

# Repairing “historical” wrongs: The Church of Sweden’s approach to redressing colonial abuses against the Sami

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**Abstract:** This chapter explores the process initiated by the Church of Sweden to repair colonial abuses against Sweden’s indigenous people – the Sami. The Church, formerly the State church and a State institution, played an important role in the colonisation and oppression of the Sami, which led to loss of their traditional lands, language, religion, and culture - the effects of which are still felt today. Since the 1990’s, the Church has worked to address its role in these abuses and to embark on a path towards reparation and reconciliation. This chapter first discusses Sweden’s colonial context and the Church’s involvement in abuses against the Sami. It then examines the legal obligation to provide adequate and effective reparation, before investigating the reparation process initiated by the Church. This includes a critical analysis of the lack of participation by the Sami in the process and of the limits of the Church’s approach to reparation. The chapter argues that while there have been some good faith efforts on the part of the Church, more is needed for the process and substance of reparation to be in line with international human rights law standards.

Key words: indigenous rights, Sami, reparation, colonisation, non-state actors, reconciliation, Sweden

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## 1. Introduction

In November 2021, and again in October 2022, the former Archbishop of the Church of Sweden (CoS), Antje Jackelén, issued an historic apology to the Sami<sup>1</sup> for colonial abuses. The Sami are an indigenous people whose traditional land, Sápmi, spans across parts of Norway, Sweden, Finland, and Russia. An estimated 20,000-40,000 Sami live in Sweden today.<sup>2</sup> In its apology, the Church acknowledged its role in the colonisation of Sápmi, and various abuses committed against the Sami.<sup>3</sup> The Church stated that its apology was only one step towards reconciliation and presented eight commitments for further work on reconciliation.<sup>4</sup> Since then, the Church has published an Action Plan to implement these commitments.<sup>5</sup> The Church's reconciliation process is part of a wider Swedish initiative to redress abuses committed against the Sami: in November 2021 the Swedish Government set up a truth commission (TC) with a mandate to 'examine the policies pursued towards the Sami from a historical perspective and the consequences for the Sami people' ending 1 December 2025.<sup>6</sup> These Swedish processes are part of a broader regional context of reconciliation with the Sami. The Church of Norway started its reconciliation work before the CoS, and both Norway and Finland set up TCs prior to Sweden,<sup>7</sup> with the Norwegian TC releasing its report in June 2023.<sup>8</sup>

The aim of this chapter is to evaluate whether the CoS's reconciliation process can serve as both a catalyst for and a contribution to adequate reparation for its part in the wrongs committed against the Sami. In doing so it investigates and critically analyses what international obligations the CoS arguably has to provide reparation to the Sami, and considers whether the mechanisms put in place by the Church meet the expectations of reparation as framed by international human rights law standards. My focus is on the Church alone, rather than Church and State processes together, for several reasons. First, the Church was a significant contributor to the abuses committed against the Sami and indeed, the civilising mission of the Church served as a crucial justification for the abuses. The Church committed these abuses as a former State actor, though the effect of these abuses continues to be felt after it became a separate institution in 2000, raising important questions concerning the Church's responsibility as both a former State entity and now as an entity separate from the State. Second, a thorough and focused analysis of the Church's process can influence the remainder of the Church's work and help to ensure that going forward the reparation provided is adequate and effective. Lastly, specifically considering the Church's process provides an opportunity for the TC (whose work is still at a nascent stage) to learn from the Church's approach when developing its own programmes of redress.

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<sup>1</sup> Also spelled Saami or Sámi. I am using the English spelling as used by the Sami Parliament of Sweden.

<sup>2</sup> Krawchenko and McDonald 2023, p 152.

<sup>3</sup> This is the Northern Sami word "Sápmi". Other versions include "Sábme" (Lule Sami), "Sábmie" (Ume Sami), and "Saepmi" (Southern Sami).

<sup>4</sup> Svenska kyrkan [Church of Sweden], Speech of Apology, <https://www.svenskakyrkan.se/samiska/speech-of-apology>. Accessed 1 December 2023.

<sup>5</sup> Svenska kyrkan [Church of Sweden] 2022.

<sup>6</sup> Regeringen [Government of Sweden], p 1.

<sup>7</sup> Kuokkanen 2020, p 293; West 2020, p 3.

<sup>8</sup> Stortinget [Norwegian Parliament], Sannhets- og forsoningskommisjonen [The truth and reconciliation commission], <https://www.stortinget.no/no/Stortinget-og-demokratiet/Organene/sannhets--og-forsoningskommisjonen/>. Accessed 1 December 2023.

Despite these conciliatory initiatives in Scandinavia, redress for colonial abuses by churches against the Sami is an underexplored area of scholarship. Much of the existing literature on the Sami in Sweden focuses on aspects of history and colonisation,<sup>9</sup> self-determination and Sami political mobilisation,<sup>10</sup> and on current human rights abuses related to extractive industries, and rights to land and water.<sup>11</sup> Some scholars have researched reconciliation between State churches and the Sami and the CoS in particular, but from a theological perspective.<sup>12</sup> While some of the global literature on reparation engages with reconciliation processes with indigenous peoples,<sup>13</sup> the literature does not analyse the responsibility or role of churches in this process. Literature that does discuss the international rights and obligations of religious actors does not address obligations to redress colonial abuses against indigenous peoples.<sup>14</sup> In contrast, this chapter analyses the Church's obligation to provide reparation and the extent to which its reconciliation process serves as a basis for the adequate and effective reparation of abuses committed against the Sami.

Better understanding of the colonial abuses against the Sami and legal obligations to provide reparation are important considering Sweden's obligations under international law to respect human rights principles such as non-discrimination, self-determination, and cultural integrity,<sup>15</sup> and its commitment to implementing the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which calls for reparation for indigenous peoples.<sup>16</sup> In analysing the Church's process, this chapter makes an important contribution to the literature regarding indigenous rights and redress for colonial abuses in Sweden, but also to the wider Nordic region, which is going through similar processes with the Sami. This research is also relevant for the broader context of reconciliation with indigenous peoples in settler colonial contexts and on the role of churches as non- or quasi-State actors. Looking specifically at the process undertaken by the CoS may inform other countries where churches had quasi-State functions and were involved in or even led abuses against indigenous peoples, as it maps out a way for churches to contribute to or lead processes of reconciliation and redress. This will be particularly relevant for reconciliation efforts between institutions, including churches, and indigenous peoples in established democracies with settler-colonial pasts, such as in Australia, Canada, and New Zealand.

This chapter begins by discussing Sweden as a settler colonial context and the colonisation of Sami traditional lands, before exploring the role of the Church in the colonisation of Sápmi and violations against the Sami. It then briefly explores issues of legal responsibility to provide reparation for violations against the Sami. The chapter then discusses the Church's approach to reparation, evaluating whether it meets reparation according to international human rights law (IHRL) standards. This begins with a critical analysis of the truth-seeking efforts and reparation provided to date – including the limited efforts to engage substantively with the Sami and the resulting lack of participation by them in the process – before evaluating the Church as well as

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<sup>9</sup> E.g. Åhrén 2004; Lantto 2010.

<sup>10</sup> Mörkenstam 2005; Lantto and Mörkenstam 2008.

<sup>11</sup> E.g. Raitio et al. 2020; Allard and Brännström 2021; Össbo 2021.

<sup>12</sup> E.g. Nordbäck 2016; West 2020.

<sup>13</sup> E.g. Corntassel and Holder 2008; Morse 2008; Lightfoot 2015; Ka'ai 2020; Norman-Hill 2020.

<sup>14</sup> Cismas 2014.

<sup>15</sup> HRC 2016a, para 14. See also, CERD 2018, para 16.

<sup>16</sup> UNGA 2007, art. 10-12, 28.

the reparation envisioned through the Action Plan. The chapter concludes that while a good-faith and important effort, the Church's process does not comply with IHRL standards and that they should engage better with the mechanisms available in the field of transitional justice (TJ) to improve the chances of reconciliation.

## 2. Colonialism in the Swedish Context

The Sami describe the process by which the Swedish State took over traditionally Sami lands, exploited resources, and erased Sami culture and language as colonisation.<sup>17</sup> The Sami Parliament has highlighted how the situation of the Sami today is largely due to the effects of colonisation, including discrimination.<sup>18</sup> However, the term 'colonisation' has not gained traction in Sweden. For Össbo, this is partly due to a lingering perception that colonialism requires an ocean between the settler State and its colony.<sup>19</sup> By this definition, Swedish expansion into Sápmi would not constitute colonialism. This is also the position taken by the Swedish government, which in a 1986 investigation into Sami rights found that 'it is impossible to equate the Swedish influence over the traditional Sami settlement areas with what is commonly called colonialism.'<sup>20</sup> Swedish governments have consistently refused to call the expansion into Sápmi colonisation.

The CoS, however, has openly acknowledged its role in what it sees to be the colonisation of the Sami.<sup>21</sup> Some Swedish scholars, like Gunlög Fur – currently a member of the TC and involved in the Church's truth-seeking project – also take a broader and more appropriate view of colonialism that is not limited to settlement of territories overseas. Fur defines it as 'a process whereby a state power seizes the right to rule over an indigenous people's territory, culture and economy, under the pretext of having a superior social system.'<sup>22</sup> According to Fur, colonialism also includes perceptions of racial/ethnic and cultural inequality between ruling and subordinate peoples, the pursuit of political dominance, and physical and economic exploitation of indigenous peoples.<sup>23</sup> Clearly, seeing colonialism as something only done by European powers to peoples in faraway places does not adequately capture the various contexts in which State powers have subjugated indigenous peoples and appropriated their lands. Colonialism undoubtedly encompasses all situations where a State imposes its rule on independent peoples based on notions of superiority. Swedish appropriation of Sami lands falls within this categorisation and this chapter will therefore refer to the Swedish State's expansion into Sápmi, and its treatment of the Sami, as colonisation.

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<sup>17</sup> E.g. Partapuoli 2015, p 231.

<sup>18</sup> Sametinget [Swedish Sami Parliament], DO och Sametinget verkar för en samisk sanningskommission [The Discrimination Ombudsman and the Sami Parliament work for a Sami truth commission], <https://www.sametinget.se/90491>. Accessed 1 December 2023.

<sup>19</sup> Össbo 2020, p 420-421.

<sup>20</sup> Justitiedepartementet [Ministry of Justice] 1986, p 164.

<sup>21</sup> E.g. Ekström and Schött 2006, p 9.

<sup>22</sup> Fur 2016, p 244.

<sup>23</sup> Ibid.

### 3. The Colonisation of Sápmi

The colonisation of Sápmi began in earnest in the 15<sup>th</sup> century. At the time, Sami rights to their traditional lands were recognised and Sami customary law continued to govern Sami society and be applied by Swedish courts well into the 19<sup>th</sup> century.<sup>24</sup> For example, in 1751 a new border treaty was agreed between Norway and Sweden with an addendum, the so-called Lapp Codicil, which confirmed traditional Sami rights to land and water on both sides of the border.<sup>25</sup> Colonisation intensified in the 17<sup>th</sup> century, and until the mid-18<sup>th</sup> century the State pursued an active policy of colonisation to increase the Swedish population in the area.<sup>26</sup> Then, in the 19<sup>th</sup> century the Sami were stripped of their right to land. As theories of cultural hierarchy emerged, a view of the Sami as inferior coupled with a desire to take over Sami lands, water, and natural resources, led Swedish authorities to argue that the Sami nomadic way of life did not result in legal rights to land; only the permanent use of a specific area of land, e.g. agriculture, qualified for land title.<sup>27</sup> Accordingly, the 1886 Reindeer Grazing Act declared Sami traditional lands to be the property of the Swedish State. Furthermore, the Sami were not allowed to pursue other forms of livelihood than reindeer husbandry.<sup>28</sup> These colonial practices violated previously recognised rights to the land and discriminated against the Sami.

The current Reindeer Herding Act of 1971 states that only those who belong to a so-called “sameby” – an administrative and economic association<sup>29</sup> - have the right to practice reindeer husbandry and to hunt and fish on traditional lands.<sup>30</sup> This presumes that nomadic land use does not give rise to legal rights to land. Therefore, while reindeer herding Sami formally have rights on lands they have traditionally occupied, the land constitutes property of the State or private landowners and Sami rights are only usufruct rights.<sup>31</sup> However, non-reindeer herding Sami have no rights to use their traditional lands. Consequently, while the process of land colonisation in Sápmi appears to have happened without the violence and conflict seen in the colonisation of indigenous land in Canada or the United States, Sápmi is still colonised today.<sup>32</sup> Sweden has also not recognised Sami ownership or sovereignty over traditional lands, or negotiated land agreements, as done to an extent in Canada.<sup>33</sup> The consequences of this colonisation are still felt today; the Sami in Sweden continue to fight for their right to use their traditional lands against landowners and resource exploitation,<sup>34</sup> and Sweden has been criticised by various UN treaty

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<sup>24</sup> Ahrén 2004, 76-80.

<sup>25</sup> Lantto 2010, p 545.

<sup>26</sup> Ahrén 2004, p 74; Lantto 2010, p 545; Fur 2016, p 246-248.

<sup>27</sup> Ahrén 2004, p 81-82, 89.

<sup>28</sup> Ibid, p 89-90.

<sup>29</sup> Sametinget [Swedish Sami Parliament], Kontaktppgifter till Sveriges samebyar [Contact information for Sami villages], <https://www.sametinget.se/samebyar>. Accessed 1 December 2023.

<sup>30</sup> Landsbygds- och infrastrukturdepartementet RSL [Ministry of Rural Affairs and Infrastructure] (1971) Rennäringslag (1971:437) [Reindeer Herding Act], 18 June 1971, para 1, 25 Available at: <https://lagen.nu/1971:437>. Accessed 28 August 2023.

<sup>31</sup> Ahrén 2004, p 94-95; Össbo 2014, p 47-48.

<sup>32</sup> Partapuoli 2015, p 231.

<sup>33</sup> E.g. Morse 2008.

<sup>34</sup> E.g. Swedish Supreme Court, “Girjasdomen”, Judgment, 23 January 2020, T 853-18; Human Rights Committee, *Kitok v. Sweden*, Views, 27 July 1988, Communication No. 197/1985; CERD, *Lars-Anders Ågren et al. v Sweden*, Views, 18 November 2020, Communication No. 54/2013.

bodies as well as the Special Rapporteur on the Rights of Indigenous Peoples for its lack of respect of Sami land and resource rights.<sup>35</sup>

#### 4. The Church as an Actor of Colonial Violations

The CoS's presence in Sápmi was part of its mission to civilise the Sami through Christian evangelism and education.<sup>36</sup> The Church was from the mid-16<sup>th</sup> century the State church, completely subordinate to the State,<sup>37</sup> and until the mid-19<sup>th</sup> century priests largely functioned as government officials, exercising legal and educational duties, as well as running the population registration – a tool for the State to collect taxes.<sup>38</sup> As such, the Church was an important part of the State and played a major role in the abuses committed against the Sami. In the process of strengthening control over Sápmi and establishing functioning channels for exercising State power, Church and State affairs were constantly intertwined, making it sometimes difficult to separate the Church from State actions.<sup>39</sup> Nevertheless, some areas of abuse committed by the Church can clearly be identified and the Church's actions as part of the colonisation of Sami led to abuses that by today's standards would constitute serious violations of IHRL, including systematic discrimination and deprivation of indigenous lands and cultural heritage,<sup>40</sup> which require reparation.

A common argument against indigenous claims for reparation is that the abuses occurred when these acts were not illegal, and therefore fall under the principle of non-retroactivity.<sup>41</sup> However, although not recognised in international law until the mid-20<sup>th</sup> century, human rights were positive law in Europe and North America by the end of the 18<sup>th</sup> century,<sup>42</sup> meaning that at least some of the colonial abuses committed against indigenous peoples would have been illegal at the time. Furthermore, States have provided reparation, including apologies, restitution, and compensation for violations of indigenous people's right to land and self-determination occurring before modern-day IHRL existed.<sup>43</sup> Moreover, violating a sovereign nation has long since been considered illegal. It appears that at least until during the 14<sup>th</sup> century, Swedish kings recognised the Sami as a sovereign nation and that even after this, as seen above, the Crown recognised Sami rights to their lands and Sami customary law.<sup>44</sup> Consequently, the overall acts of colonisation would arguably have been unlawful at the time as they violated the sovereignty of the Sami nation.

Additionally, many abuses against indigenous peoples can be classified as so-called 'continuing violations', meaning that there is no issue of retroactivity.<sup>45</sup> A violation is continuing

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<sup>35</sup> E.g. HRC 2011, para 50-51; Human Rights Committee 2016, para 38; CERD 2018, para 16.

<sup>36</sup> Anderzén 2016, p 373, 398; Elenius 2016, p 481; Fur 2016, p 242.

<sup>37</sup> Svenska kyrkan [Church of Sweden], Tidslinje [Timeline] <https://www.svenskakyrkan.se/tidslinje>. Accessed 1 December 2023.

<sup>38</sup> Pettersson 2000, p 18-19.

<sup>39</sup> Norlin and Sjögren 2016, p 411.

<sup>40</sup> Francioni 2008, p 27.

<sup>41</sup> Ibid, p 42; Shelton 2008, p 57.

<sup>42</sup> Shelton 2004, p 273.

<sup>43</sup> Ibid, p 265-268.

<sup>44</sup> Ahrén 2004, p 76.

<sup>45</sup> Francioni 2008, p 43; Shelton 2008, p 68.

if it 'has been commenced but has not been completed at the relevant time.'<sup>46</sup> For example, enforced disappearances are continuous violations until the victim is found.<sup>47</sup> Furthermore, acts that are not illegal when they first begin can become illegal as they continue and IHRL obligations enter into force.<sup>48</sup> There is also evidence that in IHRL the continuing effects may also constitute violations of human rights.<sup>49</sup> The UN Human Rights Committee has recognised that historical injustices leading to a failure to recognise indigenous rights to land constitute a continuous violation of the right to culture.<sup>50</sup>

#### 4.1. Sami Traditional Lands

Through colonisation, the Church became an important owner of what used to be traditional Sami lands. When Church presence in Sápmi increased in the 17<sup>th</sup> century,<sup>51</sup> priests received land to support themselves.<sup>52</sup> From the mid-18<sup>th</sup> century it became easier for the Church to acquire land as it was considered Crown property.<sup>53</sup> Today the Church manages 1.7% of the forests in Sweden, making it one of the largest forest managers in the country.<sup>54</sup> However, exactly how the Church acquired Sami lands remains largely unknown,<sup>55</sup> due to the failure of the Church to properly investigate land issues, as is discussed below.

Indigenous peoples have an important relationship to land and IHRL recognises their right to traditional lands and resources, including rights of ownership and development.<sup>56</sup> However, land is also intimately connected to culture. The UN treaty bodies for the International Convention on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) have recognised that the right to culture includes ways of life associated with the use of land resources, especially for indigenous peoples, and have linked violations of non-discrimination with violations of rights to land and culture.<sup>57</sup> The Sami continue to stress the importance of land for their culture, including traditional

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<sup>46</sup> ILC 2001, commentary to art. 14(2), para 5.

<sup>47</sup> E.g. IACtHR, *Goiburú et al. v. Paraguay*, Judgment (Merits, Reparations and Costs), 22 September 2006, Series C No. 153, para 80-83.

<sup>48</sup> E.g. ECtHR, *Papamichalopoulos and Others v. Greece*, Judgment, 24 June 1993, Application no. 14556/89, para 40.

<sup>49</sup> E.g. Human Rights Committee, *Lovelace v. Canada*, Views, 30 July 1981, Communication No. 24/1977, para 10-11.

<sup>50</sup> Human Rights Committee, *Chief Bernard Ominayak and Lubicon Lake Band v. Canada*, Views, 26 March 1990, Communication No. 167/1984, para 33.

<sup>51</sup> Fur 2016, p 242.

<sup>52</sup> Norstedt 2016, p 834.

<sup>53</sup> Ibid, p 837-848.

<sup>54</sup> Svenska kyrkan [Church of Sweden], Prästlönetillgångarna [Clergy salary assets], <https://www.svenskakyrkan.se/prastlonetillgangarna>. Accessed 1 December 2023.

<sup>55</sup> Norstedt 2016, p 844.

<sup>56</sup> UNGA 2007, art. 26.

<sup>57</sup> Human Rights Committee 1994, para 7; CERD 1997. See also e.g. African Court on Human and Peoples' Rights, *African Commission on Human and Peoples' Rights v. Republic of Kenya*, Judgment, 26 May 2017, Application No. 006/2012; IACtHR, *Indigenous Communities of the Lhaka Honhat (Our Land) Association v. Argentina*, Judgment (Merits, Reparations and Costs), 6 February 2020, Series C No. 400.

lifestyles like reindeer herding, and spirituality.<sup>58</sup> That they still do not have rights to their own land is a continuing violation of this right, and also a violation of the right to culture and non-discrimination, which some scholars have likened to a form of 'cultural genocide.'<sup>59</sup>

#### 4.2. Forced Christianisation

The Church's civilising mission constituted the most tangible threat to Sami culture and lifestyle.<sup>60</sup> The CoS in effect forcibly Christianised the Sami, which was an experience of physical and psychological abuse.<sup>61</sup> It was also a process of assimilation and destruction of religion, culture, and identity. The experience of Christianisation and assimilation is one the Sami share with indigenous peoples across the world.<sup>62</sup>

The Church's aim was to reform and discipline the Sami and their culture, which meant that Sami society had to be reshaped.<sup>63</sup> Its missionary work directly impacted on all of Sami society; the Sami were forced to baptise their children, get married in the Church, and have their dead buried by the Church rather than according to Sami traditions.<sup>64</sup> These requirements meant that the Sami had to completely change their world view.<sup>65</sup> Furthermore, expressions of Sami traditional religion were viewed as idolatry and sorcery.<sup>66</sup> Sami traditional drums and *yoik* – the traditional Sami way of singing and storytelling – were banned, and the possession and use of drums was punishable by death. At least one Sami was executed as a result, and most drums were destroyed.<sup>67</sup> Only in the 1990s was *yoik* beginning to be introduced into Church services in Sápmi. However, its use is contested among the Sami community; some see its use as a further act of colonisation and cultural appropriation by the Church, while others still consider it a heathen symbol with no place in the Church.<sup>68</sup>

Indigenous peoples have a right to practice their own culture and religion,<sup>69</sup> and a 'right to not to be subjected to forced assimilation or destruction of their culture.'<sup>70</sup> Since the Church's missionary work effectively destroyed Sami traditional religion and culture and assimilated the Sami into Christian subjects, its conduct regarding the Christianisation of the Sami violates Sami rights to religious practice, traditions, and culture. These violations are continuing; the traditional religion appears to have disappeared and the Sami continue to be Christianised.

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<sup>58</sup> Svenska kyrkan [Church of Sweden], Ságastallamat fredag 10.30 [Ságastallamat Friday 10.30], <https://vimeo.com/showcase/9870404/video/762914497>. Accessed 1 December 2023.

<sup>59</sup> Short 2010, p 237-238.

<sup>60</sup> Fur 2016, p 290.

<sup>61</sup> Christoffersson 2016, p 665.

<sup>62</sup> Ka'ai 2020; Norman-Hill 2020; Winder 2020, p 143-145.

<sup>63</sup> Fur 2016, p 260.

<sup>64</sup> Ibid, p 260-263.

<sup>65</sup> Ibid, p 262.

<sup>66</sup> Sundström 2016.

<sup>67</sup> Christoffersson 2016, p 659, 664-667.

<sup>68</sup> Stoor 2016, p 729-730.

<sup>69</sup> International Covenant on Civil and Political Rights, 16 December 1966, UNTS Vol. 999, 23 March 1976, art. 27 [ICCPR]; UNGA 2007, art. 11.

<sup>70</sup> UNGA 2007, art. 26.

#### 4.3. Erasure of Sami Names

Through forced Christianisation of the Sami, the Church is also responsible for the erasure of Sami names – another way of assimilation and destruction of culture. From the 15<sup>th</sup> century until 1991, the Church controlled the national population registry,<sup>71</sup> giving priests great power over personal information, including names.<sup>72</sup> Because the Church did not accept traditional Sami names, most pre-Christian names were erased and Sami children were given Christian names when baptised.<sup>73</sup> The Church rarely accepted Sami versions of Christian names and often registered them in their Swedish forms.<sup>74</sup> Many priests also registered several Sami names as one single Swedish name.<sup>75</sup> The Church's practice has led to many Sami having a Swedish, primarily written, name and a Sami name, used primarily orally.<sup>76</sup> Some have told of the shock at hearing their official, Swedish name for the first time when starting school and the subsequent feeling of loss of identity.<sup>77</sup>

Names are important for a person's sense of identity and are also part of cultural heritage.<sup>78</sup> Sami names, as a unique cultural expression, have in many instances been wiped out. Additionally, the Sami were told their names were not good enough and since name and identity are intertwined, rejection of a name also means the rejection of the individual. This 'Swedishisation' of Sami names thus became part of the assimilation of the Sami and a violation of identity, with wounds that are difficult to heal.<sup>79</sup> The Church's practice of erasing Sami names violates the rights to non-discrimination, culture, and the right not to be forcibly assimilated.<sup>80</sup>

#### 4.4. Education

The Church was for a long time responsible for education in Sweden, including for the Sami. Education was used as part of the colonisation and civilising mission of the Church, with intensified efforts in the 18<sup>th</sup> century to further eradicate Sami religious and cultural expression.<sup>81</sup> By the mid-18<sup>th</sup> century, eight boarding schools had been established, each educating six students for a two-year period in reading and studies in Christianity. While the language of instruction was Sami, students spent all their time at the schools, including school holidays, and were not allowed to visit their families until they had been firmly anchored in their Christian faith.<sup>82</sup> During the 19<sup>th</sup> century, education of the Sami was provided through a mix of boarding schools, itinerant schools where teachers moved between communities to teach Sami children at home, and regular public schools.<sup>83</sup>

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<sup>71</sup> Axelsson 2016, p 917-918.

<sup>72</sup> Frändén 2016, p 800.

<sup>73</sup> Ibid; Marainen 2016, p 815.

<sup>74</sup> Frändén 2016, p 803.

<sup>75</sup> E.g. Biera, Bera, Biete and Beahkka might be registered as the Swedish name Per. Ibid, p 803; Marainen 2016, p 815.

<sup>76</sup> Frändén 2016, p 803.

<sup>77</sup> Marainen 2016, p 812.

<sup>78</sup> Frändén 2016, p 798-799.

<sup>79</sup> Ibid, p 806.

<sup>80</sup> ICCPR, above n. 69, art. 27; UNGA 2007, art. 2, 13.

<sup>81</sup> Lindmark 2016, p 350; Anderzén 2016, p 373.

<sup>82</sup> Lindmark 2016, p 352-353.

<sup>83</sup> Anderzén 2016, p 397.

From the second half of the 19<sup>th</sup> century, local municipalities gradually took over responsibility for education in Sweden.<sup>84</sup> However, the Church remained partly in charge of Sami education through the creation of the residential school system in place between 1913 and 1962, which was established and run primarily by the Church. The 19<sup>th</sup> century cultural hierarchy theories, mentioned above, led to the emergence of a policy known as “Lapp should remain Lapp”<sup>85</sup> – an expression coined by Vicar Vitalis Karnell in 1906<sup>86</sup> – and which included ‘large elements of social Darwinism and racism.’<sup>87</sup> Senior Church officials, including Vicar Karnell, Bishop Olof Bergqvist, and the priest Georg Bergfors, were of the view that the nomadic, reindeer herding Sami were the ‘real’ Sami and that exposure to Swedish society, and a more civilised way of living, would lead to their extinction.<sup>88</sup> Proponents of this policy were also of the opinion that groups which gave up their traditional way of life would become degenerate and develop undesirable character traits. For example, Sami children who mixed with Swedish children would develop characteristics that were not natural to them and would become suspicious, quarrelsome, and irritable.<sup>89</sup> Due to these views, the reindeer-herding Sami were barred from higher education and their children were not allowed in Swedish schools, but had to attend the so-called ‘nomad schools’, aimed at giving them the opportunity to continue their traditional way of life.<sup>90</sup> The point of these schools was therefore different to the residential schools in e.g. Australia, Canada, and the United States, or even Norway, where these schools were part of these States’ assimilation policy of indigenous children.<sup>91</sup> The non-nomadic Sami, however, were not considered ‘real’ Sami – they were already lost as a race and were to be assimilated into the Swedish population.<sup>92</sup> Their children were consequently forcibly educated in Swedish public schools in the Swedish language.<sup>93</sup> This contributed to the division of the Sami as a community and the assimilation of non-nomadic Sami.<sup>94</sup>

Karnell, Bergqvist, and Bergfors were highly involved in the creation, administration, and supervision of the ‘nomad schools’.<sup>95</sup> Karnell took the initiative to create these schools and was hired as an expert when the question was being examined.<sup>96</sup> In 1916, Karnell became the first inspector of an inspectorate directly subordinate to the diocese in Luleå, where Bergqvist was the bishop.<sup>97</sup> Influence over the schools was consequently concentrated in these two individuals, and

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<sup>84</sup> Svenska kyrkan [Church of Sweden], Tidslinje [Timeline], <https://www.svenskakyrkan.se/tidslinje>. Accessed 1 December 2023.

<sup>85</sup> Translation by the author. The term “lapp” is an old word for the Sami and is now considered derogatory.

<sup>86</sup> Oscarsson 2015, p 75.

<sup>87</sup> Oscarsson 2016, p 944. Translation by the author.

<sup>88</sup> Norlin and Sjögren 2016, p 417; Oscarsson 2016, p 944-951.

<sup>89</sup> Norlin and Sjögren 2016, p 419.

<sup>90</sup> Oscarsson 2016, p 944.

<sup>91</sup> E.g. Nergård 2020; Norman-Hill 2020; Winder 2016.

<sup>92</sup> Oscarsson 2016, p 948-951,

<sup>93</sup> Norlin and Sjögren 2016, p 416.

<sup>94</sup> Oscarsson 2016, p 944.

<sup>95</sup> Norlin and Sjögren 2016, p 417-432; Ibid, p 944-953.

<sup>96</sup> Oscarsson 2016, p 948.

<sup>97</sup> Norlin and Sjögren 2016, p 426; Ibid, p 943-944.

the diocese supervised and controlled the practical implementation of the school charter through developing the curriculum and educating teachers.<sup>98</sup>

The education provided at the 'nomad schools' was of lower quality than in Swedish schools; the terms were shorter and the curriculum was based on the knowledge and skills the Sami were thought to need for a life of reindeer husbandry.<sup>99</sup> This shows the discriminatory nature of the policy as Sami children from reindeer-herding communities were denied education on par with that offered in public schools. The language of instruction was Swedish and, according to testimonies from former students, they were not allowed to speak Sami with each other<sup>100</sup> - leading to loss of their language.<sup>101</sup> These experiences led to a sense of double exclusion where the loss of language excluded individual Sami from their own communities, while at the same time being excluded from the majority Swedish community.<sup>102</sup> Other testimonies explain how these schools also led to a loss of traditional knowledge and culture, as Sami history and culture was taught through the lens of the colonial power – in the colonial language.<sup>103</sup>

Furthermore, to prevent Sami children from getting used to the comforts of civilised society, after a suggestion from Karnell, many students in 'nomad schools' lived in huts modelled after traditional Sami dwellings with a Sami matron to make sure that students followed what was considered a 'real' Sami way of living, which included dressing in traditional Sami clothes and not eating with utensils.<sup>104</sup> Despite the schools being often plagued by disease outbreaks due to unsanitary conditions and overcrowding, the use of the huts for teaching and student accommodation was only changed in 1937.<sup>105</sup>

The 'nomad school' system is symbolically important as a negative experience in the collective memory of the Sami; it symbolises the division and unequal experiences within the Sami community, and unequal opportunities in life in relation to the majority population.<sup>106</sup> Furthermore, the consequences of the 'nomad school' system are not unlike those of other residential schools, which 'permanently altered children by segregating them from their families, communities, and culture.'<sup>107</sup> The 'nomad school' system led to violations of Sami rights to culture including language and was a system based on racial discrimination. These are serious violations the effects of which are still felt today, both by former students still alive and likely also through intergenerational trauma.

#### 4.5. Racial Biology Research and Sami Remains

The Church also supported racial biological research, which legitimised discrimination, marginalisation, and the social and cultural oppression of the Sami.<sup>108</sup> While this is an area where the Church had a less direct role compared to the areas mentioned above, the Church

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<sup>98</sup> Norlin and Sjögren 2016, p 431.

<sup>99</sup> Ibid, p 419-420.

<sup>100</sup> Blind and Huuva (eds) 2015, p 18, 37, 46.

<sup>101</sup> Ibid, p 143, 163, 170-171; Svenska kyrkan [Church of Sweden] 2011, 14-16.

<sup>102</sup> Nordbäck 2016, 184.

<sup>103</sup> Ibid, p 189-190.

<sup>104</sup> Oscarsson 2015, p 97; Norlin and Sjögren 2016, p 427.

<sup>105</sup> Oscarsson 2016, p 102-103.

<sup>106</sup> Norlin and Sjögren 2016, p 432.

<sup>107</sup> Winder 202, p 145.

<sup>108</sup> Ojala 2016, p 993.

contributed to the abuses. For example, during the 19<sup>th</sup> and early 20<sup>th</sup> century, Church officials sometimes assisted in collecting Sami remains in the name of research, and some priests participated in the looting of Sami graves.<sup>109</sup> These remains ended up in museums and institutes,<sup>110</sup> where many remain today. Indigenous peoples have a right to the repatriation of human remains,<sup>111</sup> and the Sami have for decades fought to have Sami remains identified and repatriated.<sup>112</sup> The fact that many remains have not been returned means the violation is ongoing.

Furthermore, Bishop Bergqvist actively supported the creation of the State Institute for Racial Biology in 1921, as well as the research of racial biologists, during his time as a member of Parliament.<sup>113</sup> The director of the Institute, Herman Lundborg, and other researchers were assisted in their research by Bergqvist and other Church representatives who introduced them to Sami communities in their parishes and local 'nomad schools'. Lundborg collected personal and physical information about the Sami, including height and various measurements of the head and face, and information provided by the local authorities about mental attributes. Lundborg also took photographs, and the photo collection from the Institute includes 38 albums of Sami photographs. Seven albums contain photos taken of children at various 'nomad schools', and some show children naked.<sup>114</sup> Thus, with the Church's facilitation, the Sami submitted their bodies to be measured from different angles and to be photographed in various states of undress.<sup>115</sup> In the Church's book about 'nomad schools', one Sami woman speaks about being photographed naked as a child while at school: 'We had to undress, which didn't feel very good. ... It was not common for us to undress in front of each other. ... We were ashamed of being Lapps.'<sup>116</sup> Forced undressing and nudity are humiliating acts, which constitute inhuman and degrading treatment under IHRL.<sup>117</sup>

## 5. The Obligation to Provide Reparation

Victims of human rights violations, including indigenous peoples, have a right to reparation, expressed in various human rights instruments.<sup>118</sup> These obligations are directly placed on States as primary addressees of IHRL. Indigenous scholars have warned that without reparation 'for past harms and continuing injustices committed against our peoples, reconciliation would

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<sup>109</sup> Ibid, p 998-1000.

<sup>110</sup> E.g. Mulk 2009, p 208.

<sup>111</sup> UNGA, 2007, art. 12(1).

<sup>112</sup> Sametinget [Swedish Sami Parliament], Bakgrund: Repatriering av samiska kvarlevor [Background: repatriation of Sami remains], <https://www.sametinget.se/samiska-kvarlevor>. Accessed 1 December 2023.

<sup>113</sup> Oscarsson 2016, p 947-948; Hagerman 2016, p 974, 986.

<sup>114</sup> Hagerman 2016, p 971-986.

<sup>115</sup> Sjögren 2017, p 81.

<sup>116</sup> Blind and Huuva 2015, 131-132.

<sup>117</sup> E.g. ECtHR, *Aydın v. Turkey*, Judgment, 25 September 1997, Application No. 23178/94, para 84.

<sup>118</sup> E.g. ICCPR, above n. 69, art. 2(3); European Convention on Human Rights, 4 November 1950, ETS No. 005, 3 September 1953, art. 41 [ECHR]; American Convention on Human Rights, 22 November 1969, UNTS Vol. 1144, 18 July 1978, art. 63(1) [ACHR]; UNGA 2006; UNGA 2007.

permanently enshrine colonial injustices and is itself a further injustice.’<sup>119</sup> The question is who incurs international responsibility for the colonial abuses by the CoS against the Sami and thus is obliged to provide reparation.

The Swedish State has responsibility for the Church’s conduct while it was the State Church, and therefore an overall responsibility to provide reparation. States are obliged to provide reparation for internationally wrongful acts that are attributed to them, including violations of IHRL.<sup>120</sup> The conduct of State organs, or entities exercising elements of governmental authority, are attributed to the State.<sup>121</sup> As it was subordinate to the State, the CoS was part of the State and acted on its behalf, making it a State organ,<sup>122</sup> or - as seen above - at least as an entity that exercised governmental authority. Its conduct at that time is thus attributable to the State, who therefore has a primary obligation to repair abuses against the Sami.

The separation of Church and State in 2000<sup>123</sup> raises complex issues around who owes reparation as a matter of international law, for which international law currently does not have clear answers. It could be argued that the State inherited the obligation from the Church, through State succession, which arises in different circumstances where a ‘once-recognised entity disappears in whole or in part to be succeeded by some other authority’ and has implications for the transmission of obligations.<sup>124</sup> Nevertheless, as State succession is normally associated with changes in State territory, e.g. through cession of territory from one State to another, secession, and merger,<sup>125</sup> it may offer only limited assistance. Questions also arise regarding whether the Church can have limited international legal obligations as a non-State actor, similar to the development in related fields.<sup>126</sup>

These questions of international law are, however, not central to this chapter; instead an underpinning assumption is that since it played a role in the abuse of the Sami as a State actor, the Church shares an obligation with the State to provide reparation for the abuses until at least 2000. More importantly, as the Church has assumed responsibility to provide reparation or some sort of reconciliation process, it should do so in line with IHRL standards governing reparation to ensure that the reparation is effective and meaningful for the Sami communities in Sweden – regardless of whether an international legal obligation exists.

## 6. The Church’s Approach to Reparation

According to a 2006 report, the CoS has worked on issues relating to the Sami since the early 1990s, including the repatriation of Sami remains, translation of Church books into Sami

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<sup>119</sup> Alfred 2005, p 152.

<sup>120</sup> ILC 2001 art. 31; ICCPR, above n. 69, art. 2(3); ECHR, above n. 118 art. 41; ACHR, above n. 118, art. 63(1).

<sup>121</sup> ILC 2011 art. 4-5.

<sup>122</sup> Ibid, commentary to art. 4, para 1.

<sup>123</sup> Socialdepartementet [Ministry of Social Affairs] (1998) Lag (1998:1591) om Svenska kyrkan [Law on the Church of Sweden], 1 January 2000, para 3. Available at: <https://lagen.nu/1998:1591>. Accessed 1 December 2023.

<sup>124</sup> Shaw 2021, p 835.

<sup>125</sup> Ibid, p 846-854.

<sup>126</sup> E.g. OHCHR 2011.

languages, Swedish ratification of the ILO-169 Convention, and reconciliation with the Church.<sup>127</sup> In 1996 the Sami Council of the CoS was created to advance Sami culture and rights in the Church and deliver opinions relating to Sami issues at national and diocesan levels.<sup>128</sup> Its 11 members currently include representatives from the Sami Parliament,<sup>129</sup> the Sami youth organisation Sáminuorra, as well as Church officials.<sup>130</sup> The 2006 report recommended that the Church initiate conversations about reconciliation with the Sami and indicated that reconciliation must, among other things, include the public acknowledgement of abuses and a desire to do better in the future.<sup>131</sup> Some have suggested that the Church's approach to reconciliation may be more secular than theological,<sup>132</sup> inspired by transitional justice – a 'range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses' and to achieve reconciliation.<sup>133</sup> The Church's Action Plan recognises that the reconciliation process requires *upprättelse* – which can be translated as "reparation" – which the Church sees as meant to restore the victim and the relationship between victim and perpetrator, thereby laying the foundation for a joint future.<sup>134</sup>

The right to reparation in IHRL includes restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition (GNR).<sup>135</sup> It is an important mechanism in TJ and for reconciliation.<sup>136</sup> Reparation should be adequate and effective and in proportion to the gravity of the violation and harm caused.<sup>137</sup> While the Church does not identify them as such, two reparation measures – truth and apology – appear to have been provided by the Church. IHRL also recognises the right of those directly affected by decision-making to participate in and be consulted on the process.<sup>138</sup> The UNDRIP specifically recognises the right of indigenous peoples to participate in decision-making on matters that affect their rights.<sup>139</sup>

Participation by affected communities is essential to the success and sustainability of processes to address colonial legacies and should occur in various stages of reconciliation efforts, including when designing and implementing truth-seeking and other forms of reparation.<sup>140</sup> Victim participation is important for the design of reparation as it can increase the fit between the reparation offered and expectations of victims,<sup>141</sup> and help ensure that reparation is adequate and effective. Particularly, 'indigenous perspectives need to be incorporated at all stages, and indigenous peoples' full and effective participation is essential if the outcomes of

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<sup>127</sup> Nordbäck 2016, p 156; Ekström and Schött 2006, p 47-53.

<sup>128</sup> Ekström and Schött 2006, p 105.

<sup>129</sup> Sametinget [Swedish Sami Parliament], Sametingets politiker [Politicians of the Sami Parliament], <https://www.svenskakyrkan.se/samiska/samiska-radet>. Accessed 1 December 2023.

<sup>130</sup> Svenska kyrkan [Church of Sweden], Samiska rådet i Svenska kyrkan [The Sami Council in the Church of Sweden], <https://www.svenskakyrkan.se/samiska/samiska-radet>. Accessed 1 December 2023.

<sup>131</sup> Ekström and Schött 2006, p 105.

<sup>132</sup> Nordbäck 2016, p 155-157.

<sup>133</sup> UNSC 2004, para 8.

<sup>134</sup> Svenska kyrkan 2022, 33.

<sup>135</sup> E.g. UNGA 2006, para 18.

<sup>136</sup> UNGA 2014, para 9, 11.

<sup>137</sup> Ibid.

<sup>138</sup> HRC 2016b, paras 31-35; UNGA 2021, para 89.

<sup>139</sup> UNGA 2007, art. 18.

<sup>140</sup> Correa et al. 2009, p 397-412; HRC 2016b, para 38; UNGA 2021, para 50.

<sup>141</sup> HRC 2016b, para 57.

such processes are to be successful and, indeed, legitimate.’<sup>142</sup> The UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (SR on TJ) has emphasised that it is impossible to remedy the past when affected communities do not feel included and are not part of the process, and that rendering these communities invisible is ‘tantamount to a new round of victimization.’<sup>143</sup> The Sami Council has emphasised that a reconciliation process needs to include and make visible all Sami and that the goal of reconciliation is to overcome division.<sup>144</sup> Unfortunately, the Church’s process has not included the level of participation by affected communities expected in such efforts.

The section below analyses the Church’s approach to reparation and the measures provided to date. I query whether the Church’s initiatives are capable of providing adequate and effective reparation due to the choice of mechanisms and measures, their implementation, and an overall lack of participation by Sami communities.

### 6.1. Truth

Truth is measure of satisfaction, one of the forms of reparation in IHRL,<sup>145</sup> as well as a freestanding human right<sup>146</sup> and one of the pillars of TJ.<sup>147</sup> Truth is also a prerequisite for reparation since, in order for reparation to be adequate and effective, it is necessary to know what happened and what needs to be redressed. Sami representatives have emphasised the importance of truth for reconciliation, saying that ‘we must know what needs to be reconciled.’<sup>148</sup> Victim participation is therefore important to ensure that it is not only the narrative of the oppressor that is considered and affirmed. The CoS has in several ways carried out what could be considered truth-seeking to understand and address its past and find a way toward reconciliation. However, the Church’s truth-seeking appears to have provided no real opportunity for the voices of the Sami communities across Sweden to be heard and therefore risks reinforcing colonial relationships rather than allowing the truth to come from the Sami so as to re-construct the relationship between the Church and Sami.

Truth-seeking is most commonly carried out through Truth Commissions<sup>149</sup> mandated to establish an accurate record of the past, clarify uncertain events, and ‘lift the lid of silence and denial from a contentious and painful period of history’.<sup>150</sup> Truth-seeking mechanisms often hear testimonies in public hearings or collect written statements from witnesses, victims, and survivors and consider these when analysing past events.<sup>151</sup> Of course, truth-telling and truth-finding can be performed by actors other than TCs, e.g. victims and civil society organisations or national human rights bodies. For example, the Australian Human Rights Commission (AHRC) published a report in 1997 based on a National Inquiry into the forcible removal of indigenous

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<sup>142</sup> HRC 2019, para 40.

<sup>143</sup> UNGA 2021, para 92.

<sup>144</sup> Ekström and Schött 2006, p 105-106.

<sup>145</sup> E.g. UNGA 2006, para 22(b).

<sup>146</sup> E.g. IACtHR, *Bámaca Velásquez v. Guatemala*, Judgment (Merits), 25 November 2020, Series C No. 70.

<sup>147</sup> UNGA 2014, para 11.

<sup>148</sup> Svenska kyrkan 2011, p 55-56.

<sup>149</sup> HRC 2013, para 27.

<sup>150</sup> Hayner 2011, p 20.

<sup>151</sup> Ibid, p 20-22.

children from their families - the so-called 'stolen generation' - and made several recommendations to government.<sup>152</sup>

When considering violations from a colonial past, it is important to establish 'a proper factual account of the violations committed, the resulting patterns of conduct and the power structures involved, and also the way in which colonial practices, standards and processes still have repercussions, or even continue, today'.<sup>153</sup> Thus, to satisfactorily address colonial legacies, facts 'that reveal connections between past violations with implications for present events' should be prioritised, which requires 'serious and detailed studies' to be carried out.<sup>154</sup> TCs have been used to investigate colonial abuses against indigenous peoples in several contexts. For example, in Canada, the Indian Residential Schools Settlement Agreement established a Truth and Reconciliation Commission to promote education and awareness about the residential school system and to collect testimonies from survivors.<sup>155</sup> In May 2021, the Victorian Government established Australia's first formal truth-telling mechanism – the Yoorrook Justice Commission – to investigate 'past and ongoing injustices experienced by First Peoples in Victoria' since colonisation through the collection of testimonies.<sup>156</sup> However, Corntassel and Holder have warned that strategies of modern TCs tend to be premised on colonial narratives and engage in what they call 'politics of distraction', meaning shifting the discourse away from restitution of indigenous lands and resources and instead focusing on a process that ultimately rewards colonial injustices.<sup>157</sup> Separating TCs from an indigenous self-determination agenda and ignoring claims for restitution sets TCs up to fail for indigenous peoples, and limits the potential for decolonisation of relations and transforming 'existing relationships that go beyond hollow, symbolic gestures.'<sup>158</sup>

The Church's 2006 report recommended a hearing about Sami identity and experiences in the CoS. The Church's theological committee and the Sami Council subsequently organised a *Ságastallamat* – meaning conversation or dialogue in northern Sami.<sup>159</sup> The first two *Ságastallamat* took place in 2011 and 2022; two more are scheduled for 2026 and 2031.<sup>160</sup> However, the *Ságastallamat* is referred to by the Church not as a hearing, but as a conference,<sup>161</sup> and the *Ságastallamat* have so far mostly been a series of presentations by and discussions between Church leaders, members of the Sami Council and the Sami Parliament, and scholars involved in the reconciliation project.<sup>162</sup> In fact, so far the *Ságastallamat* has not provided a space

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<sup>152</sup> AHRC 1997.

<sup>153</sup> UNGA 2021, para 45.

<sup>154</sup> *Ibid*, para 46.

<sup>155</sup> Corntassel and Holder 2008, p 474.

<sup>156</sup> Yoorrook Justice Commission, About Yoorrook, <https://yoorrookjusticecommission.org.au/overview/>. Accessed 1 December 2023.

<sup>157</sup> Corntassel and Holder 2008, p 472.

<sup>158</sup> *Ibid*, p 467, 479.

<sup>159</sup> Ekström and Schött 2006, p 18; Svenska kyrkan 2011, p 3.

<sup>160</sup> Svenska kyrkan [Church of Sweden], *Ságastallamat*, <https://www.svenskakyrkan.se/samiska/sagastallamat>. Accessed 1 December 2023.

<sup>161</sup> *Ibid*.

<sup>162</sup> Svenska kyrkan 2011, p 59-61; Svenska kyrkan [Church of Sweden], *Ságastallamat 2 i Luleå* [*Ságastallamat 2 in Luleå*], <https://www.svenskakyrkan.se/sagastallamat/sagastallamat-2>. Accessed 1 December 2023

for proper participation by the wider Sami community. During Sáagastamallat 1 it appears that one representative from Sáminuorra – the only civil society organisation – was present,<sup>163</sup> and while the report from Sáagastallamat 1 mentions some interviews were conducted to get an overview of the situation for the Sami and of important issues,<sup>164</sup> it is unclear how many interviews were conducted and with whom. Furthermore, while parts of Sáagastallamat 1 were open to the public, the public could not participate, which was criticised by participants.<sup>165</sup> It therefore seems that the wider Sami community has had little space to speak about their personal experiences with Church abuses and their consequences. As was noted by some participants, the Sami must be allowed to verbalise loss and pain in a supportive space.<sup>166</sup> It is therefore questionable how much the Sáagastallamat contribute to truth-finding.

As a consequence of Sáagastallamat 1, the CoS produced two written pieces – both published in 2016 – that could be seen as partly fulfilling a truth-seeking objective. First, it published a book about the Church run so-called ‘nomad schools’, which included testimonies from Sami who had attended these schools.<sup>167</sup> Archbishop Jackelén wrote in the foreword that the Church wants, and needs, to take responsibility for its past by documenting and making visible its part in Swedish colonial history.<sup>168</sup> This book is the only real space provided for individual Sami voices and testimonies to be heard in the Church’s truth-seeking process. Of the 47 people involved in this project, everyone but one was Sami.<sup>169</sup> Ten of the 26 testimonies collected were included in the book. From Sáagastamallat 2 it seems that some testimonies were not included due to the interviewee passing away or declining to give their consent for their interview to be included,<sup>170</sup> but it is not clear whether this is the case for all 16 testimonies not included in the book. This book is important and provides a certain measure of truth regarding a particular area of Church abuse against the Sami. It may therefore ‘shine a light on Sami experiences and increase the knowledge about Sami history in Sweden.’<sup>171</sup> However, it is not on its own the kind of ‘serious and detailed’ study required to find out the full truth about the Church’s involvement in the creation and running of ‘nomad schools’. It should therefore be seen in conjunction with the second truth-seeking mechanism, the White Paper Project (WPP).

The WPP led to the publication of a two-volume anthology containing 34 chapters written by almost 40 scholars discussing various aspects of the Church’s past, such as missionary and education work, the Church’s attitude towards Sami cultural expression, and the Church as a government authority, including its involvement in racial biology research.<sup>172</sup> The research was led by Umeå University and its steering group consisted of two representatives from the University, two representatives from the Church administration, two Sami representatives

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<sup>163</sup> Svenska kyrkan 2011, p 61.

<sup>164</sup> Ibid, p 3.

<sup>165</sup> Ibid, p 55.

<sup>166</sup> Ibid, p 57.

<sup>167</sup> Blind and Huuva 2015.

<sup>168</sup> Ibid, p 8.

<sup>169</sup> Svenska kyrkan [Church of Sweden], Sáagastallamat fredag 13.00 [Sáagastallamat Friday 13.00], <https://vimeo.com/showcase/9870404/video/762917620>. Accessed 1 December 2023.

<sup>170</sup> Ibid.

<sup>171</sup> Blind and Huuva 2015, p 8.

<sup>172</sup> Lindmark and Sundström (eds) 2016.

appointed by the Sami Council as well as the president of the Sami Council.<sup>173</sup> While not made explicit, to my knowledge five of the nine members are Sami. The WPP steering group interpreted its mandate as being 'to develop in-depth knowledge of the relations between the Church of Sweden and the Sami through history'.<sup>174</sup> The scholars involved had academic freedom to choose the parameters of their research and all chapters were peer reviewed.<sup>175</sup> For some, this shows the autonomy of the project, visible in the distinction 'between historical research and the ideological texts intended to inspire action'.<sup>176</sup> Furthermore, while impressive in terms of research, the information in the anthology is presented in a scholarly way around academic research questions, rather than centring the discussion around findings of fact and allowing these to guide the account of the past and the truth. Thus, most of the findings do not lead to an adequate analysis of the harms suffered by the Sami. Few of the chapters provide more than superficial discussion of the harms caused by the Church and none of the discussions adequately connect this to human rights issues. The chapters of the WPP simply do not discuss the issues from a perspective of finding out how the Church's conduct impacted the Sami.

Moreover, the WPP failed - by the editors' own admission<sup>177</sup> - to address the Church's acquisition and use of Sami lands. One chapter in the WPP discusses the construction of churches on Sami lands from the 17<sup>th</sup> century,<sup>178</sup> but there is no discussion that links past events to present-day land issues and the WPP ignores the issue of restitution of indigenous lands and resources – a serious failing. According to some Sami scholars, this omission undermines the claim that the anthology is scholarly and even a veritable white paper, since land issues are the basis of most current conflicts between the State and the Sami and the trauma within Sami society.<sup>179</sup>

Additionally, the Church has said that the WPP is 'the result of cooperation between the Church and academia',<sup>180</sup> which indicates that it was not conceived to be a place for wider Sami participation or for individual voices to be heard in the manner expected of truth-seeking mechanisms. As stated, it is difficult for anyone without previous knowledge of the anthology's authors, or of Sami names, to know who among the authors are Sami.<sup>181</sup> Furthermore, while the steering group and some of the academics involved in the project are Sami, the WPP does not include any witness testimonies and is not based on such statements to include the experiences of the Sami, which means that Sami voices were largely absent from this production of the 'truth'.

Overall, the 'truth-seeking' mechanisms implemented by the Church are not akin to a proper investigation into abuses connected to colonisation. While the mechanisms provide some information about power structures involved in past abuses, they do not provide a clear factual account of violations, patterns of conduct, and the effects, including harms to the victims, of colonial practices. This means that the 'truth-seeking' done by the Church is not adequate or

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<sup>173</sup> Lindmark and Sundström 2016, p 23.

<sup>174</sup> Ibid, p 29.

<sup>175</sup> Ibid, p 35; Norlin and Lindmark 2021, p 140.

<sup>176</sup> Norlin and Lindmark 2021, p 141.

<sup>177</sup> Lindmark and Sundström 2016, p 31.

<sup>178</sup> Norstedt 2016.

<sup>179</sup> Öhman 2016.

<sup>180</sup> Jackelén 2016, p 12.

<sup>181</sup> Öhman 2016.

effective as a measure of reparation. Even if there was a desire to ensure the ‘neutrality’ of academic research, hearings and testimonies of individual Sami could have been combined with the anthology to produce a fuller account of the truth. At present there are overall ten testimonies or stories of individual Sami in the ‘truth-seeking’ project of the Church. Given the extent of the abuses and their consequences, this is grossly inadequate.

## 6.2. Apology

Apologies are another measure of satisfaction in IHRL,<sup>182</sup> and apologies that take a victim-centred approach emphasise the rights, agency, and perspective of victims.<sup>183</sup> Apologies have been made to indigenous peoples in other contexts by both States and churches. The United Church of Canada apologised for its role in colonisation of indigenous peoples in 1986 and for abuses at its residential schools in 1998,<sup>184</sup> and in 2008 the prime ministers of both Canada and Australia apologised for abuses against the indigenous peoples in their respective countries.<sup>185</sup> It has been said that ‘the power and importance of apology lie in its potential to offer to victims *a moral recognition or acknowledgement* of their human worth and dignity.’<sup>186</sup> Indigenous scholars have further argued that to be meaningful, apologies must help reset the relationship between the State and indigenous peoples ‘away from hierarchical and colonial power relations and toward one grounded in mutual respect.’<sup>187</sup> Of course, these points are just as relevant when the apologise is an institution like the CoS.

The Church’s apology at least partially fulfils the criteria for apologies.<sup>188</sup> It identified and acknowledged particular wrongs committed, admitted collective and organisational responsibility, and issued a statement of regret.<sup>189</sup> Nevertheless, due to the limited truth-seeking process and the lack of Sami participation, it is the Church’s narrative that is being confirmed, rather than a narrative agreed between the Church and the wider Sami community, and thus is an imposition of a particular truth narrative. The Church apologised for the colonisation of Sápmi. However, as the issue of land has not been thoroughly investigated in the WPP, the Church cannot fully acknowledge the extent of this wrong. Furthermore, during the apology the Church presented eight commitments for the reconciliation process: to preach the gospel in Sami and in a culturally relevant way with respect for Sami spiritual and church traditions; to make Sami spirituality, theology, and church traditions visible within the Church; to contribute to the strengthening and revitalising of Sami languages in the activities of the Church; to increase

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<sup>182</sup> E.g. UNGA 2006, para 22(e).

<sup>183</sup> UNGA 2019, para 6.

<sup>184</sup> The United Church of Canada, The Apologies, <https://united-church.ca/social-action/justice-initiatives/reconciliation-and-indigenous-justice/apologies>. Accessed 1 December 2023.

<sup>185</sup> Government of Canada, Statement of apology to former students of Indian Residential Schools, <https://www.rcaanc-cirnac.gc.ca/eng/1100100015644/1571589171655>; Parliament of Australia, Apology to Australia’s Indigenous Peoples, [https://www.aph.gov.au/Visit\\_Parliament/Art/Icons/Apology\\_to\\_Australias\\_Indigenous\\_Peoples](https://www.aph.gov.au/Visit_Parliament/Art/Icons/Apology_to_Australias_Indigenous_Peoples). Both accessed 1 December 2023.

<sup>186</sup> Govier and Verwoerd 2002, p 140.

<sup>187</sup> Lightfoot 2015, p 17.

<sup>188</sup> UNGA 2019, para 3. See also Smith 2014.

<sup>189</sup> Svenska kyrkan [Church of Sweden], Speech of Apology, <https://www.svenskakyrkan.se/samiska/speech-of-apology>. Accessed 1 December 2023.

knowledge and awareness of the Church's historical relations and abuses against the Sami and the consequences of this; to increase knowledge of and respect for the principles of indigenous rights within the Church and in society; to increase Sami influence and participation in the Church; to strengthen Sami children and youth in their identity and spiritual development; and to promote cross-border Sami church life.<sup>190</sup> While these are forward looking measures, there is no clear connection between these commitments and the wrongs identified - thus they do not serve the goals of guarantees of non-repetition, as required by an apology.<sup>191</sup>

When it comes to process requirements the apology appears to fulfil several aspects considered important to maximise the effectiveness of apologies.<sup>192</sup> First, the apology was offered by the Archbishop, the highest Church official, and thus the person with 'the authority necessary to speak on behalf of the offender.'<sup>193</sup> The apologies also arguably took place in symbolically important locations; the first took place in Uppsala Cathedral – the seat of the Archbishop of the Church of Sweden – in November 2021, then in Luleå Cathedral, which is located in Sápmi, in October 2022. Furthermore, the apologies were carried out in what appeared as appropriately dignified ceremonies with important symbolism.

Both services gathered representatives from the Church, including the Sami Council, and the Sami community, e.g. from the Sami Parliament. They also included representatives of civil society, international witnesses from the Anglican Church of Canada, the Church of Norway, and the Lutheran Church of Finland, and the public.<sup>194</sup> The services included psalms and readings in both Swedish and various Sami languages, and in the second service in Luleå, *yoik* was also included.<sup>195</sup> Sami representatives read out testimonies relating to past abuses, which are available online in different languages.<sup>196</sup> Each service also included Sami artwork and the participants, including the Archbishop, sat at the altar in a symbolically important circle around a fire. Thus, at least some Sami were able to participate in the ceremony of the apology, even though it is unclear to what extent the Sami were involved in its planning.<sup>197</sup>

In order to maximise the effectiveness of apologies, there should also be prior consultation with the victims to ensure that the content and delivery of the apology is acceptable to them.<sup>198</sup> The apologies considered most effective have also allowed victims to participate in

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<sup>190</sup> Svenska kyrkan [Church of Sweden], Mål och handlingsplan för den fortsatta försoningsprocessen [Goals and action plan for the continued reconciliation process], <https://www.svenskakyrkan.se/samiska/mal-och-handlingsplan#lasomatagandena>. Accessed 1 December 2023. Translation by the author.

<sup>191</sup> UNGA 2019, para 3.

<sup>192</sup> Ibid, para 30-39.

<sup>193</sup> Ibid, para 31.

<sup>194</sup> Svenska kyrkan [Church of Sweden], Svenska kyrkans ursäkt till det samiska folket [The Church of Sweden's apology to the Sami people], <https://www.svenskakyrkan.se/samiska/ursakt-till-det-samiska-folket>. Accessed 1 December 2023.

<sup>195</sup> Svenska kyrkan [Church of Sweden], Agenda för högtidsgudstjänsten i Uppsala domkyrka [Agenda for the service in Uppsala Cathedral], <https://www.svenskakyrkan.se/samiska/ursakt-till-det-samiska-folket/agenda-gudstjanst>; Svenska kyrkan [Church of Sweden], Agenda för högtidsgudstjänsten i Luleå domkyrka [Agenda for the service in Luleå Cathedral] <https://www.svenskakyrkan.se/samiska/ursakt-till-det-samiska-folket/agenda-gudstjanst-lulea>. Both accessed 1 December 2023.

<sup>196</sup> Svenska kyrkan [Church of Sweden], Samiska vittnesmål – på flera spark [Sami testimonies – in several languages], <https://www.svenskakyrkan.se/samiska/samiska-vittnesmal>. Accessed 1 December 2023.

<sup>197</sup> Carranza et al. 2015, p 17.

<sup>198</sup> UNGA 2019, para 30-35.

both the planning and in the ceremony of the apology.<sup>199</sup> As seen above, Sami representatives participated in the reconciliation service and ceremony where the apology was made. According to the Action Plan, the Church decided in June 2001 to deliver an official apology to the Sami after conversations within the Sami Council as well as between the Church and representatives of Sami civil society organisations and the Sami Parliament about the way forward.<sup>200</sup> Nevertheless, while there appears to have been some consultation in relation to the apology, it is not clear from the available material which, or how many, Sami civil society organisations the Church was in conversation with or the extent to which the Sami were consulted about the content and delivery. Further empirical research is needed to clarify this.

The apology, and the reconciliation process as a whole, seems to have been done in good faith. Nevertheless, they may perpetuate power imbalances, as warned against by indigenous scholars,<sup>201</sup> due to the lack of participation of the Sami, as discussed above, as well as the issue of whether the apology acknowledged the full truth. And while the apology was positively received by both the President of the Sami Parliament and representatives of the Sami Council,<sup>202</sup> it is unclear to what extent the apology resonated with the Sami in Sweden more broadly. Therefore, further empirical research is needed here too.

### 6.3. The Action Plan

The Church's Action Plan sets out how each of the eight commitments mentioned above will be implemented between 2022 and 2031.<sup>203</sup> However, the Action Plan only mentions 'reparation' once, but does not further discuss reparation or analyse which measures would 'restore the victim and the relationship between victim and perpetrator'<sup>204</sup> to achieve reconciliation. The apparent lack of understanding about reparation permeates the Action Plan and affects the ability of the commitments and suggested measures to provide adequate and effective reparation for the violations suffered by the Sami.

#### 6.3.1. General Issues

First, Sami participation and consultation regarding the Action Plan and its measures appears inadequate. The Action Plan was developed by the Church Board 'in close dialogue' with the Sami Council.<sup>205</sup> There appears to have been no consultation or participation of Sami civil society organisations, and no participation by the wider Sami community. This is significant as the Action Plan is the document that explicitly refers to reparation and that sets out the measures to be implemented to restore the victims and the relationship between the Church and the Sami.<sup>206</sup> Empirical research is needed to clarify the extent of Sami the participation in this process.

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<sup>199</sup> Carranza et al. 2015, p 17.

<sup>200</sup> Svenska kyrkan 2022, p 6-11.

<sup>201</sup> Lightfoot 2015, p 17-19.

<sup>202</sup> Svenska kyrkan [Church of Sweden], Svenska kyrkans ursäkt till det samiska folket [The Church of Sweden's apology to the Sami people], <https://www.svenskakyrkan.se/samiska/ursakt-till-det-samiska-folket>; Sametinget [Swedish Sami Parliament], Tal av Håkan Jonsson vid försonings-gudstjänst [Speech by Håkan Jonsson at reconciliation service], <https://www.sametinget.se/162976>. Both accessed 1 December 2023.

<sup>203</sup> Svenska kyrkan 2022, p 35.

<sup>204</sup> Svenska kyrkan 2022, 33.

<sup>205</sup> Ibid, p 5.

<sup>206</sup> Ibid, p 33.

Second, as the commitments are not clearly linked to the findings from the Church's truth-seeking, it is difficult to understand which measures in the Plan are meant to redress which particular harm and how they could achieve this. Additionally, six of the eight commitments focus on improving the situation for the Sami within the Church, which is exclusionary. While the two commitments to educate both Church representatives and the public about past abuses and Sami indigenous rights could be directed at all Sami and are important GNR,<sup>207</sup> these measures are clearly inadequate to address the wide spectrum of violations caused to the wider Sami community by the Church's conduct.

Moreover, none of the measures of the Action Plan are aimed at Sami in their individual or personal capacity; the measures are all directed at the Sami as a community. Collective reparation is meant to undo collective harm caused to groups bound together by a common identity,<sup>208</sup> and has been recognised in IHRL as important for certain harms caused to indigenous groups.<sup>209</sup> Still, individual reparation is important to avoid minimising the particular harm done to individual victims.<sup>210</sup> It is therefore generally recognised that reparation mechanisms should ideally combine individual and collective reparation to adequately respond to the different types of harms.<sup>211</sup> Lastly, the Church's process does not provide for rehabilitation or compensation. In IHRL, compensation is provided for both physical and moral harm, and rehabilitation includes physical and psychological treatment.<sup>212</sup> Of course, which forms and modality of reparation will be adequate, depends on the views of victims and what they want. As noted above, it is unclear from the Action Plan to what extent there was, if any, discussion with the Sami community except perhaps members of the Sami Council. Proper discussion and consultation with the Sami, and further research into what reparation they want, is needed to ensure that the reparation provided is adequate and effective in repairing the harm.

#### 6.3.1. Evaluation of Specific Measures in the Action Plan

The measures to promote Sami languages, spirituality, and culture in Church life could be considered measures of satisfaction as well as restitution of rights for the harms caused by Christianisation.<sup>213</sup> Nevertheless, only Sami involved in the Church, i.e. those who were successfully (forcibly) Christianised, may benefit from these measures. This is not only exclusionary; it uses a facet of Sami victimisation (forcible Christianisation) as a further, present-day justification for yet further exclusion. By comparison, the United Church of Canada established a Healing Fund in 1994 from which indigenous communities can apply for up to CAD 15,000 to create healing, culture, and/or language projects.<sup>214</sup> The Church should consult with

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<sup>207</sup> Ibid, p 26, 69-72; UNGA 2006, para 23.

<sup>208</sup> Rosenfeld 2010, p 734.

<sup>209</sup> E.g. IACtHR, *Plan de Sánchez Massacre v. Guatemala*, Reparations, 19 November 2004, Series C No. 116, para 109-111.

<sup>210</sup> Magarrell 2007, p 5-6.

<sup>211</sup> UNGA 2014, para 31-33.

<sup>212</sup> UNGA 2006, para 23.

<sup>213</sup> Svenska kyrkan 2022, p 25-26, 39-72; UNGA 2006, para 19, 22.

<sup>214</sup> The United Church of Canada, Healing Fund, <https://united-church.ca/community-and-faith/being-community/indigenous-ministries/healing-fund#downloads>. Accessed 1 December 2023.

the Sami and discuss whether similar projects could be helpful to help repair the harm caused by their loss of religion and culture.

The failure to repatriate human remains can lead to spiritual, psychological, and intellectual harm.<sup>215</sup> The Church has recently expressed a desire to contribute to repatriation,<sup>216</sup> and was involved in the reburial of Sami remains in 2019 and 2020.<sup>217</sup> Curiously, the issue of Sami remains is the only time the Action Plan links its measures to findings of abuses from the Church's truth-seeking. The Church explains how its advocacy work can assist in the repatriation of Sami remains. The Church is not presently in possession of the remains and is therefore not able on its own to organise repatriation and reburials. However, Archbishop Jackelén initiated discussions about obstacles to repatriation in 2017 and 2019 with the Sami Parliament, the Ministry of Culture, and several museums and institutions housing Sami remains.<sup>218</sup> The Action Plan notes that the Sami have raised the issue of repatriation of other material from the former State Institute for Racial Biology. Assuming this means photographs of Sami held at current institutions, their repatriation could be an important form of restitution and satisfaction.<sup>219</sup> The Church could assist in the repatriation of photographs of Sami taken by racial biologists to, for example, Ájtte, the Sami museum in Jokkmokk or other institutions chosen by the Sami.

Nevertheless, the Action Plan fails to include measures to repair many of the other violations discussed above. First, while the apology has been offered as a measure of reparation for the loss of identity and culture that comes with the erasure of names, the Action Plan does not envision any additional reparation directly linked to this harm. Further consultation with the Sami about what measures would be adequate and effective reparation is necessary as what is currently offered is not proportionate.

Indigenous peoples have the right to restitution of their lands or, where this is impossible, compensation<sup>220</sup> as well as reparation for violations of the right to culture and for cultural destruction.<sup>221</sup> The WPP did not adequately investigate issues relating to Sami lands and since the Church still manages Sami traditional lands, colonisation persists and is an ongoing violation of Sami rights. According to the Action Plan, between 2022 and 2026, research on the Church's land holdings on traditional Sami lands will be carried out, as well as a survey of how the Church's land management and forestry affects reindeer herding and traditional Sami hunting, fishing, and crafts, with a view to developing long term, sustainable forms of Sami influence and to consider indigenous rights in the Church's land management and forestry.<sup>222</sup> This process seems to

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<sup>215</sup> HRC 2020, para 14.

<sup>216</sup> Svenska kyrkan [Church of Sweden], Svenska kyrkan vill bidra till repatriering av samiska kvarlevor [The Church of Sweden wants to contribute to the repatriation of Sami remains], <https://www.svenskakyrkan.se/nyheter/svenska-kyrkan-vill-bidra-till-repatriering-av-samiska-kvarlevor>. 17 November 2017, accessed 1 December 2023.

<sup>217</sup> Svenska kyrkan 2022, p 72.

<sup>218</sup> Ibid, p 71; Svenska kyrkan [Church of Sweden], Svenska kyrkan vill bidra till repatriering av samiska kvarlevor [The Church of Sweden wants to contribute to the repatriation of Sami remains], <https://www.svenskakyrkan.se/nyheter/svenska-kyrkan-vill-bidra-till-repatriering-av-samiska-kvarlevor>. 17 November 2017, accessed 1 December 2023.

<sup>219</sup> UNGA 2007, art. 12(1).

<sup>220</sup> Ibid, art. 28.

<sup>221</sup> ICCPR, above n. 69, art.27; Ibid, art. 8.

<sup>222</sup> Svenska kyrkan 2022, p 61-67.

envision a deeper dialogue between the Church and Sami stakeholders than previously in the reconciliation process, which is encouraging and has the potential to be reparative. Nevertheless, it is important that dialogue and consultation is conducted with as many Sami stakeholders as possible.

Finally, and vital for the issue of reparation, the Action Plan is silent when it comes to reparation for the harm caused by the 'nomad schools'. Again, the Church needs to properly engage with the Sami about how to provide adequate and effective reparation for these harms. Truth, with Sami participation in creating the process and narrative, would be a start. Furthermore, reparation measures that are clearly linked to the abuses in the 'nomad schools' are needed. Any such reparation must be viewed by the Sami as an appropriate way to redress the harm and be developed through Sami participation and consultation. The CoS has not considered whether the Sami might wish to receive medical and psychological support.<sup>223</sup> Something similar to the Healing Fund in Canada, which supports 'holistic and community-based healing to address the needs of individuals, families and communities',<sup>224</sup> might be considered. The Church has also not considered compensation payments to former students of the 'nomad school' system. Compensation payments were established for survivors of residential schools in Canada as part of the Indian Residential Schools Settlement Agreement, although the Agreement has been criticised for limiting eligibility to living survivors and for its low compensation amounts.<sup>225</sup> Any compensation provided to the Sami might therefore also consider compensation for the next of kin of survivors of 'nomad schools', given the likely intergenerational harms. The Church should consult the wider Sami communities in Sweden to discuss whether such measures would be meaningful to them as reparation.

## 7. Conclusion

This chapter investigated to what extent the Church of Sweden's reconciliation process is able to effectively meet the Church's obligation to provide reparation in accordance with IHRL. The range of abuses committed by the Church against the Sami led to loss of land, religion, language, and culture, as well as to the division of the Sami as a people. The consequences are still felt today and lived by many Sami who are fighting to reclaim their language and culture, and rights to traditional lands, water, and resources. While the CoS was a major actor in the colonisation of Sápmi and subsequent abuses against the Sami, as a State institution until 2000 its actions before then would be attributed to the State. Nevertheless, the Church also has responsibility to provide reparation for harms caused until then and should do so according to IHRL standards.

The CoS has made efforts to take responsibility for its role in the colonisation of Sápmi and to redress abuses against the Sami. Still, its approach suffers from defects that are likely to prevent adequate and effective reparation. First, the Church's process has not been victim-centred and has generally lacked participation of the Sami community in Sweden. Without

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<sup>223</sup> UNGA 2006, para 21.

<sup>224</sup> Indian Residential Schools Settlement Agreement, Schedule M – [Funding Agreement between the Aboriginal Healing Foundation and Canada](https://www.residentialschoolsettlement.ca/Schedule_M.pdf), 8 May 2006, [https://www.residentialschoolsettlement.ca/Schedule\\_M.pdf](https://www.residentialschoolsettlement.ca/Schedule_M.pdf). Accessed 1 December 2023.

<sup>225</sup> Morse 2008, p 283; Corntassel and Holder 2008, p 474-475.

hearing from the wider Sami communities in Sweden, it is questionable how the Church can provide adequate and effective reparation and how successful any reconciliation will be.

Second, while the 'truth-seeking' undertaken by the CoS has to a certain extent established a record of the past and clarified some events, the lack of wider Sami participation means that the Church has not been able to establish a full understanding of the truth. Moreover, the WPP, did not adequately analyse the harms caused to the Sami by the Church's colonisation. Also, the issue of land remains inadequately explored and whether the Church's process will lead to reconciliation with the Sami might depend to a large degree on what happens with the investigation into this and the Church's subsequent actions as envisioned in its Action Plan.

Third, the lack of analysis of reparation in the Church's Action Plan makes it unclear whether the Church really understands its importance, and how to think about reparation. The Plan does not link the commitments to particular abuses recognised by the Church, which makes it unclear what the Church is trying to repair with a particular measure. Additionally, most of the measures will only benefit the Sami who are involved in the Church, which makes them inadequate as reparation for the Sami as a whole. Moreover, the lack of proper analysis and consultation with the Sami of what would be adequate reparation risks leading to inadequate and ineffective reparation and perpetuation of injustices.

Overall, the Church's process looks like a good faith effort and, while flawed, it is an important first step in the context of Sweden dealing with its colonial past and redressing the harm committed against the Sami. To increase the possibility of a successful reconciliation process, the Church should consider engaging more with principles developed by IHRL and transitional justice, particularly truth and reparation. The Church should also ensure proper participation by the Sami communities in Sweden affected by its abuses and the Church's reconciliation process must ultimately be guided by the wishes of the Sami.

Still, the Church's process is relevant for the Swedish TC. First, it can help clarify the extent of the responsibility of the Church and the State for reparation. Second, the work of the Church has the potential to positively impact the TC's work. The TC will hold public information meetings at various locations in Sweden, mostly in Sápmi, during 2023 and 2024, and at the time of writing it appears that at least 22 such meetings have occurred.<sup>226</sup> Individual Sami are also able to share their stories with the Commission.<sup>227</sup> This gives the TC the potential to hear from the broader Sami community and take their views into account, something the Church did not sufficiently do. The TC can draw valuable lessons from the Church's approach to reparation, including Sami participation, to ensure that its own recommendations of reparation are more in line with IHRL standards and provide adequate and effective reparation to the Sami.

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<sup>226</sup> Sanningskommissionen för det samiska folket [The truth commission for the Sami people], Samtalsmöten Sápmi [Conversation meetings Sápmi], <https://sanningskommissionensamer.se/om-uppdraget/samtalsmoten-sapmi/>; Sanningskommissionen för det samiska folket [The truth commission for the Sami people], Aktuellt Current], <https://sanningskommissionensamer.se/aktuellt/>. Both accessed 1 December 2023.

<sup>227</sup> Sanningskommissionen för det samiska folket [The truth commission for the Sami people], Dela din historia [Share your story], <https://sanningskommissionensamer.se/dela-din-historia/>. Accessed 1 December 2023.

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