

Discrimination in German Schools: Q & A

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In Germany, children from what is officially called a “migration background” perform significantly worse at school than their native German counterparts. This briefing paper tries to explain some of the reasons why this reflects the impact of discrimination within the Germany school system.

If children from a migrant background do worse at school than German heritage children, why is that the fault of the school system? Aren't there other factors at play, such as family and social background?

The formation of classes that are predominantly filled with migrant children, in the same school where other classes are disproportionately occupied by German heritage children, is inherently a form of segregation, constituting discriminatory treatment: children are singled out and separated from their peers on grounds of race or ethnicity. This is not done explicitly, but in practice this is what happens. This situation existed in the Leonardo da Vinci gymnasium that was the subject of [the recent complaint by three migrant children](#) over this discriminatory situation, a complaint that was rejected by an administrative judge in Berlin in September.

At Leonardo da Vinci, the formal reasons for the composition of classes were threefold: choice of second foreign language (French or Latin), choice of religious instruction (Christian or “ethical”) and social preferences expressed by parents to have their children put together based on previous school. But none of the parents of the plaintiffs in that case expressed a social preference regarding class composition. Instead, this option was chosen mainly by the parents of the German heritage children who requested that their children be put together; and the school was happy to accommodate this. Being segregated in this way in an affront to dignity and the principle of equal treatment.

Why are we suggesting that it is a problem to have a class with a high majority of migration children? Doesn't this mean we are saying that migrant background children are somehow different, or even less suited to a top class education?

The de facto segregation in schools means it is harder for migrant background children to be fully integrated with German heritage children, and to participate fully in school life with the majority German heritage pupils. This has a very negative effect on their performance in school.

Being placed in a segregated ‘migrant’ class has a stigma to it, since children in ‘migrant’ classes are assumed by many in the German mainstream not to perform well academically, not to speak proper German, to lack parental support, and broadly to lack intrinsic motivation to learn. This stigmatization results in lowered expectations from teachers.

Children from a migrant background do often need more support in this highly competitive environment, designed primarily for traditional middle-class German families in which non-working mothers can help children with homework and other assignments. Some migrant children may also require language assistance. Berlin’s school code requires schools to provide appropriate support where needed.

There is no evidence that migrant children are someone less suited for top class education. Problems arise when the school authorities assume that they are not suited for this kind of top class education, and fail to accommodate special needs when they arise.

Two of the kids in the Leonardo da Vinci case were recommended to go to gymnasium by their elementary school, right? So what went wrong?

The three plaintiff students in the case failed their first year class, and left for another school. They had been placed in a class where 84 per cent of the students came from a migrant background, a far higher percentage than other classes in the school. All the children in this class came from the same predominantly migrant background primary school, noted as having discipline problems (dubbed a *Brennpunkt*, or burning point, school). The Leonardo da Vinci staff immediately identified the class as problematic, with expectations of a high level of failures.

In total ten of the 32 children in the class failed their first year, although 28 of the 32 students had been recommended by their elementary school for the gymnasium level education. Only three risked complaining about their treatment.

The school provided no individual support to overcome the problems the children were facing. It responded very harshly to discipline problems, isolating the teaching of some of the children in a room guarded by the school's security staff. Nor did the school recognize the challenges faced by immigrant background children: the parents of our clients were not able to help their children with homework, because they lack of German proficiency and/or had not been educated at a Gymnasium themselves.

The class was therefore marked as 'unwilling to learn', uninterested and unruly, which in the German education system are synonyms for bound to fail.

The parents of two of the plaintiff students in the case, who had been subject to separation on disciplinary grounds, requested that their children be transferred in another, calmer and less problematic class. The requests were denied by the school on school organizational grounds.

The rest of the migrant kids in Leonardo da Vinci are sticking with it, so what's the problem? Are we saying that migrant kids are never going to fail to make it in a gymnasium? Don't a similar number of native Germans fail?

The other migrant background children are sticking with it because they do not dare to challenge the school in view of the negative consequences it may have for their further educational career. In the Leonardo da Vinci school case there were only three children who had the courage to challenge the school's decision while there were three times as many migrant background pupils who failed that class.

Migrant background children of course may and some will fail, as will German heritage children. But they should get a fair chance to pass, without prejudice, stigmatization, being put and treated separately as ones that do not fit in and are naturally bound to fail.

As to the German heritage pupils, yes, the 2012-2013 statistics show that they fail as well. However the proportion of migrant background children not passing the gymnasium test year were twice as high. So within their respective group there were twice as many pupils who were graded so low resulting in test year failure than their German heritage peers.

Why are we talking about this problem in Germany? Aren't there similar poor performance problems with minorities in other countries, such as poor African Americans in the US and migrant background children in the UK?

Open Society Foundations work to support education for vulnerable minorities elsewhere in Europe, and in the United States. Other organizations also think there is a structural problem with the education of minorities in Germany:

The UN Human Rights Committee has expressed concern at “de facto racial segregation in public schools, reportedly caused by discrepancies between the racial and ethnic composition of large urban districts and their surrounding suburbs, and the manner in which schools districts are created, funded and regulated.

The UN Committee on the Rights of the Child has expressed serious concern at continuous discrimination in Germany suffered by children of foreign origin, including in the area of education. The committee also the called for strengthened efforts to reduce performance disparity, giving special attention to promoting education of children of foreign origin.

The Committee on the Elimination of Racial Discrimination has also called for “measures to strengthen participation of children of immigrant backgrounds in upper secondary education.”

Is this Leonardo da Vinci case “strategic litigation”?

The problems of the three plaintiffs were all individual problems. But they were emblematic of the experiences of many other children of migrant descent. The case, argued by a local lawyer but with the support of the Open Society Justice Initiative, was taken to the Berlin administrative court for them and at their parents’ request.

It required considerable courage for these parents to challenge the educational system in court. Around the world, not just in Germany, any attempt by individuals to challenge systematic discrimination results in intense scrutiny and

criticism from the majority, directed not at the underlying structural issues, but at the circumstances of the individuals who dare to challenge their treatment.

The implications of what happened to three children at the Leonardo da Vinci school case raises a question of systematic discrimination, something that ultimately requires a system-wide solution. In this respect, this case could be considered “strategic litigation”.

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