

# **Overview of the legal, political and administrative framework for the implementation of gender mainstreaming in the area of training and further qualification training for educators and in day-care centres**

## **As of 4 April 2007**

### **Introduction**

This introductory paper gives an initial overview of the legal, political and administrative framework for the implementation of gender mainstreaming strategies in the area of vocational training and further qualification training for educators and in day-care centres in Germany.

First of all, this overview is not considered to be a final product, but only serves to identify and describe "fields of intervention" in which further efforts must be made to better anchor gender mainstreaming in infantile education. However, all these fields of intervention need a more precise gender analysis.

Secondly, this paper will be taken into consideration when drawing up the guidelines and recommendations of the gender loop project, together with the contributions of the European partner organisations and the enquiry results from Germany, Lithuania, Norway, Spain and Turkey.

In the first part of the paper, legal principles are described which oblige the State to actively promote the equalisation of women/girls and men/boys.

The second part of the paper focuses on the analysis of the situation in day-care centres in the Federal Republic of Germany. On the one hand, country-specific educational programmes for day-care centres and their statements concerning gender issues are represented. On the other hand, an outline is given of the childcare situation and of the occupational structure in day-care centres.

In the third part, country-specific curricula for vocational training schools for educators are examined, analysing to what extent gender issues are considered in the educational targets and contents of educators.

In the fourth and last part, a short outlook is given with respect to the relatively new development of bachelor study programmes for educators.

From our point of view, not only educational policy requirements for day-care centres, the childcare situation and the occupational structure in day-care centres, but also the curricula of training institutions for educators call for a gender-oriented view and/or a profound gender analysis. On the basis of this analysis, conclusions could be drawn as to whether and in which areas efforts and changes must be made to anchor strategies in the training of educators that promote equal rights and equal opportunities of girls/women and boys/men in day-care centres in the long-term.

### **1. Legal requirements**

German Constitutional Law, the Code of Social Law SGB III and a cabinet decision of the Federal Government from the year 1999 identify important tasks and aims in connection with the implementation of strategies for the promotion of equal opportunities for men and women.

With respect to **Constitutional Law**, see, above all, art. 2 and 3.

§ 2 para. 1 GG [Constitutional Law]: The right to freely develop one's personality.

§ 3 GG: (1) All human beings are equal before the law.

(2) Men and women have equal rights. The State promotes the actual implementation of equal rights of women and men and works towards the elimination of existing disadvantages.

(3) No person may be discriminated or privileged because of gender, descent, race, language, home country and origin, religion, religious or political opinions. No person may be discriminated because of a disability.

With respect to the **Code of Social Law (SGB) Third book (III)** – promotion of job creation – paragraphs 8 and 8a must be emphasised:

#### **§ 8 Promotion of women**

(1) In order to improve the professional situation of women, the services of active job promotion must be directed towards eliminating existing disadvantages and overcoming gender-specific training and job markets.

(2) Women shall be promoted, at least to the women's proportion in unemployment and their relative affectedness by unemployment.

### **§ 8a Compatibility of family and job**

Life conditions of women and men who care for and educate children, who care for family members in need of care, or who will return to their job afterwards shall be considered in the time, content and organisational structure of services for active job promotion.

Moreover, the Federal Government approved gender mainstreaming in a **cabinet decision** in the year 1999. With this cabinet decision, the Federal Government recognised the equalisation of women and men as a continuous guiding principle of their activities on the basis of a state aim established in art. 3 para. 2 phrase 2 GG, and decided to promote this task with the help of the gender mainstream strategy. To execute this decision, it was established in § 2 of the Joint Rules of Procedure of the Federal Ministries on 26 July 2000 that all departments are obliged to consider this approach in all political, regulatory and administrative measures of the Federal Government. This applies also to children and youth welfare (see [www.genderkompetenz.info/gendermainstreaming/grundlagen/geschichten/bund/](http://www.genderkompetenz.info/gendermainstreaming/grundlagen/geschichten/bund/)).

On 19 December 2000, the Federal Ministry for Family, Senior Citizens, Women and Youth included the concept of gender mainstreaming in the promotion guidelines of the **Children and Youth Plan (KJP)** of the Federation. This means that all children and youth welfare organisations that obtain subsidies under the KJP are obliged to implement gender mainstreaming in order to continuously promote equal opportunities for girls and boys.

The **Code of Social Law (SGB) Book 8 (VIII) – Children and Youth Welfare Law (KJHG)** – regulates a wide range of social work and services for the promotion of the development of children and adolescents and the support of parents and families. This also includes the promotion of infants in day-care centres, various educational supports and youth work. The KJHG became effective in the New Federal States as of 1 October 1990, and in the Old Federal States as of 1 January 1991. In this respect, **article 9 para. 3** [fundamental orientation of education, equal opportunities for girls and boys ] is of special importance.

3. When defining the services and fulfilling the tasks, the different living conditions of girls and boys must be taken into consideration, disadvantages shall be reduced and equal opportunities for girls and boys shall be promoted.

## **2. Day-care centres in Germany**

Day-care centres have gained more attention in recent years as far as education policies are concerned. This revaluation can be clearly seen from the educational programmes which are now being issued in every Federal State and which establish demanding educational targets, tasks and areas for the pedagogic work in day-care centres. However, the new educational aims and the daily educational practice in day-care centres are still often worlds apart in many sectors. This is, not least, often due to the social disregard for educators' work, which also means that day-care centres are still provided with low financial and human resources. Corresponding professorships at universities of applied sciences have only been established recently (see Rauschenbach 2006, OECD 2004). The few research activities in the elementary sector also evidence lacking recognition of the educator profession. Correspondingly, studies concerning the situation of infants in day-care centres are rather seldom in comparison to other fields of research. This applies in particular to research projects with an explicit gender focus, even if individual practical and research projects in Germany have been developing further qualification training concepts and methods for a gender-specific pedagogy in day-care centres since the middle of the 1990s (see Rohrmann 2005).

### **2.1 Educational programmes for day-care centres**

Childcare and education standards for day-care centres are established by the respective Federal States.

Against the backdrop of the bad results of the PISA study for Germany, and on the basis of recent findings from development psychology and neurobiology, which indicate the importance of early childhood education processes, the Federal States have drafted new educational programmes for their day-care centres.

In the meantime, each Federal State has an own educational programme (see [www.bildungsserver.de/zeigen.html?seite=2027](http://www.bildungsserver.de/zeigen.html?seite=2027)). In some Federal States the educational

programmes for day-care centres are applied as binding directives for the pedagogic work, in others the programmes only serve for the conceptual orientation of the day-care centres. Some of the educational programmes are still in the test phase to find out to what extent they can be applied in practice.

An initial analysis of the educational programmes shows that gender issues are considered at least rudimentary in the discussion concerning contemporary educational standards for day-care centres. Most programmes indicate that gender stereotypes limit children's realms of experience, and that educators should therefore pay attention that the same scopes of action are opened to boys and girls. The educational programmes of Bavaria and Rhineland-Palatine also describe gender-sensitive and/or gender-conscious pedagogy as a cross-sectional task of educators. The educational programme of Schleswig-Holstein also emphasises that gender consciousness represents a cross-sectional task.

However, these educational programmes consider gender issues either not at all or only rudimentarily in the chapters that describe individual educational areas and precise ideas and/or proposals for pedagogic work in day-care centres.

Most proposals for a gender-reflective pedagogy can be found in the educational programmes of the Federal States of Bavaria, Saarland and Berlin. Thus, the Saarland and Berlin programmes introduce analytical questions that help educators to observe education and development processes of boys and girls more precisely, taking into consideration gender issues (see Saarland Ministry for Education, Culture and Science 2004, 54).

In three Federal States, educational programmes do not relate to gender issues at all or only "incidentally" in one sentence. The educational programmes of the Federal States of Baden-Württemberg, Brandenburg and Northrhine-Westfalia neither make reference to the legal requirements and targets regarding gender-related promotion of boys and girls, nor do they refer to targets and opportunities of a gender-reflective pedagogy (see Rohrmann 2005).

## **2.2. Childcare situation in day-care centres**

In the Federal Republic of Germany, the legal right to a kindergarten place exists. Consequently, every child has the right to a half-day place in a day-care centre from the age of three onwards.

The Federal States are responsible for the provision of day-care centre places.

According to the OECD, availability clearly varies between Old and New Federal States. Currently, so-called nursery places in day-care centres are available in Germany for 8.5% of children under three. In the Old Federal States, nursery places are available for 2.7% of the children under three. 72% of the aforementioned 2.7% are full-day places. On the other hand, nursery places are available for 37% of the children under three in the New Federal States (of which 97.8% are full-day places). The figures for Berlin are shown separately. Here, availability of nursery places for infants lies at 35.8%.

The situation is clearly better for children at the ages of three to six. Here, availability of places in day-care centres in the Federal Republic of Germany stands at a total of 89%. In the Old Federal States this figure lies at 88.1% (of which 24.2% are full-day places), in the New Federal States it lies at 105.1% (98.2% full-day places) and in Berlin at 80.6% (no figures about full-day places are available) (see OECD 2004, 57f).

In the meantime, the number of available places in day-care centres in the Old Federal States for under three year olds is considered to be too low. For this reason, childcare for under three year olds is planned to gradually reach the standards of comparable European countries by the year 2010 (see "Law on quality-oriented and need-oriented extension of day-care for children" (TAG, as of 1 January 2005). A new push of the current Family Minister plans a massive increase in nursery places. According to the Minister's plans, a total of 750,000 children aged 0-3 shall have access to a place in a day-care centre or to a day mother by the year 2013. The percentage of attended children aged 0-3 would then lie at approx. 35% in the Federal Republic.

## **2.3. Ratio of educators**

The ratio of educators varies between the individual Federal States and depends on different factors, e.g. the number of children with a migration background in a group or of children with special needs. In its report, the OECD recommends looking after children at the age of four and older in groups of no more than 25 children. For a number of 25 children, at least two adults are responsible, of whom one should be a trained educator (OECD 2006, 340f).

An overview of the regional personnel ratios in day-care centres, as published for instance by the Brandenburg Ministry for Education, Youth and Sports, however shows that, depending on the Federal State and the composition of the group, the ratio sometimes lies at 1.5 educators for 25 children (see [www.mbj.s.brandenburg.de/media/lbm1.a.1234.de/personalstandards.pdf](http://www.mbj.s.brandenburg.de/media/lbm1.a.1234.de/personalstandards.pdf)).

According to Pamela Oberhuemer, the personnel-child-ratio in Germany lies between 1:5 and 1:7.5 (see Oberhuemer 2006, 240).

## **2.4. Qualification of persons employed in day-care centres**

Educators are the main group of employees in day-care centres. They are almost exclusively trained at vocational training schools for educators. In order to start the training at vocational training schools for educators, all Federal States, except Berlin, require the successful completion of 10 school years. Since 2006, Berlin requires the Abitur [high school/grammar school diploma] to study at a vocational training school for educators.

Training at a vocational training school for educators normally takes three years. There are more than 360 vocational training schools for educators in Germany where approx. 12,000 to 15,000 young persons start their training each year (see Rauschenbach 2006).

In the meantime, there are also 16 universities of applied sciences and/or universities which offer bachelor study programmes in the area of elementary and early childhood pedagogy (see [www.bildungsserver.de/zeigen.html?seite=3432](http://www.bildungsserver.de/zeigen.html?seite=3432); <http://www.profis-in-kitas.de/hochschulen/studienangebote>). Since academic training for educators is a new development, it cannot be seen today whether educators trained at universities will later on work in day-care centres. complete a two-year training at a vocationally-oriented school.

## **2.5. Occupational structure in day-care centres**

Thomas Rauschenbach, who evaluates two data sources for his calculation of the proportion of persons employed in day-care centres, draws the following conclusions: according to a 2002 micro census, 275,000 educators, 4,000 social pedagogues and 37,000 child carers worked in day-care centres in 2002. If we refer to data taken from children and youth aid statistics for 2002 - 242,000 educators, 6,500 social pedagogues and 48,000 child carers were employed in day-care centres (see Rauschenbach 2006, 18ff).

These figures show that relatively few university graduates work in the educator profession. Among the managing personnel, the number of graduates lies at almost 16% (see Rauschenbach 2006: 21). In addition, a high number of part-time employees and an increasing number of temporary employment contracts are characteristic for this profession. Furthermore, the educator profession is still a so-called women's profession. Men are a minority in day-care centres. In 2002, only scarcely 4% of all employees were men. A third of these men work in the financial – technical area: only 50% of male employees (2.67%) work in the pedagogic sector (see Rohrmann 2006 112f).

## **3. Training contents at vocational training schools for educators**

Training aims and contents of vocational training schools for educators in Germany are co-determined on a federal level by the "General Agreements on Technical Colleges/Social Studies dated 7 Nov. 2002" drawn up by the Conference of the German Ministers for Education and Culture ([www.kmk.org/doc/beschl/rvfachschul.pdf](http://www.kmk.org/doc/beschl/rvfachschul.pdf)). This Conference is an association of the competent ministers and/or senators of the Federal States for education, universities, research and cultural affairs (see [www.kmk.org](http://www.kmk.org)). However, these general agreements only roughly regulate education targets, contents and requirements, and the duration of the educator training at a technical college. The general agreements neither contain a request to implement gender mainstreaming, nor an obligation to include gender issues in the training of educators.

Since in the Federal Republic of Germany the responsibility for education lies mainly with the Federal States, the general agreements of the Conference of the German Ministers for Education and Culture only form a basis on which the Federal States draft their own curricula for the vocational training schools for educators.

These curricula contain the more precise learning targets and contents of the vocational training schools. The curricula of the Federal States are binding for the vocational training schools, but must however be detailed by the schools in their own school curricula. The inclusion of gender issues in the curricula of the Federal States is thus a first and important step towards a more gender-reflective training of educators.

An examination of all curricula for vocational training schools which were available at the beginning of January 2007<sup>1</sup> shows that all curricula consider gender issues.

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<sup>1</sup> At the beginning of 2007, curricula of the following Federal States were publicly available: Bavaria, Hamburg, Hesse, Lower-Saxony, Northrhine-Westfalia, Rhineland-Palatine, Saarland, Saxony, Saxony-Anhalt, Schleswig-Holstein. The other curricula were re-drafted at this time and could not be submitted in their final version.

However, gender references differ clearly in the curricula of the individual Federal States. The curricula of the Federal States of Hamburg, Hesse, Northrhine-Westfalia and Saxony-Anhalt expressly refer in their introduction to the fact that training at vocational training schools for educators should be oriented towards the realisation of equal opportunities. The Rhineland-Palatine curricula emphasises that ten main topics concerning the training of educators have evolved on the basis of the technical discussions and of the social developments of the past years. These topics also include "gender-sensitive education".

An analysis of the learning fields in the respective curricula<sup>2</sup> shows that most curricula determine one or several of the following gender issues to be considered by the vocational training schools: "gender-specific socialisation", "gender-conscious education", "reflection of one's own gender role", "social work with boys and girls" and "the educator profession as a social women's profession".

The Federal States of Northrhine-Westfalia, Rhineland-Palatine and Saarland have integrated gender issues more profoundly into their respective curricula than other Federal States, showing as a model how gender aspects can be included in the various learning fields as cross-sectional topics. In Northrhine-Westfalia, for instance, vocational training schools are recommended to teach students a gender-differentiated view of children's literature and to verify popular theories about girls and boys with the children. In Rhineland-Palatine, vocational training schools are recommended to work, among other things, on role-conditioned linguistic behaviour, and to integrate strategies of gender mainstreaming into their pedagogic practise. In Saarland, vocational training schools are instructed to include in the lessons the issues of homosexual partnerships, the term "bad mothers", concepts of men and women in the bible and differing cultural ideas of women and men.

However, in Hamburg, Saxony-Anhalt and Schleswig-Holstein, almost no precise gender issues are defined for the students. In Schleswig-Holstein the term 'gender mainstreaming' was included in the curricula, but without the concept for this being specified in detail.

#### **4. Training contents at universities of applied sciences and universities with BA study programmes in the area of elementary and early childhood pedagogy**

Universities of applied sciences and universities are, on the one hand, subject to the skeleton law on universities which, due to the education sovereignty of the Federal States, only regulates the material principles of university education. On the other hand, the respective regional university laws of the individual Federal States establish the legal regulations for universities. Both the skeleton law on universities and the individual regional university laws dedicate an own chapter to the realisation of equal opportunities for women and men. In addition, a person responsible for equal opportunities is planned for each university who, among other things, is committed to promoting women's issues at universities.

Currently, there are 16 universities of applied sciences and/or universities in Germany that have established departments for early childhood education (see [www.bildungsserver.de/zeigen.html?seite=3432](http://www.bildungsserver.de/zeigen.html?seite=3432) and <http://www.profis-in-kitas.de/hochschulen/studienangebote>).

An initial evaluation of study contents shows that seven BA study programmes describe the teaching of gender issues to be an important part of the training. Here, special mention can be made of the Alice-Salomon University of Applied Sciences in Berlin, the Protestant University of Applied Sciences in Freiburg and the University of Applied Sciences in Neubrandenburg. At the Alice-Salomon University of Applied Sciences gender competencies are taught as part of the study area Diversity Studies, and these competencies are integrated into all modules and study areas. At the Freiburg Protestant University of Applied Sciences, it is planned to make gender competencies one of eight core competencies. And at the Neubrandenburg University of Applied Sciences, the promotion of gender competency and intercultural competency is one of thirteen study modules.

This first analysis leads to the assumption that an increasing academic orientation improves the opportunity to increasingly integrate gender issues into the educator training.

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<sup>2</sup> Learning fields describe targets and contents of the lessons, methodological-didactic information and competencies to be acquired by the students.

## Literature

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Sozialgesetzbuch (SGB) Achtes Buch – Kinder- und Jugendhilfe, Artikel 9 Abs. 3

### **Educational programmes for day –care centres of the federal states**

The educational programmes for day –care centres of the federal states are available: [www.bildungsserver.de/zeigen.html?seite=2027](http://www.bildungsserver.de/zeigen.html?seite=2027), 3.4.2007

### **The curricula for the vocational training schools for educators of the Federal States**

The curricula for the vocational training schools for educators of the Federal States Bavaria, Hesse, Northrhine-Westfalia, Saarland, Saxony-Anhalt, and Schleswig-Holstein are available: [www.bildungsserver.de/zeigen.html?seite=4027](http://www.bildungsserver.de/zeigen.html?seite=4027), 3.4.2007

The curricula for the vocational training schools for educators of the Federal State Rhineland-Palatine is available: [www.bildungsserver.de/zeigen.html?seite=4028](http://www.bildungsserver.de/zeigen.html?seite=4028), 3.4.2007

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The curricula for the vocational training schools for educators of the Federal State Saxony is available: [http://marvin.sn.schule.de/~ci/download/lp\\_fs\\_erzieher.pdf](http://marvin.sn.schule.de/~ci/download/lp_fs_erzieher.pdf), 4.4.2007

The curricula for the vocational training schools for educators of the Federal State Hamburg is available: (Ed.) Behörde für Bildung und Sport, Amt für Bildung, Abt. Berufliche Bildung und Weiterbildung, Postfach 76 10 48, 22060 Hamburg

### **Universities of applied sciences and universities with BA study programmes in the area of elementary and early childhood pedagogy**

The universities of applied sciences and universities with BA study programmes in the area of elementary and early childhood pedagogy are listed: [www.bildungsserver.de/zeigen.html?seite=3432](http://www.bildungsserver.de/zeigen.html?seite=3432) , [www.profis-in-kitas.de/hochschulen/studienangebote](http://www.profis-in-kitas.de/hochschulen/studienangebote), 3.4.2007

### **Links**

[www.genderkompetenz.info/gendermainstreaming/grundlagen/geschichten/bund/](http://www.genderkompetenz.info/gendermainstreaming/grundlagen/geschichten/bund/)

[www.mbjis.brandenburg.de/media/lbm1.a.1234.de/personalstandards.pdf](http://www.mbjis.brandenburg.de/media/lbm1.a.1234.de/personalstandards.pdf)

[www.kmk.org](http://www.kmk.org)