

# SUMMARY SHEET : ARTICLE 14 ECHFR

## *"Right to education"*

- 1. Everyone has the right to education and to have access to vocational and continuing training.*
- 2. This right includes the possibility to receive free compulsory education.*
- 3. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right."*

## Content and scope of the article

### Core Principles of Article 14 EChFR

Article 14 of the European Charter of Fundamental Rights (EChFR) guarantees the **right to education**, emphasizing **equal access, vocational training, and respect for parental rights in education**. It is part of the Charter's "Freedoms" chapter, reinforcing the EU's commitment to ensuring education as a fundamental right.

The article establishes three key guarantees:

1. **Equal access to education** at all levels, including free and compulsory primary education.
2. **The right to vocational and continuing training**, ensuring lifelong learning opportunities.
3. **Respect for parental rights** in the choice of education for their children, aligned with their philosophical, religious, and pedagogical beliefs.

These principles align with broader EU objectives, such as **promoting social inclusion, non-discrimination, and professional mobility** within the Union.

### Scope and Application within EU Law

Article 14 applies **only when EU law is engaged**, meaning it does not automatically apply to purely national education policies. However, it is relevant in various contexts, such as:

- **Education rights of EU citizens exercising free movement** under EU law (e.g., children of migrant workers and posted workers).
- **Equal access to education for third-country nationals** under EU asylum and immigration law.
- **Cross-border recognition of qualifications and vocational training standards**, particularly within the European Qualifications Framework (EQF).
- **Education policies impacting EU-funded programs**, such as Erasmus+ and EURES (European Job Mobility Portal).

National authorities implementing **EU directives, regulations, or funding mechanisms** related to education must comply with Article 14.

### Relationship with Other Human Rights Instruments

While Article 14 of the EChFR provides a **comprehensive framework for education rights under EU law**, it interacts with other legal instruments, including:

- **Article 2 of Protocol No. 1 to the European Convention on Human Rights (ECHR)**, which guarantees the right to education but with a narrower scope than the Charter.
- **The European Social Charter (ESC), Article 17**, which provides protections for children's rights, including education.
- **International treaties**, such as the **UN Convention on the Rights of the Child (CRC)** and the **International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 13**, both of which emphasize universal access to education.

### Key Considerations for Legal Practitioners

- **When to invoke Article 14:** It is best used in cases where **EU law applies**—for example, challenges related to cross-border access to education, vocational training rights, or discrimination in education.
- **Interaction with other Charter rights:** Article 14 is often invoked alongside **Article 21 (Non-Discrimination)** and **Article 47 (Right to an Effective Remedy and a Fair Trial)** to strengthen claims of educational rights violations.
- **Limitations and restrictions:** The right to education is subject to **proportionality principles**—states may impose reasonable conditions, such as language requirements, provided they do not lead to unjustified discrimination.

### CJEU Case Law

#### **CJEU Joined Cases C-804/18 and C-341/19: IX v WABE eV and MH Müller Handels GmbH v MJ**

*Key words: Equal treatment in employment and occupation – Prohibition of discrimination on the grounds of religion or belief – Internal rule of a private undertaking prohibiting the wearing of any visible political, philosophical or religious sign or the wearing of conspicuous, large-sized political, philosophical or religious signs in the workplace – Direct*

*or indirect discrimination – Proportionality – Balancing the freedom of religion and other fundamental rights – Legitimacy of the policy of neutrality adopted by the employer – Need to establish economic loss suffered by the employer*

**CJEU Case C-66/18 / Judgment: European Commission v Hungary**

*Key words: Admissibility – Jurisdiction of the Court – General Agreement on Trade in Services – Article XVI – Market access – Schedule of specific commitments – Requirement of authorisation – Article XX(2) – Article XVII – National treatment – Service provider having its seat in a third country – National legislation of a Member State imposing conditions for the supply of higher education services within its territory – Requirement relating to the conclusion of an international treaty with the State in which the provider has its seat – Requirement relating to the provision of education in the State in which the provider has its seat – Modification of conditions of competition to the benefit of national providers – Justification – Public order – Prevention of deceptive practices*

**CJEU Case C-830/18: Landkreis Südliche Weinstraße v PF and Others**

*Key words: Freedom of movement for workers – Regulation (EU) No 492/2011 – Children of frontier workers – Social advantages – System for reimbursement of school transport costs – Requirement of residence in a Land – Exclusion of children attending school in that Land and residing in a Member State other than that of the school attended – Exclusion of nationals residing in other Länder*

**CJEU Case C-161/17: Land Nordrhein-Westfalen v Dirk Renckhoff**

*Key words: Information society – Harmonisation of certain aspects of copyright and related rights – Article 3(1) – Communication to the public – Concept – Publication online, without the consent of the rightholder, of a photograph previously published on another website without any restrictions and with the consent of the rightholder – New public*

**CJEU Case C-161/17: Opinion Land Nordrhein-Westfalen v Dirk Renckhoff**

*Key words: Copyright and related rights in the information society – Concept of communication to the public – Making available to the public on an internet portal of a protected work available to all internet users on another internet portal – Situation in which the work has been copied onto a server without the consent of the copyright holder.*

## Highlights

The right to education is fundamental for personal development, professional opportunities, and social inclusion. Denying access to education creates cascading effects, restricting access to employment, social security, and political participation. This highlights the interdependence of economic, social, and political rights.

### Invoking the Charter in Education Cases:

- Article 14 EChFR is particularly relevant in cases involving access to **free and compulsory education**, vocational training, and **non-discrimination in education**.
- Lawyers can invoke Article 14 before national and EU courts when **EU law is applicable**, for example, when challenging national policies that restrict access to education for migrants, asylum seekers, or minority groups.
- It can also be used in conjunction with **Article 21 (Non-Discrimination)** in cases involving unequal treatment based on race, gender, disability, or economic status.

### Interaction with Other Legal Frameworks:

- The right to education is also protected by **Article 2 of Protocol No. 1 to the ECHR**, which ensures respect for parental rights in education.
- Lawyers should assess whether EU law applies before deciding whether to **invoke the Charter or the ECHR** in their arguments.
- The **European Social Charter** (Article 17) also provides key standards, particularly concerning access to education for vulnerable groups.

## Correspondence with other European/International instruments


The Universal Declaration of Human Rights (UDHR), adopted in 1948, states in Article 26: 'Everyone has the right to education'. Since then, the right to education has been reaffirmed in various international treaties including:

- UNESCO Convention against Discrimination in Education (1960)
- International Covenant on the Elimination of All Forms of Racial Discrimination (1965)
- International Covenant on Economic Social and Cultural Rights (1966)
- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- Convention on the Rights of the Child (1989)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their families (1990)
- Convention on the Rights of Persons with Disabilities (2006).

The right to education has also been recognised in ILO Conventions and international humanitarian law, as well as in regional treaties.

### Further readings

- Sandra Fredman: *The Right to Education*, Comparative Human Rights Law Oxford, 2018

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- Gauthier de Beco, Shivaun Quinlivan, et al.: The Right to Inclusive Education in International Human Rights Law (Cambridge Disability Law and Policy), 2019
  - Klaus Dieter Beiter, The Protection of the Right to Education by International Law Including a Systematic Analysis of Article 13 of the International Covenant on Economic, Social and Cultural Rights, Series: International Studies in Human Rights, Volume: 82, Brill, 2006
  - Gerison Lansdown and Zibha Vaghri: Article 28: The Right to Education. In: Vaghri, Z., Zermatten, J., Lansdown, G., Ruggiero, R. (eds) Monitoring State Compliance with the UN Convention on the Rights of the Child. Children's Well-Being: Indicators and Research, vol 25. Springer, 2022
  - Joel Spring: The Universal Right to Education. Justification, Definition, and Guidelines, Routledge, 2000