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Education for All? The Right to Education in Greek Refugee Camps

A Case Study

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ABSTRACT

In the last years, due to ongoing and new conflicts, the European Union (EU) and its member states have seen increasing numbers of refugees seeking for refuge and security. Since 2015, more than 100 thousand people, 60% of whom are younger than 30 years old, arrived at the shores of Europe in Greece and were suddenly confronted with new challenges and problems instead of finding themselves protected. There are many children as well who, in comparison to adults who are more or less capable of dealing with the problems that they face upon their arrival in Greece, the refugee children are most vulnerable because they are facing a different reality from other children, living under very poor conditions in camps that are affecting their physical and emotional health. While many of their human rights are not respected, the thesis at hand is aimed at analysing how and to which extent the right to education of refugee children in Greek camps is respected and fulfilled.

Education is a human right to which any child should have access; however, education in situations of emergency is difficult and many children are being left behind. For refugee children, education is a central tool to make their protection, integration and development possible.

This study aims to analyse the legal provisions and their implementation within the framework of Greek refugee camps and the extent to which these provisions are failing to protect the right to education of refugee children. This thesis compares international and regional legislation with national legislation to elaborate on the development of the discourse regarding the implementation of protection mechanisms. Through interviews with experts working in refugee camps and research, it has been found that the right to education of refugee children is not respected and that many children are having problems integrating into society. Therefore, this thesis also provides suggestions that could change this situation.

TABLE OF ACRONYMS

CFR	Charter on Fundamental Rights
CoE	Council of Europe
DYE	Reception Facilities for Refugee Education
ECHR	European Convention on Human Rights
ECRE	European Council for Refugees and Exiles
ECtHR	European Court of Human Rights
ESC	European Social Charter
ESF	European Social Fund
EU	European Union
FRA	European Union Agency for Fundamental Rights
GCR	Global Compact on Refugees
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IC	International Commission of Jurists
ICT	Information and Communication Technologies
IEP	Institute of Educational Policy
IOM	International Organization for Migration
MSF	Medicins Sans Frontieres
NGO	Non-Governmental Organisation
REC	Refugee Education Coordinators
RIC	Reception and Identification Centre
SDG	Sustainable Development Goal
TY	Reception Classes
UAM	Unaccompanied minors
UNGA	United Nations General Assembly
UDHR	Universal Declaration on Human Rights
UNCRC	United Nations Convention on the Rights of the Child
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Emergency Fund
UN	United Nations
ZEP	Educational Priority Zones

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INTRODUCTION

The number of refugees has been increasing since 2015 and the international community has not managed to protect the number of people who have been arriving in Europe. In the words of the special report of the United Nations (UN) on the right to education of migrants, refugees and asylum seekers: ‘human rights law does not sufficiently address the question of binding obligations of States to take positive measures’ and ‘it is largely unclear which distinctions between migrants and the citizens are admissible and which are not’.¹ Statistics are reporting that at the end of 2015 there were a total of 16,109,765 refugees according to the United Nations High Commissioner for Refugees (UNHCR) data. By the end of the year 2019, however, the number was 20,414,203.² At present, the number of refugees has risen by 2020, where there were 26.4 million refugees as per UNHCR records, more than half of whom are children.³ These children require special care and the support of adults, not only for their physical survival, but also for their social and psychological well-being. States around the world are viewing the large numbers of refugees coming into their countries as a problem, and the Greek government is not far behind. Greece is presently receiving refugee flows mostly from Syria and Afghanistan. As mentioned above, in contrast to adults, children are more vulnerable and in need of protection by the state, communities and their families.

The current thesis is a development of a formulation of how the right to education of refugee children who are living in camps is being implemented in Greece. We see that in recent years the number of refugees has been increasing. Although there are mechanisms on the national, European and international level for the protection of the rights of refugees, the international community is unable to protect the entire flow of refugees. These refugee and migrant children have special needs as they are vulnerable and dependent, particularly when they are very young; they are in need of someone to care for them, as the child needs basic necessities for their development.

For this analysis, theoretical research has taken place to identify the legal obligations of actors and policies in the field concerning refugee children, together with a bibliographical

¹UN Human Rights Council, ‘The right to education of migrants, refugees and asylum-seekers: Report of the special rapporteur on the right to education Vernor Muñoz’, 2010, available at: http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UNSR_RTE_of_Migrants_Refugees_Asylum-seekers_2010.pdf, last accessed 8.05.2020.

²UNHCR, ‘Refugee Data Finder: data finder’ available at <https://www.unhcr.org/refugee-statistics/download/?url=8Noa>, last accessed 8.07.2021.

³UNHCR, ‘Refugee Data Finder: key indicators’, available at <https://www.unhcr.org/refugee-statistics/>, last accessed 8.07.2021.

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analysis has been conducted. The findings found during the course of the research are mainly presented in the form of a literature review. Also, a series of interviews have been conducted, to show the difficulties and restrictions that refugee children are facing in Greek camps.

The resources used in the field of the education of refugee children are mainly from the main organizations such as the UN, UNHCR, the European Union (EU) and the website of the Greek Ministry of Education. The theoretical analysis of legislation (national laws, international and European legal documents), official documents, articles in connection with the rights of refugees and refugee children, and the analysis of the case of Greece will be used to answer the main question if the right to education is fulfilled or not.

The *topics of the research study* are:

- 1) Definitions.
- 2) The legal framework of the right to education of refugee children on the international level, European and national level.
- 3) The assessment of the situation in the Greek camps.
- 4) The conclusion: Is the right to education fulfilled or not?

The dissertation comprises an introduction, two main chapters, conclusion and references. The two chapters are the following: the international legal protection of refugee rights, the international legal framework of refugee children's rights and the domestic regulations on the protection of refugee children in Greece. In chapter one, we provide definitions such as refugee and other definitions that will help to better understand the course of the research. Chapter two analyses the international legal treaties and other acts concerning refugee rights, and the regulations at the EU and the Council of Europe (CoE) regional level, as well as the Greek domestic framework. In the third chapter the difficulties and restrictions that refugee children are facing in Greece, due to their status, together with interviews with people who have experienced work in the camps.

Since the present thesis intends to appeal to all people from different disciplines, the present explanations try to reach everyone by involving different actors in the debate, as the inclusion of refugee children in the education system needs diverse disciplines. The object of the research is to find out whether the right to education of refugee children who are living in unstable situations such as refugee camps is respected in Greece. The research objects are the European, international and national mechanisms.

LIMITATIONS

The thesis has many limitations. Firstly, it does not fully cover the workings of the Greek education system, but it focuses more on the reception centres for refugee children where most refugee children are educated before they can be introduced into the national system. Secondly, the time and budget limits the proceedings of the Greek bureaucratic system, which makes it difficult to collect data and research. Thirdly, not being physically present in the Greek reality has made it more difficult to contact different refugee organizations, however through online resources due to the pandemic there has also been the possibility of contacting people.

THE REASON OF THE STUDY

Education is taken by the international community as the primary factor in the removal of barriers for refugee children and the main key to their enjoyment of their rights.⁴ While it is a challenge for refugee children to be fully included within national education systems, these are exacerbated by the fact that integration classes are usually not adapted to them due to difficulties in learning the Greek language and a lack of trained staff with sufficient tools to meet the needs of these children.⁵ Consequently, refugee children face stigmatization, fear, discrimination and prejudice from the host communities during the process of integration into schools which marginalizes them and negatively affects their overall personal development.

Discrimination and segregation of refugee children in education not only has negative effects on societies but is also denying society the great development that these children could have for their communities and the positive impact that real inclusion would have on national education systems and future educational progress. The resulting consequences of providing refugee children with a poor-quality education and segregating them from other educational resources is at a great cost to the development and wellbeing of both children and communities

⁴UNHCR/UNICEF/ IOM, 'ACCESS TO EDUCATION FOR REFUGEE AND MIGRANT CHILDREN IN EUROPE', 2019, available at https://www.iom.int/sites/default/files/press_release/file/access-to-education-for-refugee-children.pdf, last accessed 8.07.2021.

⁵ M. JALBOUT, 'Finding solutions to Greece's refugee education crisis', *Theirworld*, 27.04.2020, p.47, available at <https://reliefweb.int/report/greece/finding-solutions-greece-s-refugee-education-crisis>, last accessed 21.04.2021.

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and violates their human rights.⁶ Refugee children need quality education so that they can develop in society.

With respect to the research found in the thesis, giving refugee children the opportunity to access the education system usually benefits both their communities and them⁷, the action must be taken now and if no action is taken regarding the education of these children in the future, we will find a lost generation, it is important to look at the development of future communities to fulfil the rights of these children. Non-governmental organisations (NGOs) are the main actors in charge of providing the refugee children with non-formal education that is not institutionalized and does not receive certification in the Greek camps.⁸ This means that they are often not able to enter national education systems, as they are not taken into account due to lack of certification. Girls are especially more affected by this problem; therefore, a female contribution is necessary for the development of the communities.⁹

On the other hand, some of the benefits of providing children with quality education are: for the refugee children, the provision of a safe educational environment is a benefit for them and the development of their skills. Secondly, the education of these children in classes with other Greek children gives them the possibility to discover new things and learn what would be beneficial for them and their communities in the future. Thirdly, the education system will be improved, changing the education system towards a more inclusive future, with more qualified and qualified teachers who will help the community to develop more fully. Education is compulsory for all children in Greece, including refugee and asylum-seeking children, who are between the ages of 5 and 15 years old. Refugee children should have access to the national school system on similar conditions to Greek children. They should be registered whether or not they have a birth registration or a certificate of family status.¹⁰

This thesis seeks to raise the awareness of the benefits of including refugee children in national education systems, in this case in Greece. The economic reality of Greece has to be taken into account, now more than ever, after the pandemic crisis the country has increased its

⁶UNHCR/WB, 'The Global Cost of Inclusive Refugee Education', 2021, p.15, available at <https://reliefweb.int/sites/reliefweb.int/files/resources/2020GlobalCostInclusiveRefugeeweb.pdf>, last accessed 8.07.2021.

⁷UNHCR/WB (2021), 'The Global Cost', *supra* note XY., p.10.

⁸HRW, 'Without Education They Lose Their Future: Denial of Education to Child Asylum Seekers on the Greek Islands', 2018, available at https://www.hrw.org/report/2018/07/18/without-education-they-lose-their-future/denial-education-child-asylum-seekers#_ftn140, last accessed 8.07.2021.

⁹UNHCR, 'HER TURN: It's time to make refugee girls' education a priority', available at <https://www.unhcr.org/herturn/>, last accessed 8.07.2021.

¹⁰UNHCR, 'Access to Education', available at <https://help.unhcr.org/greece/living-in-greece/access-to-education/>, last accessed 8.07.2021.

vulnerability, and the pandemic has increased the violations of the rights of these children who have seen how they have not been able to access education either because the camps have been closed and there has been no freedom of movement and because they have not had access to the internet.

This thesis aims, through the analysis of literature and the main human rights legal instruments and international and regional policies, to raise the awareness of the international community to take action. It should be noted that the initiatives proposed are not solutions but suggestions that can help the international community in the development of its policies and to help raise awareness of the reality of these children and how inclusive education for them is a central element for the protection of security, human rights and sustainable development in line with the 2030 Agenda.

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CHAPTER 1

DEFINITIONS

The thesis at hand aims to assess whether the right to education of refugee children in protracted situations is fulfilled. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recognizes that education is a fundamental human right of all, and must be universally accessible.¹¹ This chapter aims to introduce relevant definitions and how these are understood and will be used in this thesis. Furthermore, by using the concept, it will be presented, in better understanding, the reasons why refugee children are not having the same opportunities accessing to education as other children.

Definition of refugees

The term refugee refers to individuals who have applied for asylum and have been granted refugee status. To identify what a refugee child is, one must first understand what is meant by the term refugee. The United Nations Convention relating to the Status of Refugees of 28 July 1951 (hereinafter referred to as the 1951 Convention) and its 1967 Protocol define a refugee as a person:

‘who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country’.¹²

There are, then, two points to be emphasized: first, the persecution to which the refugee is subjected, and secondly, the fear caused by this persecution. All are due to reasons: race, nationality, religion, political opinion, or membership of a particular social group. Here are

¹¹UNESCO, ‘Right to Education’, available at <https://en.unesco.org/themes/right-to-education>, last accessed 21.04.2021.

¹²UNHCR, ‘Convention and Protocol relating to the Status of Refugees’, 28.07.1951, p. 14, available at <http://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>, last accessed 21.04.2021 (hereinafter the 1951 Convention).

those ‘who are stateless or who have been denied protection by the government in the countries of their nationality or habitual residence, but who could not be able to be recognized as refugees’.¹³ Under the United Nations High Commissioner for Refugees (UNHCR), a refugee in a protracted displacement ‘is one in which a group of refugees of the same nationality has been in exile in a particular country of asylum for several years’.¹⁴

The term refugee should not be confused with the term asylum seeker. While refugees have been asylum seekers, these are individuals that are seeking international protection. Typically, they are seeking legal status recognized by the country they have reached through destination country procedures, however, not all asylum seekers are recognized as refugees. It is important to note that this paper will focus on the term ‘refugee’.¹⁵

Defining Refugee children

The groups defined above often include children. Here it is important to clarify that refugee children are a central aspect of this work. The term refugee child is not clearly defined, although their risky situation makes them doubly vulnerable. Many children have fled their countries. The terms ‘child’ and ‘refugee’ form a separate category and a minority category: refugee children. While the 1951 Convention does not specifically mention children, the preamble to the Convention on the Rights of the Child (UNCRC) refers to them as persons entitled to protection, care, and legal protection. A proper definition of a refugee child will contribute to a better understanding of the recognition of refugee children's rights in legal systems.

A child is defined under the UNCRC as ‘a person under the age of 18 unless the laws of a particular country set the legal age of majority lower’.¹⁶ Additionally, Article 22 of the UNCRC states that refugee children should be protected and treated like other children and recognized as rights-bearers. They have experienced great emotional stress from the conditions of living in an atmosphere that is hostile or not conducive to the development of their capacities.¹⁷ As a result, the child performs worse in school than a non-refugee child. In

¹³S. RUSSEL, ‘Refugees: Risks and Challenges Worldwide’, 01.11.2002, available at <http://www.migrationpolicy.org/article/refugees-risks-and-challenges-worldwide>, last accessed 20.04.2021.

¹⁴UNHCR, ‘No more excuses: Provide education to all forcibly displaced people’, 2016, p.2, available at <https://unesdoc.unesco.org/ark:/48223/pf0000244847>, last accessed 20.04.2021.

¹⁵AMNESTY INTERNATIONAL, ‘What's the difference between a refugee and an asylum seeker?’, 24.01.2019, available at <https://www.amnesty.org.au/refugee-and-an-asylum-seeker-difference/>, last accessed 21.04.2021.

¹⁶UN, ‘Convention on the Rights of the Child’, A/RES/44/25, Art 1, 20.11.1989, available at <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>, last accessed 21.04.2021 (hereinafter CRC).

¹⁷Article 22 CRC.

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addition, the refugee child is highly likely not to attend school, which exacerbates his or her vulnerability and adjustment problems in the new country. There is no doubt that refugee children face limited opportunities compared to other children, which means that their rights are not respected and thus violated. It is a violation of their human right to education, but it also touches on other important issues.

The term refugee children, cannot be understood without considering their life circumstances. It is also necessary to compare the living situation of refugee children to know if they have the same opportunities as other non-refugee/migrant children or if they are treated as invisible children. In many cases, they are unaccompanied minors (UAMs). An unaccompanied minor is ‘a person who has not yet reached the age of eighteen. Under applicable law, the majority is attained earlier, is separated from both parents, and is not being cared for by an adult who has responsibility by law or custom’.¹⁸ Like the rest of the refugee population, they have been displaced from the conflict due to human rights violations and abuses suffered in their countries of origin and are seeking reunification with their families in Europe.¹⁹

Definition of Resettlement

Many refugees face vulnerability and insecurity as they search for a country in which to settle. UNHCR is entrusted with this task. Resettlement is defined as ‘the transfer of refugees from a country of asylum to another state that has agreed to receive them and eventually grants them permanent residence’.²⁰ The integration of refugees in the new country is crucial for both the host country and the refugee, and the interaction of different actors is essential to encourage the refugee to settle and adapt easily in the country.

Definition of refugee camps

To avoid misunderstandings, the following is a definition of the terms used throughout this research. Refugee camps are ‘temporary facilities built to provide immediate protection and assistance to people who have been forced to flee due to conflict, violence, or

¹⁸UNCHR, ‘Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum’, 1997, p.1, available at <https://www.unhcr.org/3d4f91cf4.pdf>, last accessed 21.04.2021.

¹⁹P.6 CRC.

²⁰UNHCR, ‘Resettlement’, available at <https://www.unhcr.org/resettlement.html>, last accessed 21.04.2021.

persecution'.²¹ Entire generations of families spend their lives in refugee camps. A protracted refugee situation:

‘is one in which refugees find themselves in a long-lasting and intractable state of limbo. Their lives may not be at risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile’.²²

Children living in these situations face many challenges and limitations to their rights. Children may have limited or no access to education. Both women and children are particularly vulnerable to child marriage, child labour, and sex trafficking. This situation is manifesting in Greece, where the number of refugees has continued to increase since the 2015 crisis. The number of refugee and migrant children in Greece in January 2019 was 27,000, of which 3,464 were UAM. Only 11,700 recognised asylum-seeking and refugee children of school age between 4 and 17 years were enrolled in formal education, which explains the low enrolment of refugee children.²³ In response to the growing number of refugees arriving in Greece, a new reception system for housing was established, called Reception and Identification Centres (RICs), which are ‘Overcrowded camps originally set up for smaller numbers and shorter stays; they are located on five islands’.²⁴

Defining Formal and Informal education

Refugee children who find themselves in protracted camp situations are often denied access to education. They experience long waiting periods for formal school integration. An urgent appeal to the international community is essential to increase its support to school-age refugee children in Greece for formal schooling. Moreover, during the Covid 19 pandemic, only a minimal proportion of refugee children gained access to education.²⁵ It is important to

²¹UNHCR, ‘Refugee Camps’, available at <https://www.unrefugees.org/refugee-facts/camps/>, last accessed 21.04.2021.

²²UNHCR, ‘Protracted refugee situations’, EC/54/SC/CRP.14, 10.10.2004, para.3, available at <https://www.unhcr.org/excom/standcom/40c982172/protracted-refugee-situations.html>, last accessed 21.04.2021.

²³S. MARTIN, J. O’RIORDAN, D. ORGAN and al. (eds.), ‘Report on Psycho-Social and Wellbeing Indicators: Research on Refugee and Migrant Children’s Integration’, *IMMERSE*, 2020, available at <https://www.immerse-h2020.eu/>, last accessed 23.04.2021.

²⁴M. JALBOUT (2020), ‘Finding solutions’, *supra* note XY., p.26.

²⁵M. JALBOUT (2020), ‘Finding solutions’, *supra* note XY., p.10.

distinguish between formal and informal education. In accordance with the Council of Europe Charter on Citizenship and Human Rights Education, formal education refers to ‘the structured education and training system that extends from pre-primary and primary school through secondary school and on to university. It usually takes place in general or vocational education institutions and leads to certification’. The Greek government and the European Union (EU) have denied a large proportion of children who have sought asylum on the island’s access to basic rights such as formal education. The fact is that these children spend three to six months without the right to education and the Greek government has made no investment in formal education. While non-formal education is ‘any planned educational programme aimed at improving a set of skills and competencies, outside the formal educational setting’.²⁶ Those children in the camps who do get some education generally do so in the informal schools run by local and international NGOs, often varying in their quality and having a limited scope.

Defining Inclusive Education System

International society must understand that it is important to support the promotion of an inclusive education system. In this way, these children will not lose years of schooling, as this would facilitate their integration into society. Otherwise, children who have been out of school for years due to fleeing their countries will likely not be able to go back to school and end up dropping out of education altogether. A system of inclusive education or learning refers to the removal of barriers that limit student’s participation and success, that respects their different needs, abilities and characteristics, and that eliminates all forms of discriminatory learning.²⁷

Conclusion

A comprehensive system as outlined by the Sustainable Development Goals (SDGs) would help in integrating refugee children and building systems of collaboration and inclusive education for all. To ensure the right to education for refugee children, education systems should provide long-term education in a safe and supportive environment. UNHCR is also aware of the situation in which refugee children have access to education and, together with

²⁶CM, ‘Charter on Education for Democratic Citizenship and Human Rights Education: Recommendation’, CoE Doc CM/Rec(2010)7, 11.05.2010, available at https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cf01f, last accessed 21.04.2021.

²⁷UNESCO, ‘Inclusion in education’, available at <https://en.unesco.org/themes/inclusion-in-education>, last accessed 21.04.2021.

partners, UN agencies, international organizations, multilateral organizations, governments, education networks, the private sector, and refugee communities, has developed a strategy called Refugee Education 2030: A Strategy for Refugee Inclusion²⁸, which aims to foster alliances and a collaborative approach between refugees and host communities to ensure humanitarian and development solutions that support the integration of all refugees in host countries, regardless of their background, gender or disability status. To this end, UNHCR and other actors, including international organizations, the private sector, and civil society, are invited to work in partnership with stakeholders to support host country governments in implementing their refugee protection commitments and establishing inclusive approaches in national education programs. The three goals of the strategy are: first, to provide equitable and sustainable education for refugees in host countries; second, to promote safe environments that support inclusive learning for all students equally, regardless of their legal status; and third, to empower students to use education to secure a sustainable future.²⁹At the same time, to support and strengthen the learning community responsible for welcoming refugee children, especially girls and young women, into both host and refugee communities. Along with the idea of Sustainable Development Goal 4 (SDG 4) regarding the right to education for all, which also calls on the various actors on the international stage to pay special attention to refugees. This goal will not be achieved if the requirements of access to education are not taken into account. As COVID -19 has increased these inequalities, Greece and the international community must address this issue in response in a way that prevents the loss of an entire generation in terms of education.

The details are presented starting from the legal provisions for which Greece is a Contracting Party both internationally and nationally, and the legal frameworks that are established in a way that secures, protects, respects, and fulfils access to education for refugee children in the context of Greek refugee camps.

²⁸UNHCR, 'Education 2030: A Strategy for Refugee Education', 2019, available at <https://www.unhcr.org/publications/education/5d651da88d7/education-2030-strategy-refugee-education.html>, last accessed 21.04.2021.

²⁹UNHCR (2019), 'Education 2030', *supra* note XY, p. 7.

CHAPTER 2

LEGAL FRAMEWORK

In this chapter, the legal texts that create obligations for the Greek state to respect, protect and above all fulfil the right to education for refugee children in Greek refugee camps, as well as the domestic legal framework set up for education, are presented. Also, the relevant policies will be outlined. To begin with, the international legal obligations protecting refugee children are introduced. This is followed by more specific regional conventions, as well as an overview on the Greek national legal framework with regard to the access to education for refugee children.

2.1 INTERNATIONAL LEGAL LEVEL

Greece is a party to a number of treaties and conventions both at regional and international level including provisions that guarantee: a) the right to education for all without discrimination, b) the rights of the child and c) the right to education of refugee children. Obligations created by treaties and conventions oblige states to respect, protect and fulfil the right to education of refugee children, as well as human rights. Since human rights are indivisible, an inclusive education system is necessary to promote the full implementation of these duties. The call for collective responsibility within the international community can help to define and regulate the difficulties refugee children face and help Greece to define solutions and results on how to deal with the situation, including guidelines, in policy and planning at the state level.

2.1.1. Human rights legal framework

2.1.1.1. The United Nations (UN)

The United Nations General Assembly (UNGA) adopted several declarations, treaties and conventions in which the right to education of refugee children is either directly or indirectly guaranteed. The children are human beings, and therefore are also stakeholders of human rights that are secured in international treaties and conventions. As refugee children are considered as particularly vulnerable, special protection is needed.

Universal Declaration of Human Rights (UDHR)

The UDHR was adopted and proclaimed on 10 December 1948³⁰ by the UNGA. It called upon all member states ‘to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance’.³¹ Greece is a founding member of the UN and voted with yes in the General Assembly when the UDHR was adopted. The UDHR is not considered binding and it does not generate a legal obligation for the States, but education was recognized for the first time as a right by this text of a universal vocation. Childhood is the time to learn to write, read, debate and set goals, and education offers refugee children a safe space among all the trauma of displacement. Article 22 states that ‘everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality’.³² Sadly, of the 19 million refugees in the care of UNHCR, 7,4 million are of school age, but are still having limited access to education. 48% of refugee children do not attend school and for refugee girls this figure is even lower at 27% compared to 36% of boys.³³

The General Comment No.13³⁴, recognizes that countries have constraints due to the lack of available resources; it takes into account the progressive realization of the objectives set by it and refers to education as ‘both a human right in itself and an indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities’.³⁵ Article 26 (1) of the UDHR says that ‘everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory’.³⁶ In the second paragraph it specifies that ‘education has to be of equal quality for everyone by

³⁰UN, ‘Universal Declaration of Human Rights’, A/RES/217 (III) A, 10.12.1948, available at <http://www.un.org/en/documents/udhr/index.shtml>, last accessed 20.05.2021 (hereinafter UDHR).

³¹Preamble, para. 10 UDHR.

³²Article 22 UDHR.

³³UNHCR, ‘Educación’ [Education], available at <https://www.acnur.org/educacion.html>, last accessed 13.05.2021.

³⁴CESCR, ‘General Comment No. 13: The right to education (article 13 of the Covenant)’, E/C.12/1999/10, 8.12.1999, available at [https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/d\)GeneralCommentNo13Therighttoeducation\(article13\)\(1999\).aspx](https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/d)GeneralCommentNo13Therighttoeducation(article13)(1999).aspx), last accessed 18.05.2021 (hereinafter General Comment No.13).

³⁵Para.1 General Comment No.13.

³⁶Article 26(1) UDHR.

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specifying that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace'.³⁷

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Adopted and opened for signature, ratification and accession by the General Assembly Resolution at the same time as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) entered into force on 3 January 1976.³⁸ Greece ratified it on 16 May 1985.³⁹ Of the three documents considered as the Bill of Human Rights (UDHR, ICCPR and ICESCR) the latter most explicitly guarantee the defense of the right to education; however, we will examine whether refugee children are represented, or whether the Convention still has gaps.

The right to education is outlined by Article 13(1) ICESCR noting that:

‘The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace’.⁴⁰

Article 13(2) ICESCR describes how the adhering parties have the duty to articulate their functions according to the Covenant.

³⁷Article 26(2) UDHR.

³⁸UN, ‘International Covenant on Economic, Social and Cultural Rights’, 2200A (XXI), 16.12.1966, available at <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>, last accessed 20.05.2021 (hereinafter ICESCR).

³⁹UN, ‘UN Treaty Body Database’, available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=68&Lang=EN, last accessed 4.06.2021.

⁴⁰Article 13(1) ICESCR.

‘The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right: (a) Primary education shall be compulsory and available free to all; (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education; (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education; (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education; (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved’.⁴¹

Greece is obliged to guarantee minimal educational requirements as laid out in Art 13 par.4 ICESCR saying that even though

‘No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, they should be ‘subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the state’.⁴²

In order to raise the visibility of the right to education, the 4-As: Availability, Acceptability, Accessibility and Adaptability⁴³ was a concept developed by Katarina Tomasevski, UN Special Rapporteur on the Right to Education 1988-2004. This framework places economic, social and cultural rights as a cornerstone. Availability requires governments, as the principal duty bearers, to respect, protect and fulfil the right to education, requiring them

⁴¹Article 13(2) ICESCR.

⁴²Article 13(4) ICESCR.

⁴³DE BECO, ‘Right to Education Indicator based on the 4 A framework’, 2009, available at https://www.right-to-education.org/sites/right-to-education.org/files/resourceattachments/RTE_RTE_indicators_Concept_Paper_De%20Beco_2010.pdf, last accessed 13.05.2021.

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to establish universal, free and compulsory education, in which the infrastructure and necessary materials are provided so that students can have a dignified learning experience.⁴⁴ The realization of the right to education requires an effort on the part of the state to make education accessible to all. This is what we call the positive obligations of the state. The obligation to respect, which is to require states to avoid measures that would enable the enjoyment of the right to education; secondly, the obligation to protect means that states must take measures that prevent third parties from interfering with the enjoyment of the right to education; and the obligation to fulfil implies that states should take positive measures to aid and assist individuals and communities to enjoy the right to education.⁴⁵ On the other hand, there are the negative obligations of the state, which means that the state may not interfere in the private affairs of individuals.

Accessibility means that all children should have equal access to school services, regardless of gender, race, religion, or socio-economic status. There is a prohibition of discrimination and the ICCPR⁴⁶ refers in its Article 24 (1) that ‘every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the state’.⁴⁷ Hence, additional efforts must be implemented to ensure the inclusion of disadvantaged groups, as refugee children. Moreover, there are three interconnected aspects of Accessibility: Non-discrimination, i.e. education must be made accessible to all, in particular to the most vulnerable; physical accessibility, i.e. education must be affordable both by physical and technological means; economic accessibility, i.e. everyone should have the right to have access to education, regardless of whether they can afford it or not.⁴⁸ Acceptability, says that the standard education should be free of discrimination, and should be relevant and appropriate for all learners. Safety and health must be emphasised within schools, and the professionalism of teachers and assistants must be preserved.⁴⁹The UNESCO

⁴⁴K. TOMAŠEVSKI, ‘Human rights obligations: making education available, accessible, acceptable and adaptable’, 2001, available at https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Tomasevski_Primer%203.pdf, last accessed 14.05.2021.

⁴⁵UNESCO, ‘Right to Education - State obligations and responsibilities’, available at <https://en.unesco.org/themes/right-to-education/state-obligations>, last accessed 14.05.2021.

⁴⁶UN, ‘International Covenant on Civil and Political Rights’, A/RES/2200 (XXI) A, 16.12.1966, available at <http://www2.ohchr.org/english/law/ccpr.htm>, last accessed 21.04.2021 (hereinafter ICCPR).

⁴⁷Article 24(1) ICCPR.

⁴⁸ Para.6 General Comment No.13.

⁴⁹K. TOMAŠEVSKI (2001), ‘Human rights obligations’, *supra note* XY., p.29.

Convention against Discrimination in Education⁵⁰ also supports this idea and acknowledges that education is a basic right and points to the need for states to fulfil the promotion of equal education and equal opportunities. The Convention and its amendments reflect UNESCO's constitutional mission 'to advance the ideal of equality of educational opportunity without regard to race, sex or any distinctions, economic or social'.⁵¹ Greece has not ratified this Convention; therefore, it cannot be enforced by Greece. However, it is of crucial significance to consider that this Convention could be of great help to Greece, so the country could join it because this would mean that Greece takes into account that there should be no discrimination in education. If Greece decides to join, it would be a big step in its work for the inclusion of refugee children in the education system.

The importance of the right to education has led to a specific focus on the issue of discrimination. Article 1 points out that

'[...] the term discrimination includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular: (a) Of depriving any person or group of persons of access to education of any type or at any level; (b) Of limiting any person or group of persons to education of an inferior standard; (c) Subject to the provisions of article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or (d) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man. ' ⁵²

⁵⁰UNESCO, 'Convention Against Discrimination in Education', 14.12.1960, available at http://portal.unesco.org/en/ev.php-URL_ID=12949&URL_DO=DO_TOPIC&URL_SECTION=201.html, last accessed 21.04.2021.

⁵¹UNESCO, 'Constitution of the United Nations Educational, Scientific and Cultural Organisation', 16.11.1945, available at http://portal.unesco.org/en/ev.php-URL_ID=15244&URL_DO=DO_TOPIC&URL_SECTION=201.html, last accessed 21.04.2021 (hereinafter UNESCO Constitution).

⁵²Article 1 UNESCO Constitution.

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Article 1 (2) specifies the term ‘education refers to all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given’.⁵³

Under the Convention, any form of discrimination on the basis of origin or economic conditions at childbirth is prohibited, so that educational opportunities are provided to all, including access to education for refugee children. As the right to education is protected by the normative legal framework, the right is universal and everyone is a right-holder, including refugee children. In order to realize the full realization of these rights, including for refugee children and as duty-bearers, states must: ‘i) provide free and compulsory primary education; ii) make secondary education, in its different forms, including technical and vocational secondary education, generally available and accessible by every appropriate means, and in particular by the progressive introduction of free education; iii) make higher education equally accessible on the basis of individual capacity, by every appropriate means, and in particular by the progressive introduction of free education; iv) encourage or intensify “fundamental education” for individuals who have not received or completed primary education; v) set minimum standards and improve the quality of education’ vi) develop the school system at all levels, establish an adequate fellowship system, and continuously improve the material conditions for teaching staff; vii) end discrimination at all levels of educational systems; viii) guarantee educational freedom of choice’.⁵⁴ States must work effectively towards the fulfilment of the right to education for refugee children. While recommendations by UNESCO have no legally binding effect, they are still a source of a moral and political commitment and therefore governments must take steps to ensure that they follow UNESCO's obligations through national legislation. One of the recommendations relevant for the thesis at hand is the 1974 Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms.⁵⁵ In its Article 18 (c) says that member states should ‘take action to ensure the exercise and observance of human rights, including those of refugees; racialism and its eradication; the fight against discrimination in its various forms’.⁵⁶

⁵³Article 1 (2) UNESCO Constitution.

⁵⁴UNESCO, ‘The Education 2030 Framework for Action’, 4.11.2015, available at http://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en_2.pdf, last accessed 21.04.2021.

⁵⁵UNESCO, ‘Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms’, 19.11.1974, available at http://portal.unesco.org/en/ev.php-URL_ID=13088&URL_DO=DO_TOPIC&URL_SECTION=201.html, last accessed 07.04.2021.

⁵⁶Ibid., Article 18 (c).

In light of the SDG 4⁵⁷ that aims to achieve education for all by 2030, UNESCO would like to make it known that groups that are at a disadvantage, in this case refugee children, do not have the right to access education thus, this goal will not be met to its fullest extent. Moreover, Adaptability, means that educational programmes should be flexible and able to be adjusted in accordance with changes in society and the necessities of the community.⁵⁸

International Convention on the Elimination of All Forms of Racial Discrimination

Established by the United Nations General Assembly Resolution 2016 (XX) of 21 December 1965, the International Convention on the Elimination of All Forms of Racial Discrimination⁵⁹ is the tool by which States Parties commit to eliminate discrimination based on race and to establish a state of equality and dignity for everybody. Greece ratified it on 18 June 1970.⁶⁰ Under international human rights law, the Greek state must guarantee inclusive education for all, under the principle of non-discrimination, regardless of legal status. However, the situation is the opposite, and the reality is that Greece is finding it difficult to include non-nationals as part of its education system, meaning that only those who have a residence permit will be able to access education. It is therefore the duty of the Greek government to respect the obligations of assistance and protection to which it is bound by the human rights treaties to which it is a party.⁶¹ In the Article 2 (1) it says that ‘States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races’.⁶² The second paragraph guarantees a group or rights in which refugee children could feel entitled, saying that ‘States parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and

⁵⁷UNGA, ‘Sustainable Development Goal 4’, available at <https://sdgs.un.org/goals/goal4>, last accessed 21.04.2021.

⁵⁸K. TOMAŠEVSKI (2001), ‘Human rights obligations’, *supra note XY.*, p.31.

⁵⁹UN, ‘International Convention on the Elimination of All Forms of Racial Discrimination’, A/RES/2106 (XX), 21.12.1965, available at <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>, last accessed 21.04.2021 (hereinafter International Convention on the Elimination of All Forms of Racial Discrimination).

⁶⁰UN, ‘UN Treaty Body Database’, available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=68&Lang=EN, last accessed 4.06.2021.

⁶¹UNESCO, ‘Education for migrants: an inalienable human right’, available at <https://en.unesco.org/courier/2018-4/education-migrants-inalienable-human-right#:~:text=Article%202022%20provides%20that%20states,than%20elementary%20education%20and%2C%20in>, last accessed 14.05.2021.

⁶²Article 2 (1) International Convention on the Elimination of All Forms of Racial Discrimination.

fundamental freedoms'.⁶³ As seen in Article 2, Article 5 highlights that 'States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour or national or ethnic origin, to equality before the law'.⁶⁴ The paragraph e lit v of the same Article highlights 'the right to education and training'.⁶⁵

Convention on the Rights of the Child (CRC)

The Convention on the Rights of the Child (CRC) is the instrument that identifies children's rights above all others. The Convention was ratified and adopted and opened for signature, ratification and accession by Resolution of the United Nations General Assembly 44/25 on 20 November 1989 and entered into force on 2 September 1990.⁶⁶ The CRC has become a well-known CRC for refugee children, ratified by 196 countries in the words of António Guterres: 'the most widely ratified human rights treaty in history'.⁶⁷ In the event that a country is part of the CRC, but not party to a refugee treaty, the CRC could be used to integrate refugee children as a principal base.⁶⁸ Greece ratified the CRC on 11 May 1993.

In all actions concerning children, governments should have the best interest of the child as a primary consideration. It means that the host legislative bodies of the host country must consider whether the rules that have been established will benefit the child in the right way. In chapter one the definition of a child was outlined. When arguing who is a refugee child, we are talking about a person whose age is below eighteen. It is important for the host country to establish the age of young persons who have claimed refugee status, as there are various programs or processes for those who are under the specific age. The states often have difficulty in determining the age of children, since the date of birth has never been registered or in many cases the identifying papers have been missing, forged or have been destroyed.⁶⁹ With reference to refugee children, these children receive special attention under the CRC, as mentioned previously in chapter one, specifically in Article 22 'requires States Parties to take

⁶³Article 2 (2) International Convention on the Elimination of All Forms of Racial Discrimination.

⁶⁴Article 5 International Convention on the Elimination of All Forms of Racial Discrimination.

⁶⁵Article 5 (v) International Convention on the Elimination of All Forms of Racial Discrimination.

⁶⁶CRC

⁶⁷UN, 'La Convención sobre los Derechos del Niño cumple 30 años' [The Convention on the Rights of the Child turns 30 years old], Press Release, 20.09.2019, available at <https://news.un.org/es/story/2019/09/1462802>, last accessed 21.05.2021.

⁶⁸G. VAN BUEREN, 'International documents on children', 2nd addition, 1998, p.450.

⁶⁹UNHCR, 'Refugee Children: Guidelines on Protection and Care', p.4, available at <https://www.unhcr.org/protection/children/3b84c6c67/refugee-children-guidelines-protection-care.html>, last accessed 21.05.2021.

measures to ensure that such children receive appropriate protection and humanitarian assistance'.⁷⁰ Moreover, in Article 2 it is mentioned that 'States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind'.⁷¹ Article 12 (1) expresses that 'States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child'.⁷² This right guarantees that the child or adolescent is in a state of mind to express his or her own opinion, and to freely give his or her view on the circumstances that are affecting him or her. The rights of children to form their own views and express them freely in all matters affecting them are expressed in Article 13 (1), which express that 'the child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice'.⁷³ Every child is entitled to all the rights of the CRC, irrespective of his or her nationality, immigration status, or any other. Other articles that give guidelines and regulations on the educational setting in relation to the rights of refugee children include Article 19 which stating that

'States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child'.⁷⁴

An intervention to support and counsel the caretaker, may be needed to avoid greater harm and get the child into appropriate child care. The possibility for a refugee child to go to school helps their wellbeing. Consequently, education is an essential component of a child's development. Furthermore, it is also recognized as a basic human right.

⁷⁰Article 22 (1) CRC.

⁷¹Article 2 (1) CRC.

⁷²Article 12 (1) CRC.

⁷³Article 13 (1) CRC.

⁷⁴Article 19 (1) CRC.

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Article 28 notes that ‘States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity’.⁷⁵ This article contains a series of provisions concerning the right to education. In the first point, it is specified that States parties should ‘(a) Make primary education compulsory and available free to all; (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need’.⁷⁶

The way of implementing the right of the children to education, should be ‘administered in a manner consistent with the child’s human dignity and in conformity with the present Convention’.⁷⁷ International cooperation, with a stress on the needs of the developing countries is promoted and encouraged ‘in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods’.⁷⁸ Refugee children sometimes do not get access to education as the governments of the countries of asylum do not give access to primary education to even their own children, because of lack of resources, such as bad infrastructure, lack of teachers, and as a consequence the education is very bad. On the other hand, it may occur that refugee children receive education, but it is often not in their mother tongue. Because it is of crucial significance that refugee children have the opportunity for education, receiving states must try to find a remedy to these barriers.⁷⁹

A number of provisions in the CRC outline the standard of education to be offered to refugee children. First of all, the Article 29 qualifies that the education provided by the state should be directed to

‘(a) the development of the child’s personality, talents and mental and physical abilities to their fullest potential; (b) the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) the development of respect for the child’s parents, his or her own cultural identity, language and values, for the national values of the country in

⁷⁵Article 28 CRC.

⁷⁶Article 28 (1) CRC.

⁷⁷Article 28 (2) CRC.

⁷⁸Article 28 (3) CRC.

⁷⁹Note 81 the 1951 Convention.

which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; (d) the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; (e) the development of respect for the natural environment'.⁸⁰

The quality of education guaranteed by the CRC also means that children, as well as their families, receive 'education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents'.⁸¹ In conclusion, human rights guidance, personal development and respect for cultural diversity are the key features for the education that CRC is guaranteeing for children. The General Comment No. 6 on Treatment of unaccompanied and separated children outside their country of origin⁸² urges States and all other actors to help UAM to be able to enjoy their rights on the foundation of the CRC. In many cases, these children are at risk of violations and often are unable to obtain appropriate documentation, have no access to registration, legal documents or support systems and sometimes do not know their age. It is of crucial significance that the State ensures that these children are granted access to education for the duration of their journey, as is stipulated in Article 28, Article 29(1)(c), and Articles 30 and 32 of the CRC.⁸³

*The 1951 Geneva Convention Relating to the Status of Refugees*⁸⁴

The 1951 Geneva Convention Relating to the Status of Refugees, which was amended by the 1967 protocol, was the first Convention to be adopted by the UN that recognized the right of refugee children to education explicitly. This Convention contains the definition of what is understood by refugee as seen in the previous chapter, however does not encompass

⁸⁰Article 29(1) CRC.

⁸¹Article 24(2) CRC.

⁸²CRC, 'General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin', CRC/GC/2005/6, 1.09.2005, available at <https://www2.ohchr.org/english/bodies/crc/docs/GC6.pdf>, last accessed 17.05.2021 (hereinafter General comment No.6).

⁸³Para.41 General comment No.6.

⁸⁴the 1951 Convention.

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what is a refugee child, in spite of its Preamble acknowledges that all human beings must be able to enjoy rights free of discrimination. In its Article 22 it is provided that:

- ‘1) The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education’.
- 2) The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships’.⁸⁵

With regard to elementary education, the 1951 Convention does not grant a specific right to education, but obliges states to treat refugees equal as nationals. Thus, an elementary public education has a special place in relation to other rights of refugees and citizens. It is important to remember that inclusion is a key element for refugee children to adapt easily to host communities. Countries of both origin and host countries have a key tool in preventing an unending cycle of refugee situations, and in seeking durable solutions to their problems. In order for these children to have long-term integration solutions, there needs to be specialization in children by the different agencies. Access to education is the first step in the integration of these children in the host country. The Travaux préparatoires of the GRC help to this task and point out that refugees should not only be entitled to go to school, but also to have their studies certified, which will help them to continue to develop their professional careers in the future.⁸⁶

⁸⁵Article 22 the 1951 Convention.

⁸⁶UNHCR, ‘The Refugee Convention, 1951: The Travaux préparatoires analysed with a Commentary by Dr. Paul Weis’, 1990, p.120, available at <https://www.unhcr.org/protection/travaux/4ca34be29/refugee-convention-1951-travaux-preparatoires-analysed-commentary-dr-paul.html>, last accessed 17.05.2021.

2.1.2 International policy level

New York Declaration for Refugees and Migrants

The New York Declaration on Refugees and Migrants⁸⁷ was adopted by the UNGA on 19 September 2016 and is the first major step that underlines the grave dangers that refugee children face, particularly for children on the move on their own, and the necessity to give them specialized protection. Until this time only the 1951 Convention addressed this subject, but the increasing inflow of refugees brought this new framework into existence, concluding that a new comprehensive approach to the problem was needed. Refugees and migrants should benefit from the same general human rights and fundamental freedoms. This Declaration seeks to respond to the global phenomenon of refugee and migrant flows, calling on different actors through the establishment of a Global Compact on Refugees and a subsidiary Global Compact for safe and regular migration to safeguard global coordination and cooperation.⁸⁸ Refugees and migrants should benefit from the same general human rights and fundamental freedoms.⁸⁹ The NY Declaration is not legally binding in any way, but rather an indication of a political commitment, more than a political action or obligation, but it nevertheless opens up new paths as a conscious manifestation of international commitment.⁹⁰

The NY Declaration calls on UN Member States and UN partners, civil society and children to outline specific and tangible measures to safeguard all children who have been uprooted out of their homes. Specifically, in point number 81 says to ‘provide quality primary and secondary education in safe learning environments for all refugee children, and to do so within a few months of the initial displacement. We commit to providing host countries with support in this regard. Access to quality education, including for host communities, gives fundamental protection to children and youth in displacement contexts, particularly in situations of conflict and crisis’.⁹¹

⁸⁷UNGA, ‘New York Declaration for Refugees and Migrants’, A/RES/71/1, 19.09.2016, available at https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_71_1.pdf, last accessed 17.05.2021 (hereinafter NY Declaration).

⁸⁸Para.21 NY Declaration.

⁸⁹Para.6 NY Declaration.

⁹⁰UNHCR, ‘New York Declaration: Quick Guide’, p.7, available at <https://www.unhcr.org/dach/wp-content/uploads/sites/27/2017/07/The-New-York-Declaration-Quickguide-June-2017.pdf>, last accessed 4.05.2021.

⁹¹Para.81 New York Declaration.

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*The Global Compact on Refugees*⁹²

After many consultations, the UN General Assembly in cooperation with UNHCR and other Member States, established the Global Compact on Refugees (GCR) in December 2018. This comprehensive framework is intended to help develop sustainable solutions in support of refugees and the adoption ‘represents the political will and ambition of the international community’.⁹³

In the context of education, paragraphs 68 and 69 provide guidance in reference. Paragraph 68 reads that

‘In line with national education laws, policies and planning, and in support of host countries, States and relevant stakeholders will contribute resources and expertise to expand and enhance the quality and inclusiveness of national education systems to facilitate access by refugee and host community children (both boys and girls), adolescents and youth to primary, secondary and tertiary education. More direct financial support and special efforts will be mobilized to minimize the time refugee boys and girls spend out of education, ideally a maximum of three months after arrival’.

Paragraph 69 stresses the need for host country stakeholders to operate in accordance with national norms and policies, establishing systems of assistance that assist refugee children to flourish in the educational framework in which they are placed. Specifically, it is expressed that the ‘support will be provided for the development and implementation of national education sector plans that include refugees’.⁹⁴

⁹²UN, ‘Global Compact on Refugees’, 17.12.2018, available at <https://www.unhcr.org/5c658aed4.pdf>, last accessed 21.04.2021 (hereinafter Global Compact on Refugees).

⁹³UN, ‘What is the Global Compact on Refugees?’ available at <https://ask.un.org/faq/255681>. Last accessed 8.06.2021.

⁹⁴ *Ibid.*, para. 69.

2.2 REGIONAL LEGAL LEVEL

2.2.1. *The Council of Europe (CoE)*

*European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)*⁹⁵

The European Convention for the Protection of Human Rights and Fundamental Freedoms from now on ECHR had been ratified by 47 member states of the Council of Europe. Greece joined the ECHR on 28 November 1974.⁹⁶

Beginning with Article 2 of the First Protocol of the ECHR, in relation to the right to education states ‘no person shall be denied the right to education’.⁹⁷ Furthermore, in accordance with Article 14 of the ECHR this right should be exercised ‘without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other statuses.’⁹⁸ The refugee children's right to education is therefore implicitly ensured. When the Convention was established, the main goal was that the substantive provisions of the Convention would have a direct effect on the contracting States, after they had become part of the domestic legal order. The same would be applied to the right of education pursuant to article 2 of the First Protocol.⁹⁹

The General Assembly to the CoE in its Recommendation about the ‘Integration of refugees in times of critical pressure’ recommends that children should be provided with ‘immediate access to appropriate education’.¹⁰⁰ Adding that should be ‘strengthen the capacity of teachers to integrate refugee children fully in the school environment, and including human rights, non-discrimination and migration issues in the teacher training curriculum’.¹⁰¹ With regard to Greece, the provisions of the ECHR take primacy over the national courts, which have a duty to implement the ECHR. The European Court of Human Rights (ECtHR) plays an

⁹⁵CoE, ‘European Convention for the Protection of Human Rights and Fundamental Freedoms’, CETS - No. 5, 4.11.1950, available at https://www.echr.coe.int/documents/convention_eng.pdf, last accessed 21.04.2021 (hereinafter ECHR).

⁹⁶ECHR, ‘Greece’, available at https://www.echr.coe.int/documents/cp_greece_eng.pdf, last accessed 4.06.2021.

⁹⁷CoE, ‘Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms’, 20.03.1952, Art.2, available at https://www.echr.coe.int/documents/convention_eng.pdf, last accessed 24.05.2021.

⁹⁸Article 14 ECHR.

⁹⁹Fawcett, J. E. S, ‘The Application of the European Convention on Human Rights’, 2nd ed, Oxford: Clarendon, 1987, Print, pp.411–416.

¹⁰⁰CoE, ‘Children and Adolescents from a migrant background: Integration and Education’, p.23, available at <https://rm.coe.int/extracts-of-council-of-europe-recommendations-and-resolutions-for-lang/16807beb54>, last accessed 4.06.2021.

¹⁰¹Ibid, p.23.

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essential role in the harmonization of the national jurisprudence and the European states. The Greek national courts make use of the subsidiary application of the ECHR, as it is considered an integral part of national law.¹⁰² That means that the international texts are important and must be applied over national texts, so the ECHR is not called into question. Children must be at the centre of the decision-making process, particularly in respect to access to adequate reception and care arrangements. The UN Human Rights Committee has also highlighted the fact that it is vital for the State Party to pay consideration to the best interests of the child in each judgement.¹⁰³ This involves that UAM that enter a new country should not be subjected to deportation or detention, or, only as a state of last resort and for the minimum period of time required, should be furthermore provided with adequate detention conditions in the reception facilities, involving their separate separation from adults. In addition, States shall ensure that all UAM should have a legal custodian and that they are of that age. Screening procedures take into account the welfare of the child.¹⁰⁴

The next is an examination of a case in which the Court underlines why the right to education is so important. This case called *Timishev v. Russia* from 2006¹⁰⁵ provides an understanding of the right to education by looking at the situation concerning asylum seekers who were forced migrants in Russia. According to the Court (paragraph 10) the applicants and their children had been refused entry to the school they had been going to for two years.¹⁰⁶ The reason for refusing them the right to attend school was that the applicants had given up their migrant card and had therefore lost their registration as a resident in the relevant city. However, Russian law does not allow the exercise of children's right to education to be conditioned on the registration of their parents' place of residence. The Court found that the applicant's children had been denied the right to education by domestic legislation. The Court emphasizes that the right to education is important because in a democratic society, the right to education is indispensable for the promotion of human rights. A restrictive interpretation of the first sentence of Article 2 of Protocol No. 1 would not be compatible with the object or purpose of

¹⁰²A. COZZI, A. SYKIOTOU, D. RAJSKA and al, 'Comparative study of the ECHR at the national level', Council of Europe, 2016, p.50, available at <https://rm.coe.int/16806fbc14>, last accessed 18.05.2021.

¹⁰³UNHRC, 'UN experts to US: "Release migrant children from detention and stop using them to deter irregular migration', Press Release, 22.06.2018, available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23245&LangID=E>, last accessed 24.05.2021.

¹⁰⁴UN Human Rights Committee, 'Concluding observations on the second periodic report on Greece', CCPR/C/GRC/CO/2, 3.12.2018, para. 31-32: available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/GRC/CO/2&Lang=En, last accessed 24.05.2021.

¹⁰⁵ECtHR, *Timishev v. Russia*, no 44774/98, 13.012.2005.

¹⁰⁶*Ibid*, para.10.

that provision.¹⁰⁷ The reason for analysing this case is that for Greece, as in the case of *Timishev*, the denial of the right to education cannot be justified by the migrant status of the parents. The other case, *Sampanis v. Greece*, is a case involving Roma children who were deprived of access to school and were allocated to special classrooms in an outbuilding adjoining the main primary school buildings. The ECtHR had found a violation of Article 14 (prohibition of discrimination) in addition to Article 2 of Protocol No. 1 (right to education) of the European Convention, because the Greek government had not provided education to the children and had allocated them to separate classes because of their Roma origin. These children's enrolment conditions in school and their status in special preparatory classes gives rise to a discrimination against them which also means that article 14 of the Convention has therefore also been violated.¹⁰⁸ The Reception facilities have seen unequal improvements in Greece. Multiple challenges and the necessity to balance the need of building up a holistic reception system while responding to the high numbers of refugees that have reached Greece since 2015-2016. Protracted procedures, poor and insufficient reception conditions don't consider the best interest of the child and increase the risk of their vulnerability and protection.

European Social Charter (ESC)

The more specific legal binding guarantee for the right to education is found in the revised European Social Charter of 1996. Greece ratified the first revised version of 1951 on 6 June 1984 and then it ratified the Revised Social Charter on 18 March 2016.¹⁰⁹

In Article 17 it is said that 'a) children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose; b) to protect children and young persons against negligence, violence or exploitation; to provide protection and special aid from the state for children and young person's temporarily or definitively deprived of their family's support; (2) to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools'.¹¹⁰ Finally, the additional Article E regarding non-discrimination that appears only in the revised version of the ESC, adds that 'the

¹⁰⁷Ibid, paras. 63-67.

¹⁰⁸ECtHR, *Sampanis and Others v. Greece*, no 32526/05, 5.06.2008, paras. 2-3.

¹⁰⁹CoE, 'European Social Charter', CETS - No. 035, 18.10.1961, available at <https://www.coe.int/en/web/european-social-charter>, last accessed 21.04.2021.

¹¹⁰CoE, 'European Social Charter (revised)', CETS - No. 163, 3.05.1996, Articles 17(1a) (1b) (1c), available at <https://rm.coe.int/168007cf93>, last accessed 21.04.2021 (hereinafter ESC).

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enjoyment of the rights set forth in this Charter shall be secured without discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status'.¹¹¹

Guaranteeing the non-discriminatory way to be enforced with reference to refugee children too. In November 2018 the European Committee of Social Rights deciding on the case *International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece* concluded that Greece failed to fulfil its educational obligations and that committed several violations to the right of unaccompanied foreign minors to social, legal and economic protection under the European Social Charter.¹¹² The Committee urges the Greek government to ensure the basic needs of children in the detention centres, as well as the Reception and Identification Centres (RICs). The RICs, which are characterized by long administrative procedures (stays significantly exceeding the 25-day limit stipulated by law), delayed age assessments and family placement and transfer to the mainland, inadequate age-appropriate psychosocial and medical care, and adjustments that fail to accommodate the best interests of the child. Exposure of children to inadequate housing arrangements and crowded conditions enhances their vulnerability and has an impact on their mental and psychosocial wellbeing.¹¹³ The well-being of children is dependent on the national child care system's response. Most ^{UAM} seeking protection are not able to provide for their immediate needs and do not have access to health care or education.¹¹⁴

2.2.2. The European Union (EU)

Charter of Fundamental Rights of the European Union (CFR)

The first text at the European Union level to guarantee a full scope of civil and political and economic and social rights of persons within the EU was first adopted by the Presidents of the European Parliament, the Council and the Commission which signed and promulgated the

¹¹¹Article E ESC.

¹¹²ECSC, *International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece*, Complaint No. 173/2018, 9.08.2019.

¹¹³Save The Children International, 'A tide of self-harm and depression. The EU-Turkey Deal's devastating impact on child refugees and migrants', 2017, available at https://www.savethechildren.es/sites/default/files/imce/final_report_eu_turkey_deal_a_tide_of_selfharm_and_depression_march_20171.pdf, last accessed 24.05.2021.

¹¹⁴FXB Centre for Health and Human Rights, 'Emergency Within an Emergency: The Growing Epidemic of Sexual Exploitation & Abuse of Migrant Children in Greece', 19.04.2017, available at <https://fxb.harvard.edu/2017/04/17/new-report-emergency-within-anemergency-exploitation-of-migrant-children-in-greece/>, last accessed 24.05.2021.

CFR on 7 December 2000 in Nice.¹¹⁵ The CFR became legally binding in December 2009, like the treaties, when the Lisbon Treaty came into force. The CFR was further amended and proclaimed a second time in December 2007. The provisions of the CFR relate to the protection of several rights, as European policies are being implemented. The CFR is considered EU primary law. It obliges all member states, including Greece, to respect its provisions when they are implementing EU law (Art 51 par. 1 CFR).¹¹⁶

The relevant articles concerning the right to education that are of importance to refugee children, Article 14 in reference to the right to education, stating that ‘everyone has the right to education and to have access to vocational and continuing training’.¹¹⁷ Following in the second paragraph that ‘this right includes the possibility to receive free compulsory education’.¹¹⁸ Notably Article 24 in reference to the rights of the child, there is very poor and weak enforcement, although it does state ‘children shall have the right to such protection and care as is necessary for their well-being’.¹¹⁹ The second paragraph does introduce their rights in a stronger way, by stating that ‘in all actions relating to children, whether taken by public authorities or private institutions, the child’s best interests must be a primary consideration’.¹²⁰ Such provisions have a legal effect of leaving national education systems intact as they do not create new positive obligations neither for EU member states, nor for EU policy-makers to introduce policies that would better guarantee the right to education and therefore apply to refugee children. In reference to this, at EU level, there is the Reception Conditions Directive 2013/33¹²¹, which takes into account the reception conditions for applicants for international protection and has references to the right to education of refugee children. Since EU Directives and Regulations are considered secondary EU law they must always comply with the CFR and be interpreted in a way that respects the fundamental rights guaranteed within the Charter. Therefore, the provisions in the EU Reception Condition Directive must be interpreted in line with the right to education guaranteed in Art 14 CFR. The CFR is applicable to the Greek context of providing education to refugee Children, without doubt when Greece is

¹¹⁵EU, ‘Charter of Fundamental Rights of the European Union’, 7.12.2000, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012P/TXT&from=EN>, last accessed 21.04.2021 (hereinafter CFR).

¹¹⁶Article 51 par.1 CFR.

¹¹⁷Article 14 CFR.

¹¹⁸Article 14 (2) CFR.

¹¹⁹Article 24 (1) CFR.

¹²⁰Article 24(2) CFR.

¹²¹Directive 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), OJ L 180/96, (hereinafter Directive 2013/33/EU).

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implementing the rules described in the EU Reception Condition Directive with regard to education services for asylum seekers and refugees. In reference to this Directive, its paragraph 9 says that the Member States must act ‘in accordance with the Charter of Fundamental Rights of the European Union, the 1989 United Nations Convention on the Rights of the Child and the European Convention for the Protection of Human Rights and Fundamental Freedoms’ ensuring ‘that the principles of the best interests of the child and of family unity are fully respected in the implementation of this Directive’.¹²²

Article 14 (1) of the Reception Conditions Directive 2013/33 reads:

‘Member States shall grant to minor children of applicants and to applicants who are minors’ access to the education system under similar conditions as their own nationals for so long as an expulsion measure against them or their parents is not actually enforced. Such education may be provided in accommodation centres. The Member State concerned may stipulate that such access must be confined to the State education system. Member States shall not withdraw secondary education for the sole reason that the minor has reached the age of majority’.¹²³

¹²²Para. 9 Directive 2013/33/EU.

¹²³Article 14 (1) Directive 2013/33/EU.

2.3. DOMESTIC REGULATIONS ON THE PROTECTION OF REFUGEE CHILDREN IN GREECE

Greece is called to fulfil its duty to provide access to education for refugee children, in line within international conventions. It is important to push for the promotion of policy action to guarantee a better effective application of the instruments regarding the right to education. For this purpose, the responsibilities of the Greek state need to be recognized and acknowledged, and its efforts directed to processes of education policy implementation.

Referring to article 28, paragraph 1 of the Greek Constitution: ‘the generally recognised rules of international law, as well as international conventions as of the time they are sanctioned by statute and become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law’.¹²⁴ According to article 16 of the Greek Constitution, it provides that ‘the number of years of compulsory education shall be no less than nine’.¹²⁵ Also add that the Greek state is required to give access to all forms of education through the financial support to those students who need particular assistance and protection. The Greek Constitution discusses the issue of education as part of the rights of the individual and society and establishes that the principal duty of the state is to promote the education of children and young people and provide them with educational services.¹²⁶ Under the Greek Presidential Decree 220/2007 refugees living in Greece have the right to the same public education as the rest of the children (article 9).¹²⁷ In addition, (Law 2101/1992)¹²⁸ which is carried over to national legislation from Articles 28 and 29 of CRC, states that all children, without exception, have the same rights to access primary and secondary education. Article 60 (h) of (Law 4636/2019)¹²⁹ fights for unaccompanied minors to have access to education. Also, article 21 (7) and (8) of (Law 4251/2014)¹³⁰ and

¹²⁴Greek Parliament, ‘Greek Constitution’, 6.04.2001, art.28, available at <https://www.wipo.int/edocs/lexdocs/laws/en/gr/gr220en.pdf>, last accessed 18.05.2021 (hereinafter Greek Constitution).

¹²⁵Greek Constitution, art.16.

¹²⁶Hellenic Parliament, ‘The Constitution of Greece’, Athenian: Hellenic Parliament’s Publications Department’, 2008, available at <http://www.mfa.gr/usa/en/about-greece/government-and-politics/>, last accessed 14.05.2021.

¹²⁷Presidential Decree No. 220 of 2007 on the transposition into the Greek legislation of Council Directive 2003/9/EC from January 27, 2003 laying down minimum standards for the reception of asylum seekers, November 6, 2007, art.9.

¹²⁸Greece: Law No. 2101/1992, Ratification of the International Covenant on the Rights of the Child [Greece], 1992, Art 28, available at <https://www.e-nomothesia.gr/kat-anilikoi/nomos-2101-1992-phek-192-a-2-12-1992.html>, last accessed 21.04.2021.

¹²⁹Greece: Law No. 4636/2019, International Protection Act/IPA [Greece], 1.11.2019, Art 60.

¹³⁰Greece: Law No. 4251/2014, Enacting the Code of Immigration and Social Integration, and other provisions [Greece], 01.04.2014, available at https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=100567&p_lang=en, last accessed 21.04.2021.

article 40 of (Law 2910/2001)¹³¹ provide for access to education for children from third countries in education.

The Ministry of Education had taken no concrete measures specifically until 2016 aimed at the inclusion of refugee children in the national education system. A targeted approach, mapped out via a mix of old and new legislation and regulations in the form of Joint Ministerial Decisions, was specifically aimed at refugee children by launching a transition plan for the 2016-2017 school year and a comprehensive plan for the 2017-2018 school year.¹³²

On 31 October 2019, the Greek Parliament approved the Protection Act (Greek IPA).¹³³ The Article 51 focuses on education as an obligation for all children who are seeking asylum in Greece to attend primary and secondary school under the public education system in similar conditions as Greek nationals and adds that children who do not have the chance to access education or to attend classes as they do not want to join the education system will face a reduction in the reception material conditions.¹³⁴ The central Administration Agency of the state education system is the General Secretariat for Primary, Secondary and Special Education.¹³⁵ The Institute of Educational Policy (IEP) is the academic body of the Ministry that is in charge of technical orientation on policy, pedagogy, school leadership, assessment and training.¹³⁶ In its efforts to introduce refugee children to the formal system, Greece has set up two public school programmes:

2.3.1 Reception Classes (*Τάξεις Υποδοχής*, TY) within Educational Priority Zones (*Ζώνες Εκπαιδευτικής Προτεραιότητας*, ZEP)

The primary aim of the Reception Classes is to enhance the participation and learning of primary and secondary school students who have not yet achieved a good level of Greek.

¹³¹Greece: Law No. 2910/2001, Entry and Residence of Aliens in Greek Territory. Acquisition of Greek Citizenship by Naturalisation and Other Provisions [Greece], 26.05. 2001, available at: <https://www.refworld.org/docid/3b209fd54.html>, accessed 14 April 2021.

¹³²Greek Ministry of Education, 'Joint Ministerial Decisions', 31.10.2016, available at <https://www.e-nomothesia.gr/kat-ekpaideuse/koine-upourgike-apophase-180647-gd4-2016.html>, last accessed 21.04.2021.

¹³³M.MOUZOURAKIS, ECRE and RSA, 'All but last resort: The last reform of detention of asylum seekers in Greece', 18.11.2019, available at <https://eumigrationlawblog.eu/all-but-last-resort-the-last-reform-of-detention-of-asylum-seekers-in-greece/>, last accessed 21.04.2021.

¹³⁴AIDA/ECRE, 'Access to education: Greece', 30.11.2020, available at <https://asylumineurope.org/reports/country/greece/reception-conditions/employment-and-education/access-education/>, last accessed 4.06.2021.

¹³⁵PALAIOLOGOU. N, MICHAIL. D, TOUMPOULIDIS. I, 'Refugee education in Greece. Multi-country Partnership to Enhance the Education of Refugee and Asylum-seeking Youth in Europe', 2018, available at <https://www.sirius-migrationeducation.org/wp-content/uploads/2018/10/Refugee-Education-Asylum-Greece-final-1.pdf>, last accessed 21.04.2021.

¹³⁶M. JALBOUT (2020), 'Finding solutions', *supra* note XY.

Among the main courses, these TY are made up of two stages: ZEP I (TYI) and ZEP II (TYII). In accordance with the Ministerial Decision on ‘Instructions and guidelines for the establishment and operation of Reception Classes for the 2020-2021 school year in Public Lower Secondary, General and Vocational Upper Secondary Schools of the Country’, the ZEP I, are intended for students with a minimal level of Greek. In contrast, the ZEP II (TYII) are designed for students who have an intermediate level of Greek. The final objective is to help these students to be integrated into the classes with the other students.¹³⁷

2.3.2 Reception Facilities for Refugee Education (*Δομές Υποδοχής για την Εκπαίδευση Προσφύγων, DYEP*)¹³⁸

A new approach to accommodate the refugee children's education is the Reception Facilities for Refugee Education (DYEP) that started between 2016-2017 and that was eventually inserted in the Greek legislation in 2018. The DYEP curriculum has been established by the IEP. In these intensive studies, Greek, English, mathematics, computer science, physical education and art are given by trained teachers. Despite the fact it served as a way to introduce refugee children to education on the island, it has been criticized because it served as a way to segregate refugee children from other children, as refugee children do not have the chance to socialize with Greek children, since these classes are held in the afternoon. The Greek Government has introduced a new Law (Law no. 4636/2019)¹³⁹ to facilitate the procedures for the integration of refugee children into the Greek formal education system. In relation to the Ministry of Education, this new law makes it mandatory to register refugee children in the same conditions as the rest of the Greek population. However, despite all the effort being made, experts claim that the setting up of these centres has resulted in a ‘segregated school for a particular number of students’.¹⁴⁰

¹³⁷EU, ‘Support Measures for Learners in Early Childhood and School Education’, 30.03.2021, available at https://eacea.ec.europa.eu/national-policies/eurydice/content/support-measures-learners-early-childhood-and-school-education-27_en, last accessed 21.04.2021.

¹³⁸OECD, ‘Education Policy Outlook: Greece’, 2020, p.10, available at <https://www.oecd.org/education/policy-outlook/country-profile-Greece-2020.pdf>, last accessed 21.04.2021.

¹³⁹Greece: Law. 4636/2019, International Protection Act/IPA [Greece], 1.11.2019.

¹⁴⁰G. SIMOPOULOS and A. ALEXANDRIDIS, ‘Refugee education in Greece: integration or segregation?’, 2019, Forced Migration Review, available at <https://bit.ly/2PzG9eT>, last accessed 21.04.2021.

2.3.3 REMARKS ON THE DOMESTIC LEGAL FRAMEWORK

Greece is under an obligation to respect the rights of refugee children with regard to access to education, as we have noted above. But very little awareness and practical experience is available to complement their rights and how to deal with them, which often leads to a lack of understanding among the Greek population and the refugees.

The Greek national education system, as discussed earlier, attempts to ensure access to education for refugee children, by providing Reception Classes within Educational Priority Zones and Reception Facilities for Refugee Education. These models of support for the system provide that all children, regardless of popularity, may have the right to be enrolled in schools in Greece. Nevertheless, the realities have differed, considering the Greek legislation and the application, because there has been a big gap. The Greek Ministry of Education has made all efforts to accommodate refugee children in the public education system, yet the assistance of additional departments is required to provide the children with healthcare and protective systems. In 2016, the Greek government mobilized resources to implement the education of refugee children. The Scientific Committee for Supporting the Education of Refugee Children¹⁴¹ was launched in March 2016 to respond to the situation, as was a transitional plan for 2016-2017 and a comprehensive plan for the 2017-2018 school year. The Greek system must seek to enhance the continuing education of refugee children since they are a student group that is marked by a deficiency of Greek language skills and the necessary basic literacy skills to be included fully into the system.

The goal was for students to move from the Reception Facilities for Refugee Education, explained before, to reception classrooms in public schools in the future, whether or not their families transferred from camps to urban accommodations administered by UNHCR, the UN Refugee Agency or after the students had already finished a study year in these centres. Though the Reception Facilities were set up to help reduce the stresses that could result if the refugee children are integrated into the program in the morning. Choosing a school that was segregated, then, instead of working to temper any xenophobic responses, resulted in schools that accommodated Reception Facilities being targeted and stigmatized the refugee population. The educational achievements of students from the educational success of these centers' students

¹⁴¹EU, 'Decision for the Establishment and appointment of Committee of Support of Refugee Children', 21.03.2016, available at <https://ec.europa.eu/migrant-integration/librarydoc/decision-for-the-establishment-and-appointment-of-committee-of-support-of-refugee-children>, last accessed 21.04.2021.

were very low. With no interaction with the Greek-speaking community, their language skills were not developed. In order for this segregation to be reversed, and to address the issue of students in refugee host countries, the Reception Facilities should not be established unless there is no other alternative and then only as a short-term solution till such students are moved to morning schools conducted inside public school hours and having the assistance of teachers and social work to help integrating the students.¹⁴²

Summarizing, it is noted that the curriculum is still not sufficiently well designed; the number of teachers is not sufficient, as there are not enough teachers, and finally, the funding for the classes is not sufficient. Even though it is noted that the Greek system has the sight to fulfil the required standards set by treaties, conventions and other progress made during the last years about producing access of refugee children to education.

In the next chapter, it is presented the line of the Greek education system and the answer to the question of whether the right to education for refugee children is being respected.

¹⁴²G. SIMOPOULOS and A. ALEXANDRIDIS, 'Refugee education in Greece', *supra* note XY.

CHAPTER 3

FROM THEORY TO PRACTICE

3.1. SITUATION IN THE CAMPS

In 2015 and 2016 numbers of people arriving in Europe fleeing persecution and war and conflict sharply increased. According to Eurostat data, the total number of asylum seekers to Greece in 2020 were 40,560, compared to 77,275 the previous year.¹⁴³ In relation to the busiest routes arriving in Greece are the Central Mediterranean route, a route used to enter Europe irregularly, people come from North Africa crossing the Mediterranean Sea to reach Europe.¹⁴⁴ This includes 3,478 migrants and refugees in total who arrived in Greece, according to data from June 2021.¹⁴⁵ On the other hand, the Eastern Mediterranean Route, consists of irregular arrivals mainly in countries such as Greece, Cyprus and Bulgaria. Due to the EU-Turkey statement, created in 2016 to ‘end the irregular migration from Turkey to the EU’¹⁴⁶ irregular arrivals have been reduced. Firstly, this policy statement aims to ensure that ‘irregular migrants arriving on the Greek islands will be sent back to Turkey if they do not apply for asylum or if they are rejected’.¹⁴⁷ Secondly, it is intended that ‘for every Syrian returned to Turkey from the Greek islands, another Syrian will be resettled in the EU’.¹⁴⁸ Between January and December 2020, an average of 15,000 people arrived in Europe via this route. Mainly from the Middle East, Asia, and Africa.¹⁴⁹ According to the IOM Missing Migrants Project, a total of 26 deaths have been located in Europe between January and June 2021.¹⁵⁰

¹⁴³EUROSTAT, ‘Asylum and first-time asylum applicants by citizenship, age and sex - annual aggregated data (rounded)’, available at https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctza&lang=en, last accessed 15.06.2021.

¹⁴⁴EU, ‘Central Mediterranean Route’, available at <https://www.consilium.europa.eu/en/policies/eu-migration-policy/central-mediterranean-route/>, last accessed 15.06.2021.

¹⁴⁵UNHCR, ‘Operational Data Portal: Mediterranean Situation’ available at <https://data2.unhcr.org/en/situations/mediterranean>, last accessed 15.06.2021.

¹⁴⁶EPRS, ‘Hotspots at EU external borders State of play’, June 2018, p.4, available at [https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/623563/EPRS_BRI\(2018\)623563_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/623563/EPRS_BRI(2018)623563_EN.pdf), last accessed 15.06.2021.

¹⁴⁷EU, ‘Eastern Mediterranean route’, available at <https://www.consilium.europa.eu/en/policies/eu-migration-policy/eastern-mediterranean-route/>, last accessed 24.06.2021.

¹⁴⁸Ibid.

¹⁴⁹UNHCR, ‘Operational Data Portal: Mediterranean Situation’ available at <https://data2.unhcr.org/en/situations/mediterranean>, last accessed 15.06.2021.

¹⁵⁰IOM, ‘Missing Migrants: Tracking Deaths along migratory routes’, available at <https://missingmigrants.iom.int/region/europe>, last accessed 15.06.2021.

In response to the massive influx of migrants into Europe, the hotspot approach was presented by the European Commission (EC) as part of the European Agenda on Migration of April 2015. The hotspot, considered the first reception facilities provided, aims at coordinating EU agencies and national authorities at the external borders of the EU in their task of receiving, identifying, registering and fingerprinting asylum seekers and migrants. These hotspots are one of the most important challenges facing the EU as part of its foreign policy in relation to Greece in its task of cooperating with these countries to address the humanitarian crisis. However, the reality is that these hotspots are full of people, and do not meet the conditions for a person to live. The aforementioned EU-Turkey statement together with temporary relocation mechanisms have been the EU's responses to deal with the situation. After March 2016, persons arriving on the Aegean Islands were detained in hotspots for reintegration in Turkey when they did not meet the conditions for international protection or their application was rejected. Two years later, irregular arrivals dropped to 97% of the pre-statement period and the number of deaths during the sea crossing was reduced.¹⁵¹ The main hotspots in Greece are on the islands of Chios, Kos, Leros, Lesbos and Samos with places for 6,338 persons.¹⁵² The reality is that these hotspots are beyond capacity by overcoming 16,500 people.¹⁵³ The problem is that the Greek asylum procedures are very lengthy, which means that a person can spend up to two years in the camp because they have no papers. It is important to mention that restrictions on relocation based on asylum recognition rate may lead to cases where the receiving country has to deal with complicated asylum applications. This increases the person's time in the hotspot. In addition, the high number of applicants compared to hotspot capacity has increased the pressure and discomfort.¹⁵⁴ The situation in these camps is very tragic. The people living there don't have toilets, they can't shower, the children can't go to school. According to Doro Blancke, an Austrian activist that has been on Lesbos since the fire on Moria, during the interview conducted by her, she explained about the harsh reality of these places: 'in winter it is very cold and people have to live in tents where whole families with nine children have to live in a minimum space and during the summer the heat is unbearable' to this she added that 'the situation is a violation of human rights, these people cannot shower, mothers with babies have no access to humane conditions or children cannot go to school. These vulnerable groups

¹⁵¹EU, 'EU-TURKEY STATEMENT Two years on', April 2018, available at https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-migration/20180314_eu-turkey-two-years-on_en.pdf, last accessed 16.06.2021.

¹⁵²EPRS, 'Hotspots at EU external borders State of play', *supra* note XY.

¹⁵³UNHCR, 'Greece Aegean Islands Weekly Snapshot', 4-10.06.2018, available at <https://reliefweb.int/sites/reliefweb.int/files/resources/64007.pdf>, last accessed 15.06.2021.

¹⁵⁴EPRS, 'Hotspots at EU external borders State of play', *supra* note XY, p.3.

of people often face psychological problems and depression and have no help to cope with this'. She emphasized that 1,274 children living in Lesvos where she has worked, went every Tuesday and Thursday to get the food she provided in the morning, which meant that these children did not go to school because these children went to get the food during school hours.¹⁵⁵ Many international organizations or NGOs have criticized the hotspot's approach and refused to support it, questioning the violation of human rights. According to UNHCR spokesperson Melissa Fleming: 'Greece does not have sufficient capacity on the islands for assessing asylum claims, nor the proper conditions to accommodate people decently and safely pending an examination of their cases'. UNHCR has refused to participate in the EU-Turkey deal because it argues that the hotspots have become prisons that violate human rights. UNHCR proposes the opening of new camps with increased capacity.¹⁵⁶ Also, Marie Elisabeth Ingres, Medecins Sans Frontieres (MSF) Head of Mission in Greece argues: 'we will not allow our assistance to be instrumentalized for a mass expulsion operation and we refuse to be part of a system that has no regard for the humanitarian or protection needs of asylum seekers and migrants'.¹⁵⁷

Besides the general humanitarian and human rights crisis in the camps, it has been noted through the analysis of the data that the right to education of refugee children and their access to education has hardly been and still is not fulfilled by the Greek's state that has failed to ensure that refugee children can be integrated into the national education system. For example, in the academic year 2020-2021 there has been a decrease in the number of children registered in the school Greek's system. Of the 20,000 school-aged (aged 4-17) children provided in the Ministry's April 2021¹⁵⁸ it is not certain whether refugee and migrant children are included. What is known is that an average of 44,000 refugee and migrant children were in Greece by the end of 2020, which indicates the gap in access to education.¹⁵⁹ In addition to this lack of action on the part of the Greek government, there are two other possibilities that could help to reduce this gap, as we saw in chapter 2, in order to deal with the lack of access to education for refugee children, the Greek government has decided to create the Reception

¹⁵⁵Interview with D.B., manager 'refugee assistance', 31.05.2021.

¹⁵⁶EURACTIV, 'UNHCR refuses to play ball with EU, as 'hotspots' become prisons', 23.03.2016, available at <https://www.euractiv.com/section/justice-home-affairs/news/unhcr-refuses-to-play-ball-with-eu-as-hotspots-become-prisons/>, last accessed 15.06.2021.

¹⁵⁷MSF, 'MSF ends activities inside the Lesvos hotspot', 22.03.2016, available at <https://www.msf.org/greece-msf-ends-activities-inside-lesvos-%E2%80%9Chotspot%E2%80%9D>, last accessed 15.06.2021.

¹⁵⁸Ministry of Education and Religious Affairs, 'Reply with respect to the findings regarding the educational integration of children residing in facilities and RICs of the Ministry of Migration & Asylum', 21.4.2021, available in Greek at: <https://bit.ly/3yAoDc1>, p.3.

¹⁵⁹UNICEF, 'Refugee and Migrant Response in Europe: Humanitarian Situation Report No. 38', 28.01.2021, available at: <https://bit.ly/3fjMjdi>, p.3.

Classes within Educational Priority Zones (TY-ZEP) and the Reception Facilities for Refugee Education (DYEP) as a way to speed up the process of incorporating refugee children into the national education system, but as we analyzed in chapter 2, this new approach to education resulted in a targetization and stigmatization of the refugee population, that due to the fact they have no interaction with the Greek-speaking community, their language skills are not developed. Thirdly, there is the possibility of non-formal education carried out in the camps, an education which, as we analysed in chapter 1, is carried out by NGOs working in the camps, but the scope is very limited and the children encounter problems once they have finished this education to join the formal education in the national system, as they do not have official certificates.

During the pandemic, when the right to education and the access to education was restricted for all children, refugee children were hit the hardest: restrictions on movement have been put in place and children not having the prospect of getting vaccinated soon were not allowed anymore to leave the camps to attend school. The lack of access to the Internet and the unavailability of teaching materials made the educational situation during the pandemic even worse.¹⁶⁰ A non-formal education educator working for a large international organization during another interview specified that ‘during the pandemic children were only able to attend two months of school, and that the online education system has not worked for these most vulnerable groups’. She added that ‘you can't ask a family with seven to nine members and one phone to be able to connect the children to class. Also, when you have other problems to deal with in the camps, it is difficult for them to think about going to class’.¹⁶¹

In March 2021, the European Parliament (EP) adopted a resolution on children's rights highlighting ‘the importance of integration and inclusion of migrant and refugee children’ and reiterating ‘the importance of removing all barriers to access to basic services and integration and inclusion measures, including psychosocial and mental health support, and of providing opportunities for children to increase social inclusion’¹⁶². The Parliament at the end ‘calls on the Commission to take urgent action to raise awareness of the importance of changing narratives on migration and combating negative stereotypes’.¹⁶³

¹⁶⁰UNHCR, ‘Greece Highlights’, 2021, available at <https://reporting.unhcr.org/sites/default/files/Greece%20Highlights%20-%20March%202021.pdf>, last accessed 26.04.2021.

¹⁶¹Interview with Non-Formal Educator, 4.06.2021 (for data protection this interview has been anonymous).

¹⁶²EU, ‘European Parliament resolution on children's rights in the light of the EU strategy on the rights of the child’, 2021/2523(RSP), para. 25, 11.03.2021, available at https://www.europarl.europa.eu/doceo/document/TA-9-2021-0090_ES.html, last accessed 22.04.2021.

¹⁶³Ibid.

THE RIGHT TO EDUCATION IN GREEK REFUGEE CAMPS

In this chapter, the actions taking place and procedures applicable in Greece aimed to ensure that refugee children living in the camps have access to quality education will be analysed. Thereby, it will be assessed whether the government fulfils its human rights obligations, identified in chapter 2. In order to provide a clearer picture of the fulfilment of the right to education several parameters have been selected, namely 1) the role of the teachers, 2) travel from camps to schools, 3) the interaction of refugee children with other children, 4) international cooperation and 5) the challenges faced by refugee children and 6) initiatives to solve these problems.

3.2. ACCESS TO EDUCATION IN THE CAMPS

As has been mentioned in chapter 2, under international human rights law and the right to education, states are obliged to ensure its accessibility, availability, adequacy and the quality of education. However, from the onset this seems to be not the case of refugee children in the Greek camps.

Once enrolled in the public-school system, refugee children should attend primary and secondary school classes. Concerning primary education (*dimotika scholeia*), refugee children take classes in the Greek language (6 hours per week); English language (4 hours per week); mathematics (3 hours per week); physical education (3 hours per week); computer science (2 hours per week) and art (2 hours per week). In contrast, in secondary education, refugee children receive the Greek language (6 hours per week); English language (4 hours per week); mathematics (4 hours per week); physical education (2 hours per week) and computer science (2 hours per week) and cultural activities (2 hours per week).¹⁶⁴

However, despite this theoretical fulfilment of the access to and availability of education for refugee children, in practice a lot of factors impede it. Enrolment rates have been quite low for a long time. At the end of 2020, 74% of refugee children of school age in the refugee camps were registered in public schools, which has already been considered a great success.¹⁶⁵ But even if children are enrolled in the public-school system, the education of refugee children remains problematic due to organizational and structural issues. For instance,

¹⁶⁴EU, 'Support Measures for Learners in Early Childhood and School Education', *supra* note XY, available at https://eacea.ec.europa.eu/national-policies/eurydice/content/support-measures-learners-early-childhood-and-school-education-27_en, last accessed 6.05.2021.

¹⁶⁵IOM, 'Supporting the Greek Authorities in Managing the National Reception System for Asylum Seekers and Vulnerable Migrants (SMS)', 2020, available at https://greece.iom.int/sites/greece/files/_Merged%20Mainland%20Dec_20_compressed.pdf, last accessed 23.04.2021.

one practice by the Ministry of Education of Greece (MoE) complicating the access to education of refugee children concerns the allocation of refugee children in schools. New measures to help the enrolment of the child in the event of difficulties and to give appropriate means to assist the integration of the child in Greek public schools are necessary, as the 4636/19 law provides.¹⁶⁶ At the end of each school year, the Ministry publishes lists of refugee children who will receive education in TY-ZEP and DYEP. As it was explained in chapter 2, the primary aim of TY-ZEP is to enhance the participation and learning of primary and secondary school students who have not yet achieved a good level of Greek. On the other hand, in the DYEP classes of Greek, English, mathematics, computer science, physical education and art are given by trained teachers. The lists that the Ministry publishes, however, are often outdated not including children who arrived only in the beginning of the school year. Teachers are thus not well prepared to teach the number of children they are presented with, which often exceed their expectations. Furthermore, due to factual circumstances (e.g., lack of public transport, movement restrictions due to the pandemic etc) refugee children risk having to repeat the same school year again because they often cannot attend school. Most children have more than the 114 absences that Greek law allows per year in secondary school.

Lastly, the schedules between regular education classes are often overlapping with ZEP classes, which results in refugee children being unable to take the regular lessons with other Greek children, separating them from each other.¹⁶⁷ Supplemented by other factors such as the lack of mobility, the limited length of stay in the host countries or the large number of pupils, the realities of refugee children and their access to education require rethinking about how the right to education can be implemented for refugee children. It is essential to protect the ghettoization of refugee children in schools by making sure that the concept of exclusion is formulated in a way that their access to education is of high quality and that their rights are not being violated.¹⁶⁸

3.2.1 *The role of the teacher*

National educational systems must be ready to welcome refugee children, by investing in educational infrastructure and educational programs. Teachers play a crucial role in this regard. They are the refugee children's main contact persons – often not only in the classroom.

¹⁶⁶ Greece: Law. 4636/2019, International Protection Act/IPA [Greece], 1.11.2019.

¹⁶⁷G. SIMOPOULOS and A. ALEXANDRIDIS, 'Refugee education in Greece', *supra* note XY.

¹⁶⁸*Ibid.*

THE RIGHT TO EDUCATION IN GREEK REFUGEE CAMPS

In order that refugee children start to feel safe and welcome, the teachers' attitude is crucial and decisive for the integration of the children in the class and in society.¹⁶⁹ Still, many teachers are not prepared to deal with the challenges they face when engaging with refugee children and their situations and traumas, often resulting in situations of prejudice and discrimination. The insufficient availability of qualified teachers makes it impossible for children to attend regular classes due to the language.

During the interview with the teacher from the international organization, she emphasized that 'the problem is that the refugee children who attend classes are bored because the system is not adapted for these children'.¹⁷⁰ She added that 'many of these children do not even know what it means to go to school, as going to school in their countries brought them negative connotations due to the war environment in their countries. Also, many are traumatized, which means that if the teacher in class yells at a pupil, this would have negative consequences for these children who do not understand the context they are in'.¹⁷¹ There is a need of prohibition of discrimination by part of the teacher as we have analysed in the chapter two with the ICCPR¹⁷² as referred to in Article 24 (1). Accordingly, one part of the positive obligation of the state to address these discriminations is to ensure that teachers are properly trained or that children have the possibility to take action against discrimination they face. To this end, the teacher interviewed commented that 'the promotion of a multicultural education that starts from zero and builds a more respectful environment for children, regardless of where they come from, but that helps them to see that they are also part of the group is important'.¹⁷³ As seen in chapter 2, it is part of the state's function to make education accessible to these children. Moreover, the standard education should be free of discrimination, and should be relevant and appropriate for all learners. Also, safety and health must be emphasised within schools, and the professionalism of teachers and assistants must be preserved.¹⁷⁴

Educational Institutions can have a more proactive role in building knowledge of refugee student's values or cultural practices in addressing student's needs, but also eliminating prejudices that may emerge on the side of teachers.¹⁷⁵ In Greece, it is of crucial significance to consider the length of time refugee students are separated from the mainstream students in

¹⁶⁹ T. Kovinthan, 'Learning and teaching with loss: meeting the needs of refugee children through narrative inquiry', (2016) 10(3) *Studies of Migration, Integration, Equity, and Cultural Survival*, pp.141- 155.

¹⁷⁰ Interview with Non-Formal Educator, 4.06.2021.

¹⁷¹ Ibid.

¹⁷² Article 24 (1) ICCPR

¹⁷³ Interview with Non-Formal Educator, 4.06.2021.

¹⁷⁴ K. TOMAŠEVSKI (2001), 'Human rights obligations', *supra note XY.*, p.29.

¹⁷⁵ T. Kovinthan, 'Learning and teaching with loss: meeting the needs of refugee children through narrative inquiry', *supra note XY.*

schools since the process of preparing and integrating refugee children into mainstream schools will mark the student's success in their education.¹⁷⁶ The lack of qualified teachers and sufficient resources is a major challenge for the education of refugee children, along with the traumas that they have to face after the arrival to the new country.¹⁷⁷ As Brigitte, an Austrian psychologist that was working in Lesbos as a volunteer for Medical Volunteers International (MVI) said in another interview: ‘the younger children are often at the stage of development where severe traumatisation has happened. Because there are hardly any opportunities, or only very limited opportunities, to go to school in the new camp, there is also a lot of “boredom”; there are also no playgrounds or other places where the children can play in peace’.¹⁷⁸ As a result, a large number of refugee students are not motivated to continue, feeling marginalized and failed by the school system. As seen in chapter 2, Article 28 notes that ‘States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity’.¹⁷⁹ Connected with this, it is seen that the reality of the right to education of refugee children living in the camps is different than of local children. Therefore, Article 29 of the CRC which qualifies that education provided by the state should be aimed at ‘(a) the development of the child’s personality, talents and mental and physical abilities to their fullest potential’¹⁸⁰ is not being fulfilled, as refugee children have barriers when they have to attend classes in another language without the support of the teachers.¹⁸¹ In order to ensure the integration of refugee children in the national education system, the state has the positive obligation to contract more and better qualified teachers. For the 2019-2020 school year the MoE announced an increase in the number of specialized teachers, with 1,441 for primary school and 225 teachers in DYEP and 1,216 in reception classes in priority areas. For the secondary level of education, the number of new teachers was increased to 413.¹⁸² Besides increasing the number of qualified teachers, the curricula need further adaptations in order to meet the needs of refugee children. In this context, multicultural education is relevant. The support of refugees in acquiring the new language is also crucial and

¹⁷⁶European Commission/EACEA/Eurydice, ‘Integrating students from migrant backgrounds into schools in Europe: national policies and measures’, Eurydice Report. Luxembourg: Publications Office of the European Union, 17.01.2019, available at https://eacea.ec.europa.eu/national-policies/eurydice/content/integrating-students-migrant-backgrounds-schools-europe-national-policies-and-measures_en, last accessed 29.04.2021.

¹⁷⁷UNESCO, ‘A Guide for ensuring inclusion and equity in education’, 2017, available at <https://unesdoc.unesco.org/ark:/48223/pf0000248254>, last accessed 26.04.2021.

¹⁷⁸Interview with B, F. Austrian phycologist MVI Medical volunteers International.

¹⁷⁹Article 28 CRC.

¹⁸⁰Article 29(1) (a) CRC.

¹⁸¹Article 29(1) (a) CRC.

¹⁸²M. JALBOUT (2020), ‘Finding solutions’, *supra* note XY, p.39.

an intensive language education should be encouraged and supported.¹⁸³ Obviously, this relates closely to the qualifications and availability of the teachers who often lack the necessary materials to fulfil the children's right to education. It is necessary that the state provide with enough tools to this teacher in order to respect this right, as foreseen by Article 13 (2) (e) of ICESCR.¹⁸⁴

Even though the Greek government is the main responsible entity for ensuring the rights of refugee children, there is a clear need of further support by other international actors. More initiatives such as the one by the European Social Fund (ESF) which sent replacement teachers to assist in the reception classes in mainstream schools with the integration tasks, have to take place.¹⁸⁵ The new teachers, Refugee Education Coordinators (REC), took the role to act as a bridge to Greek people and refugee children: they sought ways to enhance the education and NGOs of the camps, communicated with refugee parents and Greek schools.¹⁸⁶ Also, there is a need to invest in new Information and Communication Technologies (ICTs) which will not only enhance and improve children refugee's educational access and quality but may also have a positive impact on the relationship between refugee children and the local population.¹⁸⁷ Greece should raise funding for education, calling for investments in teachers and infrastructures, while also focusing on the development of children's and young people's skills. The creation of an online network of teachers that can link them with refugee students in Greece and that provide the teachers with new ideas and tools to help them to integrate these skills into their classes and to provide them with input and support would help to avoid stigmatization and enhance social solidarity between all students.¹⁸⁸ Particular emphasis has to be further placed on the situation of refugee girls. The prevailing imbalances in the teacher-student ratio has specifically negative consequences for girls and their learning opportunities. School is considered an important place for girls to achieve full inclusion and often provide a safe haven for them. Generally, girls are often withdrawn from the educational process due to child marriage or early pregnancy and are more than twice as often likely to leave school during

¹⁸³'In Safety and Dignity: Addressing Large Movements of Refugees and Migrants: Report of the Secretary-General', Volume 28, Issue 3, *International Journal of Refugee Law*, (2016), pp. 500–530, available at <https://doi.org/10.1093/ijrl/eww046>, last accessed 26.04.2021.

¹⁸⁴Article 13(2) (e) ICESCR.

¹⁸⁵EWC, 'Background, Greece', available at <https://theewc.org/background-greece/>, last accessed 26.04.2021.

¹⁸⁶Ministry of Education, Research, and Religious Affairs, Scientific Committee in Support of Refugee Children, 'Refugee Education Project', 2017, p. 62, available at https://www.minedu.gov.gr/publications/docs2017/CENG_Epistimoniki_Epitropi_Prosfygon_YPPETH_Apoti_misi_Protaseis_2016_2017_070_.pdf, last accessed 26.04.2021.

¹⁸⁷UNESCO, 'ICT in education', available at <https://en.unesco.org/themes/ict-education>, last accessed 26.04.2021.

¹⁸⁸M. JALBOUT (2020), 'Finding solutions', *supra* note XY., p.58.

crises.¹⁸⁹ As it has been mentioned under chapter 2, in Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women ‘States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education’.¹⁹⁰ Once again, the role of teachers has to be highlighted as girls may need them as guardians of their rights. Teachers have thus to be both gender-sensitive and understand the realities of the girls. A gender-sensitive environment will encourage girl’s achievement as well as make them more secure in the learning process.¹⁹¹ In order to ensure the full engagement of teachers, their voices have to be heard in the political debates to build more inclusive and sensible policies. Their perspective is crucial, as teachers have first-hand experience in the classroom.

3.2.2 *Travel from camps to schools, an additional problem*

The refugee camps on the Greek islands are often located very remotely which presents another obstacle to the realization of the right to education of refugee children as they face a lack of transport to get to school. Often the nearest school is 10 kilometres away, making it difficult for children to get to school. In Ritsona camp, for example, at the beginning of April 2021, only three out of 13 buses were functioning while the others waited to be fixed.¹⁹² In line with the AAAQ framework presented in chapter 2, the lack of transportation undermines the accessibility of education for refugee children even if the education was available.¹⁹³ In addition, as already mentioned in chapter 2, all children should have equal access to school services and the Greek state must provide the necessary infrastructure and materials so that students can have equal access to school services in terms of availability and a dignified learning experience.¹⁹⁴ Problematically, as the MoE does not have the funds to ensure the physical access to education for refugee children, it is external donors such as International Organization for Migration (IOM) taking over the responsibilities for the transportation of refugee children to the schools.¹⁹⁵

¹⁸⁹Education Cannot Wait, ‘Covid-19 and education in emergencies’, available at <https://www.educationcannotwait.org/covid-19/>, last accessed 26.04.2021.

¹⁹⁰Article 10 Convention on the Elimination of All Forms of Discrimination Against Women.

¹⁹¹A. Rutzen, A.S. Krysz, ‘Refugee and migrant children integration Report on Gender Issues’, 2020, available at https://www.immerse-h2020.eu/wp-content/uploads/2020/11/IMMERSE_Report_Gender_Short_EN.pdf, last accessed 29.04.2021.

¹⁹²RSA, ‘Excluded and segregated: the vanishing education of refugee children in Greece’, *supra* note XY, available at <https://rsaegean.org/en/excluded-and-segregated-the-vanishing-education-of-refugee-children-in-greece/#footnote-19>, last accessed 27.04.2021.

¹⁹³ See the section above for the availability discussion.

¹⁹⁴ K. TOMAŠEVSKI (2001), ‘Human rights obligations’, *supra* note XY.

¹⁹⁵M. JALBOUT (2020), ‘Finding solutions’, *supra* note XY., p.51.

3.2.3 *The interaction of refugee children with other children*

The UNHCR considers ‘inclusion’ as

‘the integration of refugees in national education frameworks in host countries; the ongoing efforts to build up systems; participation in multilateral and bilateral funds to assist national education plans; and engagement in sector analysis, monitoring, planning and review, and education management information systems’.¹⁹⁶

It is important to remember that inclusion is a key element for refugee children to adapt easily to host communities. Inclusion requires different actors, from both the international, regional and local level from the refugee and the host community, working together, technically and financially. Inclusive and equitable quality education as promoted by SDG 4 can only be implemented successfully through ongoing inclusion.¹⁹⁷ If refugee children coming from the camps are not given the opportunity to integrate effectively in the school system, this might harm their relationship with the other children. The EC in a 2016 report pointed out that further efforts are required to ensure that the school systems operate properly and without children being marginalized. The schools must be more adaptive to refugee children and operate in a way that excludes no students, particularly when it comes to the inclusion of refugees and newly arriving migrants.¹⁹⁸ Only in this manner can the ghettoization of refugee children and the marginalization of their rights and opportunities be prevented. Paragraph 68 of the GCR as discussed in the previous chapter foresees that: ‘more direct financial support and special efforts will be mobilized to minimize the time refugee boys and girls spend out of education, ideally a maximum of three months after arrival’.¹⁹⁹ As a consequence of the Greek government's failure to respond to the needs of these children and to provide them with formal education, many NGOs offer their services in the refugee camps and allocate activities and non-formal education to the children. For example, SOS Children's villages Greece (SOS CV

¹⁹⁶UNHCR, ‘Global Framework for Refugee Education’, November 2019, p.10, available at <https://www.unhcr.org/5dd50ce47.pdf>, last accessed 15.06.2021.

¹⁹⁷UNHCR, ‘Global Refugee Forum, Education Co-sponsorship Alliance Brief 2020’, 2020, available at https://globalcompactrefugees.org/sites/default/files/2021-04/2020_GRF%20alliance%20brief_WEB%20%281%29.pdf, last accessed 29.04.2021.

¹⁹⁸UE, ‘Education and training in Europe: the challenge of integration’, 11.07.2016, available at https://ec.europa.eu/greece/news/20161107_ekpaideysi_katartisi_el, last accessed 29.04.2021

¹⁹⁹Para.68 Global Compact on Refugees.

Greece) has focused its services on the provision of educational support and non-formal education to refugee and migrant population since late 2015 and has managed to blend both local and refugee children in joint classes, promoting both the educational development, as well as the non-discrimination and smooth integration of children into a new reality. Since the beginning of the refugee crisis in 2015, many local stakeholders have launched services for the support of the refugee and migrant population. SOS Emergency Relief Programme (SOS ERP) since late 2015, has launched activities and continues to operate in different locations of Greece, covering a wide range of services that focus on the psycho-social and educational empowerment and community-based activities as part of integrational support and capacity building of professionals. Part of this support is the focus on mental health, the provision of Mental Health and Psychosocial Support Network (MHPSS), the resilience building of children and families, educational and recreational support.²⁰⁰ On the other hand, despite the efforts made by NGOs, it is not enough to cover the needs of all children. In an interview conducted by Human Rights Watch in March 2021 with an Afghan family that has been living in the refugee camp in Ritsona, Greece, for more than a year, the father stated that when the school reopened after the pandemic for Greek children, the children of this refugee family could not attend because the camp was still closed. The father said that ‘education is the main reason why we came all the way here, to have the opportunity to study and make a future’. He added that ‘there are some classes run by refugees inside the camp, but they are irregular and lack a curriculum. ‘You can't call that school’.²⁰¹ Moreover, the integration into local society is difficult. UNHCR together with non-formal education learning centres operated by the NGO Arsis, are using a platform called Scratch which introduces the narratives of the refugee children to the public from the start of their journey to their destination in Greece, in this way they will try to provide an opportunity for the local community to connect with the refugee children and make their story known.²⁰² On the other hand, the Ministry of Education has also launched two initiatives to improve the integration of refugee children. Through the support of the Institute of Educational Policy, the MoE is carrying out ‘Schools for All — Integration of Refugee Children’, a project (2019-2022) to train and educate parents of students in local areas and staff who have hosted or will host refugees in their local schools. It was officially launched

²⁰⁰Interview with SOS Children’s Villages Greece.

²⁰¹HRW, ‘Years Don’t Wait for Them: Increased Inequalities in Children’s Right to Education Due to the Covid-19 Pandemic’, 17.05.2021, available at https://www.hrw.org/report/2021/05/17/years-dont-wait-them/increased-inequalities-childrens-right-education-due-covid#_ftn92, last accessed 26.05.2021.

²⁰²Meet and Code, ‘My Story’, available at <https://meet-and-code.org/gb/en/event-show/5406>, last accessed 29.04.2021.

in Athens in October 2019. The second project, ‘Towards An Inclusive Education for Child Refugees’, aims to develop tools that assist schools and policymakers in meeting the special needs of refugee children, through the database of best practices (guidance, validation and evaluation), but also through the exchange of integration and education policy resources and the introduction of new learning methods for the promotion of inclusive education. This started in 2018.²⁰³

3.2.4. *International Cooperation*

UNICEF urges EU member states to ensure the protection of the most vulnerable children, with a new EU strategy on the Rights of the Child that goes in line with the 2030 Agenda. The new challenges posed by the pandemic have resulted in the appearance of gaps regarding the protection of the child, as UNICEF states.²⁰⁴ We saw in the last chapter that Governments should make all decisions with the best interest of the child in mind. It means that the legislative bodies of the host country must consider whether the rules that have been established will benefit the child in the best way. While ‘leave no one behind’ is the central and transformative promise of the 2030 Agenda for Sustainable Development²⁰⁵, it seems that the International Community has forgotten to respond to the situation in the camps, particularly during the pandemic. According to Article 28 (3) CRC international cooperation must be promoted and encouraged ‘in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods’.²⁰⁶ It is fundamental, thus, to establish cooperation, communications and exchange of knowledge at both regional and international levels. The funds and experience in sustainability management should be distributed between states at regional and international levels to set up education systems with high-quality standards throughout the world, as discussed in the Global Refugee Forum in 2019.²⁰⁷ In this document, it is stated that a comprehensive approach to the right to education and support for organizing education for refugee children is needed even with limited funds. The sharing of

²⁰³ M. JALBOUT (2020), ‘Finding solutions’, *supra* note XY, p.39.

²⁰⁴ UNICEF, ‘Our Europe, Our Rights, Our Future: Children's and young people's contribution to the new EU Strategy on the Rights of the Child and the Child Guarantee’, 2021, available at <https://www.unicef.org/eu/reports/report-our-europe-our-rights-our-future>, last accessed 26.05.2021.

²⁰⁵ UNDP, ‘Leave No One Behind’, available at <https://unsdg.un.org/2030-agenda/universal-values/leave-no-one-behind>.

²⁰⁶ Article 28 (3) CRC.

²⁰⁷ UNHCR, ‘Global Refugee Forum’, available at <https://www.acnur.org/foro-mundial-sobre-los-refugiados-2019.html>, last accessed 29.04.2021.

experiences at the international level can provide governments with best practices to avoid wasting resources on ineffective procedures.

In Greece, the Ministry of Education together with host communities must work closely to remove the political and administrative obstacles that refugee children encounter in enrolling in the Greek national education system. In addition, the MoE must establish coordination with the statistical centres and other international organizations to compile data in the refugee camps but also in the schools to be able to assess the situation more realistically. The absence of credible data related to the access to education for refugee children impedes the identification of the main obstacles for the realization of their right to education. For this reason, it is important to address the position of refugee children regarding access to education, through the analysis and collection of data to understand the conditions and the educational situations they face. For example, the Independent Department for Coordination and Monitoring of Refugee Education of the Greek Ministry of Foreign Affairs is focusing on this. Moreover, the UN Committee on the Rights of the Child together with the Network for the Rights of Children on the Move conducted by the Greek Ombudsperson for Child Rights and with the support of UNICEF are focusing on the education of refugee and migrant children as well. The Ombudsman has been involved in meetings with parents and teachers in different areas of the country and has participated in information and raising the awareness of local communities and has made public statements to safeguard the right to education, to ensure the protection of the image of refugee students, to react to the protests of parents and guardian's organizations against the school attendance of refugee children, etc.²⁰⁸ Furthermore, Greece's bilateral cooperation takes place with other donors, especially through the 'Asylum and Migration' programme, supported by the countries such as Iceland, Norway and Liechtenstein, to reinforce Greece's links alongside its donor countries, utilizing a fund of 7.5 million euros from 2019-24 to ensure the provision of commodities and services in the reception centres.²⁰⁹ There is value in international cooperation through inclusive procedures, pushing governments to prove real political determination for the benefit of their people.

3.2.5 Challenges

²⁰⁸Greek Ombudsperson for Child Rights, *Η πρόσβαση των παιδιών προσφύγων στην εκπαίδευση στη Λέσβο Έκθεση ενεργειών, διαπιστώσεων και προτάσεων Συνηγόρου του Πολίτη στο πλαίσιο της αποστολής του ως Συνηγόρου του Παιδιού* [Refugee children's access to education on Lesbos Report on the actions, findings and proposals of the Ombudsman as part of his mission as Ombudsman for Children], 2017, available at https://www.synigoros.gr/resources/ekpaidefsi_prosfygon_lesvos-feb2017--2.pdf, last accessed 5.5.2021.

²⁰⁹The European Wergeland Centre, 'Future Possibilities in Refugee Education', available at <https://theewc.org/future-possibilities-in-refugee-education/>, last accessed 5.5.2021.

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Under chapter 2, we see that there is a national legal framework, but still the Greek state is having problems accommodating the rights of refugee children in its practice. This research illustrates that the right to equal access to education is currently not being fully achieved.

These are the challenges that are still present:

- **Legal Barriers:** there is a lack of provision in compulsory education for children in the RIC, children who are not permitted to remain in the country or children without protection status. School's enrolment for refugee children is being a challenge for Greece, which is clearly struggling to include these children in its education system, meaning that only those who have a residence permit will be able to access the national education system. Every child is entitled to all the rights of the CRC, irrespective of his or her nationality, immigration status, or any other. Under Law no. 4636/2019²¹⁰ it tried to facilitate the procedures for the integration of refugee children into the Greek formal education system. But children, in many cases, are not yet fully incorporated into the Greek educational system, for a variety of reasons. According to SOS CV Greece: 'refugee and migrant children do have according to the law the same rights as any other local child in the access to education in Greece. Nonetheless, challenges rise with the lack of sufficient reception classes for newly arrived children, not sufficient open class spots during the academic year, or difficulties in transportation from and to the school'.²¹¹ As Sarah Brown, Theirworld Chair criticizes: 'refugee children on the Greek islands are living in overcrowded, unsanitary camps. They are among the most vulnerable children in Europe'. Adding that: 'just a few hours of lessons a day, away from the camps, can be transformative for learning language and skills, and, importantly, can restore hope for a better future, which is so vital in emergency situations'.²¹²
- **Language barriers and lack of additional support:** with no interaction with the Greek-speaking community, their language skills are not being developed. As we analysed in chapter 2, in relation with Article 14 of the ECHR, the right to education should be exercised 'without discrimination on any ground such as sex, race, colour,

²¹⁰Greece: Law. 4636/2019, International Protection Act/IPA [Greece], 1.11.2019.

²¹¹Interview with SOS Children's Villages Greece.

²¹²Theirworld, 'Theirworld awarded 1.35m euros for emergency refugee education on Greek island', 16.06.2020, available at <https://theirworld.org/news/funding-for-emergency-education-of-refugee-children-greek-islands>, last accessed 5.05.2021.

language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other statuses'.²¹³ For language reasons, these children cannot have the possibility to attend classes with the local Greek children, as they cannot follow the classes and as a consequence are not motivated to continue. To this problem, the Greek government has introduced TY-ZEP and DYEP as a way of dealing with preparatory classes for a while in which children can learn the language. However, these classes often marginalize refugee children who have no contact with other Greek children. There are cases of hope, Brigitte highlighted during the interview that she had met an 11-year-old Afghan girl who, on her own initiative, had learned Greek and English. When Brigitte asked her where she had learned Greek, she replied that she had learned it on her own, she answered in English. This girl wanted to become a teacher in Canada.²¹⁴

- **Covid-19:** The pandemic has caused formal education centres to be closed. The International Community has forgotten to respond to the situation of these camps that during the pandemic have seen how there have been legal restrictions of movements of those living in the camps, as well as the lack of access to Internet due to the bad infrastructure in the camps.²¹⁵ It is necessary that no one is left behind. Learning electronically has not been possible for all refugee children, the lack of digital infrastructure has increased the number of absences, preventing them from acquiring the necessary knowledge and repeating the grade.²¹⁶ SOS CV Greece, adapted its services since the middle of March 2020 (enforcement of the first lockdown) on a blended teaching methodology, including both distance learning and face-to-face (when restrictions have been withdrawn). Under the provision of SOS, educational and recreational material was distributed to children on a daily basis, both synchronous and asynchronous educational content was created. At the same time, tablets were distributed in order for children who lacked any type of technological means to access

²¹³Article 14 ECHR.

²¹⁴Interview with B. F. Austrian psychologist MVI Medical volunteers International.

²¹⁵WB, 'The Global Cost of Inclusive Refugee Education', 24.02.2021, available at <https://www.worldbank.org/en/topic/education/publication/the-global-cost-of-inclusive-refugee-education>, last accessed 5.05.2021.

²¹⁶UNICEF, 'Las escuelas de más de 168 millones de niños del Mundo llevan casi un año entero cerradas por completo debido a la COVID-19' [Schools for more than 168 million children around the world have been completely closed for almost a full year due to COVID-19], Press Release, 2.03.2021, available at <https://www.unicef.org/es/comunicados-prensa/escuelas-168-millones-ninos-llevan-casi-ano-entero-cerradas-debido-covid19>, last accessed 26.05.2021.

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SOS digital classrooms in coordination with the REC of MoE. This enabled them to connect also in remote education provided by public school and free data to children enrolled in SOS activities were provided as well. In periods where children could attend face-to-face activities (within the camps), SOS activities adapted their services accordingly to meet all governmental regulations and maintain safe conditions for both children and SOS staff. Unfortunately, this was not always the case for children not being enrolled in SOS activities. Many children lacked support during the pandemic and remained out of support for a prolonged time.²¹⁷ UNICEF Executive Director Henrietta Fore said that: ‘every effort must be made to keep schools open and prioritize them in re-opening plans’.²¹⁸

- **Lack of emotional and psychological support:** there is a lack of support for mental health in schools, where children suffer traumatic situations that prevent them from concentrating on the educational system.²¹⁹ This and the lack of funds and prioritization of the agencies that must provide education has made access to education a problem. The exposure of children to inadequate housing arrangements and crowded conditions enhances their vulnerability and has an impact on their mental and psychosocial wellbeing.²²⁰ The well-being of children is dependent on the national child care system's response. Most UAMs seeking protection are not able to provide for their immediate needs and do not have access to health care or education.²²¹
- **Lack of political will:** throughout the thesis we have observed that the EU has a lack of political will to resettle refugees living in camps. Host countries are afraid and

²¹⁷Interview with SOS Children's Villages Greece.

²¹⁸UNICEF, ‘Los niños no pueden permitirse otro año sin escuela: Declaración de Henrietta Fore, Directora Ejecutiva de UNICEF’ [Children cannot afford another year out of school Statement by UNICEF Executive Director Henrietta Fore], Press Release, 12.01.2021, available at <https://www.unicef.org/es/comunicados-prensa/ninos-no-pueden-permitirse-otro-ano-sin-escuela>, last accessed 26.05.2021.

²¹⁹S. MYERS and I. AOUN, ‘A tide of self-harm and depression. The EU-Turkey Deal's devastating impact on child refugees and migrants’, Save the children, 2017, p.11-15, available at https://www.savethechildren.es/sites/default/files/imce/final_report_eu_turkey_deal_a_tide_of_selfharm_and_depression_march_20171.pdf, last accessed 24.05.2021.

²²⁰S. MYERS and I. AOUN (2017), ‘A tide of self-harm and depression’, *supra* note XY.

²²¹FXB Centre for Health and Human Rights, ‘Emergency Within an Emergency: The Growing Epidemic of Sexual Exploitation & Abuse of Migrant Children in Greece’, 19.04.2017, available at <https://fxb.harvard.edu/2017/04/17/new-report-emergency-within-anemergency-exploitation-of-migrant-children-in-greece/>, last accessed 24.05.2021.

opposed to allocating financial resources or promoting the resettlement of refugees.²²² This is due to the perception that hosting a large reception of people in one country could threaten national security.²²³ However, the settlement and resettlement of refugees must be accompanied by the provision of educational policies and legal frameworks by the states receiving refugees as a political commitment.²²⁴ The harsh reality is that EU member states have been slow to act when it comes to resettling UAMs.²²⁵ Also Greece is showing no interest in changing the situation in the refugee camps for the better. UNHCR calls on Greece to ‘ensure safety net and integration opportunities for refugees’²²⁶ because from a humanitarian perspective, Greece is committing a crime, as conditions are miserable as we have analysed throughout chapter three with the testimonies of interviewees. From a policy perspective Greece must resettle refugees on the mainland and provide them with essential services. Prime Minister Kyriakos Mitsotakis made a policy statement of ‘No Child Alone’ in reference to UAMs, which should be recognized and supported. However, he has received no support from the EU to help relocate UAMs with their families in Europe.²²⁷

²²²WENR, ‘The importance of higher education for Syrian refugees’, 2015, available at <http://wenr.wes.org/2015/12/the-importance-of-higher-education-for-syrian-refugees/>, last accessed 30.06.2021.

²²³Ibid.

²²⁴UNESCO, ‘The Right To Education – Law and Policy Review Guidelines’, 2014, available at <https://www.right-to-education.org/resource/right-education-law-and-policy-review-guidelines>, last accessed 30.06.2021.

²²⁵ M. JALBOUT (2020), ‘Finding solutions’, *supra* note XY., p.31.

²²⁶UNHCR, ‘Greece must ensure safety net and integration opportunities for refugees – UNHCR’, 2.06.2020, available at <https://www.unhcr.org/news/briefing/2020/6/5ed603924/greece-must-ensure-safety-net-integration-opportunities-refugees-unhcr.html>, last accessed 30.06.2021.

²²⁷ M. JALBOUT (2020), ‘Finding solutions’, *supra* note XY., p.31.

CONCLUSION AND HYPOTHESES RESPONSE

This thesis has as a goal to answer the question if the right to education in the context of the Greek refugee camps is fulfilled and provides insight of the legal provisions and their implementation in the context of the Greek refugee camps and the scope of the failure to protect the right to education of refugee children. The comparative analysis of human rights treaties permitted the identification of their character, their gaps and their efficacy. It is found that a number of possibilities are open when it is affirmed that refugee children have the right to access education. The Greek state has to use adequate tools, including the adoption of legislative measures to respect its obligations in relation to these treaties and thus to respect, protect and fulfil the right to education. Proper remedies need to be available to guarantee this right as expressed in General Comment No. 5 of the CRC: ‘for rights to have meaning, effective remedies must be available to redress violations’.²²⁸

Education is a human right that every individual should have independently of their status or any other circumstances which may surround them. As SOS CV Greece points out: ‘education should not be considered as a privilege, but rather a basic right that must be accelerated by all child protection and children safeguarding agencies’.²²⁹ Under emergency situations, education is a fundamental element for the protection and development of the child. The present thesis shows, however, that refugee children in Greek camps in their already vulnerable situations are victims of human rights violations, including the right to education. In order for refugee children’s right to education to be fulfilled, states must take legal responsibility and accountability for their actions on the subject.

In chapter 1 the main definitions treated in the thesis as refugee, refugee child, settlement, refugee camp, formal or informal school have been discussed for a clear overview of the main terms used in this analysis.

Throughout chapter 2, the thesis analyses the international and regional legal and policy commitments made by the UN, EU and Greece. It is realised how economic, social and cultural rights apply to refugees. In some circumstances, such as the influx of refugees into camps, host states are sometimes obliged to take measures and to restrict the rights of these refugees, many

²²⁸UNICEF, ‘Observaciones Generales del Comité de los Derechos del Niño: Observación general N° 5’ [General Comments of the Committee on the Rights of the Child: General Comment N°. 5], para.24, 2003, available at <https://www.unicef.org/UNICEF-ObservacionesGeneralesDelComiteDeLosDerechosDelNino-WEB.pdf>, last accessed 10.06.2021.

²²⁹Interview with SOS Children’s Villages Greece.

of whom are children, such as freedom of movement, freedom to work, or proper schooling for all children.

Subsequent human rights obligations have to be respected and fulfilled:

For Greece it is an obligation to fulfil the First Protocol to the ECHR, which in its formulation of Article 2 highlights that ‘no one shall be denied access to education’, and the competence of the ECtHR to provide remedies to the victims of violations of fundamental human rights is a solid legal support.

The Greek state has an obligation under the previous international human rights law provisions to ensure free education for all in primary education, as stated in Article 13 of the ICESCR.

Article 28 of the CRC moves a step forward and states that primary education in its totality is free for all. It is important for the Greek government to take steps to ensure equal and quality education for all children of different ages and nationalities living on the mainland and islands. Education is a right set out in Article 2 of the First Protocol and is directly safeguarded. For the realization of human rights in a democratic society, the right to education is essential.

At the moment, the Greek education system is failing to meet its obligations and the established international, regional and national legal standards. This implies that additional support should be forthcoming from other actors such as the EU and its member states and others such as UNICEF, UNHCR or IOM.

During the research in chapter 3, it is shown where difficulties are usually addressed and how action can be undertaken to ensure that refugee children have access to education systems, independent of their legal status. It is necessary for refugee children to have access to Greek language classes and to receive support from trained teachers so that they can be brought into the schools with the other Greek children, thereby reducing the costs of having refugee children in other classes separate from the local children. This would change the educational approach in favour of all children and refugee children become part of the society and their education can also help to create more sustainable societies.

The learning of the language in the host country is an important part of the child's successful adaptation to the country of residence. Nevertheless, the ECHR does not create an obligation for the government to provide specific educational provisions such as the creation of minority classes. Consequently, the right to education in a specific language cannot be implied in Article 2 of the First Protocol. The 2010 UN report on the right to education of migrants, refugees and asylum seekers states, according to Article 28.1 of the CRC, that

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‘equality of opportunity provides a rationale for differentiated consideration of the children of migrants, refugees and asylum seekers, providing that non-discrimination is ensured’.²³⁰

The segregation of children in other classes from other children may be a violation of human rights. From a legal perspective, consideration must be taken as to how such separate treatment violates the principle of non-discrimination.²³¹ If children are being placed in separate classes because they do not know the language, it does not necessarily constitute discrimination because this is a legitimate aim of adapting the education system to the needs of these children.²³² As the non-formal educator told me: ‘you can’t have children at the same level if they don’t have the same language level. A child who is 6 years old and speaks the language cannot be at the same level as a refugee child who did not have access to education, they would be lost in class’.²³³ Greece has to ensure that school enrolment, educational facilities and learning achievements are appropriate and needed.

Education goes way beyond formal and institutional education as provided by the state. Non-formal education offers complementary approaches that can be highly effective in fulfilling refugee children’s right to education, as it allows for flexibility and support. For example, SOS CV Greece has focused its services on the provision of educational support and non-formal education to the refugee and migrant population since late 2015 and has managed to blend both local and refugee children in joint classes, promoting both the educational development, as well as the non-discrimination and smooth integration of children into a new reality.²³⁴

Presently, the Greek education system is not achieving its stated aim of helping refugee children and new educational approaches to refugee children’s education are needed to make the education system more inclusive; refugee children will be able to prove their worth and thus a culture of human rights will be encouraged within societies.

The implementation of refugee children’s right to education is one of the biggest challenges the international community face today and specially because of the pandemic, which has increased these inequalities between children and their right to attend school. This can serve to seize the opportunity to reshape the education system to make schools places where

²³⁰UN, ‘The right to education for migrants, refugees and asylum seekers and asylum seekers’, A/HRC/14/25, para.27, 16.04.2010, available at <https://www.acnur.org/fileadmin/Documentos/BDL/2011/7529.pdf>, last accessed 10.06.2021.

²³¹Lauwers. G, ‘The Impact of the European Convention on Human Rights on the Right to Education in Russia’, Nijmegen, The Netherlands: Wolf Legal Publishers, 2005, p.127.

²³²Veny. L, ‘The right to education according to the case law of the European Court of Human Rights’, In: Fourth international seminar Dimitri Cantemir Law Faculty Cluj-Napoca, Keynote Speech, 5.06.2015, para.60.

²³³Interview with Non-Formal Educator, 4 June 2021.

²³⁴Interview with SOS Children’s Villages Greece.

children can feel included and can manage their feelings produced by the whole process of change in their lives. This means that the education of refugee children is about educating the next generation.

If states are committed to this, then inclusive education can achieve a new vision and therefore be part of the target agendas, as well as being driven by the need to respond to the challenges brought about by the coronavirus crisis with more effective and immediate solutions. The international community, together with the help of various stakeholders, civil society and human rights defenders must be on the front lines of this new goal and leave no one behind.

Despite being agreed at the international level, states have a rather wide margin for evaluating and implementing human rights treaties and international conventions at the national level. In the course of the above analysis, the universal and regional instruments discuss a number of principles that show how children's rights must be fulfilled. The provision of education for refugee children is an obligation for all states. These principles apply to refugee children. They appear with special emphasis in the already mentioned CRC.

In the case of Greece, children who reside in the camps have experienced war, rape and aggression in their countries of origin. When they arrive in the camps and after a long period of movement, their education has been disrupted. In order to fulfil its legal obligations and effectively provide quality education for refugee children in the camps, the Greek state has proposed the creation of RICs for the integration of refugee children into the Greek education system. These RICs are marked by protracted administrative processes and are also failing in accommodating the best interests of the child. Moreover, these centres have been exposing refugee children to living conditions that violate their fundamental human rights, with children living under crowded conditions that put them at risk of mental and psychological problems and threaten their wellbeing.

However, it is going slowly. Alternatively, non-formal education through NGO activities seems to be one of the solutions at the moment. Nevertheless, this education is less than formal education, and when it comes to implementing it in an education plan, the state does not pay enough attention to it, and relegates non-formal education to NGOs. The Greek authorities and political actors are responsible for promoting reform, not only in education, but also with regard to the infrastructure and reception model for refugee children. In addition, the state is also responsible for promoting measures aimed at the social inclusion of these children. The globally proposed education system of formal, institutionalised education is not

appropriate to the reality of refugee children. For this reason, it is necessary to change the paradigm and rethink other proposals.

Chapter 3 highlights with reference to the situation in the Greek refugee camps that one of the strongest challenges is the integration of refugee children into society.

In reality, refugee children in the Greek refugee camps are confronted with many problems related to their status or because they have to spend long periods of time living in the camps. In the course of the thesis, it is shown that the shortage of funding and material, together with the missing attitudes of people in important posts in the related institutions, are seriously challenging the role of the school and are hampering the educational procedure. Greece is finding it difficult to include non-nationals as part of its education system, meaning that only those who have a residence permit will be able to access education. With no interaction with the Greek-speaking community, their language skills are not being developed. The pandemic has also increased inequalities, and restrictions on the movement of children living in camps, as well as lack of access to the internet. Most children have not been able to go to school for more than a year and many have not been able to enrol. In addition, stigmatisation against them has increased.

There are a number of initiatives being proposed by different actors, such as the international community, for example the European Social Fund (ESF) which sent replacement teachers to assist in the reception classes in mainstream schools in Greece as seen in chapter 3, civil society, NGOs through non-formal education carried out in the camps, such as SOS Children's villages Greece or other states to address these problems, including a call for the EU and its member states to supply the assistance needed to help these children. Support for teachers is also essential, as they need the tools to deal with the large numbers of refugee children who have to access schools.

Providing the opportunity for these children, who have been deprived of an education, will help them to become reconciled with Greek children. It is important to continue to make investments in promoting the collection of data on refugee children in order to know the real problem. As mentioned during the course of the research, girls are more affected, so it is necessary to incorporate a gender lens when advocating for the rights of these refugee children.

The education of these children cannot wait and is a fundamental element of the development of the child. Also, UAM must be targeted to meet their needs by qualified staff and decisions on sustainable solutions should be taken into consideration in which all can feel part of the group and free from discrimination. The inclusion in national schools could be a space where refugees negotiate their relationships with the nation-state and with host country

nationals, critical elements of preparation for a future of integration. The best interests of the child must not be forgotten as the primary basis for sustainable solutions without a real child-centred approach. It must be kept in mind that children will always be one of the most affected groups, particularly in emergency situations, and that they will need special attention to meet their needs. For this reason, it is important to highlight that the UNHCR through its objectives should aim at the integration and protection of children. As we can conclude, the best interests of the child are a requirement that must be met by both the Greek state hosting the refugee children, as well as the international community.

The refugee crisis in Greece has raised many challenges for the country, both for the EU and the international community. The necessity for the EU and the international community to refocus all their commitments and policies to work together to address how to support refugee children in their efforts to access education, in line with Greece and the needs of the refugee population to improve access to education for all refugees is of crucial significance.

The world is more complex, the effects of globalisation and immigration are increasingly causing clashes of ideas in the state framework. It can be concluded from the analysis of the thesis that the right to education also applies to refugee children. However, because of the way international treaties are written on how the right is to be achieved, there are still many gaps to be filled within the Greek state. It is also argued that the right to education may also be arranged in a manner that in praxis does not violate the principle of non-discrimination. The education of refugee children is both an investment in the future and a fundamental right for all children as enshrined in the 1951 Refugee Convention, the Convention on the Rights of the Child and the Universal Declaration of Human Rights. The refugee situation in Greece is a reflection of the legal and moral conditions that are characterizing the EU's implementing measures. Linking EU policy and practice concerning Greece should address the gaps and shortcomings in supporting the education of refugees in those specific areas.²³⁵ Summarising the jurisprudence and literature, it is showed that the right to education for refugee children in the Greek refugee camps is not being fulfilled, the following recommendations may help to deal with the question:

A) Policy and planning

- The weakness of the Greek national asylum system is hampering the whole procedure for refugee children to access schooling. The EU and its member states need to provide

²³⁵UNHCR, 'Global Refugee Forum', *supra* note XY, p.11.

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the necessary assistance to help the children and their families relocate to the continent in Greece and European member states should relocate some refugees in their countries to guarantee basic human rights, so that authorities can guarantee that school-age children will have access to education and health services. During the interview with the non-formal educator, it was stated that there are no books or materials for the children, there is no proper book to teach them. There is no manual for education. She told me that we have to understand that this crisis is very recent and that there is still not enough material or initiatives adapted to these children and that there is no qualified staff to propose solutions for the education of these children. Most of the children do not want to stay in Greece because it does not offer what other countries in Europe can offer. As a solution she told me that ‘we have to rethink education and build an education system that can be adapted to the real situation of these children and create material that can be adapted to them’. She added that trying to teach refugee children what Greek children are taught in the first place does not work.²³⁶ For this reason, the Greek government needs to work in partnership with the EU to pursue the role of funding open afternoon preparatory classes (DYEP); as well as making the ZEP classes on the islands accessible to asylum-seeking children in the camps.

- The establishment of a policy following a human rights-based approach will contribute to the successful education of children with refugee status by making the spotlight on the child. The stakeholders involved must work together to offer a qualitative education. For the 2021-2022 school year, the intention is to reach the 25,000 refugee children and adolescents registration target. To do so, the establishment of a Refugee Education Programme Management Unit in the Ministry is a necessary element to enhance the implementation of the plan for the creation of a nationwide plan and the definition of policies and programmes.²³⁷
- The development of favourable policies for the education of refugee children, improving teacher’s support to enable them to better cope with their education. Education for refugee children needs to be formalized and institutionalized. Furthermore, it should provide figures on the statistics of how many children are in the country, the children who are registered and the children who are not. Follow-up

²³⁶Interview with Non-Formal Educator, 4 June 2021.

²³⁷EU, ‘Support Measures for Learners in Early Childhood and School Education’, 30.03.2021, available at https://eacea.ec.europa.eu/national-policies/eurydice/content/support-measures-learners-early-childhood-and-school-education-27_en, last accessed 6.05.2021.

mechanisms are in place to follow up on developments in the area of refugee education and tackle the situation immediately, with a long-term outlook to provide equal access to basic education for all and to combat school abandonment. For this, there is a necessity of introducing synchronized standards and operating procedures for the appointment and role of legal guardian for children on the move irrespective of the territorial jurisdiction and availability accommodation, in which child centred approach as the primary factor influencing legislative, policy and service responses to refugee children.

B) Inclusion and innovation:

- A human rights-based approach to education: that calls on the Greek governments to stop the retention policy to guarantee that the children can be enrolled in the formal education system immediately. Extensive and quantifiable awareness-raising actions to schools and the local communities are undertaken to ensure that all children fully understand the entitlement of all school children to school, and the mutual economic rewards that derive from building a diverse and multicultural society. Also, as refugee children do not have access to education in their first language which complicates their integration into the society, there is a need for Greek language learning tools and specialised staff and the importance of child participation, gender sensitivity and diversity.
- Education-connected: connectedness and cooperative links across formal and non-formal education need to be included and do not necessarily depend on residency status.
- Inclusion and innovation through a community-wide approach: school principals, local parents, local community and teachers must unite to offer an integrated and innovative model of education. That will help to keep post-pandemic and formal exclusion of refugee children out of growing exclusion. Moreover, it should be taken into account that the accommodation of refugee children in separate schools is not illegal, but it should be kept in mind that the aim of this separation is for the children to enjoy the right to education and not to be subject to discrimination

C) Funding and resources

- Medical resources and advocacy: in referring to the pandemic, a longer-term capacity response is required, through building permanent infrastructure in the centres to ensure

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health and mental health care services, and understanding the risks and the vulnerabilities to which the refugee children are vulnerable. In parallel, the children must have access to the necessary vaccinations in preparation for school registration at the very beginning of the school year.

- Education should not be considered as a privilege, but rather a basic right that must be accelerated by all child protection and children safeguarding agencies. For make it clear the children, the EU should pay attention to funds aimed at safeguarding the education of refugee children and pay more attention to this group. There is a need for strengthened inter-institutional cooperation and the creation of legal provisions on child protection for children on the move. There is a responsibility of the EU and the legal duty to do more, and fulfilment of human rights and accountable mechanisms capable of delivering effective remedies and justice for children. The right to education for refugee children living the camps requires states to adopt and implement laws, plans, projects and policies that tackle the adverse effects they face and in order to effectively address this situation, close collaboration between those working in the field of international human rights, education, policy and research is needed, together with the reduction of human rights violations.

In conclusion I would like to end with an encounter that Brigitte, the volunteer for MVI had with an Afghan doctor who worked with her in the last April. Brigitte remarked to him: ‘it is so nice to see how kindly you treat the children and how sensitive you are to the desperate parents’, his reply being: ‘Yes, I am one of them’. To this she added: ‘It would be easy for European states to set up a camp here where people are well cared for and can live in safety and dignity so that they can start a “new life” after the terror’.²³⁸

Based on all the analysis conducted during the course of this thesis, the conclusion is that the right to education of refugee children in the context of Greek refugee camps is not being fulfilled. If Europe is not able to respect human rights inside the camps for these people, how are they going to respect the right to education of refugee children?

²³⁸Interview with B, F. Volunteer for MVI Medical Volunteers International.

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INTERVIEWS

- Interview with B, F, Volunteer for MVI Medical Volunteers International.
- Interview with D.B, Manager 'refugee assistance', 31.05.2021.
- Interview with Non-Formal Educator, 4.06.2021.
- Interview with SOS Children's Villages Greece.

ANNEX: INTERVIEWS

Questions (for interviews 1-2)

1. In Greece, we find that the Greek authorities have decided to create Reception Classes and Reception Facilities for Refugee Education to meet the educational needs of refugee children. Is this a positive point for the education of refugee children or is it creating more segregation between the refugee community and local children? What is the Greek government doing to remedy this?
2. The conditions in the refugee camps affect the physical and mental health of the child, what is the role of the NGO in providing psychological and educational security for these children, how is the Greek government helping the NGOs in the camps, do you know of any cases where the child has had such bad living conditions that he/she has been able to move on?
3. Under the Greek Presidential Decree 220/2007 refugees living in Greece have the right to the same public education as the rest of the children (article 9). What are the biggest obstacles refugee children face in accessing school like other Greek children?
4. During the pandemic the situation has worsened because the camps did not allow movement and children had to stay in the camps, how has COVID affected the education of these children, what has been their mode of learning since access to the internet has been minimal, how will the gap be bridged after the pandemic?

Interview No 1

SOS Children's Villages Greece.

- 1) Refugee and migrant children are considered vulnerable populations in the context of the refugee crisis. Their access to basic services depends on the site they are being accommodated and the availability of preparatory classes. Children, in many cases, are not yet fully incorporated into the Greek educational system, for a variety of reasons. SOS CV Greece has focused its services on the provision of educational support and non-formal education to refugee and migrant population since late 2015 and has managed to blend both local and refugee children in joint classes, promoting both the educational development, as well as the non-discrimination and smooth integration of children into a new reality. In any

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case, education should not be considered as a privilege, but rather a basic right that must be accelerated by all child protection and children safeguarding agencies.

- 2) Since the beginning of the refugee crisis in 2015, many local stakeholders have launched services for the support of the refugee and migrant population. Emergency Response Programmes (SOS ERP) since late 2015, has launched activities and continues to operate in different locations of Greece, covering a wide range of services that focus on the psychosocial and educational empowerment and community-based activities as part of integrational support and capacity building of professionals. Part of this support is the focus on mental health, the provision of mental health and psychosocial support (MHPSS), the resilience building of children and families, educational and recreational support. Regarding children that have benefited from SOS support, the stories that could be shared are many. The majority of children lacked any type of educational or psychosocial support either for a prolonged time or never had the chance to attend school before. These children have been supported on a long-term basis (in some cases), have been adequately prepared to attend public school in the upcoming academic year and have been familiarized with the European culture, to become gradually integrated into the local community.

In a number of cases the Greek Government seeks for SOS's intervention in order for a child to receive adequate support especially when it comes to children that are out of parental care.

- 3) Refugee and migrant children do have the same rights according to the law as any other local child in the access to education in Greece. Nonetheless, challenges might rise with the lack of sufficient reception classes for newly arrived children, not sufficient open class spots during the academic year, or difficulties in transportation from and to the school.
- 4) SOS CV Greece, adapted its services since the middle of March 2020 (enforcement of the first lockdown) with a blended teaching methodology, including both distance learning and face-to-face (when restrictions have been withdrawn). Under the provision of SOS, educational and recreational material was distributed to children on a daily basis, both synchronous and asynchronous educational content was created. At the same time, tablets were distributed in order for children who lacked any type of technological means to access SOS digital classrooms in coordination with the Refugee Education Coordinators (REC) of the Ministry of Education. This enabled them to connect also in remote education provided by public school and free data to children enrolled in SOS activities were provided as well. In periods where children could attend face-to-face activities (within the camps), SOS

activities adapted their services accordingly to meet all governmental regulations and maintain safe conditions for both children and SOS staff.

Unfortunately, this was not always the case for children not being enrolled in SOS activities. Many children lacked support during the pandemic and remained out of support for a prolonged time.

Interview No 2

Doro Blancke – manager ‘refugee assistance’ since September 2020 working on Lesbos.

- 1) In the camps there are NGOs, but there are no schools from the government. We have a law that says they should go to school and it is nothing. The director of the camp, when I ask him what is going on with the schools, he says that he only can do what the minister says and that they will prepare schools when they put the electricity and prepare the floor. Of course, maybe 20 children go to school, but here in Lesbos there are 1,274 children. The government is not respecting the refugee children, if they respect, they have to support them. If we respect children’s rights, why don’t they have clothes or dry shoes?
- 2) Lesbos is very small and, in the camps, children don’t go to school because I am in the camp every day. For example, 5 days ago we distributed croissants to children from 1-12 years old, and all the children were there. If they were in school, they would not be there to bring the croissants. In the streets there are a lot of minors and here people don’t have a shower, a toilet and there are a lot of children without schools. Most of the people have very difficult situations, and bad physical conditions. There are more than 50 thousand refugees, half thousand people are families, and a lot of children, mum and babies that are depressed. Moreover, the children don’t have anything to do, they go around the camps checking if they can have chocolate or food or they try to be away from the room with their parents because their parents have psychological health problems.
- 3) When the children arrive in Europe they are already traumatized, there is no place where they can settle down. It would be useful that when the children come to Europe they have to be incorporated into classes and teach them to immediately fulfill the rights of children to get educated and their right to have a playground.
- 4) During covid everything was closed, everything that was helpful for the people. People were not allowed to move and children had to stay all the time in the camps, walking around in those bad conditions.

Interview No 3

Non-Formal Educator working in an International Organisation - (for data protection this interview has been anonymous).

- 1) The government is trying to do a lot for the whole integration issue. The ministry of migration invested much more money on integration programmes and this contained educational programmes. All the programmes that handle this situation are now more promoted regarding refugees. But the problem for me as an educator is that people always leave the country or they want to leave the country. Moreover, a lot of children are traumatized. However, in Greece there is an ongoing attempt for the children to have access to formal education. Pre-entrance classes have been created, in which they learn the basics, such as Greek language or mathematics. Here the children will go 1 year, they will learn the basics, even if they are 14 years old, they will enter in their first primary class. But the government is not trying to meet the needs of the teachers, there are not open positions for teachers.
- 2) For refugee children, it is very difficult to understand the sense of the programs. For this reason, inside the non-formal education we do the promotion of multicultural education through images and letters and we teach them and they understand that they are all the same, independently of their language. When we talk about non-formal education, our purpose is not teaching them the language, but the purpose is to make them communicate and achieve the skills they need in the country.
- 3) One of the things we notice as educators since the beginning is that there are not books and material to follow specific for the refugee children. The problem is not the money but is the fact that there are no experts in this topic because before we hadn't these problems, we hadn't camps or the problem in education before in the camps. The creation of books is necessary for people that will live in the country for 6 months to 1 year, because most of the time people don't want to stay in Greece, because Greece doesn't offer what other countries do. I think that we need to rethink that the constructional educational programme can be adapted in an environment like that or we need to find tools to think outside of the books.
- 4) The target for us was doing integrated programs to create a space of communication for the local children with refugee children, but because of the pandemic, the plans were not allowed to happen. During the pandemic the children only had 2 months of schools. The Ministry recommended to the professor E-learning but the problem is that you can't say to

a population that has a phone for 7 members of the family to get a class. The things are that when you have other problems and you are in a room as they are in the camps with a lot of people, the last thing that they do it's to attend the class.

Questions (for interview 4)

Interview No 4

Brigitte Fischerlehner - volunteer for MVI Medical Volunteers International (psychotherapist for children and adolescents in Austria).

- 1) Tell me a little about your experience in the camps: reality, expectations, challenges, work done?
- 2) The conditions in the refugee camps affect the physical and mental health of the child, what is the role of the NGO in the psychological and educational protection of these children, how does the Greek government support the NGOs in the camps, do you know of any cases where the living conditions of the child were so bad that they could move on?
- 3) How does mental health and trauma affect the development and experiences of the children in the camps?
- 4) During the pandemic, the situation worsened because there was no movement in the camps and the children had to stay in the camps. How did COVID affect the education of these children, how did they learn, as access to internet was minimal, how will the gap be bridged after the pandemic?

1) I was in Lesbos for a month working as a volunteer for MVI Medical volunteers International. MVI's mental health clinic is not directly in the camp. People are only allowed to leave the camp for 4 hours a week since the pandemic and the conditions of the camp are even worse than I expected. The hygienic conditions and the 'living space' of the people are indescribable. The fact that the children and adults have to live in a very confined space without a table, armchair, bed or privacy for months does not correspond to humane conditions. Medical care is also very poor, especially from the official side. In my opinion, it is particularly challenging for the work of the NGOs that there is hardly any structure and official bodies where people can really be sent to and where they are supported. I had the impression that everything we do is just a drop in the ocean and yet I had the impression

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that the people are very happy that there are at least NGOs and people to whom they can turn to with their worries and needs.

- 2) Yes, the conditions in the camps have a very negative impact on the health of the children. For example, MVI does a lot to ensure that children get psychological and medical help directly on site. Not all of them, of course, by a long shot. There are a lot of families that fall through the 'grate'. MVI and Doctors Without Borders, and some other NGOs are working very hard to address the psychological and educational needs of the children. At MVI, play therapy and art therapy children's groups are offered to give children the opportunity to connect with their peers in a loving and healing environment and to find ways of expressing their emotional distress. Parent groups are also offered there; for parent counselling. In my opinion, the Greek government does very little for the families and people in the camp. 3. There is also very little support for the NGOs. It is rather the other way round; the NGOs do a large part of the work that should be done by official Greece.
- 3) The hopelessness of the parents, the great fears of the children concerning their parents and themselves, the desperate 'anger' about the situation cause self-injurious behaviour and in some cases behaviour that hurts others. The younger children are often at the stage of development where severe traumatisation has happened. Because there are hardly any opportunities, or only very limited opportunities, to go to school in the new camp, there is also a lot of 'boredom'; there are also no playgrounds or other places where the children can play in peace.
- 4) There are a few NGOs that provide play and sports opportunities for children and youth outside the camp. But due to the pandemic, this is also significantly limited. At the moment everything is very limited.