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OF COUNSEL (VA, MD)

September 16, 2009

Marika Gardell
Individ- och familjeomsorgen
621 81 Visby

Via Facsimile and Regular Mail with enclosure

Dear Ms. Gardell:

By way of introduction, the Home School Legal Defense Association (HSLDA) is an international organization located in the United States. Our mission is to advance and protect the right of parents to teach their children at home. Presently, we have more than 87,000 member families in all 50 states and in 36 countries.

On behalf of our member families and other concerned homeschoolers, I am writing to inquire about the case of Dominic Johansson. Before HSLDA becomes more extensively involved in this matter, we believe it is important to confirm our understanding of the facts. Our current information, if accurate, indicates that the Swedish authorities have seriously breached the Johansson family's fundamental human rights.

We understand that Dominic is currently in your custody after being seized, at your request, by local police as he and his parents were on a plane to India. Mrs. Johansson is originally from India, and the family was in the process of permanently relocating there. News reports indicate that Mr. Johansson took proper steps to inform the local school board of his intent to homeschool Dominic in preparation for the family's relocation.

We understand that Swedish law permits parents to educate their children at home and that the local school board is responsible for overseeing the process of notification. However, it appears that in this case, the local school board ignored normal procedure, did not meet with the family to assist them in pursuing home education, and instead fined them and referred the matter to the local court. Our information indicates that the court declared the fines to be unnecessary, and the judge did not prohibit the family from leaving Sweden although he knew that they were planning to relocate to India on or about June 25th, 2009.

Despite the court and your agency's knowledge and implied approval of the planned relocation, your agency seized Dominic, and it appears that the primary motivation was opposition to him being homeschooled. Swedish news reports quote local officials as saying that said the seizure was necessary in order to "protect [Dominic's] right to education." News reports also indicate that both Dominic and

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his parents were seriously harmed by this action and continue to suffer harm from continued separation and limited visits – four visits totaling eight hours since his seizure on June 25th. It was reported today that Mrs. Johansson is now hospitalized as a result of this and the trauma from the violent and unexpected seizure of and continued separation from her only child.

As you know, the Treaty of Amsterdam calls for respect of fundamental rights guaranteed by the European Convention on Human Rights and formalizes the judgments of the European Court of Justice on such matters. These same rights are solemnly proclaimed in the Charter of Fundamental Rights of the European Union, most notably Article 6 (Right to liberty and security of person), Article 7 (Respect for private and family life), Article 10 (Freedom of thought, conscience and religion), Article 14 (Right to education), Article 20 (Equality before the law), Article 21 (Non-discrimination), Article 22 (Cultural, religious and linguistic diversity), Article 24 (Rights of the child), and Article 47 (Right to an effective remedy and a fair trial).

The United Nations' Declaration of Human Rights in Article 26 notes that parents have the "prior right" to determine what is the appropriate form of education for their children.

While the United Nations Convention on the Rights of the Child, to which Sweden is a state party, does recognize the child's right to an education, the treaty also recognizes that the child has the right to "be cared for by his parents" (Article 7). In Article 16, the treaty further recognizes that "no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation. The child has the right to the protection of the law against such interference or attacks." Furthermore, in the event that a child is separated from his parents, "States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis..." (Article 9 sub 3).

If the facts as stated above are true, it appears that the family has been subjected to a gross injustice and the best interests of Dominic are not being applied.

We understand that Sweden has its own rich educational history and tradition, but worldwide academic research and practical experience have conclusively proven that homeschooling is at least as effective as, and in many cases more effective than, public school instruction. Just one sample of this research was conducted by the Fraser Institute of Canada (see enclosed).

This study found that "[d]espite wide spread belief that home educated students are not adequately socialized, the preponderance of research suggests otherwise." The report pointed out that a three-year study conducted by England's University of Durham found that "home schooled students noticeably out-performed their public school peers in both literacy and mathematics" (Livni, 2000).

A more recent study by Dr. Brian Ray of the National Home Education Research Institute (NHERI) of over 11,000 homeschooled students found that homeschoolers scored *an average of* 25-35 points higher on standardized tests of academic achievement than public school students. I have included a copy of the study for your review.

For additional research, you can visit <http://www.hsllda.org/research/default.asp>.

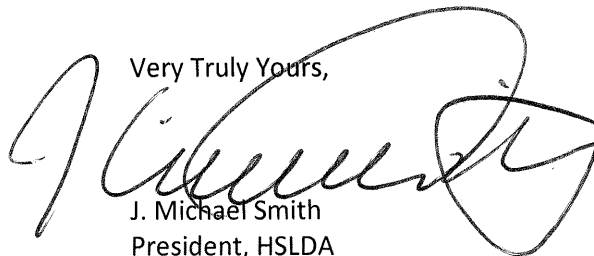
HSLDA believes that home education should never be a reason to remove a child from his family. In recent years, the only Western government that has done this is Germany, and the country has been severely criticized by both the United Nations and the European Parliament for its actions. (In fact, the EU is currently reviewing several petitions to investigate Germany's persecution of homeschoolers.)

We also believe that a parent's sacrifice to home educate their children is evidence of deep care to those children. We believe that Mr. and Mrs. Johansson have demonstrated this type of care for Dominic.

If any of the information as stated above is inaccurate, we would welcome correction of the record. If, however, the situation is as I have recounted, we respectfully request that you reconsider your decisions and return Dominic to his family immediately. To do otherwise would be to perpetuate a grievous harm upon the Johanssons for no valid purpose.

I look forward to your response.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "J. Michael Smith", written over a large, stylized circular flourish.

J. Michael Smith
President, HSLDA

Enclosures

cc (w/enclosures):

Jan Björklund, Minister for Education
Carl Bildt, Minister for Foreign Affairs
Göran Hägglund, Minister for Health and Social Affairs
Beatrice Ask, Minister for Justice
Ambassador Jonas Hafström
Ambassador Matthew Barzun