



**Ministry of Education and Research**

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Dear Mr van der Eems

Thank you for your letter on home education.

The new Education Act (2010:800) contains stricter requirements concerning the granting of concessions for compulsory education to be completed in a way other than through regular teaching under the Education Act. The preparatory materials to the new Education Act (Govt. Bill 2009/10:165, part 1, p. 523 ff) state that stricter rules will apply to the conditions under which the completion of compulsory education in alternative ways is to be permitted through the introduction of a requirement for special grounds for granting a concession, meaning that this provision is to be applied in a very restrictive manner. The preparatory materials also state that the reasons for this include every child's right to all-round teaching, which is one of the cornerstones of the Swedish education system. Moreover, they state the following concerning where the provision stands in relation to the right of parents to choose an education for their children.

"Chapter 2, Article 19 states that no act of law or other provision may be adopted which contravenes Sweden's undertakings under the European Convention for the Protection of Human Rights and Fundamental Freedoms. According to the first sentence of Article 2 of the First Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms, no person shall be denied the right to education. The second sentence of Article 2 states that, in the exercise of any functions which it assumes in relation to education and to teaching, the state shall respect the right of parents to ensure such education and teaching in conformity with their own religions and philosophical convictions. Article 2 of the First Protocol guarantees the right to establish and run private schools. However, this right is not unconditional; the state can set requirements for the standard and content of teaching and the teachers' skills. Moreover, practice has shown that the state

does not need to respect a conviction on the part of the parents that contravenes the child's right to teaching. (Danelius, *Mänskliga rättigheter i europeisk praxis*, 3rd edition, p. 486 ff. and legal cases described in it, as well as European Commission on Human Rights Decision No 17678/91 B.N. and S.N. v. Sweden). In light of this, the Government considers that the recently proposed amendment cannot be seen to contravene Sweden's international obligations."

You also describe a situation in which the social authorities appear to have decided on compulsory care regarding a seven-year-old son. The Ministry of Education and Research is not able to comment on individual cases, but it notes that the Education Act does not contain any provisions allowing the type of intervention you describe. The social authorities' assessments are based on the Social Services Act (2001:453), which prescribes that children and young people shall grow up in a secure environment. The Ministry of Education and Research is not able to comment on how the Act has been applied in this case.

I hope this letter has provided you with the information you require.

Yours sincerely

Maria Caryl