

The Education System in the Federal Republic of Germany 2010/2011

**A description of the responsibilities, structures and
developments in education policy for the exchange of information in Europe**

- EXCERPT -



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1. POLITICAL, SOCIAL AND ECONOMIC BACKGROUND AND TRENDS

1.1. Introduction

The Länder formed in 1946 in the west built on the federalism of the German Empire [1871-1918] and the Weimar Republic [1919-33] in constitutional terms. The *Grundgesetz* of 1949 [Basic Law - R1] stipulates that the traditional federal order be continued in the areas of education, science and culture. Thus, the primary responsibility for legislation and administration in the above-mentioned areas, so-called cultural sovereignty [*Kulturhoheit*], rests with the Länder. The federalist principle is an acknowledgement of the regional structure which has evolved through Germany's history and is an element in the division of power and also, in a democratic state, a guarantee of diversity, competition and community-based politics. In addition to the federal principle, the education system in the Federal Republic of Germany is characterised by ideological and social pluralism.

A decisive factor in the development of the German education system in a similar direction as from 1945 on was the cooperation of the Länder in the *Kultusministerkonferenz*, or Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany, which was founded in 1948.

The Unification Treaty of 1990 [*Einigungsvertrag* - R2] between the Federal Republic of Germany and the German Democratic Republic required the five Länder in eastern Germany to lay the legislative foundations for the reorganisation of education by 30 June 1991. Under the Establishment of Länder Act [*Ländereinführungsgesetz* - R3] of July 1990, the five Länder in eastern Germany set up their own Ministries of Education, Cultural Affairs and Science which joined the Standing Conference of the Ministers of Education and Cultural Affairs in December 1990 with a view to introducing a common and comparable basic structure in the education system by way of the self-coordination of the Länder in the Federal Republic.

Since the unification of the two states in Germany, a central task of educational policy has been the reorganisation of the school system on the basis of relevant agreements of the Standing Conference of the Ministers of Education and Cultural Affairs, as well as the reform of higher education in the Länder in eastern Germany. With the adoption of school legislation by the parliaments of the Länder in eastern Germany, western Germany's differentiated system of secondary education was introduced in all five Länder in eastern Germany at the beginning of the 1992/1993 school year. As for vocational training, the existing regulatory instruments in the Federal Republic, namely the Vocational Training Act [*Berufsbildungsgesetz* - R82], the Handicrafts Code [*Handwerksordnung* - R81], the *Ausbildungsordnungen* [training regulations] and the *Rahmenlehrpläne* [framework curricula] for the *duales System* [dual system] of vocational education and training, were extended to the five Länder in eastern Germany with effect from 1 August 1990. This laid the foundation for a reform of vocational training. In higher education, the Federation regulates the general principles of the higher education system by means of the Framework Act for Higher Education [*Hochschulrahmengesetz* - R121], which was taken as the basis for the legislation on higher education and research in the new Länder. Continuing education legislation created the necessary framework for replacing the state monopoly in the Länder in eastern Germany with a range of continuing education

courses guided by free market principles and provided by various public and privately-maintained bodies.

1.2. Historical Overview

Following the end of the Second World War in 1945, Germany was divided into American, British, Soviet and French zones of occupation and placed under the control of the four powers. No agreement could be reached between the three Western powers and the Soviet Union on a common political and social structure for Germany. Therefore in the three Western zones of occupation the Federal Republic of Germany, a democratic and social federal state, was created in May 1949 with the promulgation of the Basic Law [*Grundgesetz* - R1], whilst in the Soviet zone of occupation, the German Democratic Republic [GDR] was established in October 1949. Under the influence of the Soviet military authorities the GDR distanced itself from the West, a development cemented by the building of the Berlin Wall in August 1961. In the autumn of 1989, however, the mass exodus of GDR citizens to Hungary, Czechoslovakia and Poland and the peaceful demonstrations in the GDR brought the collapse of the Communist regime led by the Socialist Unity Party. Thus, in March 1990, the first free, democratic elections to the GDR parliament, the *Volkshammer*, could be held. The GDR's accession to the Federal Republic of Germany on 3 October 1990 marked the end of over forty years of division and the restoration of a unified German state. The changes in the Soviet Union and the upheaval in the countries of eastern and central Europe had helped to create the political climate for German unity.

Since 1990, the Federal Republic of Germany has been made up of 16 Länder: Baden-Württemberg, Bayern, Berlin, Brandenburg, Bremen, Hamburg, Hessen, Mecklenburg-Vorpommern, Niedersachsen, Nordrhein-Westfalen, Rheinland-Pfalz, Saarland, Sachsen, Sachsen-Anhalt, Schleswig-Holstein and Thüringen. The 10 Länder in western Germany of the Federal Republic were reconstituted or established after 1945. In the Soviet occupation zone [later the GDR] the Länder Brandenburg, Mecklenburg, Sachsen-Anhalt, Sachsen and Thüringen were re-formed. As a divided city, Berlin held a special status under the law. During a move to centralise the administrative system governing the entire state, the GDR, only in existence since 1949, abolished the Länder in 1952 and replaced them with 14 districts. Following the peaceful revolution in the GDR, the five Länder were reconstituted under the Establishment of Länder Act [*Ländereinführungsgesetz* - R3] of July 1990.

As soon as the unity of the German state had been established attempts were made to bring the political, economic and social conditions in the Länder in eastern Germany into line with those in the western Länder of the Federal Republic. Today, the major policy tasks facing the united Germany are to find a solution to the economic and social problems that are the legacy of the socialist planned economy. Basic background information on Germany can be found in the handbook *Facts about Germany* [www.tatsachen-ueber-deutschland.de] published by the Federal Foreign Office [*Auswärtiges Amt*].

In order to bring about German unity in the areas of culture, education and science, the Unification Treaty [*Einigungsvertrag* - R2] concluded between the Federal Republic of Germany and the GDR on 31 August 1990 contains fundamental provisions which aim to establish a common and comparable basic structure in education - particularly in the

school system – and a common, though differentiated, higher education and research landscape in the Federal Republic of Germany.

The unification of the two German states in October 1990 changed the party political scene in that new or altered political groupings emerged after the peaceful revolution in the GDR in November 1989. A wider political spectrum thus came into being in Germany as reflected in the distribution of seats in the German *Bundestag* after the six sets of all-German elections: the Christian Democratic Union of Germany [CDU], the Social Democratic Party of Germany [SPD], the Free Democratic Party [FDP], the Christian Social Union [CSU], the Alliance 90/Greens and the Left Party.

1.3. Main Executive and Legislative Bodies

Constitutional groundwork

The constitution of the Federal Republic of Germany, known as the *Grundgesetz* [Basic Law – R1], was adopted in 1949 to cement a new political system based on freedom and democracy. In its preamble, the German people was called on *to achieve in free self-determination the unity and freedom of Germany*.

This came true in 1990. Following the conclusion on 31 August 1990 of the Unification Treaty [*Einigungsvertrag* – R2] setting out the modalities for the German Democratic Republic's [GDR] accession to the Federal Republic, the preamble and concluding article of the Basic Law were revised. The text of the constitution now reflects the fact that, with the accession of the GDR, the Germans have regained their unity. Since 3 October 1990 the Basic Law is binding on the whole German nation.

The Basic Law states that the Federal Republic of Germany is a democratic and social federal state [Art. 20]. All public authority emanates from the people. It is exercised by the people through elections and referendums and by specific legislative, executive and judicial bodies. The legislature is bound by the constitutional order, the executive and the judiciary by laws and justice. This applies both to the Federation and the Länder.

The exercise of governmental powers and the discharge of governmental functions are divided by the Basic Law [Art. 30] between the Federation and the Länder. Except as otherwise provided or permitted by the Basic Law these are incumbent on the Länder. At federal level, legislative functions are essentially discharged by the German *Bundestag* and executive functions are essentially executed by the Federal Government. At the level of the Länder they are discharged by the Land parliaments and the Land governments respectively.

Functions of the judiciary are exercised by the *Bundesverfassungsgericht* [Federal Constitutional Court], other federal courts and the courts of the Länder [Art. 92 of the Basic Law]. The Federal Constitutional Court rules on interpretation of the Basic Law in particular.

The Federal President

The Federal President [*Bundespräsident*] is the head of state of the Federal Republic of Germany. He is elected by the Federal Convention [*Bundesversammlung*] for a period of five years [Art. 54 of the Basic Law]. The Federal Convention is a constitutional body which meets only to elect the Federal President. It is made up of members of the *Bundes-*

tag as well as the same number of delegates elected by the parliaments of the Länder. The Federal President represents the Federal Republic of Germany in its international relations. He concludes treaties with foreign countries on behalf of the Federation, while the actual conduct of foreign policy is the prerogative of the Federal Government. The present incumbent is CHRISTIAN WULFF who entered office in June 2010.

The Bundestag

The *Bundestag* is the parliamentary assembly representing the people of the Federal Republic of Germany. After the elections to the German *Bundestag* in September 2009, the assembly currently features 621 seats. The members of the *Bundestag* are elected by secret ballot at general, direct, free and equal elections for a term of four years [Art. 38 of the Basic Law]. The main functions of the *Bundestag* are to adopt legislation, elect the Federal Chancellor and monitor and control the activities of the Federal Government. The *Bundestag* has formed committees for specific subject areas. Education and research are dealt with by the Committee on Education, Research and Technology Assessment. Most of the bills submitted to parliament for its consideration come from the Federal Government, while a smaller number are introduced from the floor of the *Bundestag* itself or by the *Bundesrat*, the representative body of members of the Länder governments.

The Bundesrat

The *Bundesrat*, the representative body of the 16 Länder, is also involved in legislation and federal administration as well as in issues of the European Union [Art. 50 of the Basic Law]. The *Bundesrat* is composed of members of government in the Länder. Each of the Länder has between three and six votes depending on their population, although the votes of one Land cannot be split. The smallest of the 16 Länder have three votes, those with a population over two and up to six million inhabitants have four votes, while Länder with a population over six million are entitled to cast five votes and those with a population over seven million may cast six votes of the total of 69 votes. A considerable part of all federal legislation is subject to the approval of the *Bundesrat*. Legislation requires such approval particularly when it refers to the finances or the administrative authority of the Länder. Of the *Bundesrat's* 16 committees, the Cultural Affairs Committee, the Internal Affairs Committee and the Committee for European Union Issues are the main committees responsible for science and education. Under an agreement concluded in 1987 between the Federation and the Länder on the notification and involvement of the *Bundesrat* and the Länder in European Union affairs, the *Bundesrat* in 1988 established the *EU Chamber* in 1988, which was replaced by a *Europe Chamber* in 1993. The task of the *Europe Chamber* is to adopt statements on EU documents and bills in urgent cases. The Maastricht Treaty, ratified in December 1992, resulted in an amendment of the Basic Law [Art. 23] to accord the Länder more rights of participation in EU affairs. The performance of duties and responsibilities is set forth in detail in the Act on Cooperation between the Federation and the Länder in European Union Affairs [*Gesetz über die Zusammenarbeit von Bund und Ländern in Angelegenheiten der Europäischen Union* - EUZBLG - R10] which was passed in 1993. The rights and obligations of participation of the Länder provided for in said Law are exercised through the *Bundesrat*. The nature and scope of such rights and duties are based on the internal assignment of responsibilities between the Federation and the Länder. When legislative powers exclu-

sive to the Länder in school education, culture or broadcasting are primarily affected, the exercise of the rights belonging to the Federal Republic of Germany as a member state of the European Union is delegated to a representative of the Länder designated by the *Bundesrat*.

The Federal Government

The Federal Government is comprised of the Federal Chancellor and the Federal Ministers. The Federal Chancellor enjoys an autonomous, eminent position within the Federal Government and with regard to the Federal Ministers. He makes proposals to the Federal President on the appointment and removal of ministers [Art. 64 of the Basic Law] and directs the affairs of the Federal Government. The strong position of the Federal Chancellor is based first and foremost on his power to determine general policy guidelines as enshrined in Article 65 of the Basic Law: *The Federal Chancellor sets out general policy guidelines and is responsible for them*. The present incumbent, ANGELA MERKEL [Christian Democratic Union], has been in office as Federal Chancellor since November 2005. After the general elections in September 2009, the *Bundestag* elected her Federal Chancellor for a further four years.

Within the Federal Government, it is the Federal Ministry of Education and Research [*Bundesministerium für Bildung und Forschung* – BMBF], that is responsible for policy, coordination and legislation regarding out-of-school vocational training and continuing education, financial assistance for pupils and students, as well as for the admission to higher education institutions and the degrees they confer. Furthermore, the Federal Ministry of Education and Research exercises the responsibilities of the Federation as part of the *joint tasks* of the Federation and the Länder [Art. 91b of the Basic Law]. For more detailed information on the responsibilities of the BMBF, see chapter 2.7. Other Federal ministries are also involved, as they are responsible for certain aspects of education and science. As of 2010, these ministries are:

- the Federal Ministry for Foreign Affairs is responsible for Foreign Cultural Policy including German schools abroad,
- the Federal Ministry of the Interior is responsible for the legislation on the status-related rights and duties of the civil servants of the Länder, which include most teachers,
- the Federal Ministry of Justice is responsible for the legislation on entry to the legal profession,
- the Federal Ministry of Labour and Social Affairs is responsible for measures to promote employment and for occupational and labour market research,
- the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is responsible for child and youth welfare,
- the Federal Ministry of Health is responsible for regulations on entry to the medical and paramedical professions,
- and the Federal Ministry for Economic Cooperation and Development is responsible for international continuing education and development.

The Federal Constitutional Court

Based in Karlsruhe, the Federal Constitutional Court [*Bundesverfassungsgericht*] is responsible for monitoring compliance with the Basic Law. It examines legislation enacted at federal and Land level to ensure that it is compatible with the Basic Law. Any citizen of the Federal Republic has the right to file a complaint with the Federal Constitutional Court if he feels his basic rights have been violated by the state.

The Länder as constituent states within the federal state

The principle of federalism [*Föderalismus*] in the Federal Republic of Germany may be understood against the background of Germany's constitutional and state tradition. One of the fundamental elements of the Basic Law [*Grundgesetz*], besides the principles of democracy and the rule of law, is the principle of federalism [Art. 20, Paragraph 1]. A major characteristic of the federal state is that both the Federation and its constituent states, known as Länder, have the status of a state. One core element of this status is, according to the constitutional order laid down in the Basic Law, the so-called cultural sovereignty [*Kulturhoheit*], i.e. the predominant responsibility of the Länder for education, science and culture. This element is at the heart of their sovereignty. This means in principle that each Land bears responsibility for its educational and cultural policy, with the proviso that, in accordance with the federalist principle, they lend expression to the historical, geographical, cultural and socio-political aspects specific to their Land and thus to diversity and competition in the education system and in the field of culture. On the other hand, the constituent states of the federal state bear joint responsibility for the entire state. This overall responsibility both entitles and obliges them to cooperate with one another and to work together with the Federal Government.

Federalism has a long, many centuries covering tradition in Germany. Various models of state organisation developed within the framework of the federal order: the Holy Roman Empire of the German Nation [to 1806], the German Confederation [1815-1866], the German Empire [1871-1918] and the Weimar Republic [1919-1933]. The members of the *Parlamentarischer Rat* [Parliamentary Council] who established the constitutional order of the Basic Law in 1948/49 created a federalist order in the newly-founded Federal Republic of Germany not only in order to carry on a constitutional tradition but also in order to make a conscious break with the National Socialist centralist state [1933-1945]. In doing so they returned the school system, in particular, into the hands of the Länder. This federal order was also retained after the establishment of German unity in 1990.

Except as otherwise provided or permitted by the Basic Law, the exercise of governmental powers and the discharge of governmental functions is incumbent on the Länder [Art. 30 of the Basic Law]. Each Land has its own constitution – according with the principles of a republican, democratic and social state governed by the rule of law within the meaning of the Basic Law [Art. 28]. The distribution of legislative competence between the Federation and the Länder is defined in the Basic Law, in that the Länder *shall have the right to legislate insofar as this Basic Law does not confer legislative power on the Federation* [Art. 70]. Educational and cultural legislation is therefore primarily the responsibility of the Länder. The administration of these matters is almost entirely the responsibility of the Länder. Alongside education, science and culture there are other major fields in which the Länder enjoy exclusive powers; these include internal security/police, local government and regional structural policy.

With a view to coordinating cooperation in the areas of education and training, higher education and research, as well as cultural matters, the Länder established the Standing Conference of the Ministers of Education and Cultural Affairs [*Ständige Konferenz der Kultusminister der Länder*] in 1948, which has served as a forum for cooperation ever since [as to its special status see chapter 2.7.]. Similarly, the Länder have set up conferences of the relevant ministers for the other areas of responsibility, such as the Conference of Ministers of the Interior and the Conference of Ministers of Economics.

Local self-government

Local self-government as an expression of civil freedom has a long tradition extending as far back as the Middle Ages in Germany. The right of local authorities [*Kommunen*] to self-government as enshrined in the Basic Law [Art. 28] covers issues pertaining to the local community such as maintenance of roads and public facilities as well as local public transport and town planning. It also includes the construction and maintenance of further public service areas, such as *Kindergärten* [nursery schools], school buildings, theatres and museums, hospitals, sports facilities and swimming pools. The local authorities are likewise responsible for adult education and youth welfare and help promote and support cultural activities by providing the majority of public expenditure in this area. In order to meet these responsibilities, local authorities are entitled to levy their own taxes and charges [property and trade tax, consumer and expenditure taxes]. The local authorities also receive a proportion of wage and income taxes, as well as of turnover tax.

1.4. Population: Demographic Situation, Languages and Religions

Demographic Situation

Organisation of administration

As of 31 December 2009, Germany has been divided regionally and for administrative purposes into 16 Länder [including three city states], 22 administrative regions [*Regierungsbezirke*], 412 districts [*Kreise*] comprising 111 municipalities with the status of a district [*kreisfreie Städte*] and 301 rural districts [*Landkreise*] and 11,993 municipalities [*Gemeinden*]. The city states of Berlin, Bremen [two municipalities] and Hamburg are also counted as local authorities, as are all municipalities with the status of a district and inhabited areas not belonging to any municipality. Some Länder also have inter-municipal corporations [*Gemeindeverbände*] which are formed if their members agree to pool their efforts with each retaining its individual rights.

Population structure

Germany's population structure is essentially shaped by the huge population movements and displacements in the post-war era. By the end of 1950, around 12 million German exiles and refugees from the former German eastern provinces and eastern Europe had moved into the area of the Federal Republic of Germany and the German Democratic Republic [GDR]. By the autumn of 1950 forced repatriation had for the most part been completed. In the ensuing period from 1950 to 1995, around 3.5 million repatriates arrived in the areas constituting the former Federal Republic and, after 1990, in Germany as a whole. By far the majority came from eastern Europe and either had German citi-

zenship or were ethnic Germans. By the time the Berlin Wall was built in 1961 and the border between the two Germanies sealed off by the GDR, 2.7 million refugees and migrants had come from over there; between 1961 and 1988, the Federal German authorities counted about 616,000. In 1990, another 390,000 people left the GDR.

A further factor influencing the changing population structure is the number of foreign nationals living in Germany. In 2009, there were just under 6.7 million foreign nationals, or just less than 8.2 per cent of the overall population. In numerical terms, Turks represented the biggest group, at just below 25 per cent of Germany's foreign population. In 2009, more than one-third of all foreign residents [35.4 per cent] came from EU Member States, of which Italy was most strongly represented at 7.7 per cent of the entire foreign population.

Settlement structure

Since the restoration of German unity, the Federal Republic of Germany covers a total of some 357,000 km². In 2009, just less than 82 million people lived in Germany. With a population density of 229 inhabitants per km² in 2009, Germany is one of the most densely populated nations in Europe.

In geographical terms, the population is distributed extremely unevenly. The most densely populated areas are the city states of Berlin, Bremen and Hamburg. Nordrhein-Westfalen, where towns and cities run into each other without any clear boundaries in the industrial area surrounding the Rhine and Ruhr rivers, had just less than 17.9 million inhabitants in 2009 with a population density of 524 inhabitants per km². Other conurbations include the Rhine-Main area, the industrial area in the Rhine-Neckar district, the commercial area around Stuttgart and the areas around Bremen, Cologne, Dresden, Hamburg, Leipzig, Munich and Nuremberg/Fürth.

These densely populated regions contrast with extremely thinly populated areas, e.g. in the North German Plain, parts of the Central Upland, the Brandenburg Marches and in Mecklenburg-Vorpommern.

The west of Germany is considerably more densely populated than the east of Germany, including Berlin. In the east in 2009, only 20 per cent of the population lived on 30 per cent of Germany's total area; this represents fewer people than live in Nordrhein-Westfalen, which is just less than 10 per cent of Germany's total area. Of the 38 cities with more than 200,000 residents, seven are in the eastern part of Germany, apart from Berlin.

In 2008, almost one in three people in Germany lived in one of 81 large towns and cities with over 100,000 people. This is more than 25 million people. The overwhelming majority of the population lives in villages and small towns: just less than 5.4 million live in places with up to 2,000 residents. More than 51 million live in municipalities with populations of between 2,000 and 100,000.

Birth rate development

In line with the majority of western industrial nations, Germany has a low birth rate and a correspondingly small number of children. The decisive decline in the birth rate took place between the mid-sixties and the mid-seventies.

In the Länder in eastern Germany, 99,642 births were registered in 2009. In the Länder in western Germany, the annual birth rate in 2009 was 533,380. In Berlin, 32,104 births were registered. The absolute number of births in Germany in 2009 was 665,126. Compared to the year 2008, the number of births has decreased by about 17,000.

Age distribution

The age distribution of the population of Germany is on the point of changing with lasting effect. This is due to both the declining number of children and the increasing life expectancy. This results in a drop in the proportion of young people at the same time as an increase in the proportion of older people.

In 2009, some 15.3 million inhabitants were younger than 20. This corresponds to a proportion of 18.75 per cent. The proportion of inhabitants aged 60+ increased from 20.0 per cent in 1970 to 25.9 per cent in 2009. Their numbers amounted to more than 21 million and, in 2009, they outnumbered the younger inhabitants.

Population by age

Age from	2000	2005	2009
0 to 5	3,943,844	3,570,858	3,409,608
5 to 10	4,073,345	3,968,520	3,647,727
10 to 15	4,760,053	4,110,494	3,965,299
15 to 20	4,612,432	4,835,789	4,317,072
20 to 25	4,644,257	4,853,808	4,934,457
25 to 45	25,255,123	23,736,398	21,818,329
45 to 60	15,558,307	16,822,030	18,500,429
60 and over	19,412,179	20,540,098	21,209,336
Total	82,259,540	82,437,995	81,802,257

Source: Statistisches Bundesamt

Migration (cross-border arrivals and departures)

Despite the low birth rates, the population has grown by a total of 4 million since 1970. This is due to the number of migrations: Since 1970, some 6.5 million more people have immigrated to Germany than emigrated from Germany.

In 2009, 721,014 people immigrated from abroad, 733,796 left Germany. This represents a decrease of 12,782 people. On average between 1991 and 1996, Germany's migration excess was just below 500,000 per year. In 2009, more than three-fourths of immigrants to Germany came from Europe, over 80 per cent of these from European Union member states.

Languages

German is stipulated by law as the official language of administration and the judiciary. The two main provisions can be found in the Administrative Procedure Act [*Verwaltungsverfahrensgesetz*, Section 23 - R5] and the Court Constitution Act [*Gerichtsverfassungsgesetz*, Section 184 - R4]. There are special provisions in Brandenburg and Sachsen for the use of the Sorbian [Wendish] language.

There are no corresponding legislative provisions on the language of instruction in the education sector. German is the normal language of instruction and training at general education and vocational schools as well as institutions of higher education.

The exceptions in the school sector include, alongside certain privately-maintained schools, all bilingual schools and classes as well as instruction and extra classes in the mother tongue for pupils whose native tongue is not German. In 1998, Germany joined the European Charter of Regional and Minority Languages of the Council of Europe and applies this agreement to those speaking Danish, Frisian, Sorbian, Romany and Low German. The children of the Danish minority in Schleswig-Holstein can attend privately-maintained *Ersatzschulen* [alternative schools] instead of the general education schools of the public sector, as long as the educational objectives of these schools essentially correspond to those of the school types provided for in the Schleswig-Holstein education act [R116]. Lessons in these schools are taught in Danish. As a rule, German is a compulsory subject as of grade 2. Parents may choose whether their children should attend schools catering for the Danish minority. They merely have to inform the local *Grundschule* [primary school] that their child has been accepted at a school which caters for the Danish minority, and thus absolve him/her from the need to attend the public-sector school.

Children of ethnic Sorbian descent in the settlement area of the Sorbs in Brandenburg and Sachsen, in particular, have the opportunity of learning the Sorbian language at Sorbian or other schools and are also taught in the Sorbian language in certain subjects as well as at certain grades or levels of education. All schools in Sachsen and those in the Sorbian settlement area in Brandenburg also impart basic knowledge of Sorbian history and culture. Parents may decide freely whether their children are to attend the Sorbian schools where Sorbian is a compulsory subject and sometimes also the language of instruction. Additionally, Romany, the language of the German Sinti and Romanies, as well as Frisian and Low German in the Länder of northern Germany are taken into account to varying degrees in schools, higher education institutions and in adult education.

As a rule, the language of instruction in higher education is also German. Individual classes may also be conducted in a foreign language if it serves the objectives of the course of study. The institutions of higher education are making increasing use of this possibility. This particularly applies to the *internationale Studiengänge* [international degree courses]. As a rule, the main element of these study courses is the fact that a foreign language – predominantly English – is used as the language of instruction and as a working language. This development is supported by the increasing internationalisation of institutions of higher education and the Bologna Process for the realisation of a European Higher Education Area. More detailed information on international degree courses is available in chapter 13.5.

Religions

The Basic Law [*Grundgesetz* – R1] guarantees freedom of belief and conscience and the freedom of creed, religious or ideological; the undisturbed practice of religion is guaranteed [Art. 4].

There is no state church in the Federal Republic of Germany; the Basic Law guarantees the rights of the religious communities [Art. 140]. As religious communities, their rela-

tionship with the state has been adopted from the provisions of the 1919 Weimar constitution [Art. 136–139 and 141], which are part of the Basic Law, and is characterised by the principle of the separation of church and state. At the same time, the state confers certain tasks and rights on the religious communities [e.g. the levying of church taxes]. Religious communities have the status of independent public law bodies or can apply for the granting of this status if their constitution and the number of their members offer a guarantee of permanence [Art. 137 Paragraph 5 of the Weimar constitution]. In 2008, the Roman Catholic Church in Germany had 25.2 million members and the Protestant Church had 24.5 million members [approx. a third of the population each]. The Free churches and the Greek Orthodox Church as well as the Jewish communities are also represented among others. The large number of people with migrant backgrounds who have made their home in the Federal Republic account for 3.8 to 4.3 million Muslims, the largest group of which are of Turkish nationality.

According to the Basic Law, religious instruction is part of the curriculum in public-sector schools, except non-denominational schools. As stipulated by the Basic Law, religious instruction is given in accordance with the doctrine of the religious community concerned [Art. 7, Paragraph 3]. The stipulations contained in the Basic Law on religious instruction as a standard subject are not, however, applied in Brandenburg, Bremen and Berlin since these Länder had already laid down different regulations under Land law on 1 January 1949, in other words prior to the promulgation of the Basic Law [Art. 141]. In about half of the Länder there are lessons for pupils of Jewish, Orthodox and other faiths. Aspects of the Islamic religion are currently taught in some Länder, for instance as part of the instruction given in the pupils' native language. Some Länder also offer Islamic instruction in German, predominantly as pilot projects and trials at individual schools. This is however not state religious instruction under the terms of Article 7 Paragraph 3 of the Basic Law. Despite the general willingness of the Länder, it has not yet been possible to introduce Islamic religious education as a standard subject in any Land. The introduction of Islamic religious education requires the participation of either one Islamic religious community or several Islamic religious communities.

The Basic Law stipulates that parents have the right to decide whether children receive religious instruction [Art. 7, Paragraph 2]. According to the Law on the Religious Education of Children [*Gesetz über die religiöse Kindererziehung* – R11], once a child has reached the age of 12, the decision made by the parents must have the child's consent. From the age of 14, each child is free to decide whether to attend religious instruction, unless Land legislation makes other provision. In most of the Länder, pupils who do not participate in religious education are instead taught ethics as a standard subject. The aim of ethics instruction is to provide a basic education in ethics and enable pupils to make reasoned judgments and act responsibly. It also takes account of the diversity of beliefs and world views through dialogue and examination of socially relevant convictions and traditions. In Brandenburg, the subject "Fundamental questions of life – ethics – religious education" [*Lebensgestaltung-Ethik-Religionskunde* – LER] is taught as a compulsory subject in grades five to ten; on request, pupils may also, in addition or as an alternative, attend classes in religious instruction. In Berlin, the subject "Ethics" is taught as a compulsory subject in grades 7 to 10; on request, pupils may also in addition attend classes in religious instruction. For the situation of Protestant religious education and Catholic religious education, see the reports of 2002 of the Standing Conference

of the Ministers of Education and Cultural Affairs of the Länder. An amended version of the report on the teaching of ethics was published in February 2008.

1.5. Political and Economic Situation

Gross national revenue in Germany reached Euro 2,450.40 billion in 2009. Per capita this was Euro 29,937. Gross domestic product totalled Euro 2,407.20 billion and Euro 29,410 per capita.

In 2009, based on the yearly average, the number of people in employment in Germany was 38.7 million people or 47.2 per cent of the population, including 17.7 million women, i.e. 42.3 per cent of the female population. The proportion of women between the ages of 15 and 65 engaged in economic activity amounted to 70.3 per cent in 2009.

In 2009, the average number of unemployed was approximately 3.4 million people, 2.3 million in the Länder in western Germany and 1.1 million unemployed in the Länder in eastern Germany. In the Länder in western Germany, the unemployment rate was 6.9 per cent, in the Länder in eastern Germany 13.0 per cent. This amounts to an unemployment rate for Germany of 8.2 per cent. An average of 376,998 [11.0 per cent of all unemployed people] persons under 25 years of age were without employment in 2009.

Education spending as a proportion of gross domestic product

2000	2005	2007
3.84	3.87	3.80

Source: Bildungsfinanzbericht 2010

Educational attainment of the 25-64-year-old population in per cent

	2000	2005	2008
Below upper secondary	18	17	15
Upper secondary and post-secondary non-tertiary	58	59	60
Tertiary education	23	25	25

Source: Sekretariat der Kultusministerkonferenz