field will provide a measure of the true commitment of the State of Finland to respect indigenous peoples’ rights.

1. https://sdtsk.fi/en/mandate/ [↑](#footnote-ref-1)
2. https://sdtsk.fi/kuulemiset/ [↑](#footnote-ref-2)
3. https://sdtsk.fi/kuulemiset/ [↑](#footnote-ref-3)
4. https://www.europeanheritageawards.eu/winners/return-to-the-Sámi-homeland/ [↑](#footnote-ref-4)
5. https://valtioneuvosto.fi/-/1410845/saamelaisvainajat-lasketaan-maahan-uudelleen-elokuussa?languageId=en\_US [↑](#footnote-ref-5)