

RIGHT TO EDUCATION

Submission to the Universal
Periodic Review of the United
Nations Human Rights Council

4th Cycle – 44th Session

Country Review: Germany

April 2023

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Broken Chalk is an Amsterdam-based NGO established in 2020 that monitors and minimises worldwide human rights violations in education. We aim to promote universal and equal access to education for all.

We encourage and support achieving societal peace with our international sponsors and partners by advocating for intercultural tolerance, preventing radicalism and polarisation, and tackling educational inequalities.

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0. Introduction

1. Broken Chalk drafted this Report to contribute to Germany's Universal Periodic Review (UPR). This Report discusses the main challenges Germany faces regarding education and offers recommendations based on those challenges.
2. The German education system comprises preschool, primary, secondary and tertiary education. Furthermore, although education is compulsory at the primary and secondary levels (until age 15), German education generally lasts until age 18.
3. Moreover, the German education system is mainly run by the State (more precisely, the Federal Ministry of Education and Research) and is free to attend.
4. Globally, Germany ranks high in education, and the PISA report shows that German students generally have good well-being.ⁱ However, as this report will show, among other things, there are inequalities between the highest- and the lowest-performing students. This inequality is mainly due to socioeconomic disparities in the country.ⁱⁱ

I. Main Issues in Education

Gender inequalities

5. In Germany, women are less likely to participate in adult learning than men. For example, in 2019, women only represented 9% of engineering, manufacturing and construction secondary-level education graduates. Furthermore, women must be more defined in specific science, technology, engineering and mathematics fields. Additionally, women are less likely to be employed than men in Germany, particularly those with lower levels of education. Only 49% of women with below upper secondary education were used in 2020, compared to 69% of men.ⁱⁱⁱ

Socio-economic inequalities

6. As early as 2018, the OECD established that it takes 180 years on average for a student from a social class “to earn anywhere near the average income”.
7. Socio-economic status may significantly impact students’ participation in education. In Germany, this is less the case. Tuition fees are among the lowest across countries with available data, and public support is available for students coming from disadvantaged backgrounds. However, social-economic status does influence learning outcomes in Germany: the number of students with a lesser socioeconomic status achieving higher education is 29% lower than those with a higher socioeconomic status.^{iv} Furthermore, in 2021, it was found that the link between socioeconomic background and educational success is growing stronger again. This is due to substantial immigration.^v

Education and migration background

8. Students with an immigration background can face more significant obstacles to learning. For example, for some students with a migration background participating is more difficult due to language barriers and the need to adjust to the culture. Moreover, in Germany, immigrant students are disproportionately affected by structural inequality. Studies have shown for decades, and still lead, that non-immigrant students and students with a higher socio-economic status outperform their peers, even with similar cognitive aptitude. The number of Immigrant students achieving higher levels of education is 25% lower than that of non-immigrant students.^{vi} Additionally, immigrant students are less likely to advance in their education. This is since immigrant students are less likely to be recommended for higher educational levels and to enter universities. In short, the German education system fails to assist students in overcoming disadvantages and marginalisation because of their background.

Cross-regional disparities

9. There are cross-regional disparities in education in Germany because most decision-making power regarding Germany's education system is at the Länder level. The enrolment rate of 3–5-year-olds and the number of students participating in tertiary education varies, and education in rural areas is lacking compared to education in the big cities.

Teachers

10. Women are over-represented among primary and secondary levels of education (87% and 56-66%) and under-represented in tertiary education (39%). Notably, Germany needs more teachers. 30.000-40.000 teaching positions are believed to be filled.^{vii} One of the reasons for this shortage is that job security for young teachers is no longer a given. Furthermore, individual states within Germany have begun a competition. For example, wealthy Bavaria has begun offering teachers from other states a handsome relocation allowance and higher salaries.

Investments

11. The Federal Republic of Germany is in a delicate situation today. The war in Ukraine has severely shaken its economy and is likely to experience a mild recession, according to forecasts by the German Central Bank. On March 21, the German newspaper *Der Spiegel* devoted an interesting report to the crisis in the German school system. The title, "The bankrupt school" (*Das Schul-Fiasko*), is rather explicit.^{viii}
12. Germany spends less on education than the average OECD country, and its results still need to be more brilliant than most developed countries. In 2018, Germany was still lagging and ranked 17th behind Asian countries (Singapore, China, South Korea), Ireland, Estonia, Finland, Japan, the United Kingdom and the United States. Poland does better.
13. As in other countries, notably France and the United Kingdom, the teaching profession is no longer attractive. In general, schools are just some of the ones to suffer from under-investment and a lack of interest by the federal government. The school's failure is the failure of the country's public services in general. The challenges in Germany are tremendous: the catastrophic state of the railway network, the lack of means of the army, and an ageing

population. *Foreign Policy* magazine is even more critical: the country is not attracting qualified workers, although they are crucial to its demography.^{ix} Also, as mentioned above, the German education system cannot adapt to the current demographical needs. While Germany desperately needs more immigrants, students without German citizenship are “nearly three times” more likely than other German students to leave school without any qualification whatsoever. The Federal State could be blamed for not implementing any reform.

14. Although Germany has made progress since the 2000s, the need for more investment and educational personnel is undermining the country's progress. Inequality is the main problem in Germany today. Before the neoliberal reforms, the Gini coefficient [which measures a country's inequality rate] was 28.8. It is now above 31. One-third of the German students live below the poverty line, and 37.9% are poverty vulnerable.^x So, after proclaiming itself the economic leader of Europe, Germany seems to be the new sick man of Europe

II. Recommendations

Gender inequalities

15. Measures to promote gender equality should be strengthened, particularly concerning the underrepresentation of women in specific fields of education. Furthermore, adopting a comprehensive national gender strategy or a plan to address the structural factors perpetuating gender inequalities should be considered.

Socio-economic inequalities

16. Low-income students may face additional challenges outside of the classroom that can impact their academic performance, such as a lack of access to healthcare or adequate nutrition. Providing targeted support for these students, such as access to counselling services, after-school programs, and nutritional assistance, could reduce the impact of these challenges on their academic success. The federal government can develop measures such as breakfast at school, which already exists in neighbouring countries such as France, or reduce homework in favour of group work during school hours. Access to higher education is often limited for low-income students in Germany.
17. Moreover, Germany should reform the tracking system, which places students in different educational tracks based on their academic ability. This often leads to socioeconomic segregation, with low-income students being placed in lower ways and having fewer opportunities for academic success. Reforms to the tracking system could include greater flexibility in moving between tracks, increased support for lower-track students, and greater emphasis on vocational education and training.

Education and migration background

18. Equal access to education should be ensured, and effective measures to eliminate structural obstacles in the education system for students with migrant backgrounds should be taken. This could be done by, for example, more significant support for language learning and by providing

cultural sensitivity training for teachers and staff.

19. Since immigration is necessary today for the country's growth and maintaining its economic and welfare systems, the federal government should invest in specialised and dedicated schools for foreigners. Most immigrants come from Arabic- and Turkish-speaking countries, so the federal government must immediately provide specialised structures to receive them. To keep up with the growing demographics of neighbouring countries, such as France and the United Kingdom, Germany must invest in the training of immigrants.

Cross-regional disparities

20. The centralisation of educational programs and the launch of innovative programs, such as the German Excellence Initiative in 2005 to improve academic research at the country's universities, are welcome. Between 2005 and 2017, 4.6 billion euros were invested. So today, Germany needs a broad-based Initiative of Excellence program for its primary and secondary schools. Federal education initiatives are therefore positive, recommended, and should be further developed.

Teachers

21. Young teachers should be given more job security. More teachers should be trained to teach subjects that are in high demand. There should also be more psychological support for teachers and a crisis hotline. Finally, it should be easier for overseas professionals to have their diplomas recognised. This could be done by making the current regulations more uniform.

Investments

22. The federal government shall review its education policy and increase access to higher education through financial aid, scholarships, and other programs to level the playing field and provide more significant opportunities for all students. Investing in high-quality early childhood education programs can help to level the playing field for low-income children and provide them with the foundational skills they need to succeed in school. Furthermore, since teachers play a critical role in students' success, public investments should be used to improve teacher training programs and provide incentives for teachers to work in low-income areas

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ⁱⁱⁱ OECD (2021), “Regional education”, OECD Regional Statistics (database), <https://dx.doi.org/10.1787/213e806c-en> (accessed on 27 July 2021); OECD (2021), Education at a Glance 2021: OECD Indicators, OECD Publishing, Paris, <https://dx.doi.org/10.1787/69096873-en>.

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^v CNBC Reports, “Education inequality: a global problem”, 14 July 2021.

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^x Federal Statistical Office of Germany, 2021.



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