



In Sweden, Persecuted Jewish Homeschoolers Win Court Battle

STOCKHOLM — Homeschooling advocates and human rights activists around the world are celebrating after a recent appeals court ruling in Sweden came down on October 17: A unanimous verdict affirming that a Jewish family in Gothenburg has the right to homeschool in accordance with their faith despite a virtual ban on the practice implemented last year. However, even with the apparent victory, experts and activists say there is a long way to go before most persecuted Swedish homeschoolers can exercise their rights in peace.



The case in Gothenburg surrounded the Namdar family, Jewish Chabad-Lubavitch representatives to Sweden, who were being threatened and fined by local authorities for educating their children at home and through an online Jewish educational service. At issue: Parliament adopted [a massive new education law](#) in 2010 purporting to ban homeschooling for religious and philosophical reasons except in “exceptional circumstances” while forcing all “private” schools to teach the controversial government curriculum.

The legislation sparked an [international outcry and an exodus among homeschoolers](#), many of whom fled to other countries to live as political exiles unless and until the situation in Sweden improves. Some families decided to stay and either defy the law or fight the ban. Despite the backlash, however, the persecution has not relented, with numerous families still under threat for exercising their right to homeschool.

In the Namdar case, the three judges on the appeals court for the southwestern region of Sweden, citing religious freedom and the high-quality education received by the children, ruled against city officials. According to the court, the family’s situation — their religious needs would be hard to fulfill in government school, all of the children are receiving an excellent education, and the new law cannot contravene the state’s obligation to protect the rights of citizens — qualify as “exceptional” circumstances.

“This is a verdict in which the Administrative Court of Appeal has used the provisions in the law to reach a commonsense solution for the children and the family involved,” explained attorney Ruby Harrold-Claesson, who also serves as president of the pro-family [Nordic Committee for Human Rights](#). “The Administrative Court of Appeal in Gothenburg deserves to be commended for this verdict.” The municipality is expected to appeal and other embattled homeschooling parents will likely cite the verdict in their own cases, she told *The New American* in an e-mail.

While it may have been a small victory, some analysts and even the Namdar family said the ruling could indeed be important for persecuted Swedish homeschoolers and even for religious liberty in Sweden. “I think the ruling definitely has broader implications. I would hope that it also has broader implications



Written by [Alex Newman](#) on October 21, 2012

on the view that Sweden takes toward religion in general,” mother Leah Namdar told *The New American* after her family’s success in court. “This is a case that is something much bigger than dealing with one family’s homeschooling — this is about God and really having belief in society in general.”

Other experts and activists, however, were not quite as enthusiastic just yet. After all, the ruling applies only to the Namdar family and may well be appealed to a higher court, though local officials and the Education Ministry did not respond to multiple requests for comment.

“This is a great success for the family and we are thrilled at their victory. It is a beacon of light in an otherwise very compact Swedish home education darkness,” explained [Swedish Homeschooling Association](#) (ROHUS) President Jonas Himmelstrand, an internationally recognized expert on Sweden’s family policies who [fled to Finland with his family](#) earlier this year amid threats of fines or worse.

However, despite the court win, it is not necessarily a cause for broader optimism yet, Himmelstrand added. Among other concerns, he pointed out that authorities could still appeal the case. Meanwhile, the persecution of homeschoolers in Sweden more broadly is continuing to wreak havoc in families’ lives.

In one of the most alarming incidents, officials citing homeschooling [removed then-seven-year-old Domenic Johansson from his parents](#). More than three years later, he remains in state custody. Less severe abuses, such as huge fines and vicious threats, continue to plague the small community of home-educating families that has not yet fled abroad. One of the most recent incidents saw authorities threatening to seize a family’s property for failure to pay homeschooling fines, forcing ROHUS to pay the fine in order to prevent an even greater tragedy.

“It is unclear to what degree other home education families could benefit from this verdict without such specific circumstances,” Himmelstrand said in a statement about the Namdar verdict in an e-mail to *The New American*. “If home education is to become more generally possible in Sweden again there has to be clear shift in attitude in Government. Without a doubt we will eventually get there, but we are not there yet.”

If the case is appealed to the Supreme Administrative Court and the court ends up ruling in favor of the Namdar family, that would be cause for “slight optimism,” Himmelstrand explained. However, “not winning would put Swedish home educators back to square one,” he added. The real key to victory, though, may be international developments, said Himmelstrand, pointing to the upcoming [Global Home Education Conference](#) (GHEC) in Berlin during the first week of November. *The New American* will be there to cover the conference, and Swedish persecution of homeschoolers is expected to be a hot topic.

“It is an amazing verdict in many ways, but still unclear if it will mean anything at all in general to the liberation of home education in Sweden,” Himmelstrand concluded about the recent ruling, possibly trying to put a damper on the euphoria before people got too excited about the small victory. “We congratulate the Namdar family and keep working for a better future for home education in Sweden.”

Internationally and especially in the United States, where the persecution of Swedish homeschoolers has become a rallying cry for the homeschooling community and human rights activists, advocates seized on the ruling to emphasize that Sweden’s policies were a serious violation of citizens’ rights. The [Home School Legal Defense Association](#), for example, quickly reacted to the verdict, calling on the Swedish government to respect the globally recognized right to home education.

“HSLDA calls on the Swedish Riksdag [Parliament] and Swedish courts to follow the ruling of the Namdar case and take immediate action to address this growing national crisis in Sweden,” Michael



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Donnelly, the organization's director of international affairs, told *The New American*. "Families should not have to choose between their homeland and homeschooling."

Like others concerned about the situation in Sweden, Donnelly and the HSLDA praised the ruling and promised to continue working with the beleaguered Swedes, noting that the fight must go on. "While we celebrate with the Namdar family over their victory, we will continue to fight for families like the Angerstigs, Himmelstrands, and others who have been abused by their own government until justice is done," he added, referring to other families that have found themselves in the cross-hairs over homeschooling.

The Swedish education law that cracked down on homeschooling has severely tarnished Sweden's reputation as a tolerant society that respects human rights, according to experts and activists monitoring the issue. Whether or not the latest ruling will help remains to be seen. Virtually all of the persecuted homeschoolers and their foreign supporters expect to win the battle — eventually at least. Unfortunately, they say, many more families will likely be forced to suffer in the meantime.

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