

# The right to education, to migrant minors: legal framework and The Case of Greece

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# International recognition of the right to education

- *"The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education"* 1951 REFUGEE CONVENTION, Art. 22
- *"States Parties recognize the right of the child to education"* 1989 CONVENTION ON THE RIGHTS OF THE CHILD, Art. 28
- *"No person shall be denied the right to education"* EUROPEAN CONVENTION ON HUMAN RIGHTS Protocol 1, Art. 2

# Which education?

## Elementary education: always free and compulsory

Favourable treatment for accessing studies beyond elementary education

Recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships 1951 REFUGEE CONVENTION, Art. 22

Higer education accessible to all on the basis of capacity 1989 CONVENTION ON THE RIGHTS OF THE CHILD, Art 28

Educational and vocational **information and guidance** should be **available and accessible** to all children 1989 CONVENTION ON THE RIGHTS OF THE CHILD, Art 28

Juveniles who are illiterate or have cognitive or learning difficulties should have the right to special education 1990 UNITED NATIONS G.A. A/RES/45/113



# European Union's directives

Member States shall grant full access to the education system to **all minors granted refugee or subsidiary protection status**, under the same conditions as nationals.

DIRECTIVE 2004/83/EC, EUROPEAN COUNCIL

Access to the education: **not postponed for more than three months** from the date of application.

Member States **shall not withdraw secondary education** for the sole reason that the minor has reached the age of majority.

**Minor children of applicants and to applicants who are minors:** access to the education for so long as an expulsion measure against them or their parents is not actually enforced.

DIRECTIVE 2013/33 EU, EUROPEAN PARLIAMENT



# Education in the 2020 PACT

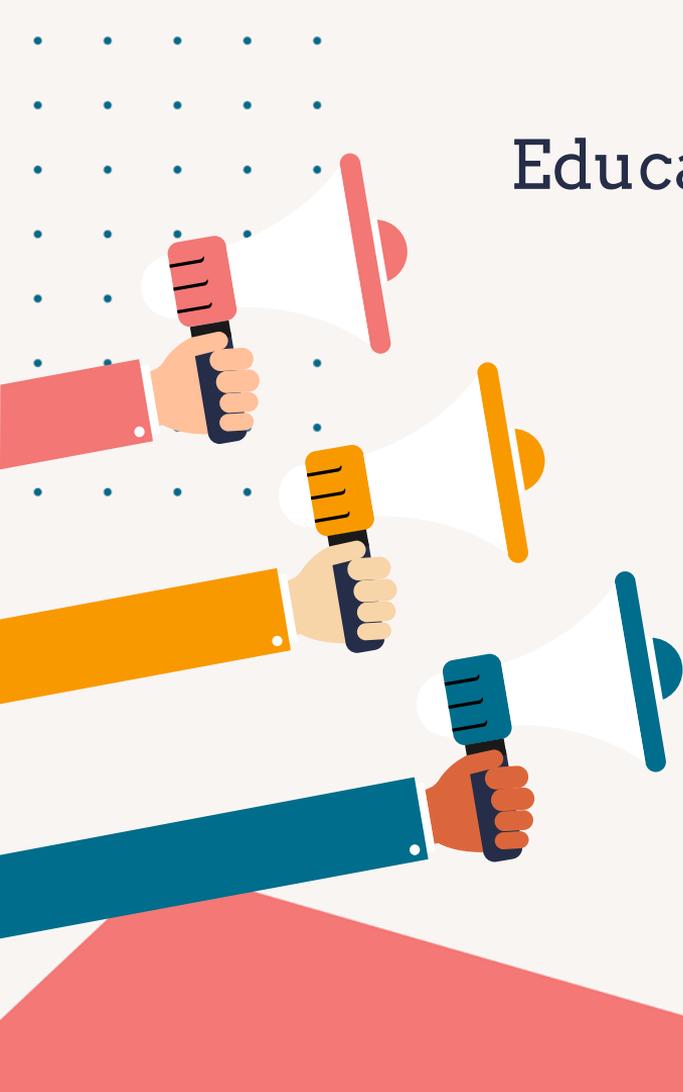
## Education as key area to:

- more inclusive society
- fight poverty
- gender equality

## Strategic measures:

- recognition of previous qualifications
- specific training for teachers
- language learning programs
- specific programs for unaccompanied minors who arrive past the age of compulsory schooling

**EU fundings:** full use to achieve these goals



# The Case of Greece: some data

**11,500** refugee and migrant children

Were enrolled in Greek schools by December 2018

**Out of the 5,935** assessed school-age children **62%**

Were enrolled in greek schools, regardless their migratory status

In terms of gender breakdown

**66% girls and 67% boys**



# Education in Greek Constitution



## Art 16 of Greek Constitution

- Education is a basic mission of the State;
- Education is mandatory for the first nine years.
- All Greeks have the right to free education at all levels in public educational institutions.

Article 16 of the Greek Constitution and implementing legislation have raised legal issues as the ones before the ECHR:

*The case of Sampanis v. Greece*

*The case of Lavidia and Others v. Greece*

# European Committee on Social Rights

's decision, issued on 23 May 2019, requires the government **to immediately provide** migrant children with appropriate shelter, food, water, education and medical care; to remove unaccompanied migrant children from detention and from Reception and Identification Centers (RICs) at the borders.

This decision is in response to a collective complaint brought before the Committee by International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE), alleging systemic violations of migrant children's rights on mainland Greece and the North Eastern Aegean islands.

# The role of the NGOs in education: Mazí and Still I Rise



**Mazí is a school and a safe place for  
11-17 years old refugees who live in the  
Samos hotspot in Greece.**

# The Situation in Samos

1 doctor, 6900 people



50% women and children

320 unaccompanied minors



6900+ people live in a refugee camp built for 648.

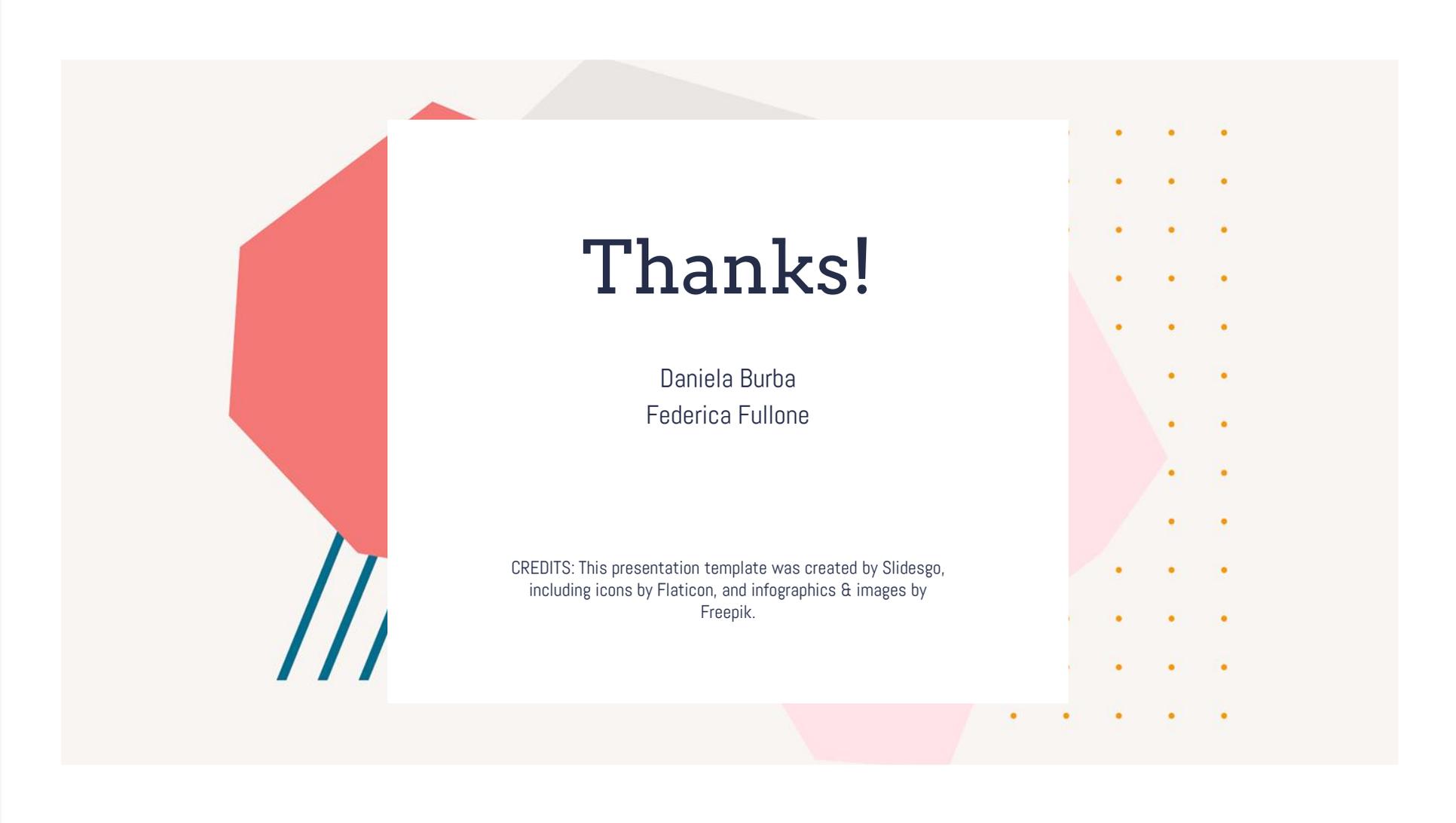


**Still I Rise** was born to address a specific need: to educate and support minors living in the Samos hotspot, the refugee camp on the island of Samos, Greece.

<https://www.stillirisengo.org/en/>

[Buio e luce a Samos - Witness Journal](#)



The background features a light beige color with several geometric elements: a large red polygon on the left, a light pink polygon on the right, and a grid of small orange dots on the right side. The text is centered on a white rectangular area.

# Thanks!

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