

## I. Introduction

1. The Sami people is recognized as a (indigenous) people and minority under Swedish legislation.<sup>1</sup> The dual status of the Sami as indigenous people and minority means that several different international and regional HR-specific instruments apply. The government official report on proposals towards improved policy on minorities<sup>2</sup> states that minority policy and indigenous policy should be kept separated and that the Act on Minorities and Minority Languages should not relate to matters concerning indigenous groups.
2. The rights of the Sami as indigenous people are more far-reaching and include other areas than those of minorities (i.a. land-rights, self-determination). The Sami Parliament recommends the review session to put focus on Sweden's implementation of the Sami people's rights as an indigenous people in Sweden.

## II. Land rights

3. The Sami people is living in an increasingly pressured situation due to climate change and land exploitation projects affecting Sami traditional lands, waters and health. The Sami Parliament sees a large need to safeguard the indigenous rights of the Sami people.
4. To have access to our lands and exercise control over how it is used and managed is essential to the Sami people. The lands are fundamental to all our livelihoods, culture and languages; to our environment, kinship, intergenerational transmission of our knowledge, well-being, food systems and spirituality. The issue of rights to land and natural resources is therefore front and center of the Sami Parliament's everyday efforts.
5. The commercial use of land for resource exploitation and extractive industries, large infrastructure projects, mining activities, energy installations, forestry activities, increased recreational activities and tourism, carnivore population management and the impacts of climate change are all recognized as threats to Sami livelihoods and culture.
6. If the Sami people's land rights would be fully recognized and the norm of free, prior and informed consent (FPIC) would be respected, the Sami would have the possibility to impact and influence decision making processes on land use and management and these threats would be decreased.
7. Countless recommendations have been made by special procedures, UN treaty bodies, regarding the lack of protection of Sami land rights. Regrettably, the Sami Parliament cannot report positive progress on any of these recommendations.

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<sup>1</sup> The Instrument of Government (Regeringsformen) section 1 article 2 and Act (2009:724) on National Minorities and Minority Languages

<sup>2</sup> SOU 2017:88

8. At the Parliamentary Conference in 2023, all three Sami Parliaments particularly emphasized the binding obligation of the states to maintain a real consultation and dialogue based on human rights: “As the Indigenous people in Europe, we deny all attempts of exploitation on our lands, waters and seas without our consent and safeguarding our culture, livelihoods and lifestyle.”<sup>3</sup>

### *Green colonialism and land-grabbing*

9. A growing area of concern is the strive for so-called “green sustainable energy”. An immensely increased focus on mining projects, wind parks and other energy projects creates a tangible conflict of interest with Sami land use for reindeer herding, fishing, hunting and other traditional Sami livelihoods. These projects are established on Sami lands without consent from the Sami people.
10. At government level we see no changes as to how Sami rights are safeguarded in its policy and priorities or respected in land exploitation processes. Both reindeer herding and non-reindeer herding Sami, and the Sami parliament try to affect exploitation processes but there is a lack of resources and influence. We now see green colonialism in Sweden.

### *The EU Critical Raw Materials Act (CRMA)*

11. In 2023 the European Critical Raw Materials Act (CRMA) was adopted by the EU. The law will increase land exploitation in Sápmi where the designation of so-called “strategic projects” will have devastating consequences for the Sami people, reindeer herding and all other Sami livelihoods. The law threatens the continued existence of the Sami people and culture.
12. The Government has not consulted the Sami Parliament in the drafting of the Act (CRMA) and Sweden violates its obligations towards the Sami people.<sup>4</sup>
13. The ongoing land-grabbing includes projects from state-owned companies, like LKAB’s Per Geijer mining project in Kiruna. There are many projects all over Sápmi. In Gállok mining case in Jokkmokk UNESCO recently engaged in a Reactive Monitoring Process since the project affects the World Heritage site Laponia, reindeer herding and other traditional Sami livelihoods.
14. The Rönnbäcken nickel mining project in Tärnaby, reviewed by the CERD Committee, is now together with the Per Geijer case, some of the first mining projects that have applied for being appointed as ‘strategic projects’ by EU following CRMA. In the Rönnbäck case CERD urged Sweden to revoke the mining concessions. In the end of 2024, EU will appoint projects that will be fast-tracked as ‘strategic projects’. This would force and promote mining projects that violate human rights, where many Sami cannot even

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<sup>3</sup> Declaration from the Seventh Conference of the Sami Parliamentarians in Árviesjávrrie/Arvidsjaur, May 31, 2023: <https://www.sametinget.se/179379>

<sup>4</sup> Statement from The Sami Parliament, Dec 15, 2023: <https://sametinget.se/185964>

appeal the decision-making processes.<sup>5</sup>

*The parliamentary Committee "Renmarkskommittén"*

15. Sweden has separated the Sami people into different groups due to racial biological and colonial view upon the Sami people. This has affected the legislation, especially the Reindeer Husbandry Act (rennäringslagen). The law and state policy are still affecting the Sami people and the ability to have land rights respected for all Sami.
16. There is now an ongoing investigation where a parliamentary committee "Renmarkskommittén"<sup>6</sup> shall submit a proposal for a new legislation to replace the current reindeer husbandry Act. The Sami Parliament stresses that a new Act which regulates the ability for Sami to practice their rights regarding land and water, must be comprehensive and include all Sami – both reindeer herding and non-reindeer herding Sami – according to the obligations Sweden has to the Sami people.

**Recommendations:**

II. a) Ensure that all Sami affected by exploitation projects, both reindeer herding and non-reindeer herding Sami, are respected in land exploitations processes, and that the principle of FPIC is respected.

II. b) Amend sector legislation on i.a. mining to conform with obligations under international human rights law. Authorities and businesses, including state-owned businesses, must respect the rights of the Sami people.

II. c) Ensure that all Sami, including non-reindeer-herding Sami, enjoy equal access to land and water, and, to that end, that it introduces the necessary legislative changes to avoid unnecessary distinctions among the Sami people.

II. d) Ensure that the International Covenant on Civil and Political Rights (ICCPR) Article 27 is respected for Sami people, and that all legislation and law enforcement are fully in line with international indigenous law.

II. e) Involve the Sami people in shaping policies, strategies and action plans to combat climate change, implementing the Sustainable Development Goals and the Paris Agreement.

**III. Language rights<sup>7</sup>**

17. The current situation for Sami language rights is alarming. Our self-determination in language-related matters is not ensured. There are limitations to the Sami Parliament's mandate to allocate financial resources and to ensure that Sami can be adequately

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<sup>5</sup> <https://www.svt.se/nyheter/lokalt/vasterbotten/sex-svenska-gruvprojekt-har-ansokt-om-eus-snabbspar-ronnbacken-med-pa-listan>

<sup>6</sup> <https://regeringen.se/rattsliga-dokument/kommittedirektiv/2021/05/dir.-202135>

<sup>7</sup> The Sámi Parliament publishes annual reports on the status of the Sámi languages. In its report from 2023, the following focus areas are highlighted <https://www.sametinget.se/188832>

taught.

18. The Sami Parliament advocates strong funding from the Government for language reforms. We note the profits state-owned companies LKAB, Vattenfall and Sveaskog make from exploitation of land and water in our traditional territorial area, Sápmi.<sup>8</sup>

### *Giellagáldu*

19. Sámi Giellagáldu is the transnational collaboration body for Sami language preservation, standardization and promotion. These functions are necessary for the coherent development of all the Sami languages. Since the last review Giellagáldu has become an institution with funding from The Sami Parliaments in Norway, Sweden and Finland. However, the Government has in the budget for 2025 cancelled the funding for Giellagáldu.<sup>9</sup>
20. The UN Decade for Indigenous Languages (2022-2032) provides an opportunity to strengthen these languages, but it requires the support of the authorities.

### *Language centers*

21. Today there are four Sami language centers on the Swedish side of Sápmi, in Dearná (Tärnaby), Staare (Östersund), Jáhkámáhkke (Jokkmokk) and Giron (Kiruna). In 2018, the Government tasked the Sami Parliament with investigating how the activities of the language centers can be developed. It became clear that there is an explicit need for more language centers and more intensive language revitalization measures. Therefore, the Sami language centers have expanded. However, the Government has made a substantial budget cut for the Sami language centers in the budget for 2025. This affects the language centers that have five Sami languages to support, all regarded as endangered by UNESCO.

### *Education on and in the Sami languages*

22. Education plays a central role in how language is transmitted to the next generation. We note that the shortage of teachers, who can both teach in Sami and teach the Sami languages, still is acute. Also that there are serious shortcomings of the municipalities' fulfillment of their responsibility to provide education in the Sami languages.
23. Available and functional higher education in Sami languages is a prerequisite for the future recruitment of teachers. The lack of Sami language teachers at university level continues to be a great concern.

### **Recommendations:**

III. a) Intensify efforts to assist the revitalization of the Sami languages and secure strong and long-term funding for language revitalization and the Sami language centers.

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<sup>8</sup> <https://www.sametinget.se/176629> page 33

<sup>9</sup> Statement from The Sami Parliaments in Norway, Sweden and Finland concerned over how budget cuts may affect the Sami languages, Oct 9, 2024: <https://www.sametinget.se/196460>

III. b) Undertake measures to increase the number of teachers who teach in Sami and teach the Sami languages at all levels of the education system.

III. c) Support the Sami Parliament in its efforts to establish a Sami Language Act.

#### **IV. Self-determination**

24. The constitutional structure of the Sami Parliament with its dual role as a parliament of the Sami people and a government agency has been subject to criticism in several international HR-reviews. The Sami Parliament is dependent on funding provided by the Government. It is furthermore obliged to report to the Government on its activities and allocation of funds and to follow directives and instructions from the Government on the same. The development on self-determination is moving in the wrong direction, where the Government now works to reduce the Sami Parliament's development instead of respecting our right to self-determination.
25. The budget for 2025 from the Government is a deeply concerning, where the cultural grant for instance is at the same level as in 2017. The budget is too scarce to fulfil our mandate and develop. This is an attempt to dismantle the Sami Parliament and, by extension, weaken the Sami people and culture. The Sami Parliament has not received funding for much needed budget items.
26. The self-determination will continue to be extremely limited until the Sami Parliament has the power to influence relevant decisions, decide its activities and priorities and has sufficient funding of its own to allocate as desired.

#### ***Act on Consultation***

27. The Act on Consultation entered into force in March 2022 and sets out a duty and procedure for the Government and Agencies to consult the Sami people on matters affecting us. The proposal has received criticism for not adequately reflecting the norm of free, prior and informed consent (FPIC). There is a large need to monitor and evaluate the implementation and elaboration of practice of the Act. Due to the Act, there is a large increase in requests for consultations, however the Government is not providing enough resources for the Sami Parliament and Sami organizations to participate in meaningful consultations and build the capacity needed.

#### ***Truth and Reconciliation***

28. The Sami Parliament's work for a Truth Commission has lasted for many years. We are glad to report that a Truth Commission for the Sami People was established in 2021, following a petition by the Sami Parliament and have collected testimonies from the Sami people. The Truth Commission ends in December 2025. The commission's task to propose actions that contribute to amends and promote reconciliation is key to make the

legacy of the Commission successful – establish measures that will lead to a change. The Sami people needs monitoring from UN bodies and human rights organizations for the Commission to have impact and cause a real change. We expect the Truth Commission to be an important tool for justice if the state, authorities and decisionmakers take responsibility and amend the abuses reported by the Sami people.

**Recommendations:**

IV. a) Introduce reforms to ensure that The Sami Parliament has greater independence from State institutions and authorities, to review the Sami Parliament's statutory status and functions, to ensure its independent decision-making powers and to ensure that adequate funding is allocated the Parliament to carry out its mandate.

IV. b) Ensure that the Truth Commission is equipped with sufficient resources.

IV. c) Establish 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 and provide sufficient human, technical and financial resources.

IV. d) Ensure that The Sami Parliament has long-term funding to be able to work continuously and long-term on violence against women<sup>10</sup>, health and equality issues.

IV. e) Support the Sami Parliament's efforts to establish a Sami center for health, to treat, document, monitor and inform about Sami health.

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<sup>10</sup> Report on violence against Sami women, published March 8, 2024 <https://www.sametinget.se/188828>

## V. International frameworks on indigenous peoples' rights

### *Ratification of ILO no. 169*

29. Despite numerous recommendations on the matter, Sweden has still not ratified the ILO Convention 169. In June 2019 the Sami Parliament handed over a formal request to the Government to ratify the ILO 169 with the involvement of the Sami people and to develop a time plan for the work. So far, these requests have not been met.

### *Implementation of UNDRIP*

30. Sweden voted in favor of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007 and stated in its explanation of vote that it is their hope that the implementation of the Declaration will improve the situation of indigenous peoples. Furthermore, that the Swedish Government looks forward to pursuing a dialogue with the Sami representatives on the implementation of the Declaration.
31. In 2014, Sweden – through the adoption of the General Assembly Resolution on the outcome document of the World Conference on Indigenous Peoples<sup>11</sup> – reiterated its commitment to fulfil the ends of the Declaration. In para 8, states commit themselves to cooperate with indigenous peoples to develop and implement national action plans, strategies or other measures. Sweden has not adopted such action plan or strategy. There are national action plans on human rights, however these do not address the rights of the Sami and are not developed with the purpose of implementing the Declaration.
32. Sweden often refers to the Declaration's non-binding status despite its content reflecting customary binding norms and rights. Furthermore, Sweden's understanding of the Declaration, and its explanation of vote is not up-to-date with that of the international community. It is also not updated on recent developments regarding its interpretation and implementation.

### *Nordic Sami Convention*

33. Negotiations on the Nordic Sami Convention have been under way between Sweden, Norway, and Finland and the Sami Parliaments in the three countries for decades. The Convention, containing a chapter on Sami governance, is a crucial instrument to ensure Sami autonomy and to reform inadequate national legislation. Unfortunately, the Convention still has not been completed and adopted.

### **Recommendations:**

V. a) Initiate a process to draft a government bill on the ratification of the ILO Convention no 169.

V. b) Establish a Sami strategy and national action plan in close partnership with the

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<sup>11</sup> A/RES/69/2 Outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples

Sami people with the aim to achieve the ends of the Declaration (UNDRIP).

V. c) Establish a national mechanism to handle recommendations from international review bodies.

## VI. Racism and hate crime

34. Hate crime, racism, discrimination and threats against Sami communities, The Sami Parliament and Sami individuals is increasing. There is a large shift in the social debate and national media where the view of the Sami people is deliberately distorted. There is a 'fear' that The Sami Parliament and the Sami people will have respect for our rights. Prejudice, lack of knowledge and lack of political solutions to conflicts of interests between the Sami and other groups in society further exacerbate the situation.

### **Recommendations:**

VI. a) Strengthen the action plan against racism and hate crime in Sweden, including focus on addressing racism against Sami methodically.

## VII. Lack of data

35. There is no official statistical data on Sami wellbeing, economic development, social status etc. The lack of data makes it challenging to present a comprehensive image of livelihoods, business, well-being and health, culture and social development, rights recognition, discrimination and change over time.

36. The Sami Parliament is responsible for the production of some statistics (e.g. on the reindeer herding) but has limited resources and mandate with which to develop and monitor indicators in relevant areas. While the Sami Parliament has an electoral role which could be a useful source of data, it cannot use this list to produce statistics due to the legislative prohibition of government agencies collecting data on ethnicity. Even collection of such data on voluntary basis is prohibited by law.<sup>12</sup>

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<sup>12</sup> The lack of disaggregated data on the situation of the Sami people and legislative hurdles has been highlighted in the OECD country study on Sweden *Linking the Indigenous Sámi People with Regional Development*. <http://www.oecd.org/development/linking-the-indigenous-sami-people-with-regional-development-in-sweden-9789264310544-en.htm>

**Recommendations:**

VII. a) Make legislation amendments to allow for collection of data on the Sami with their free prior and informed consent.

VII. b) Enhance the role and capabilities of the Sami Parliament in statistics collection.

On behalf of the Sami Parliament

A handwritten signature in blue ink, consisting of several vertical strokes and horizontal lines, representing the name Håkan Jonsson.

Håkan Jonsson

*President of The Sami Parliament*