

The right to Education of asylum-seeking and refugee children in the European Union: drawing from experience on the ground

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Abstract

The large influx of asylum-seekers to European shores since 2015 has brought about considerable challenges for the EU in what regards ensuring respect for human rights and protecting this vulnerable group of people. Among the hundred thousand people seeking asylum in Europe, it is estimated that at least one third are children. This has put a huge pressure on the EU, especially on the countries serving as a port of entry, such as Greece, to find adequate solutions to guarantee access to quality education for asylum-seeking and refugee children. Drawing from a personal experience on the ground, on the Greek island of Lesbos, in the summer of 2017, the article intends to shed some light on the situation concerning access to education of asylum-seeking and refugee children, identifying the main shortcomings and challenges in this regard, as well as good practices and lessons for the future.

Keywords: refugee crisis; refugee children; asylum-seeking children; access to education; Greece; EU.

103

1. Situation on the Ground: the island of Lesbos in the summer of 2017

The island of Lesbos, the biggest island in the north Aegean Sea, separated from Turkish mainland only by a 4.1 mile-wide strait, has been the main entry-point for asylum-seekers and migrants since the beginning of the ‘refugee crisis’.

By the end of the summer of 2017, the EU-Turkey Statement and Action Plan was already one and a half years old¹. After the entry into force of the EU-Turkey deal, the influx of people arriving on the Aegean Sea islands decreased abruptly and a very low number of arrivals was registered in the following months. However, by September 2017, a steady increase in arrivals was already noticeable, a tendency which has been growing ever since².

Since the entry into force of this deal, and in order to stop the flow of migrants to other EU countries, asylum-seekers arriving in Greece have been geographically restricted to the island of arrival while their applications are processed.

At the time, the pace of relocations and family reunifications was extremely slow and it became increasingly clear that the difficult and time-lengthy discussions aiming at reaching an agreement between EU Member States for a future plan and commitment on this issue would come to no result.

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1 For more information, see http://europa.eu/rapid/press-release_MEMO-16-963_en.htm; and the European Commission Progress Reports. Regarding the consequences of this deal, NGO's have been very active in reporting these. For example: Save the Children (2017), *A Tide of Self-Harm and Depression: The EU-Turkey Deal's devastating impact on child refugees and migrants*; Amnesty International (2017), *Greece: A Blue Print For Despair - Human Rights Impact Of The Eu-Turkey Deal*; Human Rights Watch (2016), *Q&A: Why the EU-Turkey Migration Deal is No Blueprint*.

2 For updated information about the situation in Greece, refer to: <https://reliefweb.int/country/grc>.

Further to this, the asylum services on the ground, even with the help of the European Asylum Support Office (EASO), were completely overwhelmed and not able to respond adequately and within a reasonable timeline to all requests.

All of these circumstances meant that asylum-seekers stayed on the islands for much longer than expected. Adding to this, as the number of arrivals kept growing, the overall number of people stranded there also continued to increase. Still the islands continued to be regarded as transit zones, meaning that the services provided were planned to cover only temporary situations. Unsurprisingly, by September 2017, the conditions on the islands in the north Aegean Sea, which had had a very brief ‘time to breathe’, were rapidly deteriorating and the reception facilities quickly becoming overcrowded and dangerous places to live in, with an extremely tense atmosphere and constant outbursts of violence.

In Lesbos, at the beginning of July of that year, 3889 asylum-seekers or refugees lived on official sites on the island. In September, that number had already grown to 6302, of which around 40% were children³. Most of the asylum-seekers were accommodated in Moria Refugee Camp, the islands *hotspot*⁴. With capacity for 1800 people, mainly single men, the camp was housing close to 5000 people at the end of September. With deplorable living conditions, lacking in basic sanitation, and very unsafe for children and women, Moria became a pressure pot and the main stage for confrontation with the authorities.

The other main refugee camp in Lesbos – the *Hospitality Center for Refugees and Migrants Mavrovouni*, known as Kara Tepe Camp –, an Accommodation Centre intended to house families and vulnerable populations (unaccompanied minors, women, and children), saw its capacity increase from around 750 people to 1200. Children continued to make up for almost half of the population.

This was the reality I encountered while volunteering in Lesbos in the summer of 2017⁵; a reality that has continued to worsen ever since.

104 Not enough light is shed into this reality. The reality of children growing up calling homes to the containers where entire families live crammed inside; containers which, in the summer, become so hot it is almost impossible to sleep in, and that, during winter, are heated by highly inflammable gas heaters; using toilets or latrines constantly plugged, so dirty you have to walk on tiptoes and that are not safe to use at night; eating the same tasteless food every day, with no healthy or nutritious alternative; encountering their relatives’ permanently worried faces, a wrinkle per each day confronted with the possibility of being sent back to war, persecution or poverty.

The reality that children endure after fleeing and arriving in Europe shores, in this envisaged land of hopes and dreams, can be quite daunting. The waiting period has surmountable effects on the lives of the people stranded, still to be adequately measured. One of these effects is the deprivation or poor access to quality education which entails palpable consequences to the children’s development but also to their integration in the host societies and future prospects.

This waiting period has a particular toll on teenagers and young people. Most of the teenagers I met had ambitious dreams and placed great hopes on the chances they would encounter in Europe. For the greater part, access to education played a key role.

F, a 17-year-old boy from Afghanistan who fled to Iran with his family where he lived for some time before making the trip to Greece. He is a regular teenage boy who speaks great English, loves rap and has a fierce dream: to become a doctor. Since he arrived in Greece, he was more than one year without attending school, months and months of non-formal education activities which were clearly

3 Official numbers divulged by the UNHCR to the organizations on the island.

4 Commonly used term to refer to the EU-run reception centers in frontline Member States, like Italy and Greece, to identify and fingerprint migrants and refugees.

5 I volunteered in Greece, in the island of Lesbos, from June to October 2017, with the Portuguese NGO *PAR – Plataforma de Apoio aos Refugiados* - in English, *Refugee Support Platform* (RSP). RSP worked in the Kara Tepe Camp providing informal education activities and psychosocial support to children, teenagers, and women.

not enough to satiate his intellectual aspirations, making him grow more and more frustrated and demotivated each day. When someone in the group asked him to ‘*open the windows*’, he always replied, joking it seemed, ‘*open the borders!*’.

H. and I., two extremely kind brothers, also from Afghanistan. H., 17, wants to study engineering. I., 16, dreams of becoming a lawyer to be able to help other people in his situation. One of his idols is Malala Yousafzai of whom he talked about so much that the group nicknamed him after her.

G. and her sisters fled from the war in Syria with their parents and brothers. They dream of resuming their education and studying in European universities. They want to go back to Syria when the war is over and help rebuild the country. For them, when drafting up a constitution of an imaginary new state, the principle of Equality was the first to be enshrined.

K., 15, also from Afghanistan, had to flee after the Taliban murdered members of his family. He is very well educated and dreams of becoming a pilot. Once, we did a sort of energizer in the group, in which the participants had to take a step forward every time they answered ‘yes’ to a question. The questions were very simple: do you want to study Math? Do you want to study English? History? Geography? Music? And so forth. At some point, he had to jump out of the container’s window, as the space wasn’t big enough for all the subjects he wanted to study.

W., 14, came all the way from the Democratic Republic of Congo. One day we did a session on human rights and distributed the text of the Universal Declaration on Human Rights (UDHR). He came back with his sheet all underlined and noted on the sides. He had been studying it, but there was one article he could not quite understand – article 28, which reads ‘*Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized*’. As the world stands today, explaining this was not an easy task.

At the camp, I also met young people overwhelmingly courageous and determined who came alone or with a distant relative, in hopes of reuniting with a closer member of their family somewhere in Europe. S., an 18-year old girl who smuggled herself all the way to northern Europe where she expected to find a good education. A., a poet and artist, who, when invited to draw something that reminded him of ‘hope’ and ‘dreams’, drew a girl breaking free through barbed wire and transforming into birds flying away, but who could only picture darkness in his own future. And F., the joker of the group, whose face turned grim when talking about his expectations for the future to only lit up again when he found out that one of his favorite football players was also a refugee. And H., a martial-arts champion with an unwithering smile and joy which, unfortunately, finally broke after a few months in the camp.

All of them, while waiting for their applications to be processed, had only access to non-formal education programs or informal educational activities offered at the camp. They felt their dreams put on hold; after years with no access to formal education, they were still left out of school. They were being held back, denied basic knowledge and the power to determine their lives. Some, even having been in Greece for more than one year, could not identify the country on a map of Europe. If they did not even know where they really were, how could they understand why they could not move forward?

And then there were the hundreds of smaller children whose dreams still change every day. Children who live loosely, almost wildly, unaware of their circumstances. They occupy their days running around and playing in playgrounds, oblivious to the loose joints and screws which threaten to make it fall apart; sorting and throwing rocks, the only toy that seems to always be available; climbing up to the top of containers and shading coverings, jumping freely from one to the other, ignoring all the adults telling them to come down; picking up all sort of scrap, from rusty old screws to mattresses and entire pieces of furniture, refurbishing the camp at their will.

Children as young or even younger than the war. A great part of them had never attended school. At the camp, they learnt from everyday life. Jumping rope and drawing numbers in the dirt, they learnt

how to count. Playing with the staff or volunteers, they picked up English at an unbelievable speed to the point that they could translate for their parents and grandparents. Playing among each other, from different nationalities, they came up with their own language, a mix of three or more languages, combined with random words from others that they could not even identify. From the volunteers, they would also learn geography and take in different cultures, adapting naturally to their new environment.

Interacting with these children showed me how much of a sponge their brains really are, quickly interiorizing everything they're taught. An amazing capacity which is unfortunately not being used to all its extent while access to formal schooling is delayed. On the other hand, being used to play at their will and not really obeying much rules, it was very often a challenge keeping their attention and patience to complete a task even in activities they were keen on.

Dealing with children in a refugee camp setting is quite disconcerting. Their joy and energy can hide trauma and experiences that we can hardly imagine. These sometimes emerge in fists of violence, frustration, rage, sadness or other apparently inexplicable behaviour. It is clear that providing a context of normality and tranquility to these children is of utmost importance. In this regard, school can, not only set the adequate structure and environment for learning, but function as a platform for psychological support and healing.

Finally, there were the 'Mothers Courage' whose biggest motivation for the perilous journey onto Europe shores was the hope that their children could have a better life, a better future, at the foundation of which access to a good education unquestionably stands. Parents whose main concern, at the end of summer, with the beginning of the new school year approaching, was whether their children would finally be able to enroll in school. Unfortunately, for the children stranded on the islands at Europe's doors, the answer was still negative.

2. The right to education of asylum-seeking and refugee children: legal framework

2.1 *International standards*

The right to education is a human right enshrined in several international human rights treaties⁶. The principle of universality and the principles of equality and non-discrimination are basic principles of the human rights framework. Accordingly, respect for these principles constitutes an essential dimension of States' compliance with the obligations established in the human rights instruments to which they are parties, including in what regards the right to education.

The concern towards inclusion and protection of vulnerable groups such as asylum-seekers and refugees constitutes an expression of these principles. In fact, the particular condition of being an asylum-seeker or a refugee may, in itself, severely restrict access to, or even, at cases, strip someone of their rights, making these population groups particularly vulnerable and at risk of marginalization. Children in the context of international migration are especially vulnerable, even more if unaccompanied or separated.

Pursuant the applicable international standards, refugee and asylum-seeking children are entitled to the right to education and to access and exercise this right without discrimination. Commentaries by the international monitoring bodies clarify that the enjoyment of this right must be available to all children – including asylum-seeking, refugee and migrant children – irrespective of their nationality,

6 Namely, the UDHR (art. 26), the ICESCR (arts. 13 and 14); the UNESCO Convention against Discrimination in Education (preamble); the UN Convention on the Rights of the Child (arts. 28 and 29); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (art. 30); the Geneva Convention relating to the Status of Refugees (art. 22); the ECHR (art. 2 of Protocol 1); and the Charter of Fundamental Rights of the European Union (CFREU) (art. 14).

immigration status or statelessness⁷. Quoting UNESCO, '[a] child's migration status should never represent a barrier to accessing essential services such as education'⁸.

States are bound to eliminate discriminatory policies and practices that deny or restrict the rights of these children, such as segregated schooling or the application of different standards, as well as to eliminate direct costs, for example, school fees, and indirect costs, like school materials and uniforms.

On the other hand, as referred above, these children are a particularly vulnerable group demanding greater attention, especially *unaccompanied and separated children, girls and children with special needs, and children in detention*. Affirmative action appears critical to achieve *de facto* equality in accessing education. However, as the CESCR alerts, positive discrimination measures should be closely monitored to make sure that they '*do not lead to the maintenance of unequal or separate standards for different groups, and provided they are not continued after the objectives for which they were taken have been achieved*'⁹.

In emergencies or international migration, access to education is particularly relevant as it provides safe spaces and physical, psychosocial and cognitive protection, helping to mitigate the impact of conflict and disasters. This proves even more relevant in situations where mental health care is not available or accessible which was largely the case on the Greek islands. Educational structures can also protect children and youth from exploitation, harm, and violence, contribute significantly to their integration and reduce the risk of developing negative coping behaviors¹⁰.

For asylum-seeking and refugee children fleeing emergency contexts, particularly considering that they might have been excluded from formal education for some time or never have been enrolled at all, ensuring access to quality education during the 'stabilization phase' is crucial to prevent exclusion and further learning gaps which can make integration an even bigger challenge. In particular, secondary education '*provides a safe space for personal development and positive social networks for adolescents whose transition to adulthood has been disrupted by instability and violence*'¹¹ and contributes greatly to social inclusion.

7 UN Committee on the Rights of the Child (CRC) (2005), *General comment No. 6: Treatment of Unaccompanied and Separated Children Outside their Country of Origin*, CRC/GC/2005/6, par. 12; UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) and CRC (2017), *Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration*, CMW/C/GC/3-CRC/C/GC/22, pars. 9, 21 and 22; CMW and CRC (2017), *Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return*, CMW/C/GC/4-CRC/C/GC/23, par. 59; UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)*, E/C.12/1999/10, par. 34. All commentaries are available at: <http://www.refworld.org>.

Also the reports of the Special Rapporteur on the Right to Education, Vernor Muñoz Villalobos: UN Human Rights Council (HRC), *Right to education in emergency situations*, A/HRC/8/10, par. 37; HRC, *The right to education of migrants, refugees and asylum-seekers*, A/HRC/14/25, par. 17. Also both available at <http://www.refworld.org>.

8 United Nations Educational, Scientific and Cultural Organization (UNESCO), *Protecting the right to education for refugees*, Working Papers on Education Policy no. 4 (2017), p. 23, available at <http://unesdoc.unesco.org/images/0025/002510/251076E.pdf>.

9 CESCR, *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)*, *op cit*, par. 32; also, UN Human Rights Committee (HR Committee), *CCPR General Comment No. 18: Non-discrimination*, par. 10, available at: <http://www.refworld.org>.

10 HRC, Report of the Special Rapporteur on the Right to Education, Vernor Muñoz Villalobos, *Right to education in emergency situations*, *op cit*, pars. 34 and 35.

11 UNESCO, *Protecting the right to education for refugees*, *op cit*, p. 8.

However, access to quality education faces particular obstacles and challenges in these contexts¹². In fact, in these situations, temporary solutions might be put in place without adequate consideration for the quality or adequacy of the curriculum and methodology, or the specific preparation of the teachers and staff to the challenges posed by teaching migrant and refugee children. Actually, shortage of teachers, their lack of specific training, and even the low expectations and stereotypes held regarding minority populations, have been identified as a major obstacle to migrant and refugee children accessing quality education¹³.

In order to ensure compliance with the aforementioned standards, the right to education for all has time and again been put in the global agenda¹⁴, namely, more recently, as goal 4 of the 2030 Agenda¹⁵ and in the New York Declaration¹⁶. Nevertheless, despite the efforts of the international community, the results are still far from encouraging.

2.2 *Applicable standards in the EU*

At the European level, the ECtHR has provided some important guidance on this topic. The Court has decided, for example, that children's access to education cannot be made conditional on the payment of specific fees on account of their nationality and immigration status¹⁷. The Court has also developed extensive case-law regarding the prohibition of discrimination of minorities, especially in what concerns the right to education of Roma children¹⁸.

The right to education of asylum-seeking and refugee children in the EU is foreseen and regulated in primary and secondary law¹⁹. In particular, the Reception Conditions Directive²⁰ densifies the conditions under which *asylum seekers* can access education.

Under that directive, asylum-seekers shall have access to the formal school system within a period of three months counting from the date on which the application for international protection was lodged

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- 12 In this regard, the former Special Rapporteur on the Right to Education alerts that education is '*frequently found to be interrupted, delayed or even denied during the reconstruction process and early response to emergencies*' and that the lack of adequate and timely response stems from an apparent general attitude of tolerance regarding the violation of the right to education in the context of humanitarian response – HRC, report of the Special Rapporteur on the Right to Education, Vernor Muñoz Villalobos, *Right to education in emergency situations*, op cit, pars. 12 and 68.
- 13 HRC, Report of the Special Rapporteur on the Right to Education, Vernor Muñoz Villalobos, *The right to education of migrants, refugees and asylum-seekers*, op cit, pars. 50 and ff.
- 14 World Declaration on Education for all, adopted in 1990, Jomtien; the Dakar Framework for Action, adopted in 2000, at the World Conference on Education for All, Dakar; the UN Millennium Declaration, adopted by the General Assembly Resolution 55/2, A/RES/55/2.
- 15 General Assembly Resolution 70/1, *Transforming our world: the 2030 Agenda for Sustainable Development*, A/RES/70/1. In this connection, see also the Incheon Declaration and Framework for Action for the implementation of Sustainable Development Goal 4 '*Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all*'.
- 16 UN General Assembly Resolution 71/1, *New York Declaration for Refugees and Migrants: resolution / adopted by the General Assembly*, A/RES/71/1.
- 17 Judgement of the Fourth Section on the case *Ponomaryovi v. Bulgaria* (21 June 2011).
- 18 E.g. Judgement of the Grand Chamber on the case *D.H. and Others v. the Czech Republic* (13 November 2007), Judgement of the First Section on the case *Sampanis and Others v. Greece* (5 June 2008), Judgement of the Grand Chamber on the case *Oršuš and Others v. Croatia* (16 March 2010), Judgement of the Second Section on the case *Horváth and Kiss v. Hungary* (29 January 2013).
- 19 Art. 14 of the Charter of Fundamental Rights of the European Union (CFREU) consecrates the right to education in EU primary law, which includes the right to receive free compulsory education. This article should also be read together with Art. 21 of the Charter that forbids discrimination based on any ground, including race, colour, ethnic origin, language, membership of a national minority, or birth.
Also relevant in this regard are art. 27 of the Refugee Qualification Directive (Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011); art. 14(1)(a) of the Directive on Family Reunification (Council Directive 2003/86/EC of 22 September 2003); and arts. 14 and 23(2) of the Temporary Protection Directive (Council Directive 2001/55/EC of 20 July 2001).
- 20 Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast).

and for so long as an expulsion measure against them or their parents is not actually enforced. It also establishes that Member States shall provide, when necessary, preparatory classes to facilitate their integration in the school system and offer alternatives when access to education is not possible in particular situations. Moreover, it sets out that access to secondary education cannot be denied for the sole reason that the minor has reached the age of majority²¹.

However, it also foresees that such education of asylum seeking children may be provided in the accommodation centers, that is, apart from regular schools.

The Return Directive²² also determines that *asylum-seekers who have been refused international protection* and *minors in detention*, pending return, shall be granted access to the basic education system subject to the length of their stay. When children are attending school, Member States shall also extend the period for voluntary departure by an appropriate time²³.

In light of the above, it is clear that, according to the international and European applicable standards, no asylum-seeking and refugee child shall be denied access to education and, in this regard, all efforts should be put in place to ensure that they are integrated in the school systems of the host State as early as possible.

Unfortunately, and as we will see below, these standards are not fully complied with.

3. The right to education of asylum-seeking and refugee children: on the ground

In September, with the new school year rapidly approaching, the prospects regarding the right to education for asylum-seeking children living in camps on the islands were dire, despite the fact that, under Greek law, they are entitled to enroll in public schools. In fact, the information divulged by the government was that these children would still not be able to enroll in formal education²⁴.

The Greek government had set up a program aiming at the integration of migrant children for the school year 2016/2017, which was considered a *transitional* year for this effect. Under this program,

- *children living in camps* would be able to enroll in afternoon preparatory/reception classes at the local public schools where they would be taught Greek, English, mathematics, sports, arts and computer science.
- *children living in urban settings* would be able to enroll in public schools and study alongside Greek children, with some support.

The EU provided considerable funding for the program and the IOM transportation. The program also envisaged the operation of reception classes in junior high schools, and the setting up of kindergartens in reception accommodation centers.

21 Art. 14 CFREU.

22 Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008, arts. 14(1)(c) and 17(3).

23 Art. 7(2). More generally, Member States may, at any moment, decide to grant an autonomous residence permit or other authorisation offering a right to stay for compassionate, humanitarian or other reasons to a third-country national staying illegally on their territory (art. 6(4), of the Return Directive). Access to education could, in abstract, constitute such a reason.

24 The information presented in this section results from the observation of the situation on the ground, talks with asylum-seekers and staff on the island, and reports on the situation presented at meetings, as well as information reported by the media, confronted with the information divulged by the Greek government.

Although the program seemed very promising, in practice, its implementation showed many deficiencies, problems and delays which made it practically inoperable²⁵.

According to UNICEF, in the school year of 2016/2017, of the 12.000 refugees and migrant school-age children residing in Greece in June 2017, only about 3.500 were enrolled in formal education. This was, to some extent, justified by the fact that the program did not cover the islands. In Lesbos, in that school year, only about 40 of the estimated 530 school age children residing on the island (although the real number could be much higher) were able to enroll in Greek public school and mostly due to the goodwill of the school directors.

The difficulties encountered translated into very high drop-out rates with an obvious negative impact on the children.

Building on the previous year experience, the Greek Ministry of Education proposed that the school year of 2017/2018 would also be regarded as a transitional year²⁶.

In particular, there was a better understanding of the challenges of integrating asylum-seeking and refugee children who had been out of a school environment for two or more years and who were in transition from a war or emergency context, many of whom psychologically scared. There was also a bigger investment towards finding and training adequate staff.

At the beginning of the school year of 2017/2018, the Greek government had set up programs called 'Zones of Educational Priority' (ZEP) in around 700 schools which were mainly directed at the integration of asylum-seeking or refugee *children living in urban settings*, although not restricted to those.

Under the program for this academic year,

- *asylum-seeking and refugee children who were already able to understand and speak some Greek* would be integrated in regular classes, although benefitting from the help of specialized teachers and additional Greek language classes.
- *Children who could not speak Greek* would be offered special classes on Greek language, English, science and mathematics, in order to prepare them for full integration into Greek schools. As for the other subjects, they would join their peers.

The ZEP program did not, officially, extend to secondary education. Yet, access to this program for *children living in camps* would still be limited.

- *Children living in camps on the mainland* were eligible to enroll in the ZEP program provided that, in addition to already speaking some Greek, they lived close to a school which would offer this program or could guarantee transportation there.
- *As for children living in camps on the islands*, although the situation at the end of September 2017 was still unclear, the prospects were that they would still be excluded from this program – one considerable obstacle thereto was the requirement to present a proof of address. In the meantime, the government announced the intention to open, at least, afternoon reception classes in public schools.
- *Unaccompanied minors living in shelters*, as they were living in urban settings, were expected to be able to be enroll.

25 Ministry of Education Research and Religious Affairs (2017), Scientific Committee in Support of Refugee Children: *Refugee Education Project*, available at: https://www.minedu.gov.gr/publications/docs2017/CENG_Epistimoniki_Epitropi_Profsygon_YPPEETH_Apotimisi_Protaseis_2016_2017_070__.pdf.

26 *Ibid.*

The beginning of the program was delayed to mid-October, at least one month after the beginning of the school year, which meant that children had to start school without the necessary support and trained teachers.

- Regarding *children detained in the pre-removal center* in Lesvos, waiting to be deported back, they did not have access to any type of education. The same applied to *other children residing in Moria Camp* who were still waiting for their applications to be processed.

According to UNHCR, in November 2018 there were 11.000 children enrolled in school. The great majority of these children are living in mainland Greece. Most are enrolled in reception structures for refugee education or receiving reception classes. However, restrictions still apply to children living in open accommodation sites.

The situation on the islands is very different. In Lesvos, of the around 2000 children residing on the island only 120 are enrolled in school and, of these, a very small fraction are integrated in regular classes. There are more than 500 unaccompanied minors on the island.

4. Challenges and lessons for the future

The plans of the Greek government to ensure access to formal education of refugee and asylum-seeking children has met hefty obstacles and challenges.

As a first remark it should be noted that, as a result of EU decisions, most refugee or asylum-seekers in Greece are in a fairly permanent situation. The failure to understand the situation on the islands, which has continued to be qualified as a 'crisis', led to temporary solutions being in place for too long.

The government projections proved flawed due to the constant and widespread mobility of the population of asylum-seekers and refugees. The fluctuation of this population constitutes a considerable obstacle to plan ahead and implement the necessary conditions for these children to be integrated in educational facilities.

The biggest challenge related to the particular needs of these children who have been out of school for some time and required 'catch-up' programs, as well as psychological support. In this regard, the lack of especially trained and prepared teachers and their continuous replacement constituted a significant problem. This was aggravated by the deficient planning of the reception classes and of the necessary pedagogical support.

The context in which these children live also has a big impact on their learning abilities and results. Moreover, the fluctuation and mobility referred above interferes with the necessary stability for the full development of the child's learning capacity. It further constitutes a practical obstacle to the completion of a school year, for example, when a child is relocated in the middle of the year as enrollment in another school might not be possible.

Cultural and language barriers, which are worsened by the lack of certified translators, was also a hurdle to the children's integration and learning ability.

Barriers to the enrollment in school should also be mentioned, such as the lack of evidence proving the completion of school grades in the countries of origin or transit and of adequate equivalence methods, as well as the lack of mandatory vaccination²⁷.

On the other hand, when enrolled, lack of transportation further represented a considerable obstacle.

27 In Lesvos, Médecins du Monde (MDM) ran a tireless program in the summer 2017 to vaccinate all the children in the camp of Kara Tepe so that they could enroll in school at the beginning of the school year.

On another note, the lack of information or its conveyance in a way that migrants and refugees effectively understand can also amount to a considerable problem. Many times, parents are reluctant to enroll their children because they do not understand the asylum procedure and cling on to the idea that they will be able to carry on their journey to another EU country.

Finally, the political situation, in particular, the opposition of far-right movements with reports of protests and incidents targeting foreigners, also causes significant distress to the children and their families and may even have deterred school directors from easing the enrollment of these children.

In what concerns the approach adopted in these transitional programs, it should be noted that it involve some type of segregation of this group of students from the majority and deserve, in that regard, careful analysis.

Segregating vulnerable groups in special classes must constitute a necessary and proportionate measure. In this regard, this type of measures shall be limited to the time deemed necessary for that effect and discontinued after the intended objectives are achieved. Otherwise, measures of this type may actually degenerate into negative discrimination and run the risk of deepening marginalization. As the former Special Rapporteur on the right to education, Vernor Muñoz, highlights, segregation, which might be based on early-ability grouping and tracking, namely, because of the migration status, has negative impacts on school achievement and contributes to permanent segregation. Furthermore, this might result in the dissemination of low expectations and stereotypes that lead to further discrimination and may even push these children into special needs schools^{28,29}.

It is still too early to assess the impact of the integration programs implemented in Greece for asylum-seeking and refugee children. Notwithstanding, the situation should be carefully monitored in order to ensure that the segregation of these children does not become permanent or bring about harmful consequences.

112

One final word regarding the non-formal programs or informal education activities which help fill the gap left by governmental plans. The value of these programs, particularly where there is no other offer, is undisputed. However, these programs face considerable limitations: they are not normally recognized as official education programs and the qualifications resulting from attending these programs are not certified or recognized as equivalent to official school degrees; they are often geographically and temporally limited which may lead to gaps and inconsistencies in the education provided; they are normally offered to asylum-seeking children separated from the national children of the host country, thus inhibiting integration; and not all of these programs are adequately monitored or funded, which impacts directly on the quality of the education³⁰.

5. Conclusion

The analysis of the Greek experience in ensuring the right to education of refugee and asylum-seeking children is very valuable to understand the difficulties and challenges associated with fully implementing this right and to learn from the mistakes as well as the good practices adopted.

Although the situation in Greece has been improving considerably, some significant obstacles persist and hinder the full enjoyment of this right.

28 HRC, Report of the Special Rapporteur on the Right to Education, Vernor Muñoz Villalobos, *The right to education of migrants, refugees and asylum-seekers*, op cit, pars. 38 and 53.

29 Refer to Footnote 18 above.

30 In this regard, HRC, Report of the Special Rapporteur on the Right to Education, Vernor Muñoz Villalobos, *The right to education of migrants, refugees and asylum-seekers*, op cit par. 64, 65, and 68.

Greece is obviously not an isolated the case. The problems and challenges identified echo all around the globe and run much deeper in some places. Unfortunately, as the former Special Rapporteur on the Right to Education, Vernor Muñoz, stated, '*the international community too easily tolerates the many violations of this right*'³¹.

The lack of a quick and adequate response to guarantee access to education due to international migration leads to long-term gaps in education which have a heavy toll on the children affected, psychologically and socially. Teenagers, especially, face a serious risk of being prevented from continuing their education and of being further marginalized.

Education is an empowering right, operating as a key to access and exercise other human rights. In particular, in the context of migration, access to education plays a crucial role in ensuring stability and the necessary conditions for these children's healing process, as well as in the process of integration in the host society. Education will also provide these children with the necessary tools to actively and positively contribute to their host society.

Concluding, access to education allows refugee and asylum-seeking children not only to survive, but to thrive. As the cardboard put up by the members of the youth group on the wall of our container read: '*Education is hope; the most powerful weapon*'.

31 *Ibid.*, par. 17.