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the European Social Charter

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THE GOVERNMENT OF GERMANY

Article 1, 9, 10, 15 and 18

for the period 01/01/2015 - 31/12/2018

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37th Report
of the Government of the
Federal Republic of Germany
for the period
1 January 2015 - 31 December 2018
(Articles 1, 9, 10, 15 and 18)

To be submitted in accordance with the provisions of Article 21 of the European Social Charter,
the instrument of ratification of which was deposited on 27 January 1965.

In accordance with Article 23 of the European Social Charter,
copies of the Report shall be sent to the Confederation of German Employers' Associations

and

the Federal Executive Committee of the Confederation of German Trade Unions.

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Preliminary remarks

The 37th Report builds on the previous Reports of the Federal Government on the national implementation of the obligations set out in the European Social Charter. It does not refer to the individual provisions of the Charter unless either the remarks of the European Committee for Social Rights of the European Social Charter (for the sake of simplicity hereinafter referred to as "Committee") in the conclusions XXI-1 give reason for this, or the questionnaire makes this necessary or if relevant amendments in the material and legal situation have occurred.

To the extent the situation in Germany varies as a result of reunification, the 37th report also differentiates between the old and new Länder. The term "new Länder" covers the Länder of Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt and Thuringia as well as the eastern part of the Land of Berlin.

Article 1 – The right to work

Paragraph 1 - The right to work - full employment; employment policy

Full employment

The German labour market is in a healthy state. The number of people in employment is 45.4 million, which corresponds to an employment rate of 75.9%. The unemployment rate is 4.8% (November 2019). It is gratifying that the number of jobs subject to social insurance contributions is also continuing to grow and currently stands at 33.3 million. The service sector and strong domestic demand are the foundation of this.

Despite the increase in employment, there are global risks that the Federal Government is monitoring. It is also taking action to influence the course of the structural change in the labour market. The Federal Government is paying special attention to the supply industry and the mechanical engineering sector. It will make further instruments for skills acquisition and further training available.

Demographic change - a central challenge

Demographic change is one of the central challenges. It will profoundly transform Germany in almost all areas of life in the coming decades.

The percentage of older people is already high. In Germany today, every second person is older than 45 and every fifth person is older than 66. Over the next 20 years, the current age structure is expected to lead to a decrease in the working age population and a further increase in the number of senior citizens. In Germany in 2018, 49.8 million people were of working age, i.e. between 20 and 64 years. According to the recent "14th coordinated population projection" of the Federal Statistical Office, by 2030 the working-age population will decrease by about 4 million to 46 million, under the assumptions of variant 2: "Moderate development of birth rate, life expectancy and migration". By 2060 it will fall to 40.7 million.

On the other hand, by 2030 the number of people aged 65 and over will rise from 17.9 million in 2018 by almost 4 million. It will rise further to 23.4 million by 2060.

The population is projected to increase slightly until 2024 from 83.0 million in 2018, and then to decrease steadily to 78.2 million in 2060.

These underlying trends in Germany of an aging and shrinking population have been clear for a long time. However, two recent developments have led to the expected ageing process progressing at an at least somewhat slower pace than previously projected: First, in the course of the extraordinarily high level of immigration of recent years, on balance a total of 2.6 million predominantly young people came to Germany between 2014 and 2017: Ninety percent of them were younger than 40 years old; more than a third younger than 20 years old. This net immigration has counteracted the population decline that would have been unavoidable due to the negative natural population trend with deaths outnumbering births.

However, immigration has also increased the number of people in the younger age groups and contributed to making the potential labour force younger. Second, we have seen slight increases in the birth rate in recent years. After decades of hovering at low levels of around 1.4 children per woman, since 2016 the number has risen to just under 1.6.

In January 2015, Germany introduced a statutory minimum wage of 8.50 euros per hour. Regarding the Committee's request for information on whether the new nationwide minimum wage has had an impact on the demand for labour, the following information may be provided:

Overall, the introduction of the minimum wage has had little impact on labour demand. We believe about 100,000 persons in exclusively marginal employment have transferred to employment subject to social insurance contributions. There are also indications that labour demand would have been slightly higher without the minimum wage. There has been no reduction in employment.

Prohibition of discrimination in employment

The Committee has requested information on cases of employment discrimination that have been dealt with by courts and other competent bodies, and for specific information on their nature, outcome and the compensation paid to the employees concerned. In its conclusions, it also asks that the next report provide information on positive action or measures taken to combat all forms of discrimination in employment. The following information is provided in this regard:

The Federal Government has no statistical data on the application of the General Equal Treatment Act (here: court proceedings, their nature, outcome or any compensation paid to employees).

Labour market participation of women

Women continue to be disadvantaged on the labour market – with consequences that can be felt right into retirement. The labour market is therefore a major focus for family and equality policy. The Federal Government therefore advocates the following:

- equality of participation for women and men on the labour market;
- partnership-based balancing of family, care and work for mothers and fathers
- good prospects when returning to working life after time away caring for family members (bringing up children and/or caring for relatives);
- equal access to leading positions in business, public administration, the academic field and research;
- equal career opportunities for women and men, mothers and fathers;
- equal pay for the same and equivalent work.

The Federal Government's efforts to increase the participation of women in the labour market focus on promoting women's return to work after interruptions in their careers for family reasons, balancing family, care and work responsibilities, supporting women who are starting new businesses, ensuring equal pay and increasing the proportion of women in leadership positions.

The aim of an effective gender equality policy is therefore to give women and men equal opportunities in working life. This is a question of social justice. However, given the growing shortage of skilled workers it is also necessary to guarantee the future viability of our society. To make greater use of women's labour force potential, it is important to increase both the labour market participation of women in general and the number of hours they work. The Federal

Government is implementing targeted measures to promote the equality of women and men in working life as well as balancing family, care and work responsibilities. An improvement in the care/career balance was achieved on 1 January 2012 with the introduction of the Family Care Leave Act (Familienpflegezeitgesetz). Employees were given the option of caring for close relatives at home and of reducing their weekly working time to 15 hours for a maximum of 24 months for this purpose. This provision makes it possible for employees to keep working even while caring for a family member and for businesses to retain the skills and know-how of their skilled workers.

Legislation in 2014 improved possibilities to balance family, care and career still further. Since 1 January 2015, there has been a legal entitlement to family care leave, as well as the possibility to cushion the loss of earnings with an interest-free loan. The possibility of taking out a loan now also applies to the up to six-month care period, i.e. full or partial leave for caring for a close relative at home. In addition to this, employees have had the option of up to 10 working days leave in case of an acute situation since 1 January 2015. During this period, they can apply for a wage replacement benefit - Pflegeunterstützungsgeld. Improved work-life balance possibilities resulting from the expansion of support services for children or relatives who are in need of care, the systematic expansion of all-day schooling and the support given to parents to divide family responsibilities more equitably by means of the parental allowance have created the essential preconditions to enable women to participate in working life on an equal footing. The reporting period saw the parental allowance enhanced through the introduction of parental allowance plus (Elterngeld Plus). Parental allowance plus gives a wider range of options to parents who work part-time after the birth of a child and helps them return from leave earlier as a result. Furthermore, parental allowance plus includes a partnership bonus: This encourages an equitable division of family and work responsibilities. This is because it offers the option of receiving parental allowance plus for a further four months, if mother and father simultaneously work between 25 and 30 hours per week for four consecutive months.

Independent impact studies show that the introduction of the parental allowance and the expansion of childcare¹ led to an increase in the labour market participation of mothers with small children². With the support of parental allowance in the partner months, more and more fathers are taking a career break to spend time with their family and thereby helping mothers return to work³.

In addition work-life balance, the Federal Government is also taking measures to ensure more equitable pay, good job prospects after returning to work, a revaluation of the "typical" jobs women do, for example in the caring professions, and the right to return to full-time employment from part-time working.

Greater employment potential cannot only be realised by a higher rate of female participation, but also by boosting the volume of hours worked by women. This requires incentives to convert marginal employment into employment subject to social security contributions or convert part-time into full-time employment. The Federal Government is therefore assessing which Federal Employment Agency and job centre activities are suitable for integrating more women into (full-time) employment subject to compulsory social insurance contributions. The "Back-to-Work prospects" (Perspektive Wiedereinstieg) action programme aims for a return to working life that

¹ The take-up rate of childcare for children under three years of age rose from 15.5 to 27.6 percent in the time period 2007-2013. By 2014, The Federal Government had made available a total of 5.7 billion euros for childcare expansion.

² For example, Prognos AG (2014): Overall evaluation of marital and family-related benefits.

³ For children born in 2012, 9.3 percent of fathers claimed parental allowance. In 2009 it was 23.6 percent of fathers, and in 2006 just 3.5 percent.

is in line with skills and qualifications and as close to full-time as possible and therefore also promotes employment subject to compulsory social insurance. Particular attention is therefore given to making "time for the return to work", by closely involving partners and ensuring their support for the process of returning to work and by making women returning from leave aware that they can make more time for themselves by utilising family-support services.

If we want to develop employment potential, we need to focus on single-parent families – 90 percent of which are headed by women. They face particular challenges when it comes to reconciling gainful employment and child rearing. More than 40 percent of single parents receive benefits from the basic provision for children.

With its federal ESF programme "Strong in the job – Getting mothers with a migration background into work" (Stark im Beruf – Mütter mit Migrationshintergrund steigen ein), the Federal Government is aiming to make it easier for mothers with a migrant background to get into work and to improve access to existing labour market integration services. Furthermore, labour market stakeholders (businesses, associations, and employment services) are to be made aware of the potential in this target group. The programme is being carried out at 90 locations across the country. The federal programme was able to reach over 10,000 participants in the first funding phase (2015-2018). Around two thirds of the participants have an employment focus (employment, qualification, internship, recognition) after the programme. At the beginning of 2019, the ESF federal programme started a 2nd funding phase (01 January 2019 - 30 June 2022).

Improvements in equal opportunities for women and men in working life can also be seen in education and dual training opportunities for young women. At 56 percent, girls make up the majority of pupils obtaining the university entrance qualification and therefore leave school with a higher level of qualifications on the whole. However, when it comes to choosing a career or university course, women still restrict themselves to a relatively small range and avoid technical professions, for example. For this reason the Federal Government and the business community are continuing to run joint initiatives to persuade more women with qualifications to opt for the fields of mathematics, IT, the sciences and technology, e.g. with Girls' Days, which will be discussed later.

As part of its efforts to improve equal opportunities for women and men in working life, the Federal Government is taking measures to overcome pay differentials between women and men. The unadjusted wage gap between the average gross hourly wages of women and men in Germany has fallen slightly since the last report, but was still 21 percent in 2018. This pay differential is thus an indication of the different levels of participation and unequal earning prospects for women and men on the labour market. Due to the complex nature of its root causes the wage gap can only be reduced in the long term if appropriate measures fit together as part of an overall strategy. To be successful therefore, promising measures must also raise awareness, introduce new priorities and bring on board the key stakeholders.

In order to see better enforcement of the principle of "equal pay for equal work or work of equal value", the Act to Promote Transparency of Remuneration Structures between men and women (Entgelttransparenzgesetz) entered into force on 6 July 2017. It defines key principles and concepts relating to the precept of equal pay and also introduces the following legal instruments:

- Under the German Commercial Code (HGB), companies with more than 500 employees that are subject to management reporting are required to report regularly on their measures to promote equality and achieve pay equality.
- Employees in companies with more than 200 employees have had an individual right to information since 6 January 2018.
- Private companies with more than 500 employees are called upon to carry out company audits with the participation of representative bodies.

Equal Pay Day is the date that symbolises how far into the year women work without pay, while men receive their pay from 1 January. In 2018, Equal Pay Day was 18 March. Since 2011 the Equal Pay Day Forum has supplemented the campaign day with changing thematic focuses throughout the year. The alliance aims to raise awareness, mobilise all stakeholders and, above all, provide information about the causes of pay differentials.

Although the wage gap is smaller in companies in Germany that are bound by collective bargaining than in those that are not, there are still gender-specific wage differentials. The "EVA" list has been developed to assist the social partners from business and labour in assessing individual job evaluation procedures by means of selected questions.

With financial support from the Federal Government, the German Rural Women's Association (Deutsche Landfrauenverband) has trained a total of 21 women as regional "Equal Pay Advisors" in two project runs (2014/2015 and 2017/2018). The advisors tell women and men in rural areas about the influence of stereotypical role models on career choices and interruptions in employment. They point out in particular the consequences of leaving working life and the difficulties of re-entering employment subject to social insurance contributions.

The project "What Does a Woman Earn?" (Was verdient die Frau. Economic Independence!", (Was verdient die Frau? Wirtschaftliche Unabhängigkeit!) which the Federal Government is running in collaboration with the national executive of the German Trade Union Federation (DGB), is intended to strengthen women's economic autonomy. Political, union and business stakeholders are involved. In accordance with the approach of considering life course perspectives, the project focuses on situations of upheaval in the course of life and specifically addresses young women. The project uses social media especially, see www.was-verdient-die-frau.de. It has three funding phases from September 2014 to August 2020.

Procedures such as "Logib-D" or the wage equality checker "eg-check" are available to help identify hidden pay differentials between women and men within companies and to review the reasons for these differences. Logib-D stands for "Lohngleiche im Betrieb - Deutschland" or "wage equality in companies - Germany" and can be used to determine the extent of, as well as the influences behind and reasons for, the average difference in female and male employees' monthly salaries for a company as a whole and for individual locations. The wage equality checker "eg-check" is a tool to expose and eliminate wage discrimination on the basis of gender. It identifies concrete causes for unequal treatment and calculates how much one is financially disadvantaged by means of a test made up of several steps.

The free online tool "Monitor Entgelttransparenz" (<http://monitor-entgelttransparenz.de>) was made available in 2017 with federal financial support. This happened parallel to the entry into force of the Pay Transparency Act. This tool supports companies in implementing the Pay Transparency Act (preparation of company reports, implementation of company audit

procedures, answering employees' individual requests for information). To this end, the "Logib-D" tool was enhanced and adapted for the online tool.

The Federal Government has also taken a large number of measures to promote women's role in the workforce in an effective and sustainable way: alongside measures to improve the work/life balance, there are measures aimed above all at improving equal opportunities for women and men in working life. The Federal Equal Opportunities Act (Bundesgleichstellungsgesetz), which was amended in 2015, makes mobile and flexible forms of work possible as well as other work/life balance measures in federal offices.

The transition from part-time to full-time employment is also facilitated. Statutory prohibitions on discrimination are in place to prevent workers being disadvantaged due to absences caused by work/life balance issues in terms of qualification assessment and career advancement.

The goal of the Federal Government is to create equitable income prospects and to bolster the employment of women both quantitatively and qualitatively throughout their entire working life.

One important component of this work is the "Back-to-Work Prospects" action programme, which the Federal Government has been implementing in collaboration with the Federal Employment Agency and other partners since March 2008.

Within the framework of this action programme the Federal Government supports women and men who, for family reasons, have taken several years off from working life or have reduced their working hours, by offering various projects and initiatives to help them get back into work with good prospects. At the same time companies and businesses are being made aware of the potential of those returning to work - and this against the background of their need for skilled workers.

In the current European Social Fund funding period (2014-2020), the Federal Government is continuing to support people returning to professional life – in jobs which offer nearly full-time employment and are appropriate to their qualifications and training. The first funding phase of the programme "Perspektive Wiedereinstieg - Potenziale erschließen" ("Back-to-Work Prospects - Tapping Potential"), which was launched on 1 July 2015 at 23 pilot locations and ran through the end of 2018, focussed on the following:

- reconciling the return to work with care responsibilities and avoiding the need for employees to take give up work or reduce hours to care for family members
- maximising the potential of women working in a "mini-job" when they have family commitments or who have returned to work in a "mini-job", with the aim of employment subject to social insurance contributions
- household support services
- more direct approaches to employers: raising awareness of the potential of women returning to work to ensure the sustained availability of a skilled workforce.
- expansion of online training courses ("PWE-Online") in terms of topics and content at 13 pilot locations.

In this initial funding phase, 6,275 participants entered the project. Of the participants who completed the project, 65% were integrated into the labour market. On 1 January 2019, "Back-to-Work Prospects - Tapping Potential" started a second funding phase at 21 locations, which will run until 31 December 2020 and, in addition to the above-mentioned priorities, will place a special focus on the acquisition of digital skills.

Up to now (as of 23 August 2019), 866 participants have taken advantage of the in-depth support management in the second funding phase.

Another key element of the "Back-to-Work Prospects" action programme is the information platform, which receives an average of almost 300,000 hits per month, and on which the re-entry calculator is located <http://www.perspektive-wiedereinstieg.de>, and the XING Group, Back-to-Work Prospects: click your way to new possibilities.

A further component of the action programme is a two-week summer school for start-ups, in which 15 women returning to work in each of the years 2015-2017 were provided with the tools they need to be successful while self-employed. Almost two-thirds of the graduates founded a company after the summer school. The action programme is flanked by academic research, public relations efforts and networking at all levels (federal, Länder, local, associations and trade unions).

At local level, the framework conditions for a successful return to work have been improved. In order to strengthen the commitment of companies to helping women and men balance family and career successfully, the Federal Government has been working since 2006 in cooperation with the leading associations in the German economy (Confederation of German Employers' Associations (BDA), Association of German Chambers of Commerce and Industry (DIHK), German Confederation of Skilled Crafts (ZDH)) and the German Trade Union Confederation (DGB) to champion family-friendly working conditions in the German economy with the corporate programme "Families for Success" (Erfolgsfaktor Familie). The aim is to use family-aware HR policies as a strategic management instrument in recruiting and retaining skilled workers and to make family-friendliness a hallmark of the German economy. Around 7,300 companies committed to family-friendly HR policies have already signed up to the "Families for Success" corporate network. These efforts are bearing fruit: according to the "2019 Family-friendly Business Monitor" (Unternehmensmonitor Familienfreundlichkeit 2019) from the Cologne Institute for Economic Research 83 percent of company managers consider family-friendly policies to be important (2006: 72 percent; 2003: 46 percent).

The ESF model programme "JUGEND STÄRKEN im Quartier" (SUPPORTING YOUTH in the neighbourhood) helps young people between 12 and 26 years of age with special needs for assistance in integrating into school, training, work and society.

Under municipal leadership, 175 projects were implemented nationwide between 2015 and 2018. From 2015 to the end of 2018, around 56,950 young people participated, of which around 59% started school or vocational training after the project.

The projects help young people who stay away from school or have dropped out to continue their education. Hard-to-reach young people, who have not developed any career prospects after leaving school, also receive support in the projects. The central component of the project is case management, consisting of long-term individual socio-pedagogical support. This accounted for 40% of all participants in the first funding round. However, shorter advisory/clearing services are also provided if required.

Furthermore, projects focussing on social spaces, so-called micro-projects, not only help strengthen the personal confidence of young people, but also improve neighbourhoods as environments for young people to live in.

Nationwide, around 470 "Youth Migration Services" (Jugendmigrationsdienste, or JMD) support young migrants from 12 to 27 years of age in their linguistic, educational, vocational and social integration, primarily in the transition from school to work. The programme is funded from the Federal Government's planning for children and young people and is part of the JUGEND STÄRKEN initiative.

As part of the migration-specific counselling services pursuant to Section 45 of the Residence Act (AufenthG), the JMDs also offer socio-pedagogical assistance before, during and after the integration courses and actively participate in networking the services for young migrants in social spaces. JMDs provided support to around 459,000 young people between 2015 and 2018.

Women in management positions

The Act on the Equal Participation of Women and Men in Executive Positions in the Private Sector and Public Service (FüPoG) came into force on 1 May 2015. This Act obliges companies which are listed on the stock exchange and subject to full worker participation rules (voll mitbestimmungspflichtig) to have women make up at least 30 percent of their supervisory boards starting in 2016. In addition, companies that are either listed on the stock exchange or subject to some form of corporate worker participation rules must set targets for the composition of their executive body, their supervisory board and the two highest levels of management below the executive body. The companies are also obliged to set deadlines for when they intend to reach the target. This must be no later than 30 June 2017 when the targets are first set (by 30 September 2015). Subsequent deadlines are not to exceed five years.

In the field of public service, the Act on Equality between Women and Men in the Federal Administration and in Federal Enterprises and Courts (BGleiG) was amended. The requirements for the equality plan were specified and set up in line with the regulations for targets in the private sector. In addition, more support for the equal opportunities officers was established by providing for up to three female representatives in large workplaces. The role model function of the highest federal authorities was enhanced through the introduction of the equality index. According to the new Act on the Participation of the Federation in Appointments to Bodies (BGremBG), when appointing members of supervisory bodies in which the Federation has at least three seats, the Federation is obliged to make progress towards achieving or maintaining a quota of 30 percent women from 2016 onwards. In the future, this share is to be increased to 50 percent. In the case of important bodies for which the Federation can appoint at least three members, the federal institutions must work towards creating or maintaining equal representation for women and men.

Since the legislation came into force, the proportion of women on the supervisory boards of companies that are subject to the fixed quota has risen by just under 13 percentage points and now stands at 34 percent. The proportion of women on the management boards of all companies that fall under the FüPoG is 6.1 percent. Of the companies subject to the fixed quota, an average of 92.6 percent have set targets for all levels. Only 57.3 percent of all other companies complied with this obligation. In 2017, women held 35 percent of all federal management positions. Women hold 43.7 percent of the positions in key bodies to which the Federation can make appointments.

The FÜPoG also provides for extensive monitoring of the legislation. The annual equality index of the highest federal authorities and the biennial equality statistics of the entire federal administration complement the annual information which the Federal Government provides on the development of the percentage of women and men in management positions in the public and private sectors. In addition, there was a one-time Federal Government report on the percentage of women and men at management levels and on committees in the private sector and public service published in 2017 (Bundestags-Drucksache 18/13333). The evaluation of the legislation was carried out in 2019. The results will be published in early 2020. On the basis of the coalition agreement, work on draft legislation for the further development of the FÜPoG is currently being done together with the Federal Ministry of Justice and Consumer Protection (BMJV) in order to improve its effectiveness. The legislation is to come into force in 2020.

Expansion of childcare

A supply of good childcare services adequate to people's needs is vital to promoting the employment of women and equal opportunities for women and men in working life, and ultimately to improving the fairness in opportunities and education for children.

By introducing a legal entitlement to a place in a daycare centre or daycare for all children one year old and older, which came into effect on 1 August 2013, the Federation has set a milestone in terms of needs-oriented child care. It complements the law which has been in place since 1996 entitling children to a kindergarten place from their third birthday until they start school.

The Federation, Länder and local authorities have made great efforts in recent years to create sufficient places for the under-3s and comply with the legal entitlement which came into force on 1 August 2013.

The Federation is making a big contribution to this with the special fund for the expansion of childcare facilities: With the four current investment programmes, the Federation is providing a total of over 4.4 billion euros in funding for the period from 2008 to 2020. In addition, the Federation supported the Länder from 2009 to 2018 with 6.26 billion euros in operating costs. The Länder also received the funds made available by the abolition of the childcare allowance of approximately 2 billion euros through 2018 to be used for childcare purposes.

As of 1 March 2018, 789,559 children under three years of age were being cared for in child care centres or in day care. This was 27,198 more than in the previous year. The percentage in childcare thus rose to 33.6 percent. The number of children between three years old and school entry age has increased to just under 2.4 million. This corresponds to a percentage of those in care of 93.3 per cent.

Paragraph 2 Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)

The following information is provided in regard to the penal system:

Section 37 (2) of the Prison Act (StVollzG) stipulates that law enforcement authorities are to assign prisoners economically valuable work with due regard to their capabilities, skills and

preferences. If a prisoner is not capable of economically valuable work, that prisoner is to be employed in occupational therapy according to Section 37 (5) StVollzG.

These regulations are based on the idea that work in prison conveys to the prisoner skills for gainful employment after release or maintains or promotes such skills (Section 37 (1) StVollzG) and thus serves resocialisation. On the one hand, work is part of the concept of resocialisation, which can also be enforced against the prisoner's will, and on the other hand it is part of the penalty imposed by the court with the prison sentence (Arloth/Krä, StVollzG, 2017, Fourth Edition, Section 41 StVollzG, point 1).

Accordingly, Section 41 StVollzG provides for prisoners' obligation to work. Prisoners are obliged to perform work assigned to them which is appropriate to their physical abilities and occupational therapy or other activities which they are capable of performing in the physical condition they are in. According to Section 41 (1) 2 StVollzG, prisoners can be obliged to perform helping activities in the institution for up to three months a year, with their consent beyond that. Employment in a business run by private companies requires the prisoner's consent (Section 41 (3) StVollzG). The obligation to work does not apply to prisoners over 65 years of age nor to expectant or nursing mothers, insofar as statutory employment prohibitions exist to protect working mothers.

The obligation to work can be enforced by means of disciplinary measures. Since there is actually too little work, however, the enforcement of the obligation to work is of little practical importance (Arloth/Krä, StVollzG, 2017, Fourth Edition, Section 41 StVollzG, point 2).

Prisoners should be able to pursue a job, vocational training or further vocational training outside the prison in a free employment relationship in accordance with Section 39 StVollzG if this is in line with the goal of imparting, maintaining or promoting skills for gainful employment after release within the framework of the sentence implementation plan and there are no more important grounds for not doing so.

The maximum working time and the distribution of work over the days of the week are in line with the regular working time in the public sector in the respective Land. There are therefore differences.

According to Section 42 StVollzG, a prisoner who has carried out an activity assigned to him according to Section 37 StVollzG or a helping activity according to Section 41 (1) 2 StVollzG for one year has the possibility of exemption from the obligation to work for 18 working days.

The remuneration is set according to Section 43 StVollzG. Pursuant to Section 43 (2) 2 StVollzG, the remuneration is to be based on the rate (9%) of the reference value pursuant to Section 18 of Book IV of the Social Code (SGB IV), as stipulated in Section 200 StVollzG. This calculation yields the amount of the basic remuneration.

The reference value according to Section 18 SGB IV is the average pay of the statutory pension insurance, i.e. the average pay of all insured persons in the previous calendar year. Consequently, after every two years prisoners' remuneration increases in line with general increases in income. The Federal Government determines the reference value for each calendar year in advance (Section 17 (2) 2 (1), SGB IV).

Remuneration is regularly calculated as time-based wage, i.e. daily or hourly rate (Kuhn, BeckOK, Strafvollzugsrecht, Bund, 2019, 16th edition point 17). Based on an average of 250 working days a year, the daily rate is the 250th part of the basic remuneration in accordance with Section 42 (2) 3 StVollzG.

For the year 2019, the daily rate of a prisoner is therefore 13.46 euros.

The basic remuneration can be staggered according to a prisoner's performance and the type of work (Section 43 (3) 1 StVollzG). The institution has some discretion in this regard.

General legal framework

As regards the general legal framework, reference is made to the previous reports. There has been no new legislation.

Prohibition of forced labour

Prisoners' work

As no information on the subject was provided in the last report, the Committee requests relevant information on working conditions of prisoners in employment. It considers that working conditions for prisoners must be well regulated, especially if they work directly or indirectly for employers outside the prison service. The following information is provided in this regard:

When prisoners in Germany are employed outside prisons, the same employment conditions apply to them as to all other employees. Fair employment conditions and decent working conditions are ensured in Germany by, among other things, the provisions of the Civil Code (BGB), the Federal Annual Minimum Holiday Act (BUrlG), the Trade Regulation Code (GewO), the Continued Remuneration Act (EntgFG), and the Act on Proof of the Existence of an Employment Relationship (NachwG).

Paragraph 3 - Other aspects of the right to earn one's living in an occupation freely entered upon

Privacy and work

The Committee requests that up-to-date information be provided on the measures taken by Germany to ensure that interference with employees' privacy is prohibited and, where necessary, sanctioned. With reference to the comments in the 33rd Report, the following information is provided:

The Working Time Act (ArbZG) stipulates in its provisions on fines that employers who employ employees beyond the limits of the maximum daily working time of 10 hours are acting contrary to regulations. Failing to grant the minimum daily rest period is also an administrative offence under the Working Time Act. Each of these infringements is punishable by a fine of up to fifteen thousand euros.

The Committee requests information on whether there are regular inspections in sectors particularly affected by labour exploitation such as agriculture, construction, hotels and restaurants, manufacturing and domestic work. The following information is provided in this regard:

On 1 January 2015 a general minimum wage of 8.50 euros gross per hour was introduced in Germany through the Act to Strengthen Collective Bargaining Autonomy (Tarifautonomiestärkungsgesetz) of 11 August 2014 (BGBl. I p. 1348), which came into force on 16 August 2014. The Minimum Wage Act (MiLoG) established in its Article 1. The minimum wage was raised to 8.84 euros starting 1 January 2017 and to 9.19 euros starting 1 January 2019 by statutory order of the Federal Government, in each case at the suggestion of the Minimum Wage Commission set up in accordance with Section 4 of the MiLoG. Responsibility for reviewing compliance with obligations under the MiLoG has been transferred to the Federal Customs Administration unit responsible for enforcing the law on illegal employment and benefit fraud (FKS).

Employers and temporary work agencies based abroad who post employees to Germany as well as companies who get employees from an agency based abroad are obliged to show registration pursuant to Section 16 MiLoG if they employ employees or temporary workers in the economic sectors and branches of the economy (including construction) listed in Section 2a of the Act to Combat Undeclared Work and Unlawful Employment (SchwarzArbG). In addition to this, under Section 17 MiLoG, employers are generally obliged to record the beginning, end and duration of daily working hours in the case of marginally employed persons as defined in Section 8 (1) SGB IV or in the case of employees in the economic sectors and industries listed in Section 2a SchwarzArbG. They must also retain these records for at least two years.

These statutory documentation obligations have been specified or modified by several ordinances. In addition, the documents required for monitoring statutory minimum wage compliance must be kept available in Germany in the German language for the entire duration of the employment, but not longer than two years in total. Violations of the MiLoG are punishable as administrative offences under Section 21 MiLoG.

Free placement services

The Committee requests information on the number of employment services staff in relation to the number of jobseekers. It also requests information on

- a) number of jobseekers and unemployed persons registered with public employment services (PES);
- b) number of vacancies notified to PES;
- c) number of persons placed via PES;
- d) placement rate (i.e. percentage of placements compared to the number of notified vacancies);
- e) average time taken to fill a vacancy.

The Committee has reiterated its request concerning the percentage of the market share of the public employment services, that is placements made by the public employment services as a percentage of the total number of persons recruited on the labour market.

The data requested is, as far as can be presented, given in the table below.

	2018	2017	2016	2015
Unemployed (national definition)	2,340,082	2,532,837	2,690,975	2,794,664
Seeking employment (national definition)	4,383,303	4,696,655	4,799,714	4,863,048
Vacancies reported	568,743	655,490	730,551	796,427
Number of persons placed through the employment service*	258,457	292,121	295,173	no information
Number of new employment relationships	11,247,351	10,829,323	10,220,893	10,171,609
Number of people leaving unemployment and entering employment	2,020,124	2,091,296	2,127,210	2,204,635
average time to fill a reported vacancy	112	99	93	84
Number of reported vacancies (annual average)	796,427	730,551	655,490	568,743
Staff of the Federal Employment Agency**	96,000	97,000	98,800	96,300

* Reported figures are based on a narrow definition of placements in the sense of "exits into employment after selection and placement". The figures are based only on the reporting of the local employment services where the Federal Employment Agency also provides staff. Purely municipal local employment services are not included here, so that the figures are likely to be underrepresented by around 10-15%, regardless of the definition of placement chosen.

** Measured as employee capacity in full-time equivalents in the respective fourth quarter of the reporting year. There are also tens of thousands of municipal employees in the job centres.

The proposed placement rate, defined as the ratio of placements to reported vacancies, is not shown because the numerator, the number of placements, is underrepresented. Moreover, the interpretation of a ratio that combines a variable value and constant value is not trivial. For the purpose of clarity, however, the number of new jobs taken up, the number of exits from unemployment into employment and the number of reported vacancies over time are also reported.

Likewise, the ratio of employment services staff to job seekers is not shown. First of all, the figures given for employees include only Federal Employment Agency employees. Conclusive data on municipal employees in the job centres is not available. Moreover, the staffing requirements of the employment service are not based solely on the ratio of staff to beneficiaries. Rather, it is factual aspects that are decisive, such as obstacles to placement of beneficiaries, need for support and support opportunities.

The market share of public employment services is not known because the total number of placements in the labour market is not known.

Paragraph 4 - Vocational guidance, training and rehabilitation

Vocational guidance

Vocational guidance is something which employment agencies, in line with Section 29 ff., SGB III, are obliged to offer to all those seeking advice. Changes in relation to the last report are discussed in the comments on Article 9.

Career orientation without gender stereotypes

Federal initiative Klischeefrei (No clichés), (Since 2016, www.klischee-frei.de)

In addition to the well-known projects Girls' Day and Boys' Day (see below), the federal initiative "Klischeefrei" (No clichés) aims to promote choices about careers and courses of study that are free of restrictive gender clichés. It offers all those involved in career guidance (early childhood education, schools, universities, businesses, institutions, vocational guidance and parents) a wide range of assistance to help girls and boys choose careers or courses of study that match their skills and interests - and not gender stereotypes.

The service centre gives advice to and promotes networking among the 185 (July 2019) partner organisations that have committed themselves to providing cliché-free career and study guidance both internally and externally. It also operates the initiative's website, which makes available practical materials, background information and success stories on the topic.

The initiative is run under the auspices of Elke Büdenbender, wife of the Federal President Dr. Frank Walter Steinmeier.

Girls' Day (Since 2001, www.girls-day.de)

Girls' Day aims to motivate girls and young women to decide to train or study in an area that they would not normally consider - especially in the STEM area.

It usually takes place on the fourth Thursday in April.

On that day, companies, universities and research institutions offer girls between the ages of 10 and 17 a glimpse of a wide range of professions, thus broadening the range of career choices for girls. For employers, Girls' Day has now developed into an important recruitment tool: In 2018, 28% of them had already hired young women as a result of their participation in Girls' Day.

The day of events is nationwide and connects numerous regional initiatives. It is seen as the largest vocational orientation project for girls by far: Since 2001, about 2 million girls have participated.

The results are evaluated by academic experts.

Over the years, Girls' Day has become established in over 20 other countries - even outside Europe (e.g. Kyrgyzstan, Japan, South Korea and Ethiopia).

Boys' Day (Since 2011, www.boys-day.de)

Boys' Day aims to motivate boys and young men to decide to train or study in an area that they would not normally consider - e.g. in care, child education or the service sector. They can also participate in workshops on social competence and life planning free of gender stereotypes.

Like Girls' Day, it usually takes place on the fourth Thursday in April.

Since 2011, about 300,000 boys have participated.

The project also offers a network for youth work.

Like Girls' Day, it is evaluated by academic experts.

In 2018, 94% of the participants said that they enjoyed the day and two thirds of the boys said they were exposed to a very interesting career area. About 80% of the participating institutions rated Boys' Day as "good" or "very good".

Vocational training

In the 2014-2020 ESF funding period, and starting in 2015, the Federation is providing a total of one billion euros, including around 500 million euros from Federal Ministry of Labour and Social Affairs (BMAS) ESF funds and from Federal Employment Agency resources. This means funding is guaranteed for school-leavers until 2018/19. Support is being provided for approximately 113,000 pupils at some 3000 lower secondary level schools. Participating schools were selected in consultation with the Ministries of Education and Cultural Affairs of the Länder.

The prerequisites for being granted non-company vocational training were made more flexible, as participation is no longer dependent on having previously completed a career-preparation course. It is left to the discretion of the authorities locally to decide whether preliminary work is needed first. This can shorten the transition between school and vocational training in individual cases.

As a result of the 25th amendment to the Federal Training Assistance Act (BAföG) the start of the 2016/2017 academic year saw a 7 percent across-the-board increase in entitlements and the allowances for income from other sources (vocational training benefits, training allowances for persons with a disability). This increase also applies to access qualifications and the subsidy for apprenticeship pay during non-company vocational training as appropriate. An extra 62 million euros annually have been made available to this end.

Article 9 - Right to vocational guidance

Vocational guidance in the education system

The Committee requests updated information on the role, organisation and implementation of public and private services in the field of vocational guidance. The following comments are limited to Federal Employment Agency's services. No statements can be made about the private service providers.

The Federal Employment Agency offers vocational guidance and counselling at the transition from school to work. It thus fulfils its legal mandate to provide vocational guidance (Section 29 (1) SGB III) and vocational orientation (Section 33 SGB III) to young people and adults who are participating or wish to participate in working life. It thus supports their entry into the labour market, motivates them to acquire vocational qualifications and thus helps to reduce or avoid the risk of having unskilled employment or being unemployed (prevention).

The support covers all phases of the career decision process. The services offered by the Federal Employment Agency provide orientation and information, help in decision-making and in the search for a training place, as well as with realising career aspirations, if necessary with support instruments.

It is not only a case of managing the transition from school to training or higher education in the short term, but also of promoting employability in the long term. By enabling young people to make decisions about jobs and education on their own that are well-founded and feasible, the Federal Employment Agency contributes to balancing supply and demand in the labour market and training system and thus to ensuring the supply of skilled workers.

The range of services offered by the employment agencies (AA) includes the coordinated and interlocking elements of "job-orientation events", online services, consultation hours, individual initial and follow-up counselling and media services. Specialised services, labour market experts, commissioners for equal opportunities on the labour market (Beauftragte für Chancengleichheit am Arbeitsmarkt, or BCA) and external partners are involved as appropriate to the situation and needs. The employment agencies offer individual career guidance not only in their local offices but also do so regularly in schools. The vocational counsellors organise workshops and seminars as needed and supervise classes in vocational information centres (Berufsinformationszentrum, or BIZ), where training fairs and job-related seminars and lectures are also organised.

The "Under 25/vocational guidance" teams and - where available depending on the size of the AA - the "academic professions" teams are part of the operational area of the AA. They answer in turn to area managers. Administrative and content-related supervision is the responsibility of the team management responsible for the respective organisational areas.

The core processes in vocational guidance are derived from the main statutory tasks of the Federal Employment Agency according to Section 29 ff. SGB III. Their focus is on the planning, organisation and implementation of vocational orientation, vocational guidance, training placement and support in connection with career choice and vocational training.

The Committee asks for details of vocational guidance within the education system (indicating the number of pupils/students concerned) and details of vocational guidance in the labour market.

Vocational orientation and preparation for career choice is an integral part of the secondary school curriculum in all Länder. Its aim is to help pupils to find and process information and make decisions concerning the world of work by improving their skills and abilities related to making career-related life decisions. In some Länder this is offered within the framework of a separate subject, such as employment studies or "work - economy - technology". However, vocational orientation can also be integrated into the school schedule in other subjects (e.g. social studies or economics and law).

Often, additional extracurricular activities are offered, often in cooperation with local employers and the employment agencies, such as work placements, company visits or visits to an

employment agency's vocational information centre (BIZ). Student internships in companies, practices or administrations give young people an impression of the demands of the world of work.

In accordance with their statutory mandate, the employment agencies are responsible for providing vocational guidance to young people and adults in all matters relating to career choice and career development, including the required school education (Sections 29-33 SGB III). This includes above all vocational guidance and orientation for schoolchildren. Vocational guidance in schools is provided by career counsellors from the employment agencies, both for lower and upper secondary levels. The cooperation between schools and vocational guidance services is governed by an agreement - last updated in 2017 - between the Federal Employment Agency and the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany, as well as supplementary agreements at Länder level.

In addition to cooperating with schools, the employment agency vocational guidance service works closely with the various kinds of chambers of commerce and industry, employers' associations, trade unions and other public institutions, such as youth welfare offices and social welfare offices. Job centres, employment agencies, youth welfare organisations and other partners cooperate in youth employment agencies, so that young people receive coordinated and individual support in the transition from school to training and work. The underlying idea behind youth employment agencies is to more closely integrate and coordinate the work of the responsible cooperation partners (support "from one source"). In 2013, the coalition agreement of the Federal Government outlined the nationwide establishment of youth employment agencies for the first time. By January 2017, 289 youth employment agencies had been established nationwide. Over 90 percent of employment agencies are involved, as are more than 70 percent of all job centres (joint institutions and approved municipal agencies), 190 districts and 156 cities, including 86 independent cities and the city states.

At institutions of higher education, higher education advisors or special higher education teams from the employment agencies offer orientation and advice to students as well as support and employment services for graduates when they enter the job market. Professional cooperation with external partners is an essential part of the work in higher education.

Vocational guidance in the labour market

The Committee recalls that Article 9 imposes on States Parties to set up and operate a service that helps all persons, free of charge, to solve their problems relating to vocational guidance. The right to vocational guidance must be guaranteed both within the school system (information on training and access to training) and within the labour market (information on vocational training and retraining, career planning, etc.). Vocational guidance must be provided:

- free of charge;
- by professionals (counsellors, psychologists and teachers) in sufficient numbers;
- to a significant number of persons and by aiming at reaching as many people as possible;
- and with an adequate budget.

The Committee requests up-to-date information.

Measures to improve vocational guidance services

The Federal Employment Agency sees the further strengthening of advisory competence of its placement and advisory staff as a key to successful integration work. Individual, professional and sound guidance, combined with a range of additional services, aims to provide those seeking advice with solutions for their next steps in the training system and labour market.

The Federal Employment Agency has therefore developed its guidance plan (BeKo). The instrument has three levels: implementing guidance services as a process, the use of methods and techniques and developing values and principles of action that are conducive to providing guidance. The BeKo focuses on the abilities of those seeking advice, increases their feeling of personal responsibility and involves them actively in integration work in a manner that shows respect. The repertoire of methods is continuously being expanded by the Federal Employment Agency in line with requirements.

Furthermore, a basic qualification process was established that is binding for all new guidance and placement staff. It ensures that staff turnover does not lead to a loss of quality in the guidance services offered.

Vocational guidance measures for disabled people

All vocational guidance services in accordance with Section 29 ff. SGB III are also free of charge and available nationwide to people with disabilities. The range of accessible media is being continuously expanded by the Federal Employment Agency. In addition to an internet site where information is available in easy-to-read language and in sign language, texts on career choice are also offered in easy language.

Nationwide there are around 900 highly qualified Federal Employment Agency professionals specifically trained for this group of people available for vocational guidance and professional orientation. They assist people with disabilities during their schooling, training and permanent integration into work. They work closely with schools and training and employment companies. They are supported by specialised placement professionals.

The Federal Employment Agency is guided by the idea of inclusion. The aim is for people with disabilities to find training and employment that is as workplace-related as possible. The Federal Employment Agency supports them through new assistance instruments such as "workplace training support" (bbA). In addition, a wide range of tried and tested support opportunities are available.

Almost all school graduates with special needs make use of the guidance services of the Federal Employment Agency.

Number of beneficiaries of guidance services

Number of persons with whom at least one discussion of the choice of profession was carried out in employment agencies and job centres in joint facilities during the specified period (training system).

	October 2014 to September 2015	October 2015 to September 2016	October 2016 to September 2017	October 2017 to September 2018
advised persons	1	2	3	4
Total	1.108.157	1.129.800	1.152.368	1.151.970
Men	577.320	603.870	632.227	635.098
Women	530.837	525.930	520.141	516.872

Source: Bundesagentur für Arbeit, Controlling Ausbildungsmarkt, Beratene Personen, Nürnberg, Oktober 2019

Services for employees:

The statutory responsibility of the Federal Employment Agency for vocational guidance in accordance with Sections 29 and 30 SGB III also includes adults. Adults are given guidance particularly in the process of integration into work, e.g. in the development of a profile for job applications, opportunities on the labour market and training needs.

In order to initiate this process as early as possible, immediate access with a pilot function was established in the employment agencies in 2016. Customers are thus given access to a placement specialist for a guidance and placement interview as soon as they register as job seekers. Further guidance consultations are arranged according to individual needs.

The standards of the guidance and placement work are defined in the guidance concept of the Federal Employment Agency as well as in its integration plan across the legal spheres of SGB II and SGB III.

Number of beneficiaries of guidance services

Number of persons with whom at least one discussion of the choice of profession was carried out in employment agencies and job centres in joint facilities during the specified period (labour market).

Entries into unemployment by legal basis and gender
Entries into unemployment *1 (Year-end figure)

Germany
 Reporting years 2015 - 2018

Reporting year	Legal basis	Total	Gender	
			Women	Men
2018	Total	7.212.513	3.158.583	4.053.911
	thereof SGB III	3.527.626	1.551.393	1.976.215
	thereof SGB II	3.684.887	1.607.190	2.077.696
2017 ²⁾	Total	7.554.093	3.289.119	4.264.941
	thereof SGB III	3.664.083	1.585.228	2.078.824
	thereof SGB II	3.890.010	1.703.891	2.186.117
2016	Total	7.704.244	3.344.978	4.359.232
	thereof SGB III	3.574.732	1.508.863	2.065.840
	thereof SGB II	4.129.512	1.836.115	2.293.392
2015	Total	7.516.632	3.349.372	4.167.255
	thereof SGB III	3.474.612	1.493.359	1.981.253
	thereof SGB II	4.042.020	1.856.013	2.186.002

1) Including those entering after participation in measures

2) Since 1 January 2011, so-called "Aufstocker" (parallel recipients of ALS and ALS II) have received placement services from the employment agencies and will therefore in future be counted as unemployed under the legal basis of SGB III (previously: under SGB II). This must be taken into account when interpreting comparisons with previous periods.

Source: Federal Employment Agency statistics

Services of the (joint) employer service of the Federal Employment Agency

The legal mandate for the employer guidance of the employment agencies in Germany is set out in SGB III. The employment agencies provide services for employers in accordance with Section 2. The basis of the set-up of employer support can be derived from Sections 34, 35, 39 and 40 (employment guidance, training and job placement, as well as statements concerning the duties of cooperation of employers in placement by the Federal Employment Agency).

The central goal and guiding principle of the (joint) employer service of the Federal Employment Agency is to optimize the balance between the training system and labour market (Section 1 SGB III). The Federal Employment Agency aims to provide professional labour market guidance and to have a strong employer orientation.

The nature and scope of the range of services offered are therefore individually tailored to the specific needs of employers. In addition to personal service, modern eServices are used. This

aims to increase the market share in the establishment of training and employment relationships, to quickly and permanently fill job vacancies and training positions and create new employment opportunities.

The guiding concept for the joint employer service that cuts across legal spheres was replaced by the manual for the (joint) employer service in early 2015. It largely dispenses with detailed instructions and provides recommendations for the goal-oriented establishment of business processes with the aim of allowing scope for local, tailored policies for processes in line with regional conditions.

Due to the changes in the labour market, the need of employers for guidance is increasing. In order to meet their expectations, the Federal Employment Agency is intensifying and professionalising its guidance services for employers. Within the framework for providing labour market and training guidance, alternative approaches to solutions for covering personnel requirements are identified, guidance is provided on the possibilities of training employees and/or possibilities of long-term employee retention, and transparency is created with regard to the pool of applicants.

Since not all needs of employers for guidance and support identified in the context of labour market and training guidance can be covered by the Federal Employment Agency, the Federal Employment Agency works closely with network partners in the regions. The aim of this cooperation is to provide employers with comprehensive guidance. With its guidance services, the Federal Employment Agency makes an important contribution to ensuring there are enough skilled workers.

Article 10 - The right to vocational training

Paragraph 1 - Promotion of technical and vocational training

Germany has a dual vocational training system which combines in-company training and school-based training. More than half a million new training contracts are concluded every year. On average, approximately 74 per cent of all individuals who completed their training in 2017 were retained by the company that provided the training. This means that three out of four trainees make a seamless transition into employment. In those cases where a seamless transition is not possible, the conditions are at least favourable for making the transition to working life after a period of job hunting when the individual has a vocational qualification. Young employees are more likely to be employed on a fixed-term basis. However, the share of precarious employment decreases as work experience increases.

Parallel to the dual vocational training system, Germany also has school-based training paths, primarily for occupations in healthcare and social services. Furthermore, young people with a university entrance qualification have the option of tertiary education. Dual study programmes have seen strong growth in recent years.

Special assistance is provided for young people with disabilities and disadvantaged youths to help them earn vocational qualifications.

In coordination with the Länder governments, the Federal Government launched the initiative Graduation and Continuation – Education Chains Up to Vocational Training Qualification

(Abschluss und Anschluss - Bildungsketten bis zum Ausbildungsabschluss) in the year 2010 in order to better mesh secondary school education, the transition system and dual vocational training. This initiative was designed to prevent individuals from dropping out of school, avoid "holding patterns" in the transition system, and ensure a supply of young skilled workers through vocational training. Three linked funding instruments are used for this:

1. Analyses of potential from Year 7 onwards
2. Practical career orientation from Year 8 onwards, and
3. Career entry counsellors who continuously, over a period of several years, provide individual guidance to pupils who require assistance.

The Länder have designated approximately 1,000 secondary general schools and special needs schools that actively participate in the special programme. Up to 30,000 pupils who require support as they make their way to vocational training are to receive guidance at these schools. In the meantime, around 700 of the approximately 1,000 planned career entry counsellors have begun their work. In addition, about 5,000 trainees in need of support during their training are supported by volunteer senior experts (who have professional experience) every year as part of the initiative "Preventing people from dropping out of training" (Verhinderung von Ausbildungsabbrüchen. or VerA). In addition to these activities, the Federal Employment Agency funds approximately 1,200 career entry counsellors who work at some 1,000 other schools in accordance with Section 421 s SGB III.

The Federation has continued to systematically implement the Graduation and Continuation – Education Chains Up to Vocational Training Qualification initiative in accordance with the underlying core principles.

In the process, it is purposefully following the innovative approach of coordinating the services and options offered by the various federal and Länder departments and agencies.

At the same time, the Federation stepped up its involvement last year with, in some cases, significant use of funds. For instance, in connection with the Education Chains initiative it launched the ESF-federal programme for co-financing career entry support which is funded by the Federal Government and the ESF. As a result, a total of approximately 113,000 young people at nearly 3,000 schools offering lower secondary school certificates or special needs school certificates can be assisted through the provision of career entry support for up to nearly four years, starting in the penultimate year of schooling from 2014/2015 to 2018/2019. The programme has a total funding volume of approximately one billion euros, including funding provided by the Federal Employment Agency.

For schools with career entry support, the Federation also offered the possibility of receiving financial assistance for conducting analyses of individual pupils' potential. Further such analyses as well as practical vocational orientation via workshop days are supported by the Federal Government's vocational orientation programme (BOP).

By 2018, education chain agreements had been concluded with 13 Länder. These agreements will run through 31 December 2020. The Federation aims to conclude education chain agreements with all the Länder for a further phase (until the end of 2026).

In 2016, the Federal Government launched the initiative "Klischeefrei" (No clichés), which now involves over 200 partners from politics, business and society. The aim of the initiative is to

establish the principle of choosing careers and courses of study in ways that are free of restrictive gender clichés among all those involved in the career choice process. The initiative aims to encourage and support young people, parents and teachers to ensure that young people base their career choices solely on their talents and interests without regard of gender roles. Special attention is paid to cliché-free language and gender-sensitive materials and services.

The Federal Government supports the integration of people with a refugee background or a migrant background into in-company training with a wide range of measures. Within the framework of the education chains initiative, numerous support services for people with a refugee background or migration background are funded. These include the "Vocational Orientation for Refugees (Berufsorientierung für Flüchtlinge, or BOF)" programme for refugees and immigrants who are no longer of school age, the programme "Preventing people from dropping out of training" (VerA) for mentoring for young people in need of support during their training by volunteer senior experts, and the "Coordinating Office Vocational Training and Migration" (Koordinierungsstelle Ausbildung und Migration, or KAUSA) to recruit entrepreneurs with a migration background for vocational training. In addition, the education chains initiative supports numerous projects for refugees and immigrants in the Länder.

Modernisation of initial and further training regulations

Cross-cutting issues such as the digital transformation of the world of work and professions, sustainability (implementation of the UNESCO World Action Programme "Education for Sustainable Development") and international skills play an increasingly important role in the continuous modernisation of training regulations at various levels. In order to reflect these important issues in training systems, suitable instruments and implementation procedures are currently being developed - together with all those involved in the regulatory process (Federation, Länder, social partners). These instruments include additional qualifications and what are called standard vocational profile positions.

These are training curricula that cover all occupations and have been established as minimum standards in all training regulations.

Amendment of the Upgrading Training Assistance Act (AFBG)

Assistance for upgrading training (Aufstiegs-BAföG) is a monetary benefit regulated by law. The basis for this is the Upgrading Training Assistance Act (Aufstiegsfortbildungsförderungsgesetz, or AFBG).

The Federal Government supports people in training for career advancement with this. This can include master craftsman and specialist courses or courses at schools for educators and technicians.

In contrast to scholarship programmes, in which there is usually a selection of those receiving support, the Aufstiegs-BAföG stipulates that anyone who fulfils the legal requirements is entitled to support.

Participants receive a contribution to the costs of the training regardless of their income or assets. In the case of full-time measures, it is also possible to make a contribution to living

costs. However, that is dependent on income and assets. The funding is partly in the form of a grant and partly in the form of a low-interest loan from the Kreditanstalt für Wiederaufbau (KfW).

In 2018, around 167,000 people received support via the AFBG. Since the AFBG was launched (1996), it has enabled some 2.8 million people to become managers, owners of SMEs and trainers for the skilled workers of tomorrow, with a total funding volume of around 9.2 billion euros.

Paragraph 2 - Promotion of apprenticeship training and Paragraph 3 - Vocational retraining of adult workers

In the summer of 2016, the Federal Government launched the "Vocational Training 4.0 Initiative" (Initiative Berufsbildung 4.0), which aims to set up new measures for future-proof, attractive and competitive vocational training and to bring them together with other digital transformation initiatives.

These include the research initiative "Skills for the digital workplace of tomorrow" (Fachkräftequalifikation und Kompetenzen für die digitalisierte Arbeit von morgen) and the programme "Digital Media in Vocational Training" (Digitale Medien in der Beruflichen Bildung). This will contribute to the modernisation and reinforcement of vocational education and training. Innovative, education, communication and information solutions supported by digital technologies are being developed to meet the requirements for learning and working in a digital society.

In order to make the existing occupation-relevant skills of people without vocational qualifications visible and increase their chances on the labour market, a procedure has been developed and tested within the framework of the "ValiKom" project. It has been funded by the Federal Government since November 2015, with which occupation-relevant skills acquired outside the formal education system can be evaluated and certified (validated). At the end of the procedure, a certificate is issued by a chamber of crafts, industry, commerce or agriculture, which certifies which activities of a profession can be practised.

Aufstiegs-BAföG also supports preparation for more than 700 advanced training qualifications such as for master craftspersons, various specialist professions, technicians, educators or business administrators.

For example, grants are awarded to cover examination fees and course fees and, in the case of full-time measures, to help with living expenses.

Investment in inter-company vocational training facilities

The Federation, the Länder and the providers of inter-company vocational training facilities (ÜBS) are jointly investing in modern equipment and buildings and in the further development of such facilities into skills centres in order to ensure the basis for high quality training in all phases for skilled workers nationwide. The annual federal funds amount to 42 million euros.

The Federal Government is also accelerating the introduction of digital technology into the skilled worker training of SMEs by investing 30 million euros a year in digital projects of inter-company vocational training facilities. This funding enables the inter-company vocational training facilities to equip their workshops and classrooms with digital technologies, to get

future-oriented technologies ready for use in training, to develop new training ideas and to shape modernisation processes. In June 2019, the special programme was extended as agreed in the coalition agreement (duration until the end of 2023; total volume 224 million euros, of which 120 million euros from 2020 to 2023).

JOBSTARTER plus

The Federal Government promotes innovation in vocational education and training (VET) with the JOBSTARTER plus training structure programme. JOBSTARTER plus makes an important complementary contribution to the activities in the context of the vocational training pact (Berufsbildungspakt) and the Alliance for Initial and Further Training (Allianz für Aus- und Weiterbildung). The Federal Government has allocated around 108 million euros in funding for the programme since 2014. This amount included funds from the ESF. JOBSTARTER plus provides funding for projects which help create additional in-company training places in the individual regions and with recruitment for them. Improved collaboration between local stakeholders increases regional responsibility for vocational education and training and, at the same time, contributes to structural development.

JOBSTARTER plus launched in 2014 and replaced the JOBSTARTER programme which had been running since 2006. An overview:

JOBSTARTER:

Project duration: 2006-2016 (6 funding periods)

Total level of funding: 104,017,981.90 euros, of which 59,170,000 euros from ESF funds

JOBSTARTER plus (5 funding periods)

Project duration: 2015-2020 Total level of funding: 108.8 million euros, of which 61 million euros came from ESF funds

According to the Federal Government, by September 2019 205 projects had been funded since the launch of JOBSTARTER plus. Approximately 17,000 enterprises, including some 7,500 micro-enterprises, 6,200 small enterprises and 3,100 medium-sized enterprises, as well as some 32,000 youths and young adults, including some 14,000 refugees, received support on issues relating to vocational training.

In addition to acquiring additional training places, the regional training situation was improved in both qualitative and structural terms. For example, small and medium-sized enterprises received supported with recruiting trainees, including university dropouts and refugees. Another area of focus is the provision of funding for projects that recruit self-employed persons with a migrant background to provide in-company vocational training in their establishments and that support them in connection with the provision of this training.

From a structural point of view, the projects have contributed overall to making regional transition management better and more professional in the sense of being a networked guidance service or process chain. Regional support networks were further developed. The interaction of the various actors was improved. A broad spectrum of optimised, innovative and needs-based support services were developed and tested. This included, for example, tailored information, guidance and placement services as well as career orientation and matching formats, working aids and training coaching.

As a result of being geared to the respective regional conditions, the projects have, together with their local partners, created structures that will bring about a lasting improvement in the regional training market situation.

The fifth JOBSTARTER plus funding announcement was made in 2019, with the start of the projects from December 2013 including ESF co-financing. The aim is to increase the willingness and competence of SMEs to train and to raise awareness among these entrepreneurs of the issue of digital technologies in vocational training. Funding is being provided for projects during the new funding period based on the following four areas of focus:

- Recruitment of trainees with a marketing programme for training (Ausbildungsmarketing 4.0)
- Advice and support for companies in implementing new or amended training regulations
- Providing basic digital skills or additional qualifications
- Development of sector-specific learning services regarding digital technologies.

In many sectors, alongside companies and vocational schools there is a third place of learning in dual training: the industry's inter-company vocational training facilities (ÜBS). They complement in-company training in SMEs with practical training courses. The inter-company vocational training facilities are an important pillar of the dual training system and reach a large number of trainees with their courses. In addition, as multifunctional education service providers, they are often also active in training at many levels and are involved in vocational orientation, pre-vocational training or the integration of skilled workers from abroad into employment.

The Federation, the Länder and the providers of inter-company vocational training facilities (ÜBS) are jointly investing in modern equipment and buildings and in the further development of such facilities into skills centres in order to ensure the basis for high quality training in all phases for skilled workers nationwide. In 2019, 71 million euros will be available from the Federation for this purpose.

In addition, the digital transformation of professional training is being accelerated through investments in digital projects of ÜBS with the special programme "ÜBS and digital technology" (Sonderprogramm ÜBS-Digitalisierung) since the beginning of 2016. Up to 30 million euros are currently available annually for digital projects. This enables the ÜBS to equip their workshops and classrooms with digital technologies, develop new training ideas and carry out modernisation processes.

The investments help to ensure high-quality, state-of-the-art training in the dual system and the training capacity and effectiveness of SMEs, to further increase the attractiveness of dual training and to create equally good opportunities for future skilled workers, regardless of the size or specialisation of the companies providing training.

Unemployed persons

The following information is provided In response to the request from the Committee for up-to-date information on the promotion of continuing vocational training for the unemployed during the reporting period.

Support of vocational further training

Unemployed persons may receive support for continuing vocational training if it is necessary for their integration into employment or if the need for continuing vocational training to provide additional or supplementary qualifications is recognised (extension qualification). Support is also possible if unemployed persons have no vocational qualifications or are no longer likely to be able to take up employment corresponding to the vocational qualification due to alienation from their occupation and therefore aim to obtain a new vocational qualification. In the case of further training support for unemployed persons, the benefits are fully covered by the employment agency or job centre.

Article 15 – Right of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement

Paragraph 1 – Education and training for persons with disabilities

A key obligation in the implementation of the UN Convention on the Rights of Persons with Disabilities is, in particular, the creation of an inclusive education system which allows disabled and non-disabled children, young people and young adults to learn together with equal success. With the recommendation on “Inclusive Education of Children and Young People with Disabilities in Schools” (decision of the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder (KMK), 20 October 2011)⁴, the qualitative and quantitative expansion of inclusive education has become a priority for the education policies of the Länder.

The aim is to identify and overcome barriers and to ensure equal access to education for all, while taking into consideration the provisions of the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities. The KMK has also created the necessary framework for teachers to acquire skills.

For example, in 2014 the "Standards for teacher training: Educational Sciences" (Standards für die Lehrerbildung: Bildungswissenschaften, current version: 2019)⁵ and by 2017 the "Joint Länder standards for subject-matter expertise and didactics in teacher training"⁶ (Ländergemeinsamen inhaltlichen Anforderungen für die Fachwissenschaften und Fachdidaktiken in der Lehrerbildung, current version 2019) were revised from an inclusion perspective.

⁴ http://www.kmk.org/fileadmin/veroeffentlichungen_beschluesse/2011/2011_10_20-Inklusive-Bildung.pdf

⁵ https://www.kmk.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2004/2004_12_16-Standards-Lehrerbildung-Bildungswissenschaften.pdf

⁶ https://www.kmk.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2015/2015_03_12-Schule-der-Vielfalt.pdf

Pupils with special educational needs Total	Pupils with special educational needs in			Proportion of pupils with special educational needs in		Special needs rate:	Rate of those attending special needs schools
	Special needs schools	General schools ¹⁾	Total	Special needs schools	General schools		
School year 2015/16	322,518	194,866	517,384	62.3	37.7	7.1	4.4
School year 2017/18	317,480	227,150	544,630	57.5	42.5	7.2	4.2

At the beginning of 2015, the KMK and the German Rectors' Conference (HRK) jointly issued comprehensive recommendations on "Teacher Training for Diversity in Schools".⁷ The KMK's recommendations on specific support priorities such as learning (published in March 2019), language, vision, hearing, intellectual development, etc. are currently being revised, which are guiding principles for the education of schoolchildren regardless of school location with a corresponding support focus.

The "Quality Offensive in Teacher Training" (Qualitätsoffensive Lehrerbildung) adopted by the Joint Science Conference (Gemeinsame Wissenschaftskonferenz) in April 2013 contributes to the implementation of the UN Convention on the Rights of Persons with Disabilities. This initiative aims at updating teacher training with regard to the requirements of heterogeneity and inclusion and has been funded by the Federal Government with up to 500 million euros over a ten-year period, which began in 2014. In addition, funding is also to be provided for diagnosis research projects specified in the National Education Report, which is funded jointly by the Federation and the Länder.

The Länder regularly provide information on the status of the implementation processes of inclusive education in the committees of the KMK and in an annually updated overview of the KMK "Implementation of inclusive education in the Länder" (Umsetzung der inklusiven Bildung in den Ländern). Statistical data shows an increase in the proportion of pupils with special educational needs who attend mainstream schools (see below).

Table: Number/proportion of pupils with special educational needs in general and special schools, 2015/16 and 2017/18

⁷ https://www.kmk.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2015/2015_03_12-Schule-der-Vielfalt.pdf

Advised persons	October 2014 to September 2015	October 2015 to September 2016	October 2016 to September 2017	October 2017 to September 2018
	1	2	3	4
Total	1.108.157	1.129.800	1.152.368	1.151.970
Male	577.320	603.870	632.227	635.098
Female	530.837	525.930	520.141	516.872

Source: Bundesagentur für Arbeit, Controlling Ausbildungsmarkt, Beratene Personen, Nürnberg, Oktober 2019

The Committee requested more details with regard to measures taken (at national and Land level) in order to improve access and participation of children with disabilities in mainstream education. The Committee would also like to know whether the conditions and quality of education of students with special educational needs is monitored and how the State ensures equality in access to mainstream education between Länder. The following information is provided:

In Germany, compulsory schooling ensures that every young person has access to school education. This also applies, of course, to young people with disabilities. Exceptions may only be made for pupils who are temporarily unable to attend school due to illness. Article 3 of the Basic Law (Grundgesetz, or GG) stipulates that no person may be disadvantaged because of disability. For the school this means: Parents have a fundamental right to have their child attend a mainstream school.

Even before 1997, the Federal Constitutional Court ruled that parents can demand that their children attend a mainstream school (rather than a special needs school) if this can reasonably be achieved (for example with special needs support). Developments in teacher training and in schools, changes in administrative practice and legislation have set new standards as a consequence of Article 24 of the UN Disability Rights Convention. The right to attend a mainstream school for children with disabilities, often combined with parental choice, is enshrined in the school laws of all Länder, and Länder make reasonable provision for this.

In Germany, parents whose request for inclusive school education has been denied can go to court (an Administrative Court, or Verwaltungsgericht). That this occurs only rarely demonstrates the commitment of schools and the authorities responsible for supervising them to guaranteeing the right to inclusive education to the best of their ability.

Transition to school

The granting of integration assistance in early childhood education depends on the degree of disability and potential restrictions on participation. This is changing at the primary level. There, the focus is primarily on the question of special needs and on the effects of a disability on learning in school. This shift in perspective makes it more difficult to compare those children who receive integration assistance in child day care centres or attend special needs preschools or special needs kindergarten, with those children who have been established as having special educational needs at school level. Nonetheless, a comparison of conditions for the participation of children with disabilities at these two educational stages is informative: while at elementary

level just under a third of children of different ages who receive integration assistance or have special educational needs receive child care in dedicated settings, two thirds of children with special educational needs start school directly at a special needs school.

No statistics are kept on the annual number of assessments to establish whether a child has special educational needs, but the number of schoolchildren who receive special needs support is tracked. There are 544,600 schoolchildren receiving special needs support in Germany. Since 2000/01, the number has risen slightly, and due to the simultaneous decline in the total number of schoolchildren, this represents a significant increase in the funding rate from 5.3 to 7.1 percent.

This proportion is four times higher than the proportion of the population aged 6 to 15 who have been found to have a (severe) disability as defined in the Social Code; in other words, it is clear that in Germany forms of special needs support are being given to schoolchildren who are not entitled to integration assistance benefits.

Within the priority areas, a total of 175,200 persons, i.e. 32.2 percent of all schoolchildren with special education needs, receive support in the "learning" priority area. In the area "intellectual development", 90,500 persons - 16.6 percent of all schoolchildren - receive special educational support.

There has been a marked shift in the types of special needs for which schoolchildren receive support over the past decade (see below): While the number of children receiving support in the priority area learning was around 83,700 lower in 2017/18 than in 2000/01 (= a decrease of 32 per cent), the number of schoolchildren receiving support for almost all other types of need had increased, with the number of children receiving support for needs relating to "emotional and social development" actually more than doubling to 87,700.

Table: Number and proportion of pupils with special educational needs by priority area in 2015/16 and 2017/18

Priority areas	2015/16		2017/18	
	Number	Proportion	Number	Proportion
Special schools in total	517,384	100.0	544,630	100.0
Priority area learning	190,376	36.8	175,155	32.2
other priority areas combined	327,008	63.2	334,279	61.4
Sight	8,004	1.5	9,009	1.7
Hearing	19,160	3.7	20,356	3.7
Language	56,098	10.8	54,187	9.9
Physical and motor development	36,678	7.1	36,516	6.7

Intellectual development	84,362	16.3	90,526	16.6
Emotional and social development	85,644	16.6	87,724	16.1
Multiple priority areas	11,419	2.2	4,740	0.9
Learning, language, emotional and social development (LSE)	3,011	0.6	19,755	3.6
not yet assigned to a priority area	11,902	2.3	11,466	2.1
Schools for the sick	10,730	2.1	11,336	2.1

The number of children starting school directly at special needs schools declined by 4,600 to 22,100 between 2008 and 2017. The relative proportion of all the children enrolled in school in 2017 was thus about 3 percent

Article 18 - Right to engage in a gainful occupation in the territory of other States

Parties

Paragraph 1 Applying existing regulations in a spirit of liberality

Information on the number of approvals and rejections given for the employment of third-country nationals is published in the statistics on approvals and rejections (ZuwG-Statistik).

The statistics include decisions from the internal approval procedure between the visa offices and foreigners authorities and the Federal Employment Agency. These are pure case statistics

Several approvals may have been granted to the same person during the reporting period.

The approvals granted during the reporting period do not provide information on whether, when and how many third-country nationals actually took up employment. The Federal Employment Agency has no data on the number of persons who have been granted a residence permit for the purpose of gainful employment.

For entry into the country and residence, third-country nationals must hold a residence permit entitling them to engage in gainful employment. In Germany, the right to take up employment is also regulated by the residence permit.

Access to the German labour market is governed by the provisions of the Residence Act (AufenthG) and the Ordinance on the employment of foreigners (BeschV). In certain cases, the approval of the Federal Employment Agency is required for the granting of a residence permit.

This approval is obtained from the visa offices or the foreigners authorities in an internal procedure at the Federal Employment Agency.

Nationals of the European Union (EU), the European Economic Area (EEA) and Switzerland enjoy unrestricted freedom of movement for workers. They do not need a residence permit or work permit. They are free to take up employment in another EU Member State. They are legally equivalent to nationals.

Data on submitted applications is not evaluated statistically.

Paragraph 2 - Simplifying existing formalities and reducing dues and taxes

The Committee recalls that under Article 18§2 of the Charter, the States Parties undertake to reduce or abolish chancery dues and other charges payable by foreign workers or their employers. It notes that in Germany, during the reference period, the charges increased, which is not in conformity with the spirit of Article 18§2 of the Charter. It considers, however, that increases in chancery dues or other charges can be considered to be in conformity with Article 18§2 of the Charter as long as they are made for a good reason (for example in order to cover increased processing costs or inflation) and they are not excessive. The Committee asks for updated information in the next report on the regulatory criteria applied when the amount of the charges is set, clarifying, for instance, whether the charges correspond to the actual cost of processing the residence permit application and whether it is planned to introduce measures to reduce costs for workers or employers.

The following information is provided in this regard:

The assessment of the fees under legislation on foreigners is based on the requirement to cover costs. The aim is to be able to set the fees for issuing residence permits and for other related official acts under legislation on foreigners in such a way that the amount of the fees covers the costs incurred by the authorities involved for the respective public services and does not place an unreasonable burden on those paying the fees.

A comprehensive adjustment of fees under residence laws to the requirement to cover costs was made in legislation to amend fee regulations under residence laws (Gesetz zur Änderung gebührenrechtlicher Regelungen im Aufenthaltsrecht), which came into force on 1 September 2017 with regard to the newly set fee rates.

In order to be able to determine the actual costs of administration for each official act subject to fees, it was necessary to calculate all costs incurred. The personnel costs, i.e. the monetary value of time spent on processing by the respective public service, the material costs per office workstation as well as the overhead costs were determined.

In order to achieve statistically representative results, 20 percent of all German foreigners authorities, i.e. 109 authorities, were included. The selected authorities were spread across all Länder. Furthermore, in each Land, foreigners' authorities of different sizes were selected. The large foreigners' authorities in the federal territory, which issue around 20,000 or more residence titles per year, were all included.

The total cost of issuing a residence permit for more than one year turns out to be 99.70 euros, including material and overhead costs. Cent amounts were rounded up to full euro amounts for practical reasons.

Unrounded amounts lead to increased costs in dealing with everyday customers due to the need to keep a lot of coins available to make change and are thus an obstacle to rapid processing.

Paragraph 3 - Liberalising regulations

Recognition of foreign qualifications in Germany

Countries that are not members of the EU or contracting parties are referred to as third countries. Nationals of such third countries generally require a residence permit, for example a visa. They may work in Germany without restrictions or be self-employed if their residence permit contains a stamp to that effect ("Erwerbstätigkeit gestattet" or "Jede Erwerbstätigkeit gestattet").

Since 6 August 2019, the Federal Employment Agency has only reviewed the terms and conditions of employment. The labour market priority check has been waived nationwide.

Recognition of school-leaving qualifications in Germany

The Länder are responsible for the recognition of foreign school qualifications. The certificate recognition offices (Zeugnisankennungsstelle) of the Länder make decisions concerning the equivalence of certificates to a German secondary general school certificate (Hauptschulabschluss) or an intermediate school leaving certificate after year 10 (mittlerer Schulabschluss) as well as either a general or a subject-related higher education entrance qualification for vocational purposes, for example for training programmes. On request, the certificate recognition offices will issue a decision on the equivalence of a foreign school leaving certificate to a German school leaving certificate.

If the school leaving certificate is deemed equivalent, the applicant receives a certificate attesting that equivalence. The certificate recognition office responsible for an individual case can be found in the anabin database of the Central Office for Foreign Education (ZAB).

The certificate of equivalence for the school-leaving certificate can also be used to apply to institutions of higher learning. However, those wishing to study in Germany should contact the institution in question directly for information about the necessary prerequisites.

Recognition of academic qualifications and academic degrees in Germany

For the purpose of further study in Germany, the respective institutions of higher learning themselves are responsible for the recognition of academic qualifications and examination results acquired abroad.

For academic degrees a certificate assessment (Zeugnisbewertung) can be requested. The certificate assessment describes the type and duration of higher education and specifies the equivalent in the German education system, such as Bachelor or Master. It also provides information on the possibilities of further study in Germany, using an academic title or obtaining professional qualification recognition.

Recognition of foreign professional qualifications in Germany

Recognition of professional qualifications may be necessary in certain professions (e.g. for regulated professions such as doctors, teachers or geriatric nurses) or it may increase one's opportunities on the labour market in Germany. The recognition procedure is initiated only upon request.

The competent authority then assesses the equivalence of the foreign professional qualification. It is compared with the professional qualification profile of a German reference profession. For this equivalence assessment, certain documents are required that show the content and duration of the training. Professional experience and other qualifications are taken into account.

Consequences of loss of employment

In response to the Committee's question whether the legal practice of retroactively limiting a residence permit applied only in cases of potential abuse by the foreign worker, or also in all cases where the worker, after losing his/her job, might not secure his/her livelihood in another way and the request for information on the circumstances under which a residence permit can be revoked as a result of the premature termination of employment, the following answer is given:

Due to the federal system of the Federal Republic of Germany, the local foreigners' authorities responsible for the application of the legislation on residence are not subject to supervision by the Federal Government. As a result, there is no centralised data collected on retrospective limitation sorted according to reasons.

The foreigners' authorities have the option of giving the residence permit a retroactive limit (Section 7 (2) AufenthG) in cases where the purpose of residence prematurely ceases to apply, without grounds for deportation arising at the same time.

Such a decision on a retroactive limitation of the residence permit is at the sole discretion of the foreigners' authority in the given case. However, the length of residence, the foreigner's ties in Germany deserving protection and the other circumstances in the individual case must be taken into account in the decision.

In particular, it must be taken into account that livelihoods may be secured for a certain period of time even without a specific employment relationship. A foreigner's livelihood is also deemed to be secure if the foreigner receives public funds based on contribution payments, such as unemployment benefit, to which foreigners are entitled depending on their period of employment before becoming unemployed.

Paragraph 4 - Leaving the country for the purpose of gainful occupation in another country

Reference can be made to comments of the 29th report.