

The Right to Education At Risk?

A Study on the Right to Access to Education for
Undocumented Children in Greece and Sweden.

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Abstract

During the last decades European countries receive high numbers of irregular migrants and asylum seekers. Among them, children are in the most vulnerable situation. States are mostly concerned in policy planning to regulate this phenomenon, while the rights of these groups are often ignored. Particularly, when it comes to the right to access to education for irregular migrant children and asylum seeking children¹ the situation becomes complicated. The international legal framework guarantees the fundamental right to education. Nevertheless, it is interesting to study whether European states comply with it. For this reason, Greece and Sweden have been chosen. Their study reveals inadequate protection of the right to education in different areas for each country. Greece shows a deficit in practice, whereas Sweden lacks a legislative framework. Besides that, in this study, the right to access to education includes the right to receive education in consistence with the particular needs of undocumented children. Intercultural Education has the potential to meet their needs and provide equality of opportunities for every child. However, is Intercultural Education feasible in reality? Greece and Sweden are used to examine that. At last, the drawn conclusions serve to engage in an exchange of positive practices between the two countries and provide recommendations.

¹ Both categories are included into the term undocumented children.

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CESCR	Committe on Economic Social and Cultural Rights
CoE	Council of Europe
CPR	Civil and Political Rights
CRC	Convention on the Rights of the Child
ECHR	European Convention on Human Rights
ECRE	European Council on Refugees and Exiles
ECRI	European Commission Against Racism and Intolerance
ECtHR	European Court of Human Rights
ESCR	Economic Social and Cultural Rights
EU	European Union
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic Social and Cultural Rights
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
IE	Intercultural Education
L.	Law
MTS	Mother Tongue Studies
NGO	Non- Governmental Organisation
OECD	Organisation for Economic Co-operation and Development
p.d.	Presidential decree
PICUM	Platform for International Co-operation on Undocumented Migrants
SFS	Svensk författningssamling (Swedish Code of Status)
SSL	Swedish as a Second Language
TCN	Third Country National
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UDHR	Universal Declaration on Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural

ΦΕΚ

Organisation

Φύλλο Ελληνικής Κυβερνήσεως (Official Journal of the Greek
Government)

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