

# 30 years of United Nations Convention on the Rights of the Child in Germany

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## THEMATIC ARTICLE

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### ABSTRACT

Thirty years have passed since Germany ratified the United Nations Convention on the Rights of the Child and is now on the verge of incorporating it into its Basic Law. This article takes a closer look at recent developments in strengthening children's rights in Germany, focusing on vulnerable children and youth, such as members of the Romani minority, and their educational development. While some improvements have been made in education, the COVID-19 pandemic brought new dimensions into play and exacerbated their vulnerability.

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### KEYWORDS

children's rights, Romani minority, vulnerability, education, COVID-19 pandemic

## INTRODUCTION

Departing from the statement of the United Nation Convention on children's rights this article examines the recent developments on strengthening children's rights in Germany, focusing on children in vulnerable positions such as children belonging to Romani minority. In Germany, there is currently no reliable data on the number of Roma because they are reluctant to call themselves Roma and Germany does not collect data by ethnicity. Therefore, without having exact data from official statistics, correlations are made between Roma children and refugees, asylum seekers and children with migration history. In a later section of this article, further differentiation

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is made with respect to Roma children. Document analysis and comparison of studies also take into account factors such as legal status, origin, period of migration, and children's living conditions. This paper is based on educational policies and studies such as the UN Convention on the Rights of the Child (UNCRC), the Good Childcare Act, the Strong Families Act, etc. from 2015 to 2021, as Germany has experienced a rapid increase in refugee intake in the last six years. More than one hundred studies, policies, government programs and projects have been mapped and analysed in relation to Roma children, their rights to access education, their empowerment, their living conditions and their vulnerability. Given that we live in a globalised world where societies are evolving into knowledge societies, education is more relevant than ever. With increased competition for scarce natural resources, this means that particularly vulnerable groups are coming under greater scrutiny, as educational success cannot be separated from economic advancement (Bittlingmayer, Boutiuc, Heinemann & Kotthoff, 2016). In addition, studies by Gomolla and Radke (2009), Boudon (1974), Messerschmidt (2019), and Óhidy& Forray (2019) explain why discrepancies in school performance occur in relation to ethnic minorities.

The questions at the heart of this article are: What do children's rights include when applied to the vulnerable group of Roma children in Germany? What are the vulnerability factors Roma children face during the COVID-19 pandemic?

In 1989, after ten years of joint work, the United Nation representatives adopted the Convention on the Rights of the Child, a document that emphasises the unique needs and interests of children. The binding international minimum standards of the UN Convention on the Rights of the Child are set out in 54 articles. These include the right to education, the right to leisure time, the right to protection from violence as well as the right on child-friendly living conditions, the protection of children's interests and ensuring equal development opportunities for all children. Seen as a prolongation of the Universal Declaration of Human Rights, the convention recognizes "that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding" (UNICEF, 2011).

Germany signed the Convention on 26 January 1990, thereby committing itself to comply with it. Thus, on 20 November 2019, we celebrated the thirtieth anniversary of the proclamation of the Convention by the United Nations. Nevertheless, despite the fact that Germany has signed the Convention in 1990, it is still not implemented in the German Basic Law, this article deals with the latest developments in strengthening the children's rights in Germany. It bases on document analysis and comparison of studies especially concerning children in vulnerable positions like children seeking asylum, children in situations of migration, as well as children belonging to an ethnic minority. When defining the vulnerable groups in Germany the Romani<sup>1</sup>

<sup>1</sup>Roma is an umbrella term employed by governments, policy makers and in media discourse to describe a minority group under the false assumption that they are homogeneous and share uniform characteristics, traditions and behaviours. Although Roma are the largest and geographically most widespread minority group in Europe, they do not have a cohesive identity. Nevertheless, this article deals with the Romani groups from Eastern-Europe and Western Balkan in Germany and not with the German Roma and Sinti. "Sinti and Roma" is a political term employed in Germany that is nationally a recognized minority. According to Messerschmidt (2019, 5), the correct labelling for the German Sinti and Roma would be "people with Romno background".

"The term Romno is both used and understood by all who speak Romany. In contrast, the double term "Sinti and Roma" implies that this is a homogeneous group of people. In fact, however, this group is very heterogeneous. People with a Roma background come from the cultural and traditional circle of Sinti, Roma, Manouche, Cale, Lovara, Kalderasch and others. This broad self-designation offers a way to get along without ethnicisation."



children and youth are included among them on the basis of their historic circumstances as well as their multiple disadvantages like low education attainment, poverty and high school dropout (European Union Agency for Fundamental Rights (EU-FRA), 2014; Óhidy et al., 2020; Óhidy & Forray, 2019, 2020). “Ethnicity serves as a unifying agent or glue which holds the social movement together” (McGarry, 2010, p. 42). However, it is worth mentioning here that the rights ‘claims for political representation and participation are not automatically derived from ethnicity as such but due to discriminatory experiences that this group witnesses *because* of their ethnic identification.

“Roma are treated differently because of their ethnic identity and thus can command certain rights from the state because of this. Even a wealthy Rom can suffer discrimination and exclusion because of the perception and negative association of Romani ethnicity” (McGarry, 2010, p. 62).

In defining vulnerable groups in Germany, Roma children and youth are included given their historical context as well as their multiple disadvantages like high school absenteeism and dropout as well as adverse living conditions and discrimination (European Union Agency for Fundamental Rights (EU-FRA), 2014; Óhidy et al., 2020; Óhidy & Forray, 2019, 2020).

Children’s vulnerability can be interpreted in various ways, but in relation to children’s rights, it is seen as a triangle of structural problems, institutional positioning, and individual expectations. Child vulnerability is often addressed through education and social policies, as described below. Although the concept of child vulnerability is not new (Rousseau, 1792), it increasingly receives attention especially in philosophy (Mackenzie et al., 2014; Hurst, 2015; Achtenberg, 2017) as well as in social sciences (Andresen, Meiland, Milanovic, & Blume, 2013, pp. 123–129; O’Connell Davidson, 2011) and childhood studies (James 2008). Moreover, the term is also connected to risk of (Beck, 2009) especially within social and educational policies but also with risk *from*<sup>2</sup>.

In particular, children with migration experience, children from low socioeconomic backgrounds, and young refugees and asylum seekers are described as vulnerable (OECD, 2019). Through the construction of normative narratives of vulnerability, these vulnerable groups can be reinforced in their negative characteristics and seen as deficient, weak, and victims rather than given the chance to develop their own voice and agency. This can lead to experiences of segregation and exclusion. With regard to children, from a normative perspective, all children are particularly vulnerable because they are dependent on adults and therefore need special protection. According to OECD (2019, p. 16): “[c]hild vulnerability is the outcome of the interaction of a range of individual and environmental factors that compound dynamically over time. Types and degrees of child vulnerability vary as these factors change and evolve. Age, for example, shapes children’s needs while also exposing them to potential new risks.”

United Nations Convention of the Rights of the Child (UNCRC) recognizes children as particularly vulnerable and as such monitors the implementation of its 54 articles in each country. Among the individual factors contributing to vulnerability the invariable ones, “such as belonging to an ethnic minority or having an immigrant background, or situational, such as experiencing maltreatment, being an unaccompanied minor or placed in out-of-home care” are listed as such (OECD, 2019, p. 17). As mentioned above, Romani children in Germany can be

<sup>2</sup>See in the public discourse as “welfare migrants” and “false asylum seekers”. In media discourse Romani children are often depicted as “foreign to school - schulfremd”, skip school, get into fights, laugh at adults, or mob them: <https://www.gew.de/aktuelles/detailseite/neuigkeiten/morgen-komm-ich-nicht-ich-schwoere/>.



found among children in migration situations as well as among asylum seekers and refugees, these categories are analysed from the perspective of the UN CRC. Other environmental factors such as education and schooling are also considered.

## CHILDREN'S RIGHTS AND SCHOOL SYSTEM: THE CASE OF ROMANI CHILDREN IN GERMANY

This section will deal with the latest policy developments in the children's rights in Germany, as seen through the lenses of vulnerable children pre and during the COVID-19 pandemic.

According to the Article 4 of the [UNCRC \(2003, p. 1\)](#):

*"States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation."* ([UNCRC, 2003](#))

This means that after a State ratifies the UN Convention it has to implement it with a help of a broad range of measures, which monitor its progression and efficacy. On the other side, according to article 3, paragraph 2 ([UNCRC, 2003, p. 2](#)):

*"States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures."* ([UNCRC, 2003](#))

Although the German Child Protection Association (der Deutsche Kinderschutzbund) has urged German politicians to explicitly include children's rights in the Basic Law (2019), the UN Committee on the Rights of the Child in its fifth and sixth periodic reports of Germany (2019, p. 2) stated that the most of *Länder* recognized children's rights in their constitutions apart from the state of Hamburg. In general, as suggested in 2019 by the UN Committee, a great number of policy measures on children's rights are implemented at federal, *Land* and local level in Germany at a satisfactory level (2019, p. 3). As it is impossible to present all the measures taken by the German government to implement the UN Convention, this article will concentrate only on the measures taken for children in vulnerable positions.

As such, in the section dedicated to anti-discrimination principle, the Committee notices that in spite of discrepancies within the education system, "significant improvement in reading skills among children and juveniles with a migration background occurred" (2019, p. 9). However, as the studies ([OECD, 2019](#), [Óhidy, 2018](#)) have shown, the socio-economic status of the parents still affects children's performance at school. The family background still influences the types of schools which are visited as well as the access to child day care centres. Yet, the Federal Government has supported many federal programmes in order to establish equal rights for all children. On 1 January 2019, Good Childcare Act, (*Gute-KiTa-Gesetz*) and Strong Families Act (*Starke-Familien-Gesetz*) came into force to improve childcare and fight child poverty throughout Germany. In 2019, the at-risk-of-poverty rate for children in Germany was around 20.5%, meaning that 20.5% or 2.5 million children were affected by relative income poverty ([Statistisches Bundesamt, 2019](#)).



According to Eurostat (2019), children from households with a low level of education in Germany have a 61% risk of growing up in poverty. If the parents have a higher level of education, only 6% are at risk. Concerning the equal access to child day care federal programmes like: “Language child day care centres: Because language is the key to the world” and “A good start at child day care centre: Building bridges for early education” were also implemented (UN Committee 2019, p. 9).

Another aspect noted by the UN Committee (2019, p. 33) concerned the equal and child-friendly treatment of every child within the education system: all children, regardless of their residence status, should have access to education and be included in schools. In this sense, “*Land-specific regulations apply with regard to the start of schooling for young refugees required to attend school after entering the country*” (UN Committee, 2019). In addition, a number of measures have been implemented at Federal and trans-*Länder* levels to develop procedures for recording skills and abilities, promoting language skills, and integrating newly arrived students, refugees, and asylum seekers at school. Projects such as “Support for children and juveniles with a migration background” (FörMig) and “Education through Language and Writing” (BISS) are part of these education policies (UN Committee, 2019). These newly implemented policies are quite important as the access to child day care and schools by Romani children with a migrant experience is often delayed due to their legal status or prejudices (Roma Civil Monitor, 2019, p. 43).

A further aspect worth mentioning as according to the UN Committee on UNCRC is the article 28, par. 4 (2019, p. 32) on children from ethnic minorities in schools. Apart from “Recommendations for the equal participation of Sinti and Roma in education in Germany” (2015) all Federal states have concluded State Treaties or framework agreements with the Romani minority. In both Brandenburg and Schleswig-Holstein, where Roma communities live, special education policies have also been supported. To conclude, as mentioned by the UN Committee Germany has implemented a great deal of policies in order to protect the vulnerable groups, including those of Roma with and without migration experience and small improvements as described by the fifth and sixth reports of the UN Committee have been registered.

As a result of the Covid 19 pandemic and the risk of infection, the ministers of education and senators of all Federal States decided on March 13, 2020, to close all schools in the Federal Republic of Germany. Therefore, from that point on, the school lessons continued as “distance learning”/online/remote. Unfortunately, the COVID 19 pandemic has brought a new vulnerability to these target groups as it has exacerbated inequalities in society and has changed country’s institutional structures, including German education system. According to the European Commission against Racism and Intolerance (ECRI) (2021, p. 9):

“[d]istance learning measures have excluded many Roma children from school, risking an increase in the already high dropout rates among Roma pupils, due to lack of internet and/or computer access.”

Adjacently, the housing in refugee shelters has visibly deteriorated during the pandemic, as social counsellors and volunteers have hardly any access to refugee children. Moreover,

[s]upport, leisure and educational services are no longer available. Home schooling often fails because of the digital infrastructure. In addition, there are frequently collective quarantines in the refugee shelters. The curfew restrictions significantly increase the risk of domestic violence and particular psychological stress.” (UNICEF, 2020, p. 69)



As mentioned above, there is no data on Romani children, as Germany does not collect data on ethnicity. By association, we can relate the situation of refugees and asylum seekers and those with their own migration experience to that of Roma. Many studies report that the COVID-19 pandemic has caused serious mental health problems and affected well-being in children and adolescents between the ages of eleven and seventeen. In addition, not attending school can have profound long-term negative consequences for skill development (Rude, 2020, p. 46).

Even before the pandemic, the refugee children living in refugee shelters had problems in accessing and using computer devices and the internet. According to IAB-BAMF-SOEP survey (as cited in Rude, 2020, p. 49), in 2018 one-third of the refugee children living in private apartments had their own room, 25% in refugee shelters. Two-thirds of the refugee children in private apartments possess their own desk, 32% children in refugee shelters. Among children without a migration background, 92% had their own desk and 88% had their own room. Only 56% of children in refugee shelters had access to the Internet and 40% had access to a PC. However, only 14% use it alone, the rest has to share it with their siblings. Additionally, refugee children often do not receive adequate homework support due to their parents' low level of education as seen from Table 1 below.

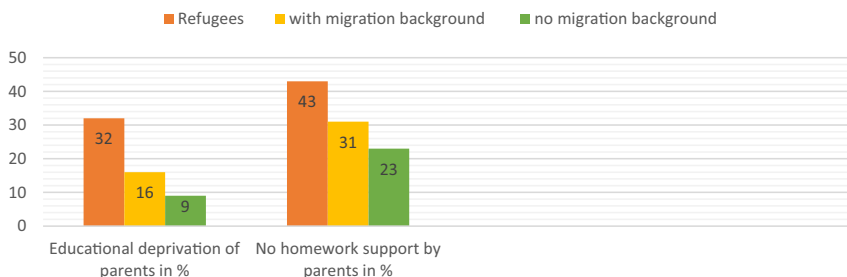
As it can be seen from the table above, they are more exposed to educational risks as 36% of refugee children live in families with a low level of education, compared to 16% of children with a migrant history and 9% of those without a migrant history (Rude, 2020). As it can be seen the pandemic has hit the vulnerable children even more, especially those living in refugee shelters.

In the following section, the concept of vulnerability will be connected to Romani children and their performance in the German school system.

## THE GERMAN SCHOOL SYSTEM: CHANCES AND CHALLENGES FOR VULNERABLE CHILDREN

In the past six years Germany has experienced a rapid surge of immigration refugees, as in the summer of 2015, what we now call the “refugee crisis” began. This was accompanied by over 130,000 young refugees attending German schools (Kröning, 2018). Additional to these refugees

Table 1. Educational deprivation of parents and homework support by parents



Source: SOEP; SOEP-IAB; SOEP-IAB-BAMF (2018) as cited by Rude (2020, p. 50)



it is estimated that up to 150,000 Roma from the Western Balkans applied for asylum in Germany between 2009 and 2018 (*Roma Civil Monitor*, 2019, p. 13).

Roma children and youth are a very heterogeneous category and their vulnerability can be described according to their legal status, origins, period of migration, as well as their living conditions. Although simplistic, in order to explain their vulnerability within the social and educational systems three distinctive groups are to be distinguished:

- a) German Roma and Sinti, who faced persecution during the Nazi regime and in general, experiences of antiziganism and discrimination (*Hofmann & Óhidy*, 2018; *Hofmann*, 2019)<sup>3</sup>. Between 70,000 and 150,000 Sinti and Roma live in the Federal Republic of Germany today. The exact number is not known because there are no official statistics; the figures are based on estimates by the various Sinti and Roma associations. (*Bundeszentrale für politische Bildung*, 2020)
- b) Roma coming from other countries belonging to European Union like Romania, Bulgaria, Croatia, Hungary and Czech Republic and Slovakia. Most of them live in metropolitan areas like Berlin, Duisburg, Kiel, Bochum, Dortmund and Köln (*Hofmann*, 2019). There is no exact number on the Roma from these countries, but for instance in Duisburg live around 19,000 of them from Romania and Bulgaria<sup>4</sup>. Although they do not have problems connected to their legal status, as they come from an EU country, they

“are affected by exploitation or even trafficking in the labour market. [ . . . ] They are very poorly paid, work in extremely precarious conditions, are not insured, do not pay social security contributions and do not enjoy workers’ rights”

Moreover, the vulnerable Roma from Bulgaria and Romania face greatest disadvantage on the housing market, face increased homelessness and often live in improvised shantytowns and tent settlements. Besides, they are disproportionately affected by restrictions on health care and health insurance (*Roma Civil Monitor*, 2019, pp. 10–11).

- c) Roma asylum seekers from Western Balkan countries like Bosnia and Herzegovina, Albania, Kosovo, Serbia, Montenegro and Northern Macedonia, who arrived in Germany in the 1990s after the breakup of ex- Yugoslavia. As mentioned before up to 150,000 Roma from the Western Balkans applied for asylum in Germany between 2009 and 2018 (*Roma Civil Monitor*, 2019, p. 13). The German government has classified the Western Balkan countries such as Albania, Kosovo and Montenegro as “safe countries of origin” with the goal of reducing the number of asylum seekers from the Western Balkans, i.e. in particular the

<sup>3</sup>For a better overview on the situation of German Sinti and Roma see the two articles written by Andrea Óhidy and Natascha Hofmann

*Hofmann & Óhidy* (2018). Mentoring, counselling and mediator models to improve the educational situation of sinti and Roma in Germany. In *International dialogues on education: Past and present*, 5/2018. Available at: <https://www.ide-journal.org/article/2018-volume-5-number-1-mentoring-counselling-andmediator-models-to-improve-the-educational-situation-of-sinti-and-roma-in-germany/>.

*Hofmann*, N. (2019). Dawn of Learning! Sinti and Roma in Germany. In Óhidy, A., & Forray, R. K. (Eds.). *Lifelong learning and the Roma minority in central and Eastern Europe*. Bingley: Emerald.

<sup>4</sup><https://www.handelsblatt.com/politik/deutschland/report-roma-gelten-als-schmuddelkinder-europas-einblicke-in-die-realtaet-einer-minderheit/24246574.html?ticket=ST-3323248-QO9LgQFCrxQDQaiAh1DU-ap1>.



asylum applications of the Roma minority. Herewith all the Roma asylum seekers, who had been rejected until the end of 2015, were banned from working for an indefinite period. This decision brought them and their children automatically in a vulnerable and at-risk position as they have no legal status in Germany, no regular access to medical care due to the deportation ban (Roma Civil Monitor, 2019, p. 34).

How can this vulnerability of the Roma be translated in terms of children's rights and school performance?

Germany does not have a centralised education system like for instance France. Each of the sixteen German Federal states (*Länder*) is solely responsible for its education system (see Fig. 1) and education policy implementation. Accordingly, the Federal government plays only a minor role. As mentioned above, all states have recently implemented effective education policies to increase school performance and educational participation of the target groups described earlier.

While the situation of migrant children in terms of equal opportunities in the German school system has slightly improved after the arrival of refugees, differences remain (Wößmann et al., 2020). According to their study, corona-related school closure has led to a significant decrease in learning time. For example, school-related activities (attending school or learning for school) decreased from 7.4 h per day to 3.6 h per day. Students from non-academic families and lower-performing students spent much of their time during school hours in passive activities such as watching television, playing computer and mobile games, or using social media. Therefore, it is a concern that the Corona crisis is exacerbating educational inequality in Germany (Wößmann et al., 2020, p. 38)

Vulnerability within the school/education system arises from the fact that the family has a significant influence on children's educational success. In general, vulnerabilities occur during educational transitions, i. e., from kindergarten to school, from school to vocational training, and from vocational training to the labour market. Strategies of guidance and support are usually recommended because future development and success depend on the design of these transitions.

## EARLY CHILDHOOD EDUCATION

According to the Education in Germany 2020 Report (*Bildungsberichterstattung*, 2020, p. 79), the attendance of educational and recreational opportunities still depends on the educational background of the parents. Thus, children with working mothers and from more highly educated families are more likely to be read to as well as educational support services are less likely to be taken up by parents with low educational attainments. As there is still a problem in accessing the child day care centres *Länder* use *GuteKiTaGesetz* (Good Childcare Act) in many cases to improve childcare ratios and to exempt parents from paying fees. Nevertheless, structural problems, lack of language skills and lack of familiarity with the official structure impeded refugees and vulnerable immigrants to access day care services. According to the *Bildungsberichterstattung* (2020, p. 87) the participation rate in education for under-three years old without a migrant background has almost always been twice as high as for children with a migrant background over the last decade, 49% compared to 21% in 2019. To avoid prejudices and structural discrimination, the Association Roma in Frankfurt und Rom in Köln have grounded their own kindergarten, in which up to 60 Romani children from Romania and 20 Sinti or Romani children learn (Roma Civil Society 2019, p. 42). Additionally, the Roma and





## German Education System

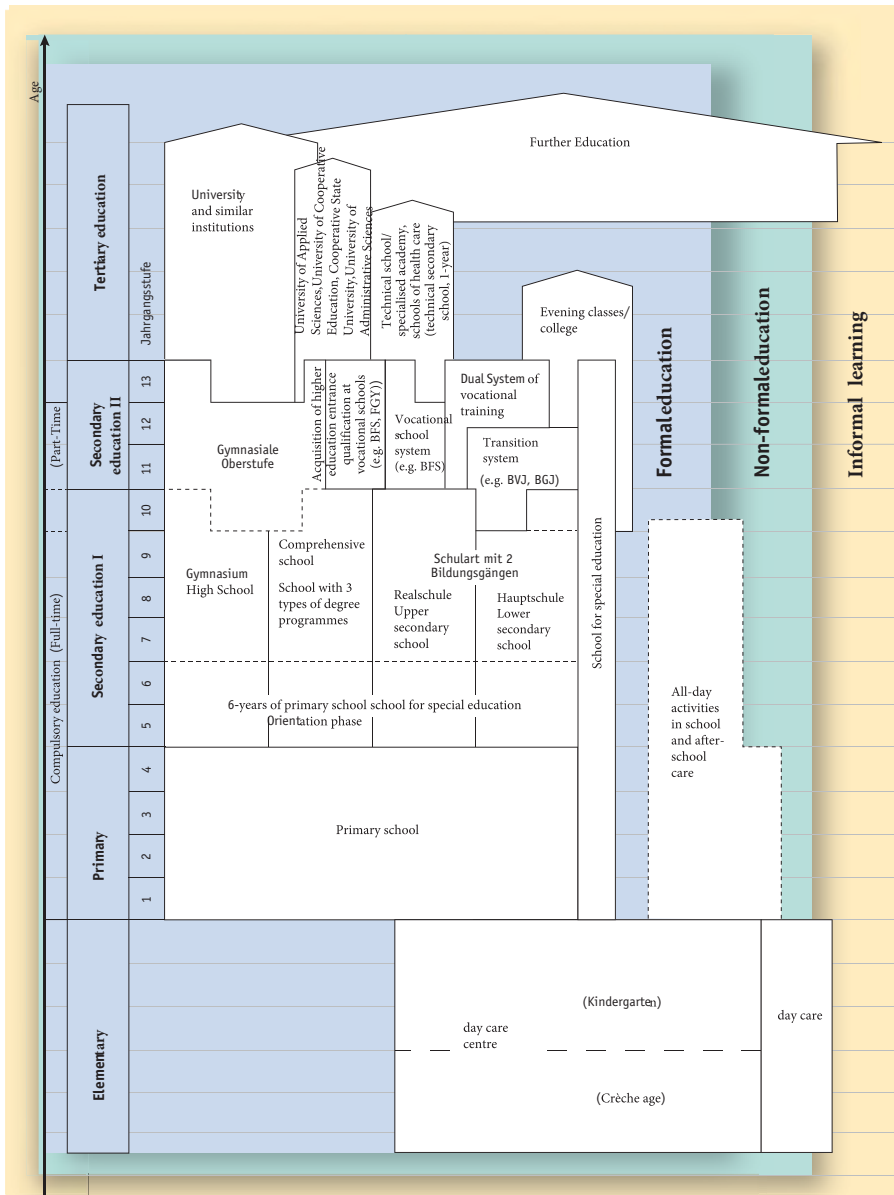


Fig. 1. German education system. Source: Autorengruppe Bildungsberichterstattung (Hrsg.) (2018): Education in Germany 2018: An Indicator-Based Report with an Analysis of the Effects and Returns of Education (own translation)



Sinti educators continue to be trained and the “Act on the Further Quantitative and Qualitative Expansion of Child Day Care” (Gesetz zum weiteren quantitativen und qualitativen Ausbau der Kindertagesbetreuung) entered into force in 2017. This will create additional 100,000 pre-school day care places.

## SECONDARY SCHOOLS AND GYMNASIUM

As there are extensive explanations to school performance of Romani children (Hofmann, 2019; Óhidý et al., 2020), the high absenteeism and dropout rate of Roma children could be explained by first and second order discrimination. According to Gomolla (2009, p. 18) institutional discrimination occurs as “formal rights, established structures, ingrained habits, established values and proven maxims of action”. There are two types of manifestations that can be identified as follows: on the one hand, there are legal provisions that enable institutions to treat different population groups unequally by legal means, hereinafter referred to as “first-order” discrimination. “First order”, for instance, based on their residence status. Furthermore, institutional discrimination occurs as an everyday behavioural disposition of teachers, hereafter referred to as “second order”. The second type of institutional discrimination can only be analysed through its effects (Gomolla & Radke, 2009, p. 19). Since school performance is determined by social origin, Raymond Boudon (1974) differentiates between primary and secondary effects of social origin. The primary effect describes the influence of socioeconomic status on a child’s school performance, while the secondary effect influences educational decisions independently of school performance. However, even if these effects could be offset by, for example, a high-performing primary school system, subsequent educational participation would be class-specific. The benefits and costs of alternative educational paths vary by class, and so do educational decisions. Boudon calls this part of unequal educational opportunity a secondary origin effect.

According to Messerschmidt (2019, p. 16): “[t]he school culture is characterized by personalizing attributions of deficits, both to students and to teachers.” Therefore, “[t]eachers and principals need spaces and time to reflect in order to deal with the conditions of education in today’s migration society and to be able to move professionally - and that means reflecting on racism - in a “globalized classroom”. To be vulnerable means being subjected to power relations. According to the Roma Civil Society report (2019, p. 42) belonging to the Roman community is associated with structural discrimination with regard to compulsory schooling especially for the group of

“migrant children without a secure residence title, as there is no compulsory schooling for them in any federal state. The majority of those affected do not send their children to school because they fear that they will be reported to the police by the school authorities and possibly even deported.”

As Messerschmidt (2019, pp. 16–17) mentions:

“if school boards focus on their control functions, they will hinder rather than promote this debate [on *antiziganism*, author’s note]. Control procedures should ensure that school law regulations - especially the obligation to attend school regularly - are adhered to. However, the focus on legality fosters a view that makes certain students and their families appear as potential violators of the law.



This obscures the deep-seated structural problems of schools, whose lack of staffing leads to teaching conditions that are doubly unfavourable for students from precarious social backgrounds and hardly allow them to experience success.”

Therefore, she pleads that schools are better equipped for these situations and appropriate in-service training for teachers and school administrators take place.

## VET AND HIGHER EDUCATION

In the VET sector the foreign youth are still significantly more likely to be in transition sector. According to the Education Report (*Bildungsberichterstattung, 2020*) foreign young people have significantly lower chances of starting a fully qualifying vocational training programme regardless of their school leaving certificate. While there are minor differences between German and foreign young people in the school-based training system, they are quite considerable in the dual system. Possible causes here are a lack of knowledge about the training system or the social status of in-company training, an unclear residence status or disadvantages in the selection process. In the group of individuals with no more than a lower secondary school leaving certificate, young people from special schools account for 14%. They are likely to have lengthy transition paths or fragmented trajectories (63%), due to the frequent lack of school-leaving qualifications in this group (pp. 161–162).

As in all phases of the educational trajectory, social status also plays an important role in the transition to university: children from non-academically educated families are significantly less likely to study than children from academically educated families and they rarely attend a Gymnasium and are thus less likely to acquire a university entrance qualification. However, since 1992, the proportion of those with a university entrance qualification has risen nationwide to over 50% of the population of the same age (Education Report 2020, p. 185). A shift towards general education is taking place right now, so it is not surprising that Romani students could also benefit from this and enrol and graduate universities (Jonuz et al., 2020; Scherr & Sachs 2017). On the other hand, vocational education could be a good compromise for Romani students who face legal problems, as they cannot be deported during their education. In summary, while the educational attainment of Romani children is slowly beginning to improve, the COVID-19 pandemic has slowed the process of integration and development and has potentially increased socioeconomic inequalities among students. The past year has been very challenging, especially for refugee children living in refugee shelters and children without permanent homes. Due to crowded conditions, many children suffered from violence, stress, and in some cases sexual violence, lack of learning conditions, lack of access to digital tools, lack of privacy and retreats, and health problems due to isolation (Rude, 2020, p. 49). Therefore, schools should be better prepared to meet the needs of Romani children from families without legal rights. The mission of all schools should be “education for all,” regardless of legal status. However, it is worth noting that according to UNCRF (2019) and Global Education Monitoring Report Team (2019), Germany is particularly good at supporting refugee children to integrate into the German education system. Although there are still structural, institutional, and individual barriers and challenges, Germany has: 1) increased its investment in language support by increasing its funding, particularly for language education in day care centres, and 2) recognised vocational qualifications from abroad.

With regard to Romani children, individual Länder have concluded State Treaties or framework agreements with the Roma minority, additionally to actions that focus primarily on



improving their integration in education (UNCRC, 2019, p. 64). Furthermore, training programs for Romani educators have been created to reduce discrimination and prejudice. Thus, Germany has established a legal framework to protect children's rights and children and to promote their well-being and equality. Since not all children could be reached, especially those who face problems due to their lack of residency status, mentoring and support programmes for vulnerable groups are important measures, as they can reach children who are outside the systems while practicing "education for all" (Óhidy et al., 2020).

## CONCLUSIONS

The Romani communities in Germany are highly diverse and both vulnerable marked by numerous deprivations, poverty, low socio-economic status and educational attainment, and as well empowered. The research done by Jonuz (2009) brings hope as she has shown that education advancement improves over time in the second generation, so that the third generation sovereignly knows how to deal with experiences of marginalisation. While the first generation is in a vulnerable position due to their not-knowing of the system, the third one makes use of their rights and the principle of chance equality.

No matter how the discourse was in the past, the COVID 19 pandemic seems to have a negative impact not only on the educational trajectories of Romani children, but also exacerbates their economic and social inequality. Children's poverty, low educational attainment, isolation and discrimination harm children's wellbeing. Among the children's rights that must be guaranteed are the rights to protection from violence and abuse, education, care, support, and play and leisure. Therefore, the Corona measures namely lock down measures and imposed isolation, had a negative impact on the rights of the children and their well-being in Germany. The seclusion accentuated vulnerability, and sociocultural marginalization occurred, especially due to housing problems, learning conditions, and lack of support. Vulnerability means at the structural level experiences of exclusion and discrimination, at the institutional level low educational attainment, and at the individual level lack of agency and self-determined decision-making.

Post-pandemic, then, it is important to continue the development that was done before the pandemic. In concrete terms, this means that the schools need to be better equipped for children without secure residence status. In addition, in-service training opportunities for teachers and school administrators should be created, as well as broad cooperation between schools, institutions, mentors, counselling services and regions should be strengthened. Since the dual system has recently become less attractive and Germany is in urgent need of qualified personnel, addressing children and young people with legal problems and integrating them into vocational training could be a solution both to the shortage of skilled workers in Germany and to alleviating the situation of children and young people at risk of deportation. In this sense, what children and youth from ethnic minorities need is continuous appreciation and genuine recognition of their school performance and motivation. Mentors and teachers should focus more on recognising and valuing their efforts, and existing skills during school transitions, rather than on negative aspects such as low academic achievement, insufficient language skills, migration, legal status and socioeconomic background. The shift taking place today in the education system in deciding on school performance from a deficit-oriented to a resource- and competence-oriented perspective should therefore be further supported and intensified in school transitions and subsequent integration into the labour market.



## ABOUT THE AUTHOR

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