

# **DOTCOM: The Disability Online Tool of the Commission**

## **Germany**

### **A. UN Convention status**

#### **A1. Ratification or conclusion of the UN Convention**

In December 2008 the German Parliament [Bundestag] and the Federal Council of the 16 German federal states [Bundesrat] voted on the ratification of the UN Convention on the Rights of Persons with Disabilities. Following these resolutions, it was published on 31 December 2008 in the Federal Law Gazette (BGBl 2008 II, No. 35, 1419 ff.). The ratification was deposited by the general secretary of the United Nations at 24 February 2009. For Germany, the Convention entered into force on 26 March 2009.

#### **Links**

Federal Law Gazette (BGBl 2008 II, No. 35, 1419 ff.)

[http://www.bgbl.de/Xaver/start.xav?startbk=Bundesanzeiger\\_BGBI](http://www.bgbl.de/Xaver/start.xav?startbk=Bundesanzeiger_BGBI)

#### **A2. Ratification or accession to the Optional Protocol**

Germany signed the Optional Protocol on 30 March 2007. In December 2008 the German Parliament [Bundestag] and the Federal Council of the 16 German federal states [Bundesrat] voted on its ratification. Following these resolutions, it was published on 31 December 2008 in the Federal Law Gazette (BGBl 2008 II, No. 35, 1419 ff.). The ratification deed was deposited by the General Secretary of the United Nations on 24 February 2009. For Germany, the optional protocol entered into force on 26 March 2009.

#### **Links**

Federal Law Gazette (BGBl 2008 II, No. 35, 1419 ff.)

[http://www.bgbl.de/Xaver/start.xav?startbk=Bundesanzeiger\\_BGBI](http://www.bgbl.de/Xaver/start.xav?startbk=Bundesanzeiger_BGBI)

#### **A3. Declarations, Reservations and Objections**

There are no declarations, reservations or objections by the Federal Republic of Germany.

#### **Links**

Federal Law Gazette (BGBl 2008 II, No. 35, 1419 ff.)

[http://www.bgbl.de/Xaver/start.xav?startbk=Bundesanzeiger\\_BGBI](http://www.bgbl.de/Xaver/start.xav?startbk=Bundesanzeiger_BGBI)

#### **A4. Comprehensive review**

The German government enacted the first country report about the implementation of the CRPD in Germany on 3 August 2011. For each article of the CRPD, the review shows the 'state of the art' of German disability laws and regulations.

The second state report has to be prepared by October 2019. It has to be based on the list of issues developed by the UN CRPD Committee in 2018.

#### **Links**

First country report on the implementation of the UN CRPD

[http://www.institut-fuer-menschenrechte.de/fileadmin/user\\_upload/PDF-Dateien/Pakte\\_Konventionen/CRPD\\_behindertenrechtskonvention/crpd\\_state\\_report\\_germany\\_1\\_2011\\_de.pdf](http://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-Dateien/Pakte_Konventionen/CRPD_behindertenrechtskonvention/crpd_state_report_germany_1_2011_de.pdf)

English version of the first country report on the implementation of the UN CRPD

<http://www.institut-fuer-menschenrechte.de/menschenrechtsinstrumente/vereinte-nationen/menschenrechtsabkommen/behindertenrechtskonvention-crpd.html#c7937>

Federal Law Gazette (BGBl 2008 II, No. 35, 1419 ff.)

[http://www.bgbl.de/Xaver/start.xav?startbk=Bundesanzeiger\\_BGBI](http://www.bgbl.de/Xaver/start.xav?startbk=Bundesanzeiger_BGBI)

Information on the second country report published by the German monitoring body (German Institute for Human Rights)

<https://www.institut-fuer-menschenrechte.de/monitoring-stelle-un-brk/staatenpruefung-2018-2020/>

List of issues for the preparation of the second country report

<https://www.institut-fuer-menschenrechte.de/monitoring-stelle-un-brk/staatenpruefung-2018-2020/dokumente-zur-2-staatenpruefung/>

## **A5. Focal point**

The Federal Ministry for Labour and Social Affairs is the focal point within the German government according to Article 33 of the UNCRPD. The 16 German federal states [Bundesländer] appointed focal points on their level as well. The Federal Ministry for Labour and Social Affairs liaises the 16 'sub'-focal points for all matters relating to the implementation of the UNCRPD.

### **Links**

Federal Ministry for Labour and Social Affairs

<http://www.bmas.de/DE/Themen/Teilhabe-behinderter-Menschen/inhalt.html>

Focal point for Baden-Wuerttemberg

<https://sozialministerium.baden-wuerttemberg.de/de/soziales/menschen-mit-behinderungen/>

Focal point for Bavaria

<http://www.stmas.bayern.de//behinderung.php>

Focal point for Berlin

<https://www.berlin.de/sen/soziales/themen/menschen-mit-behinderung/>

Focal point for Brandenburg

<http://www.masf.brandenburg.de/cms/detail.php/bb1.c.186954.de>

Focal point for Bremen

[https://www.soziales.bremen.de/soziales/menschen\\_mit\\_behinderungen-50798](https://www.soziales.bremen.de/soziales/menschen_mit_behinderungen-50798)

Focal point for Hamburg

<https://www.hamburg.de/behinderung/>

Focal point for Mecklenburg-Vorpommern

[https://www.mecklenburg-vorpommern.de/familie/menschen\\_mit\\_behinderung/](https://www.mecklenburg-vorpommern.de/familie/menschen_mit_behinderung/)

Focal point for Niedersachsen

[http://www.ms.niedersachsen.de/themen/soziales/menschen\\_mit\\_behinderungen/13851.html](http://www.ms.niedersachsen.de/themen/soziales/menschen_mit_behinderungen/13851.html)

Focal point for North Rhine-Westphalia

<https://www.mags.nrw/inklusion>

Focal point for Rheinland-Pfalz

<https://msagd.rlp.de/de/unsere-themen/menschen-mit-behinderungen/>

Focal point for Saarland

[http://www.saarland.de/ministerium\\_soziales\\_gesundheit\\_frauen\\_familie.htm](http://www.saarland.de/ministerium_soziales_gesundheit_frauen_familie.htm)

Focal point for Saxony

<http://www.sms.sachsen.de/>

Focal point for Saxony-Anhalt

<https://ms.sachsen-anhalt.de/themen/menschen-mit-behinderungen/>

Focal point for Schleswig-Holstein

<https://www.landtag.ltsh.de/beauftragte/beauftragte-men/>

Focal point for Thüringen

<http://www.thueringen.de/de/bb/>

Focal point for Hesse

<http://www.brk.hessen.de>

## **A6. Coordination mechanism**

The Federal Government Commissioner for Matters relating to Persons with Disabilities is the coordination mechanism according to Article 33 of the UN CRPD. The voice of the civil society, especially of organisations of and for persons with disabilities, is represented by a special 'coordination site' (Koordinierungsstelle) and conciliation committee (Schlichtungsstelle).

### **Links**

Coordination mechanism by The Federal Government Commissioner for Matters relating to Persons with Disabilities

[http://www.behindertenbeauftragter.de/DE/Koordinierungsstelle/Koordinierungsstelle\\_node.html](http://www.behindertenbeauftragter.de/DE/Koordinierungsstelle/Koordinierungsstelle_node.html)

## **A7. Independent mechanism**

The German Institute for Human Rights [Deutsches Institut für Menschenrechte e.V.] is the independent national human rights mechanism as required by Article 33(2) of the UN CRPD. The Institute is an independent body, operating on the basis of the 'Paris Principles' of the United Nations. Its work started in 2001 and is currently financed by the Federal Parliament and sometimes with third-party funds. Since 2015 the independent work is regulated by the Act on the legal position and function of the German Institute for Human Rights. This Act regulates the legal status, the functioning and the funding of its work. To comply the monitoring task under the UN CRPD, a separate department within the Institute - the CRPD monitoring body - has been set up and started working since May 2009.

### **Links**

Monitoring body at the German Institute for Human Rights

<https://www.institut-fuer-menschenrechte.de/monitoring-stelle-un-brk/>

## **A8. Official reporting**

The first German state report about the UN CRPD was completed in March 2011. It was approved by the German government on 3 August 2011 and published subsequently. It was submitted to the UN in September 2011 and published in May 2013. In April 2014 the UN

sent a list of issues to the German government with open questions regarding to the German state report on the implementation of the UN CRPD. The answers of the German government were released in August 2014. The German state report was reviewed by the UN in 2015. In its Concluding Observations, the UN CRPD Committee indicated problems and made recommendations for the implementation of the UN CRPD in Germany. A list of issues prepared by the UN Committee is the basis for the second country report to be submitted in 2019.

## Links

State reports to the UN Committee

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=66&DocTypeID=29](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=66&DocTypeID=29)

All UN reporting cycle documentation

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=66](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=66)

National state report on the implementation of the UN Convention on the Rights of Persons with Disabilities

[http://www.bmas.de/SharedDocs/Downloads/DE/staatenbericht-2011.pdf?\\_\\_blob=publicationFile](http://www.bmas.de/SharedDocs/Downloads/DE/staatenbericht-2011.pdf?__blob=publicationFile)

The first country report on the implementation of the UN CRPD (English version)

<http://www.institut-fuer-menschenrechte.de/menschenrechtsinstrumente/vereinte-nationen/menschenrechtsabkommen/behindertenrechtskonvention-crpd.html#c7937>

Updated information on the country reporting process of Germany

<https://www.institut-fuer-menschenrechte.de/monitoring-stelle-un-brk/staatenpruefung-2018-2020/>

## A9. Shadow reporting

For the purpose of shadow reporting, German Disabled People's Organisations and other civil society organisations formed the German CRPD-Alliance of non-governmental organisations in January 2012. Altogether, the Alliance is comprised of 78 organisations, and thus essentially represents a wide range of disability politics associations in Germany. The majority of these organisations emerged from the fields of self-representation of persons with disabilities, disability self-help associations, and social associations. Other members include welfare organisations, expert associations concerned with supporting persons with disabilities, psychiatric experts as well as professional and expert organisations from the educational field, development work, parents' associations and trade unions. The steering committee is led by a person with disability from DPI, the two speakers are persons with disabilities from DPOs, too. The Charter of the German CRPD-Alliance stresses the importance of the participation of persons with disabilities in the Alliance. Hence this consortium is the most comprehensive alliance that has ever dealt with disability issues from a human rights perspective in Germany. A list of all 78 organisations-members of the Alliance is available online (see links). The Association is also responsible for the German 'shadow translation' of the UN CRPD since the official German version has been criticized by disabled people and their organisations for not aligning with the international vocabulary of disability rights activism. The German CRPD-Alliance enacted the first shadow report for Germany (First Civil Society Report on the Implementation of the UN Convention on the Rights of Persons with

Disabilities in Germany) on 17 January 2013. With regard to the pending review of Germany's state report by the UN, the CRPD-Alliance released a statement on the UN list of issues. Additionally, the German Institute for Human Rights also prepared a shadow report in 2015.

## Links

Civil society reports to the UN Committee

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=66&DocTypeID=14](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=66&DocTypeID=14)

Joint NGO submission by the Alliance of German Non-governmental Organizations on the UN CRPD

<http://www.brk-allianz.de>

First Civil Society Report on the Implementation of the UN CRPD in Germany

<http://www.brk-allianz.de/index.php/parallel-bericht.html>

Shadow translation of the UN CRPD in German

<https://www.behindertenrechtskonvention.info/schattenuebersetzung-3678/>

Oral statement by the German CRPD Alliance (BRK-Allianz) for the List of Issues on the Germany state report

<http://www.brk->

[allianz.de/attachments/article/99/Oral Statement Paper German CRPD Alliance FINAL.doc](http://www.brk-allianz.de/attachments/article/99/Oral%20Statement%20Paper%20German%20CRPD%20Alliance%20FINAL.doc)

Shadow report of the German Institute for Human Rights (2015)

[https://www.institut-fuer-menschenrechte.de/fileadmin/user\\_upload/PDF-](https://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-)

[Dateien/Parallelberichte/Parallelbericht an den UN-](https://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-Dateien/Parallelberichte/Parallelbericht_an_den_UN-)

[Fachausschuss fuer die Rechte von Menschen mit Behinderungen 150311.pdf](https://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-Dateien/Parallelberichte/Parallelbericht_an_den_UN-Fachausschuss_fuer_die_Rechte_von_Menschen_mit_Behinderungen_150311.pdf)

German CRPD-Alliance (member organisations)

<http://www.brk-allianz.de/index.php/m-beteilgtengos.html>

## B. General legal framework

### B1. Anti-discrimination legislation

In Germany there are three main laws which form the legal framework for non-discrimination on the grounds of disability.

First, the German Constitution [Grundgesetz] in Article 3 states that:

- All persons shall be equal before the law.
- Men and women shall have equal rights. The state shall promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist.
- No person shall be favoured or disfavoured because of sex, ancestry, race, language, homeland and origin, faith, or religious or political opinions. No person shall be disfavoured because of disability.'

Article 3 paragraph 3 sentence 2 of the German Constitution added in 1994 prohibits discrimination on the ground of disability.

Second, there is the national Disability Equality Act [Gesetz zur Gleichstellung behinderter

Menschen – Behindertengleichstellungsgesetz, BGG]. This law came into force in 2002 and was revised in 2016. It focuses on equal opportunities and accessibility of the public service sector, but has also small implications for private businesses. By now, all federal states [Bundesländer] of Germany have implemented their own disability equality acts in order to implement the federal standards. As a result, Germany now has 16 laws at the federal state level and one on the national level. The third important law at national level is the General Equality Act [Allgemeines Gleichbehandlungsgesetz, AGG] which came into force in 2006. It protects disabled persons and others against discrimination in the workplace and in civil law. This law has established the new institution of the Federal Anti-Discrimination Agency [Antidiskriminierungsstelle des Bundes] which aims to stimulate public debates, to inform about non-discrimination legislation, to monitor the practice and to carry out research and last but not least, to give advice to persons who have experience in discrimination. The tasks of the Federal Anti-Discrimination Agency are regulated in sections 25-30 AGG.

### Links

Basic Law for the Federal Republic of Germany (German Constitution, German version)

<http://bundesrecht.juris.de/gg>

Basic Law for the Federal Republic of Germany (German Constitution, English version)

[http://www.gesetze-im-internet.de/englisch\\_gg/index.html](http://www.gesetze-im-internet.de/englisch_gg/index.html)

Disability Equality Act

<http://www.gesetze-im-internet.de/bgg>

General Equality Act

<http://bundesrecht.juris.de/agg/index.html>

Federal Anti-Discrimination Agency

<http://www.antidiskriminierungsstelle.de>

The New Disability Equality Act

<http://www.bmas.de/DE/Service/Gesetze/gesetz-zur-gleichstellung-behinderter-menschen.html>

Disability Equality Act of North Rhine-Westphalia (one of 16 examples of a non-discrimination and accessibility act at the federal level)

[https://recht.nrw.de/lmi/owa/br\\_text\\_anzeigen?v\\_id=5420140509100636414](https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=5420140509100636414)

## B2. Recognition of legal capacity

In Germany legal guardianship can be established if a person is not able to manage his or her own affairs in daily life. The legal basis is the Civil Code Book (section 1896 ff. Bürgerliches Gesetzbuch, BGB). It depends on individual's conditions and in most of the cases, it is restricted to certain areas of agencies (e.g. health, financial care). Reasons for guardianship are mental illness, dementia, a high degree of intellectual disability (such as cognitive impairments) or other chronic conditions that make a person unable to take care of his or her life affairs. According to the German Civil Code Book (section 1906 BGB), compulsory detention in a mental hospital is in general forbidden, but may be possible as an exception under the condition that an individual endangers him- or herself and/or others. In 2013 the civil law was revised. Now medical treatment against a person's will is not only depending on the authorised legal guardian, but the consent of the responsible guardianship court [Betreuungsgericht] is also needed. Nevertheless, the supported decision-making, as recognised in Article 12 of the UN CRPD, has not yet been fully implemented into German

civil law.

The law concerning care and attendance stipulates that legal representatives need to ensure adequate knowledge about the wishes, wills and needs of the individuals under care. They need to consider these in their work. Upcoming decisions need to be discussed as well. If this is impossible, the assumed will needs to be determined, for example, through previous conversations with the individual under care or information by his/her relatives. In practice, this is often impossible because of inadequate temporal or financial conditions and because of a lack of qualifications of the legal representatives.

### Links

Legal custodianship in the Civil Code Book (section 1896 ff. BGB, German version)

<http://bundesrecht.juris.de/bgb/BJNR001950896.html#BJNR001950896BJNG017103377>

Legal custodianship in the Civil Code Book (section 1896 ff. BGB, English version)

[http://bundesrecht.juris.de/englisch\\_bgb/englisch\\_bgb.html#BGBengl\\_000G206](http://bundesrecht.juris.de/englisch_bgb/englisch_bgb.html#BGBengl_000G206)

## B3. Accessibility of voting and elections

According to the German Constitution (Article 38 ff. GG), every person has the right to vote in general, direct, free, equal and secret elections. The Disability Equality Act at the national level and the corresponding acts at the federal states level include provisions to provide accessibility in elections. However, according to the German Electoral law (section 13 Bundeswahlgesetz, BWahlG), a person under guardianship can be denied the right to vote under certain circumstances. The denial of the right to vote is possible when a comprehensive guardianship covering all life areas is established. Although the capacity to participate in an election is not examined in the guardianship procedure. Persons who are sentenced to stay in forensic institutions can also be excluded from the right to vote under certain circumstances. This practice was criticised by the CRPD Monitoring Body and was under an in-depth investigation in 2017. Recently, several federal states have granted the right, to vote regardless of any disability.

A new resolution from the Federal Constitutional Court (Bundesverfassungsgericht) in Karlsruhe vom 29 January 2019, published the decision relating to the general voting exclusion for disabled people. It classifies the previous law relating to people who need care in all areas of life - corresponding to § 13 No. 2 of the Union Electoral Law (Bundeswahlgesetzes (BWahlG) - and regarding to disabled criminals in a psychiatric hospital - relating to § 13 No. 3 BWahlG - as unconstitutional. The Federal Constitutional Court (Bundesverfassungsgericht) strengthens the rights of disabled persons with the reference to the principles of the general right, according to article 38, para. 1 of the Constitutional Law (GG, Grundgesetz) and the discrimination prohibition from Article 3, para. 3 of the Constitutional Law (GG, Grundgesetz).

### Links

In-depth study on the right to vote for people with disabilities

[https://www.reha-recht.de/fileadmin/user\\_upload/RehaRecht/Diskussionsforen/Forum\\_D/2017/D16-2017\\_Studie\\_zum\\_Wahlrecht\\_von\\_Menschen\\_mit\\_Behinderungen.pdf](https://www.reha-recht.de/fileadmin/user_upload/RehaRecht/Diskussionsforen/Forum_D/2017/D16-2017_Studie_zum_Wahlrecht_von_Menschen_mit_Behinderungen.pdf)

Basic Law for the Federal Republic of Germany (German Constitution, German version)

<http://bundesrecht.juris.de/gg>



Disability Equality Act

<http://www.gesetze-im-internet.de/bgg>

Disability Equality Act of North Rhine-Westphalia (one of 16 examples of a non-discrimination and accessibility act at the federal level)

[https://recht.nrw.de/lmi/owa/br\\_text\\_anzeigen?v\\_id=5420140509100636414](https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=5420140509100636414)

Federal Electoral Law (Section 13)

[http://bundesrecht.juris.de/bwahlg/\\_13.html](http://bundesrecht.juris.de/bwahlg/_13.html)

UN CRPD Monitoring Body publication about exemptions from the right to vote

<http://www.institut-fuer->

[menschenrechte.de/uploads/tx\\_commerce/policy\\_paper\\_18\\_gleiches\\_wahlrecht\\_fuer\\_alle.pdf](http://www.institut-fuer-menschenrechte.de/uploads/tx_commerce/policy_paper_18_gleiches_wahlrecht_fuer_alle.pdf)

Federal Constitutional Court

<https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2019/bvg19-023.html>

## **B4. Official recognition of sign language**

German Sign Language has been recognized as an official language since 2002. The legal basis is the national Disability Equality Act (section 6 paragraph 1 BGG). Paragraph 82 benefits for the promotion of communication (Leistungen zur Förderung der Verständigung) of the Federal Participation Law (2016, Bundesteilhabegesetz) stresses that alternative means of communication such as Sign Language need to be taken into account, if required.

### **Links**

Section 6 BGG – Disability Equality Act

[http://www.gesetze-im-internet.de/bgg/\\_6.html](http://www.gesetze-im-internet.de/bgg/_6.html)

Federal Participation Law

[https://www.bmas.de/SharedDocs/Downloads/DE/PDF-Meldungen/2016/bundesteilhabegesetz.pdf?\\_\\_blob=publicationFile&v=7](https://www.bmas.de/SharedDocs/Downloads/DE/PDF-Meldungen/2016/bundesteilhabegesetz.pdf?__blob=publicationFile&v=7)

## **B5. National disability strategy and action plan**

The first national disability action plan (National Action Plan 1.0) for the implementation of the CRPD was published on 15 June 2011. It is entitled 'Just doing it'; Our Journey into an Inclusive Society ['Einfach machen'; Unser Weg in eine inklusive Gesellschaft']. In this action plan the German government commits itself to inclusion as a long-term objective.

Participation of persons with disabilities in working life is identified as a priority. Another key issue is the improvement of indicators and statistics about the situation of persons with disabilities. More valid data are needed to guarantee a solid foundation for policy changes.

To inform about the life situations of persons with disabilities and the effectiveness of policy instruments the Federal Ministry for Labour and Social Affairs regularly publishes official disability reports. At least one report for each legislation period is required. The last government report was published in 2016.

The second National Action Plan has placed greater emphasis on human rights issues (see German Institute for Human Rights 2016, 2) than the National Action Plan of 2011. The German Federal government's 'National Action Plan 2.0' covers 13 areas of activity and 175 different measures, and is currently in progress. However, it does not implement all the



recommendations of the UN Committee consistently or consequently, for example, in regard to the segregation of people in sheltered workshops (see Deutsches Institut für Menschenrechte, 3). There are even public concerns that the National Action Plan 2.0 may worsen the situation of people with disabilities.

## Links

National Action Plan 1.0

[http://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen/a740-nationaler-aktionsplan-barrierefrei.pdf?\\_\\_blob=publicationFile](http://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen/a740-nationaler-aktionsplan-barrierefrei.pdf?__blob=publicationFile)

Disability report of the German government 2013

[http://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen/a125-13-teilhabebericht.pdf;jsessionid=B2CB9FE716B78F6FC734577DB3B1A25B?\\_\\_blob=publicationFile&v=2](http://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen/a125-13-teilhabebericht.pdf;jsessionid=B2CB9FE716B78F6FC734577DB3B1A25B?__blob=publicationFile&v=2)

National Action Plan 2.0

[http://www.bmas.de/SharedDocs/Downloads/DE/PDF-Schwerpunkte/inklusion-nationaler-aktionsplan-2.pdf?\\_\\_blob=publicationFile&v=4](http://www.bmas.de/SharedDocs/Downloads/DE/PDF-Schwerpunkte/inklusion-nationaler-aktionsplan-2.pdf?__blob=publicationFile&v=4)

Revised Disability report of the German government 2016

[http://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen/a125-16-teilhabebericht.pdf?\\_\\_blob=publicationFile&v=7](http://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen/a125-16-teilhabebericht.pdf?__blob=publicationFile&v=7)

Comments on the National Action Plan 2.0 by the Monitoring Body, German Institute for Human Rights

[http://www.institut-fuer-menschenrechte.de/fileadmin/user\\_upload/Publikationen/Stellungnahmen/Stellungnahme\\_Kommentar\\_zum\\_Nationalen\\_Aktionsplan\\_2\\_0\\_der\\_Bundesregierung\\_zur\\_Umsetzung\\_der\\_UN\\_BRK.pdf](http://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/Publikationen/Stellungnahmen/Stellungnahme_Kommentar_zum_Nationalen_Aktionsplan_2_0_der_Bundesregierung_zur_Umsetzung_der_UN_BRK.pdf)

## C. Accessibility

### C1. Transport accessibility

Section 8 paragraph 2 of the Disability Equality Act [Gesetz zur Gleichstellung behinderter Menschen – Behindertengleichstellungsgesetz, BGG] stipulates that public transport has to be accessible at national level. This law has caused changes in the specific legislation on transport accessibility. In 2012, the national passenger transport law was reformed accordingly. It stipulates that full accessibility of public transport is to be ensured until 2022. Long distance bus services are to be fully accessible until 2019.

As the amended version of the Federal Participation Law from July 2016 shows, the private sector is excluded. The legal binding changes apply only to the public sector. Thus, accessibility and participation in society according to the UN CRPD is insufficient because of everyday barriers in the private sector. Within the framework of the state party review, the UN Committee pointed out that the distinction between the public and the private sector in regard to goods and services is unacceptable and cannot be a deciding factor for the implementation of accessibility according to the UN CRPD. The Social Association Germany (Sozialverband Deutschland) argues that the amended version of the Disability Equality Act (Gesetz zur Gleichstellung behinderter Menschen – Behindertengleichstellungsgesetz, BGG) does not meet the requirements for full and active participation if the private sector is not included (see Sozialverband Deutschland 2016, 4).

## Links

Section 8 BGG – Disability Equality Act

[http://bundesrecht.juris.de/bgg/\\_8.html](http://bundesrecht.juris.de/bgg/_8.html)

National Passenger Transport Act [Gesetz zur Änderung personenbeförderungsrechtlicher Vorschriften], parliamentary decisions and legal changes

<http://dipbt.bundestag.de/extrakt/ba/WP17/378/37838.html>

Concluding remarks on the first German country report (2015)

<http://www.brk->

[allianz.de/attachments/article/108/BMAS\\_CO\\_Staatenpr%C3%BCfung\\_deutsche\\_%C3%9Cbersetzung.pdf](http://www.brk-allianz.de/attachments/article/108/BMAS_CO_Staatenpr%C3%BCfung_deutsche_%C3%9Cbersetzung.pdf)

Critical remarks of the Social Association Germany (Sozialverband Deutschland)

[http://www.sovd.de/fileadmin/downloads/sozial-infos/pdf/Sozial-Info\\_2016-08\\_Das-neue-BGG.pdf](http://www.sovd.de/fileadmin/downloads/sozial-infos/pdf/Sozial-Info_2016-08_Das-neue-BGG.pdf)

Comments of the Monitoring Body, German Institute for Human Rights

<http://www.institut-fuer->

[menschenrechte.de/fileadmin/user\\_upload/Publikationen/Stellungnahmen/Stellungnahme\\_Bundesteilhabegesetz\\_ueberarbeiten.pdf](http://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/Publikationen/Stellungnahmen/Stellungnahme_Bundesteilhabegesetz_ueberarbeiten.pdf)

## C2. Built environment accessibility

Section 8 paragraph 1 of the Disability Equality Act [Gesetz zur Gleichstellung behinderter Menschen – Behindertengleichstellungsgesetz, BGG] stipulates that public buildings have to be accessible at national level. This obligation applies to new buildings as well as reconstructions of public buildings on a large scale. All 16 federal states [Länder] have similar laws and regulations on accessibility in buildings which are open to the public.

## Links

Section 8 BGG – Disability Equality Act

[http://bundesrecht.juris.de/bgg/\\_8.html](http://bundesrecht.juris.de/bgg/_8.html)

Section 4 Disability Equality Act of North Rhine-Westphalia (one of 16 examples of an accessibility act at the federal level)

[https://recht.nrw.de/lmi/owa/br\\_bes\\_text?anw\\_nr=2&gld\\_nr=2&uql\\_nr=201&bes\\_id=5216&menu=1&sg=0&aufgehoben=N&keyword=bgg#det190771](https://recht.nrw.de/lmi/owa/br_bes_text?anw_nr=2&gld_nr=2&uql_nr=201&bes_id=5216&menu=1&sg=0&aufgehoben=N&keyword=bgg#det190771)

Section 55 Building Regulation of North Rhine-Westphalia (one of 16 examples of an accessibility regulation at the federal level)

[https://recht.nrw.de/lmi/owa/br\\_bes\\_text?anw\\_nr=2&gld\\_nr=2&uql\\_nr=232&bes\\_id=4883&aufgehoben=N&menu=1&sg=0#det241837](https://recht.nrw.de/lmi/owa/br_bes_text?anw_nr=2&gld_nr=2&uql_nr=232&bes_id=4883&aufgehoben=N&menu=1&sg=0#det241837)

## C3. ICT and Web accessibility

Since 2002 public service sectors have been obliged to provide accessible websites. The legal basis is the national Disability Equality Act (section 11 Gesetz zur Gleichstellung behinderter Menschen – Behindertengleichstellungsgesetz, BGG). This law has caused changes in other specific legislations on accessibility. For example, the Telecommunications Act [Telekommunikationsgesetz] in Section 45 stipulates that disabled users must have equal access to broadcasting and telecommunication systems. The Federal Home Office issue regulations and the Federal Ministry for Labour and Social Affairs issue regulations about the

accessibility needs to be considered. Additionally, there is the regulation on the use of Sign Language and other communication aids in administrative procedure [Kommunikationshilfenverordnung] and the regulation on barrier-free information technologies [Barrierefreie Informationstechnik-Verordnung]. Commercial internet providers are entitled to negotiate their accessibility standards in agreement with Disabled people's organisations.

### **Links**

Section 11 BGG – Disability Equality Act

[http://www.gesetze-im-internet.de/bgg/\\_11.html](http://www.gesetze-im-internet.de/bgg/_11.html)

Telecommunications Act [Telekommunikationsgesetz – TKG]

[http://www.gesetze-im-internet.de/bundesrecht/tkg\\_2004/gesamt.pdf](http://www.gesetze-im-internet.de/bundesrecht/tkg_2004/gesamt.pdf)

Federal Ministry for Labour and Social Affairs, general information about goal agreements

<http://www.bmas.de/DE/Themen/Teilhabe-behinderter-Menschen/Zielvereinbarungen/inhalt.html>

Barrier-free information Technology Regulation (BITV 2.0)

[https://www.gesetze-im-internet.de/bitv\\_2\\_0/BITV\\_2.0.pdf](https://www.gesetze-im-internet.de/bitv_2_0/BITV_2.0.pdf)

## **D. Independent living**

### **D1. Choice of living arrangements**

The disability rights movement has successfully establish the concept of personal assistance (the so called 'employer model') as well as an infrastructure to support independent living. At local level there are around 20 centres run by disabled people which offer counselling and practical support for all disabled people who want to live independently. There are also several national (umbrella) organisations which provide networks and also lobby on the issues. In recent years, some positive developments towards implementation of the approach of independent living takes place. The Disability Equality Act of 2002 (Gesetz zur Gleichstellung behinderter Menschen – Behindertengleichstellungsgesetz, BGG) has brought the issue of accessibility to the fore.

The Federal Participation Law (Bundesteilhabegesetz) from 2016 promotes free choice of living arrangements and the transition from institutional care to private households. At the same time some regulations weaken this principle. The so called 'higher cost reservation' (Mehrkostenvorbehalt) determines that people with disabilities can be forced to live in residential homes and/or forced to pool benefits/assistance if private and individual solutions are more expensive and/or considered unreasonable (Deutsches Institut für Menschenrechte 2015). Thus, the choice of independent living arrangements can be limited again.

### **Links**

Disability Equality Act

<http://www.gesetze-im-internet.de/bgg>

Section 53 ff. SGB XII – Integration Support for Disabled People

[http://bundesrecht.juris.de/sgb\\_12/BJNR302300003.html#BJNR302300003BJNG001000000](http://bundesrecht.juris.de/sgb_12/BJNR302300003.html#BJNR302300003BJNG001000000)

Long Term Care Insurance (Social Code Book XI)

[http://bundesrecht.juris.de/sgb\\_11/](http://bundesrecht.juris.de/sgb_11/)

Act for Rehabilitation and Participation of Disabled People (Social Code Book IX)

<https://www.sozialgesetzbuch-sgb.de/sgbix/1.html>

The New Disability Equality Act

<http://www.bmas.de/DE/Service/Gesetze/gesetz-zur-gleichstellung-behinderter-menschen.html>

Comments of the Monitoring Body, German Institute for Human Rights

[https://www.institut-fuer-menschenrechte.de/fileadmin/user\\_upload/PDF-Dateien/Parallelberichte/Parallelbericht\\_an\\_den\\_UN-Fachausschuss\\_fuer\\_die\\_Rechte\\_von\\_Menschen\\_mit\\_Behinderungen\\_150311.pdf](https://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-Dateien/Parallelberichte/Parallelbericht_an_den_UN-Fachausschuss_fuer_die_Rechte_von_Menschen_mit_Behinderungen_150311.pdf)

## **D2. De-institutionalisation**

The social assistance system (Social Code Book XII) and, as part of it, the 'Integration Support for Disabled People' [Eingliederungshilfe für behinderte Menschen; section 53 ff. SGB XII] as well as the Long Term Care Insurance (Social Code Book XI) are based on the principle of community oriented assistance and care. This priority is not valid if its execution would result in disproportionately extra costs in comparison with institutional support (section 13 paragraph 1 SGB XII). But the term 'disproportionally extra costs' is not regulated and exact sums are not numbered. The decision is taken by the responsible administration which considers the individual case in question and the social budget of the respective region. Officially disabled people have the right to choose between different types of institutional and home care opportunities. In 2008 the law for the further development of the mandatory long term care insurance [Gesetz zur strukturellen Weiterentwicklung der Pflegeversicherung] reformed the long-term care insurance system in many aspects: the existing lump sums for institutional and home care were increased; care benefits for people with cognitive disabilities and dementia were upgraded. Individual case management and the option of care assistance for people with comprehensive support needs in areas of daily living were introduced. Another law [Gesetz zur Regelung des Assistenzpflegebedarfs im Krankenhaus] stipulated that disabled people who rely on personal assistance are entitled to keep their personal assistants during their stay in hospital.

As a consequence, the Federal Participation Law (Bundesteilhabegesetz) from 2016, on the one hand, promotes deinstitutionalisation through free choice of living arrangements and the transition from institutional care to private households. On the other hand, some regulations (such as the 'higher cost reservation' (Mehrkostenvorbehalt)) can force people with disabilities into residential homes if private and individual solutions are more expensive than institutional ones (Deutsches Institut für Menschenrechte 2016).

### **Links**

Section 13 SGB XII – Social Code Book XII on Social Assistance

[http://bundesrecht.juris.de/sgeb\\_12/\\_13.html](http://bundesrecht.juris.de/sgeb_12/_13.html)

Law on further development of the mandatory long term care insurance

<http://www.buzer.de/gesetz/8223/index.htm>

Law on personal assistance during a hospital stay

<http://www.buzer.de/gesetz/8953/index.htm>

Disability Equality Act

<http://www.bmas.de/DE/Service/Gesetze/gesetz-zur-gleichstellung-behinderter-menschen.html>

Comments of the Monitoring Body, German Institute for Human Rights

[http://www.institut-fuer-menschenrechte.de/fileadmin/user\\_upload/Publikationen/Stellungnahmen/Stellungnahme\\_Bundesteilhabegesetz\\_ueberarbeiten.pdf](http://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/Publikationen/Stellungnahmen/Stellungnahme_Bundesteilhabegesetz_ueberarbeiten.pdf)

### **D3. Quality of social services**

In 2008, the German system of long-term care insurance was reformed in order to provide better quality management: services such as counselling and support for caregivers as well as the evaluation and regular control procedures of long-term care institutions were improved; individual case management was introduced. In 2012/2013 the long-term care readjustment law [Pflege-Neuausrichtung-Gesetz, PNG] came into force. It increased the benefits for old people with dementia and their families, made care services and benefits more flexible and introduced supplementary private long-term care insurance.

Since January 2017 changes have been made to nursing care insurance. The different levels of care (Pflegestufen) have been transformed into degrees of care (Pflegestufen). Along with the implementation of degrees of care, the classification of nursing care has been based on a person's autonomy in certain areas of life. As the grandfathering clause is indefinite, it is impossible to downgrade previously granted care services. By now, it is not clear and has not been evaluated whether the changes in nursing care will lead to improvements or not.

In February 2019 the Commissioner of People with Disabilities pointed out at a conference in Düsseldorf, that the health care system has to be more inclusive-oriented and more oriented on the needs and wishes of disabled people. He stipulates a better situation for this kind of group.

#### **Links**

Act for the Restructuring of Long Term Care (2012)

[https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger\\_BGBl&start=//%255B@attr\\_id=%27bgbl112s2246.pdf%27%255D#\\_bgbl\\_%2F%2F%25B%40attr\\_id%3D%27bgbl112s2246.pdf%27%25D\\_148796944175](https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&start=//%255B@attr_id=%27bgbl112s2246.pdf%27%255D#_bgbl_%2F%2F%25B%40attr_id%3D%27bgbl112s2246.pdf%27%25D_148796944175)

Act for the Further Development of Long Term Care Insurance (2008)

<http://www.buzer.de/gesetz/8223/index.htm>

NGO Statement on the consequences of restructuring of care since 2017

<https://www.lebenshilfe.de/fileadmin/Redaktion/PDF/Wissen/public/Stellungnahmen/20170615-BV-LH-Stellungnahme-GesE-KJSG.pdf>

### **D4. Provision of assistive devices at home**

In Germany assistive devices at home are mainly financed through health insurance or, if a device is needed in the case of long-term care, the long term care insurance applies. If a disability is due to an accident, the accident insurance is responsible for financing necessary equipment.

#### **Links**

Section 33 SGB V – Health Insurance

[http://bundesrecht.juris.de/sgb\\_5/\\_33.html](http://bundesrecht.juris.de/sgb_5/_33.html)

Section 40 SGB XI – Long Term Care Insurance

[http://bundesrecht.juris.de/sgb\\_11/\\_40.html](http://bundesrecht.juris.de/sgb_11/_40.html)

Section 31 SGB VII – Accident Insurance

[http://bundesrecht.juris.de/sgb\\_7/\\_31.html](http://bundesrecht.juris.de/sgb_7/_31.html)

## **D5. Availability of personal assistance schemes**

In Germany personal assistance services for independent living that are controlled and directed by disabled people themselves have been gradually developed and established since the 1980s. In principle, today all persons with severe disabilities and in need of comprehensive assistance are entitled to personal assistance. Personal assistance is financed through the 'Integration Support for Disabled People' [Eingliederungshilfe für behinderte Menschen; Section 53 ff. SGB XII] as part of the social assistance law regulated in the Social Code Book XII [Sozialgesetzbuch XII]. The introduction of the mandatory long-term care insurance in 1995 [Sozialgesetzbuch XI] has been regarded by independent living activists as a backlash, as it draws on a medical and reductionist model of long-term care. It is worth noting however that even this scheme aims, at least in principle, at community orientation and individual self-determination. Direct payments have been gradually introduced since the Social Code Book for Rehabilitation and Participation of Disabled People [Sozialgesetzbuch IX], as a framework act, came into force in 2001; taking the form of personal budgets, they have become a legal right since 2008. The introduction of personal budgets will further promote the implementation of independent living.

The 'personal budgets' have the potential to promote the implementation of independent living, as lump sums are granted, distributed and managed according to individual needs and life situations. There are three ways to organize and manage work assistance: a) self-reliant, b) as service model (specific services provide assistance services), c) as a mixture of a) and b). The funding can also be provided by a personal budget according to § 17 of the Social Code Book IX (SGB IX) or as a benefit in kind through a relevant service provider (betanet 6). However, the use of such services requires a lot of effort due to bureaucratic constraints.

### **Links**

Section 53 ff. SGB XII - Integration Support for Disabled People

[http://bundesrecht.juris.de/sgb\\_12/BJNR302300003.html#BJNR302300003BJNG001000000](http://bundesrecht.juris.de/sgb_12/BJNR302300003.html#BJNR302300003BJNG001000000)

Long Term Care Insurance (Social Code Book XI)

[http://bundesrecht.juris.de/sgb\\_11/](http://bundesrecht.juris.de/sgb_11/)

Act for Rehabilitation and Participation of Disabled People (Social Code Book IX)

<https://www.sozialgesetzbuch-sgb.de/sgbix/1.html> Information on the 'personal budgets'

<http://www.einfach->

[teilhaben.de/DE/StdS/Finanz\\_Leistungen/Pers\\_Budget/pers\\_budget\\_node.html](http://www.einfach-teilhaben.de/DE/StdS/Finanz_Leistungen/Pers_Budget/pers_budget_node.html)

## **D6. Income maintenance**

In general, the German social security system offers several types of income maintenance for disabled people: old age pensions, pensions depending on the individual degree of work capacity, basic income for disabled people under the poverty line, and basic income for unemployed people with disabilities.

Firstly, as the majority of people with official disability status in Germany have reached retirement age and are no longer in employment, main source of income for disabled people

is pensions. Secondly, there are additional types of pensions for disabled individuals with no, or reduced work capacity that depend on the individual degree of work capacity; one can either receive a pension due to full reduction in earning capacity [Rente wegen voller Erwerbsminderung] or a pension due to partial reduction in earning capacity [Rente wegen teilweiser Erwerbsminderung]. Recipients of the pension due to full reduction in earning capacity are obliged to have 'an earning capacity' which is less than three hours per day. Whereas recipients of the pension due to partial reduction of earning capacity are regarded as capable of working for three to six hours per day. Thirdly, supplementary to the pension insurance system, there is a social security benefit that offers basic income for two groups. The first group is formed by people who receive regular pensions or other financial benefits which are under the poverty line. The second group includes disabled people who have never been, and are not likely to become members of the workforce. Usually this group cannot get regular employment, but works in sheltered workshops. The so-called basic pension for old age pensioners under the poverty line as well as persons with no earning capacity [Grundsicherung im Alter und bei Erwerbsminderung] entered into force in 2003 and is granted either to people over 65 resp. 67 in order to prevent poverty or to disabled persons aged 18-64 who have a constant reduction of earning capacity. Fourthly, if disabled people are part of the workforce, are able to work and have not yet reached retirement age, but become unemployed, they are entitled to receive the unemployment benefit [Arbeitslosengeld] as part of the law to promote employment and to protect against unemployment (Social Code Book III) for the maximum period of one year. After this period, they are entitled to a lower social benefit which is called 'basic income for job applicants' and administered according to the principles of subsidiarity and poverty relief (Social Code Book II). In 2014 the non-contributory supplementary period [Zurechnungszeit] of the pension due to no or reduced earning capacity [Erwerbsminderungsrente] has been expanded for two years (from 60 to 62 years). This change in calculation has resulted in higher pension payments.

Currently, the reform of the Participation Act (Bundes - Teilhabegesetz, BTHG) is underway. This means that the individual case support will be removed from the Social help and included into the SGB IX up until 1 January 2020. Accordingly, the income and property situation of people with disability will be optimised. Until the end of 2019 a temporary solution will be provided.

### Links

Section 41ff. SGB XII – Social Assistance

[http://bundesrecht.juris.de/sgb\\_12/BJNR302300003.html#BJNR302300003BJNG000600000](http://bundesrecht.juris.de/sgb_12/BJNR302300003.html#BJNR302300003BJNG000600000)

Law to Promote Employment (Social Code Book III)

[http://bundesrecht.juris.de/sgb\\_3/](http://bundesrecht.juris.de/sgb_3/)

Basic Income for Jobseekers (Social Code Book II)

[http://bundesrecht.juris.de/sgb\\_2/](http://bundesrecht.juris.de/sgb_2/)

## D7. Additional costs

In Germany there are different types of financial benefits for disabled people. The mandatory long-term care insurance offers lump sums [Pflegegeld] depending on the three official levels of care needs. The person in need of and entitled to care can choose these lump sums



instead of professional services; with this money the individual can pay family members, friends, neighbours or other persons for providing personal care and support (section 37 SGB XI). The integration support for disabled people [Eingliederungshilfe für behinderte Menschen; see section 53 ff. SGB XII] as part of social assistance law regulated in Social Code Book XII [Sozialgesetzbuch XII] provides, in comparison to standard social assistance, generous income limits and less restrictive means testing for disabled recipients and their families. Blind and deaf persons are entitled to a monthly sum without means testing [Blindengeld; Hilfe für Gehörlose] on the basis of the Assistance for Blind and Deaf Persons Law [Gesetz über die Hilfen für Blinde und Gehörlose]. Thalidomide victims receive pensions monthly without means testing on the basis of the law that regulates the compensation claims due to Thalidomide and provides support for this group of disabled people [section 13 Gesetz über die Conterganstiftung für behinderte Menschen]. Last but not least, the Federal Child Support Law (section 2 Bundeskindergeldgesetz) stipulates that in the case of a disabled child who is not able to support him/herself, the monthly child benefit [Kindergeld] will be paid beyond the standard age limit of 25 years.

### Links

Section 53 ff. SGB XII – Integration Support for Disabled People

[http://bundesrecht.juris.de/sgb\\_12/BJNR302300003.html#BJNR302300003BJNG001000000](http://bundesrecht.juris.de/sgb_12/BJNR302300003.html#BJNR302300003BJNG001000000)

Section 37 SGB XI – Compulsory Long Term Care Insurance

[http://bundesrecht.juris.de/sgb\\_11/\\_37.html](http://bundesrecht.juris.de/sgb_11/_37.html)

Assistance for Blind and Deaf Persons Law of North Rhine-Westphalia

[https://recht.nrw.de/lmi/owa/br\\_bes\\_text?anw\\_nr=2&gld\\_nr=2&ugl\\_nr=2170&bes\\_id=4675&menu=1&sq=0&aufgehoben=N&keyword=blinde#det0](https://recht.nrw.de/lmi/owa/br_bes_text?anw_nr=2&gld_nr=2&ugl_nr=2170&bes_id=4675&menu=1&sq=0&aufgehoben=N&keyword=blinde#det0)

Section 13 Law on Establishing the Foundation for Thalidomide Victims

[http://www.gesetze-im-internet.de/contstifg/\\_13.html](http://www.gesetze-im-internet.de/contstifg/_13.html)

Section 2 Federal Child Support Law

[http://bundesrecht.juris.de/bkqg\\_1996/\\_2.html](http://bundesrecht.juris.de/bkqg_1996/_2.html)

## D8. Retirement income

Disabled people who have been part of the workforce are entitled to receive benefits from the mandatory Old Age Pension Insurance after retirement. Additionally they may receive payments from private insurances. Supplementary to the pension insurance system, there is a social security benefit [SGB XII: Grundsicherung im Alter und bei Erwerbsminderung] which offers basic income for two groups. The first group is formed by people who receive regular pensions or other financial benefits which are under the poverty line. The second group includes people who have never been and are not likely to become members of the workforce; usually this group cannot get regular employment, but works in sheltered workshops. The so-called basic pension for old age pensioners under the poverty line as well as persons with no earning capacity [Grundsicherung im Alter und bei Erwerbsminderung] entered into force in 2003 and is granted either to people over 65 in order to prevent poverty or to persons aged 18-64 who have a constant reduction of earning capacity. A person who has worked in a sheltered workshop for at least 20 years may receive a pension equivalent to other old age pensions, but the benefits are earning-related and will usually be rather low in the case of workshop employment. If monthly pensions are under the poverty line, recipients may receive a supplementary basic income.

## Links

Section 43 SGB VI – Mandatory Old Age Insurance

[http://bundesrecht.juris.de/sgeb\\_6/\\_43.html](http://bundesrecht.juris.de/sgeb_6/_43.html)

Section 41 ff. SGB XII – Social Assistance

[http://bundesrecht.juris.de/sgeb\\_12/BJNR302300003.html#BJNR302300003BJNG000600000](http://bundesrecht.juris.de/sgeb_12/BJNR302300003.html#BJNR302300003BJNG000600000)

## E. Education

### E1. Special schools

The German Constitution [Grundgesetz] does not explicitly provide the right for children with disabilities to attend a mainstream school, but Article 3 (3) GG forbids discrimination on the ground of disability. The National Parliament and the government do not have legislative and executive powers when it comes to schools. The sixteen federal states have been granted exclusive control of school education and higher education. Each federal state has its own school law which provides the legal basis for the schooling and education of all children and young people. The school authorities of the 16 federal states of Germany decide on the kind of special support that each child need, which types of special education are appropriate in individual cases, and the location (special school, inclusive school or regular school) where this support can take place. In some federal states, parents have a voice in this decision; in other federal states, the authority decides on its own, taking into account statements by teachers and other experts as well as the parents. The school laws of most federal states provide the opportunity of inclusive schooling or even declare it a priority.

Germany has signed the UNCRPD in which Article 24 demands the right to inclusive education.

However, inclusive education is granted only under certain conditions: 1) when the so-called 'disproportionate burden' is avoided; 2) if human and material resources are available; and 3) if organisational conditions allow it. For example, in 2013, the government of North Rhine-Westphalia granted the right to inclusive schooling in the federal schooling law. In this and other federal states, disabled children now have the right to be educated in a mainstream school. In mainstream schools, opportunities for inclusion differ and depend on various surrounding factors (e.g. funds, staff, organisation).

A new study of the Bertelsmann Stiftung shows that inclusive schooling is steadily increasing, especially, for pupils with learning disabilities who are using more and more school assistance to be included in mainstream schools.

## Links

School Law of North Rhine-Westphalia

<https://www.schulministerium.nrw.de/docs/Recht/Schulrecht/Schulgesetz/Schulgesetz.pdf>

New study of the Bertelsmann Stiftung on Inclusion in Schools (2018)

[http://www.politik-fuer-menschen-mit-handicap.de/documents/Bertelsmann-Studie\\_schulische\\_Inklusion\\_2018.pdf](http://www.politik-fuer-menschen-mit-handicap.de/documents/Bertelsmann-Studie_schulische_Inklusion_2018.pdf)

### E2. Mainstream schools

In Germany school law is the domain of the federal states; the national level has no legislative power in this field. The schooling of children with disabilities is not mentioned in the General Equality Act [Allgemeines Gleichbehandlungsgesetz]. At regional and local levels, attending a mainstream school is, in general, possible if technical requirements and qualified staff are available. Since a well-established infrastructure of special schools has long been existing which provided schooling for children with special educational needs, the transfer to a special school was not regarded as discrimination by German courts. If a child needs special support in order to attend a mainstream school s/he may receive an extra teacher and/or personal assistance. Personal assistance is provided through the 'Integration Support for Disabled People' [Eingliederungshilfe für behinderte Menschen] as part of the social assistance law regulated in the Social Code Book XII [Sozialgesetzbuch XII]. The costs of this type of support are granted without means testing. There are professional services that offer such assistance to disabled children. The inclusion of pupils with disabilities in mainstream schools is increasing in Germany.

### **Links**

Section 54 Social Code Book XII

[http://bundesrecht.juris.de/sgb\\_12/\\_54.html](http://bundesrecht.juris.de/sgb_12/_54.html)

New study of the Bertelsmann Stiftung on Inclusion in Schools (2018)

[http://www.politik-fuer-menschen-mit-handicap.de/documents/Bertelsmann-Studie\\_schulische\\_Inklusion\\_2018.pdf](http://www.politik-fuer-menschen-mit-handicap.de/documents/Bertelsmann-Studie_schulische_Inklusion_2018.pdf)

## **E3. Sign language and Braille in school**

There is no legislation or regulation about the use of Braille or sign language in mainstream schools. In 2010 a court verdict obliged public administration to finance sign language interpretation for a deaf child who wanted to visit a mainstream school. The interpretation service is financed through the 'Integration Support for Disabled People' [Eingliederungshilfe für behinderte Menschen] as part of the social assistance law regulated in the Social Code Book XII [Sozialgesetzbuch XII]. Currently, some Federal States are planning to implement sign language as a new subject at schools.

### **Links**

Judgment of the Social Court of Frankfurt to take over the cost of a sign language interpreter in mainstream schools

[http://www.kestner.de/n/verschiedenes/presse/2010/Beschluss-Sozialgericht\\_Ffm.pdf](http://www.kestner.de/n/verschiedenes/presse/2010/Beschluss-Sozialgericht_Ffm.pdf)

Sign language as a new subject at schools

<https://noizz.de/politik/gebardensprache-als-schulfach-in-hessen-und-hamburg/4n7fbbj>

## **E4. Vocational training**

The German system of vocational education and training is standardised on a national scale. There is a law, the Vocational Training Act [Berufsbildungsgesetz, BBiG], and a regulation, the Trade and Crafts Code [Gesetz zur Ordnung des Handwerks] that provide for the vocational education and training of persons with and without disabilities. In principle, disabled persons are to be trained in recognised occupations just like non-disabled people. Special provisions in the law and in the regulation allow for adaptations and support in

training programmes and assessment requirements according to impairment-specific needs (section 65 BBiG; section 42l HwO), for instance: time schedules, curricula and assessments can be adjusted; trainees are entitled to special needs support; young people who are deaf have the right to a sign language interpreter during their vocational education, training and respective exams, etc. The competent bodies are also required to develop suitable training arrangements derived from the content of recognised training occupations for those disabled persons for whom initial training is not an option due to the nature and severity of their disabilities. To ensure the necessary uniformity of such arrangements, the law provides for them to be aligned with the recommendations of the Board of the Federal Institute for Vocational Education and Training (section 66 BBiG; section 42m HwO).

### **Links**

Vocational Training Act

[http://www.gesetze-im-internet.de/bbig\\_2005/index.html](http://www.gesetze-im-internet.de/bbig_2005/index.html)

Trade and Crafts Code

<http://www.gesetze-im-internet.de/hwo/>

## **E5. Higher education**

The national Framework Act for Higher Education [Hochschulrahmengesetz] stipulates that universities have to ensure that students with disabilities are not discriminated against, have access to all academic services and courses, and get support according to their specific needs in order to pass exams and meet requirements (section 2 paragraph 4 sentence 2 HRG; section 16 sentence 4 HRG). All 16 German federal states have adopted respective provisions in their higher education laws. Criteria and the approval for compensations for students with disabilities may vary among different institutions of higher education.

### **Links**

Framework Act for Higher Education

<http://bundesrecht.juris.de/hrq/>

## **F. Employment**

### **F1. Non-discrimination in employment**

The General Equality Act [Allgemeines Gleichbehandlungsgesetz, AGG] and Social Code Book IX (section 81 paragraph 2 SGB IX) both protect disabled persons against discrimination in working life. Generally, social legislation obliges all employers to consider whether a vacancy could be given to a severely disabled applicant. A quota system requires all private companies and public services with 20 employees or more to have at least 5% severely disabled staff (section 71 SGB IX). In the case of non-compliance employers have to pay compensation tax which is collected and used in turn to finance accessible workplaces as well as special employment and job programmes. All employers who offer jobs and/or training for people with disabilities can get public funding and information as well as consultation by the so-called Integration Offices [Integrationsämter]. These offices are special advice bureaus, which operate on the basis of the Social Code Book IX for Rehabilitation and Participation of Disabled People (section 102 SGB IX). In the case of job termination, employees with severe disabilities have special protection (section 85 ff. SGB IX). Both

private business and the civil service are also obliged to employ ombudspersons who represent the interests of disabled staff as well as applicants. The Act on the Promotion of Severely Disabled People's Vocational Training and Employment [Gesetz zur Förderung der Ausbildung und Beschäftigung schwerbehinderter Menschen] of 2006 aims at improving the employment of its target group, mainly young people with severe disabilities, through, for example, subsidies which are paid to employers who offer vocational training.

### **Links**

Section 2 AGG - General Equality Act

[http://bundesrecht.juris.de/agg/\\_2.html](http://bundesrecht.juris.de/agg/_2.html)

Act for Rehabilitation and Participation of Disabled People (Social Code Book IX)

[https://www.gesetze-im-internet.de/sqb\\_9\\_2018/](https://www.gesetze-im-internet.de/sqb_9_2018/)

Act on the Promotion of Severely Disabled People's Vocational Training and Employment

[http://www.soliserv.de/pdf/Gesetz\\_zur\\_Foerderung\\_der\\_Ausbildung\\_und\\_Beschaeftigung\\_schwerbehinderter\\_Menschen.pdf](http://www.soliserv.de/pdf/Gesetz_zur_Foerderung_der_Ausbildung_und_Beschaeftigung_schwerbehinderter_Menschen.pdf)

## **F2. Public employment services**

In December 2008, the legislation about supported employment was introduced (section 38a SGB IX). Supported employment offers disabled people an individualised support in gaining a suitable job position. It aims at integrating them into the open labour market. The individual gets access to a workplace in a private company that fits his/her qualification and training. The person also gets individualised training and support as long as necessary. There are two main phases: 1) individual training for a job; and 2) continual support at the workplace if needed. Social Code Book IX (section 33 paragraph 8 sentence 3 SGB IX; section 102 paragraph 4 SGB IX) regulates assistance at the workplace. This kind of assistance is available for people with severe physical disabilities in order to support them to fulfil their job requirements. Reading assistants for blind people and people with impaired vision, and sign language interpreters for deaf people are also provided. All employers who offer jobs and/or training for people with disabilities can get public funding and information as well as consultation by special advisory offices, or the so-called 'Integration Offices' [Integrationsämter]. These advisory offices have the task of assisting in the employment of disabled persons, for example, by financing measures of accessibility and technical adaptations, subsidising wages and personal assistance at the workplace, etc. Other important actors in the field of creating accessible jobs are local Integration Services [Integrationsfachdienste] which operate on the basis of the Social Code Book IX (section 109 ff. SGB IX). The civil law also demands close cooperation between the Integration Services [Integrationsfachdienste] and the Integration Offices.

The work budget (Budget für Arbeit) which is defined in the Federal Participation Law shall provide additional incentives for employers to employ people with disabilities, especially people with learning disabilities, in order to include them in the regular labour market.

### **Links**

Act for Rehabilitation and Participation of Disabled People (Social Code Book IX)

[https://www.gesetze-im-internet.de/sqb\\_9\\_2018/](https://www.gesetze-im-internet.de/sqb_9_2018/)

Federal Participation Law

[https://www.bmas.de/SharedDocs/Downloads/DE/PDF-Meldungen/2016/bundesteilhabegesetz.pdf?\\_\\_blob=publicationFile&v=7](https://www.bmas.de/SharedDocs/Downloads/DE/PDF-Meldungen/2016/bundesteilhabegesetz.pdf?__blob=publicationFile&v=7)

### **F3. Workplace adaptations**

Adaptation of the workplaces, provision of special equipment and adaptive technologies at work are available for disabled employees and their employers. These benefits and services are highly individualised, but require formal application and bureaucratic procedures. The funding is available through different rehabilitation services, such as the mandatory insurances for work accidents and old age, local government and the Federal Agency for Employment (SGB IX, paragraph 33). Workplace adaptations are initiated and carried out by the so-called 'Integrationscenter' of the Federal Employment Agency and the Integration offices (Integrationsfachdienst).

#### **Links**

Section 33 SGB IX – Social Code Book IX

[https://www.gesetze-im-internet.de/sqb\\_9\\_2018/](https://www.gesetze-im-internet.de/sqb_9_2018/)

### **F4. Financial incentives**

There are several incentives for the employment of disabled workers in the open labour market: the German national quota system requires all private companies and public services with 20 employees or more to have at least 5% severely disabled staff (section 71 SGB IX). In the case of non-compliance employers have to pay compensation tax which is collected and used in turn to finance accessible workplaces as well as special employment and job programmes. All employers who offer jobs and/or training for people with disabilities can get public funding by special advisory offices, the so-called 'Integration Offices' [Integrationsämter]. These offices manage the funding for providing accessibility in the workplace. Employers may also receive subsidies (section 34 SGB IX) to offset apprentices' costs (in the amount of the monthly wage of the last year of the apprenticeship) or the wage costs (up to 70% of the monthly wage). Employees may receive benefits for the following measures: assistive devices and workplace adaptations, mobility support, assistance in the workplace, training, and others (section 33 SGB IX).

#### **Links**

Act for Rehabilitation and Participation of Disabled People (Social Code Book IX)

[https://www.gesetze-im-internet.de/sqb\\_9\\_2018/](https://www.gesetze-im-internet.de/sqb_9_2018/)

## **G. Statistics and data collection**

### **G1. Official research**

In Germany there is no specialised institute or official department responsible for research on disability equality issues or for the collection of relevant data and statistics. Independent and comprehensive research on the living conditions and social inclusion of disabled people is rare. At national level, the Federal Ministry for Labour and Social Affairs [Bundesministerium für Arbeit und Soziales] is responsible for social policies concerning the participation of disabled people in society. The Federal Government Commissioner for Matters relating to Persons with Disabilities [Beauftragter der Bundesregierung für die Belange behinderter

Menschen] is an official authority at the national level. This position and its office are affiliated with the Federal Ministry for Labour and Social Affairs, but acts independently from any government instructions. The Commissioner intervenes on behalf of disabled people, and has the right to intervene with all political activities in order to develop and establish national strategies that foster equal and social rights concerning disabled people. Both the Federal Ministry for Labour and Social Affairs and the Federal Government Commissioner for Matters relating to Persons with Disabilities offer accessible web sites with valuable information on disability and disability policies.

There are different sources that provide empirical data about the living conditions of disabled people in Germany. Every two years the national disability statistics is published; this official survey only counts people who have a registered status of severe disability. On a regular basis the 'Microcensus', a representative household survey based on interviews with one percent of the German population, offers recent data on the living conditions of people with disabilities. Every three to four years an official government report on disability (Teilhabebericht) is published. These reports present data on the state of participation and the rehabilitation system and information about programmes and initiatives for disabled people. The second disability report issued in 2016 has improved since it was more directly oriented by the goals of the UN CRPD. Other recurring government reports on poverty and wealth in Germany consider the living conditions of disabled people; usually the regular official reports on social policy, education, vocational training, children and young people, families, etc. also have chapters on disability issues. Government reports on gender issues also contain chapters about the situation of disabled women and men.

In order to improve the databases for the disability report and policies, the German government started a large-scale national survey in 2017 that will provide detailed data on all groups of people with disabilities by 2020. In this survey, people with learning disabilities living in sheltered homes are included.

## Links

Federal Ministry for Labour and Social Affairs

<http://www.bmas.de/EN/Home/home.html>

Federal Government Commissioner for Matters relating to Persons with Disabilities

<http://www.behindertenbeauftragter.de/>

National Disability Statistics 2011 Executive Summary

[https://www.destatis.de/DE/Publikationen/Thematisch/Gesundheit/BehinderteMenschen/SozialSchwerbehinderteKB5227101119004.pdf?\\_\\_blob=publicationFile](https://www.destatis.de/DE/Publikationen/Thematisch/Gesundheit/BehinderteMenschen/SozialSchwerbehinderteKB5227101119004.pdf?__blob=publicationFile)

Publication on Microcensus 2009 data relating to disability

[https://www.destatis.de/DE/Publikationen/WirtschaftStatistik/Sozialleistungen/Lebenslagenbehinderte032012.pdf?\\_\\_blob=publicationFile](https://www.destatis.de/DE/Publikationen/WirtschaftStatistik/Sozialleistungen/Lebenslagenbehinderte032012.pdf?__blob=publicationFile)

2013 Report on the Situation of Persons with Disabilities Submitted by the German Federal Government (German version)

[http://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen/a125-13-teilhabebericht.pdf?\\_\\_blob=publicationFile&v=2](http://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen/a125-13-teilhabebericht.pdf?__blob=publicationFile&v=2)

The German Federal Government's 4th Report on Poverty and Wealth

[http://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen-DinA4/a334-4-armuts-reichtumsbericht-2013.pdf?\\_\\_blob=publicationFile](http://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen-DinA4/a334-4-armuts-reichtumsbericht-2013.pdf?__blob=publicationFile)



The German Federal Government's 4th Report on Poverty and Wealth. Executive Summary (English version)

[http://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen/a334-4-armuts-reichtumsbericht-2013-kurzfassung-engl.pdf?\\_\\_blob=publicationFile](http://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen/a334-4-armuts-reichtumsbericht-2013-kurzfassung-engl.pdf?__blob=publicationFile)

Study on life situations of and pressures on disabled women in Germany

<https://www.bmfsfj.de/bmfsfj/service/publikationen/lebenssituation-und-belastungen-von-frauen-mit-behinderungen-und-beeintraechtigungen-in-deutschland/80578>

2016 Report on the Situation of Persons with Disabilities submitted by the German Federal Government (German version)

<https://www.bmas.de/DE/Service/Medien/Publikationen/a125-16-teilhabebericht.html>

Information on the new participation survey funded by the German Federal Government (German version)

<https://www.bmas.de/DE/Service/Medien/Publikationen/Forschungsberichte/Forschungsbericht-e-Teilhabe/fb-492-repraesentativbefragung-behinderung.html>

## **G2. Census data**

The German Census 2011, a representative household survey based on interviews with ten percent of the German population in accordance with EU legislation, does not contain any specific questions on disability or health issues. The questionnaire mainly refers to issues of living conditions, employment, citizenship and income. The Federal Statistical Office publishes biennial statistics on people with disabilities . The latest short report was published in 2017.

### **Links**

German Census 2011

<https://www.zensus2011.de/>

Questionnaire of the German Census 2011

[https://www.zensus2011.de/SharedDocs/Downloads/DE/Fragebogen/Fragebogen\\_Haushaltebefragung.pdf?\\_\\_blob=publicationFile&v=13](https://www.zensus2011.de/SharedDocs/Downloads/DE/Fragebogen/Fragebogen_Haushaltebefragung.pdf?__blob=publicationFile&v=13)

Official German Statistics on persons with disabilities, DESTATIS 2015

<https://www.destatis.de/DE/Publikationen/Thematisch/Gesundheit/BehinderteMenschen/Schwerbehinderte.html;jsessionid=3312AB7C90A4E3F2B849B863CF66C17F.cae3>

Official German Statistics on persons with disabilities, DESTATIS 2017

[https://www.destatis.de/DE/Publikationen/Thematisch/Gesundheit/BehinderteMenschen/SozialSchwerbehinderteKB5227101179004.pdf?\\_\\_blob=publicationFile](https://www.destatis.de/DE/Publikationen/Thematisch/Gesundheit/BehinderteMenschen/SozialSchwerbehinderteKB5227101179004.pdf?__blob=publicationFile)

## **G3. Labour Force Survey**

The Federal Office of Statistics [Statistisches Bundesamt] is the most important source for quantitative data about the employment of disabled people in Germany. Additionally, the state-funded Institute for Labour Market and Occupational Research [Institut für Arbeitsmarkt und Berufsforschung, IAB] offers both quantitative and qualitative data on the employment of disabled persons. The Ministry for Labour and Social Affairs [Bundesministerium für Arbeit und Soziales] also provides information about special campaigns and programmes as well as statistical data and reports about the labour market integration of people with disabilities.

### **Links**

Institute for Labour Market and Occupational Research (publications about persons with chronic diseases/disabilities)

<https://www.iab.de/320/section.aspx/Thema/1305>

Publication on Microcensus 2009 data relating to disability

[https://www.destatis.de/DE/Publikationen/WirtschaftStatistik/Sozialleistungen/Lebenslagenbehinderte032012.pdf?\\_\\_blob=publicationFile](https://www.destatis.de/DE/Publikationen/WirtschaftStatistik/Sozialleistungen/Lebenslagenbehinderte032012.pdf?__blob=publicationFile)

Official German Statistics on persons with disabilities, DESTATIS 2015

<https://www.destatis.de/DE/Publikationen/Thematisch/Gesundheit/BehinderteMenschen/Schwerbehinderte.html;jsessionid=3312AB7C90A4E3F2B849B863CF66C17F.cae3>

Statistics of the Federal Office of Statistics about persons with disabilities

<https://www.destatis.de/DE/ZahlenFakten/GesellschaftStaat/Gesundheit/Behinderte/BehinderteMenschen.html>

## **G4. Disability equality indicators**

According to section 66 Social Code Book IX the German government is legally obliged to publish an official report about the life situations of disabled people in Germany every four years. The development of new disability (equality) indicators was prepared by a conceptional report by Hornberg and Schröttle (2013) for the German Ministry of Labour and Social Affairs in 2011. The first disability report with the revised concept was published in September 2013; the second in 2016. The writing of these reports is accompanied by a scientific advisory board. According to these reports three types of indicators are necessary to outline the life situations of persons with disabilities: structural indicators, process indicators and outcome indicators. The latest disability reports were mainly based on outcome indicators which indicate the state-of-the-art of the UN CRPD implementation at the national level. Structural and process indicators are still missing and their development will be the topic for further surveys and reports.

### **Links**

2013 Report on the Situation of Persons with Disabilities submitted by the German Federal Government

<http://www.bmas.de/DE/Service/Medien/Publikationen/a125-13-teilhabebericht.html>

2016 Report on the Situation of Persons with Disabilities submitted by the German Federal Government (German version)

[http://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen/a125-16-teilhabebericht.pdf?\\_\\_blob=publicationFile&v=7](http://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen/a125-16-teilhabebericht.pdf?__blob=publicationFile&v=7)

2011 Conceptional Report for new indicators and structures of disability reporting

[http://www.ipse-nrw.de/neu/tl\\_files/ipse/fb10.pdf](http://www.ipse-nrw.de/neu/tl_files/ipse/fb10.pdf)

## **H. Awareness and external action**

### **H1. Awareness raising programs**

Government authorities which are responsible for disability policy in Germany are also conducting public awareness raising campaigns. A former campaign by the Federal Ministry for Labour and Social Affairs was called 'Behindern ist heilbar' [Disabling is curable] aimed to foster respectful attitudes and accessible environments.

A campaign conducted by the Federal Government Commissioner for Matters relating to Persons with Disabilities [Beauftragter der Bundesregierung für die Belange behinderter Menschen] from 2011-2013 was called 'Deutschland wird inklusiv' [Germany becomes inclusive]. It aimed to promote inclusion as a central concept in disability policy. These campaigns serve to implement Article 8 of the UN CRPD, but the German UN CRPD monitoring body claimed that additionally to general awareness raising programmes, target group-specific training opportunities should be implemented as soon as possible.

The latest campaign of the German Federal Ministry for Labour and Social Affairs entitled 'Gemeinsam einfach machen' provides information on various topics related to the UN CRPD and gives examples of good practice. One initiative within this campaign focused on the inclusion of people with disabilities into vocational training and employment and was called 'Initiative for Vocational Training, Apprenticeship and Employment' (Inklusionsinitiative für Ausbildung und Beschäftigung).

Since 2013, the German government hosts a big conference on inclusion every year - Inklusionstage. Since 2016, the 'Inklusionstage' was called 'Einfach machen' (Just do - easy do). These events are attended by up to 500 participants among which are politicians, ministeries, representatives of the federal states, municipalities, academia, service providers, businesses, associations of civil society as well as people with disabilities. The participants can attend workshops in order to learn more about good practice examples. The 'Inklusionstage 2018' focused on the topic 'Inclusive - Digital'. Because of the 10th anniversary (on 26 March 2019) since Germany ratified the UN CRPD, there are a lot of independent events organised in Germany.

## Links

Statement of the UN CRPD monitoring body about awareness raising programmes

[http://www.institut-fuer-menschenrechte.de/uploads/tx\\_commerce/Positionen Nr 8 Barrieren in den Koepfen abbaue n Bewusstseinsbildung als Verpflichtung.pdf](http://www.institut-fuer-menschenrechte.de/uploads/tx_commerce/Positionen_Nr_8_Barrieren_in_den_Koepfen_abbaue_n_Bewusstseinsbildung_als_Verpflichtung.pdf)

Campaign 'Behindern ist heilbar' by the Federal Ministry of Labour and Social Affairs

[http://www.gemeinsam-einfach-machen.de/GEM/DE/AS/Leuchttuerme/Kampagnen/Behindern ist heilbar/behindern ist heilbar\\_node.html](http://www.gemeinsam-einfach-machen.de/GEM/DE/AS/Leuchttuerme/Kampagnen/Behindern_ist_heilbar/behindern_ist_heilbar_node.html)

Campaign 'Gemeinsam einfach Machen'

<http://www.gemeinsam-einfach-machen.de>

Initiative for Vocational Training and Employment (Inklusionsinitiative für Ausbildung und Beschäftigung)

[http://www.gemeinsam-einfach-machen.de/GEM/DE/AS/Leuchttuerme/Kampagnen/Inklusionsinitiative Ausbildung Beschaeftigung/inklusionsinitiative ausbildung beschaeftigung\\_node.html;jsessionid=E3451AED1FCC57C3DB0F2200E87165F1.1\\_cid294](http://www.gemeinsam-einfach-machen.de/GEM/DE/AS/Leuchttuerme/Kampagnen/Inklusionsinitiative_Ausbildung_Beschaeftigung/inklusionsinitiative_ausbildung_beschaeftigung_node.html;jsessionid=E3451AED1FCC57C3DB0F2200E87165F1.1_cid294)

Annual Conference on Inclusion in 2016

[http://www.gemeinsam-einfach-machen.de/GEM/DE/AS/Leuchttuerme/Kongresse/Inklusionstage 2016/Inklusionstage 2016\\_node.html](http://www.gemeinsam-einfach-machen.de/GEM/DE/AS/Leuchttuerme/Kongresse/Inklusionstage_2016/Inklusionstage_2016_node.html)

Annual Conference on Inclusion in 2018

[https://www.gemeinsam-einfach-machen.de/GEM/DE/AS/Home/as\\_node.html](https://www.gemeinsam-einfach-machen.de/GEM/DE/AS/Home/as_node.html)

## **H2. Training for teachers**

Since in Germany each of the 16 federal states is in charge of teacher training and each university has its own profile in teacher training courses, it is not possible to give a comprehensive overview. Generally speaking, the issue of disability and inclusive education has become more and more integrated in basic vocational training curricula. Training in inclusive education should be part of teacher training program at universities, but a study funded by the Bertelsmann Foundation (2013) indicated that vocational training programmes for teachers which cover the issue of inclusive education were still at a development stage back then. Most training opportunities did not provide enough time and were rather informative events than in-depth trainings. Recent studies funded by the Bertelsmann Foundation (conducted in 2015 and 2018) show that some progress has been made since then. Several federal states are implementing or have already implemented mandatory parts of the study programme with a focus on inclusion. Most of the higher education institutions include this topic into teacher training.

### **Links**

Standing Conference of the Ministers of Education and Cultural Affairs

<http://www.kmk.org/>

Study supported by the Bertelsmann Foundation about trends in inclusive training (2013)

[http://www.bertelsmann-stiftung.de/cps/rde/xbcr/SID-5015790E-F87E5AB4/bst/xcms\\_bst\\_dms\\_37966\\_37970\\_2.pdf](http://www.bertelsmann-stiftung.de/cps/rde/xbcr/SID-5015790E-F87E5AB4/bst/xcms_bst_dms_37966_37970_2.pdf)

Study supported by the Bertelsmann Foundation about trends in inclusive training (2015)

<http://www.monitor-lehrerbildung.de/web/publikationen/inklusion>

Study of the Bertelsmann Stiftung on Inclusion in Schools (2018)

[http://www.politik-fuer-menschen-mit-handicap.de/documents/Bertelsmann-Studie\\_schulische\\_Inklusion\\_2018.pdf](http://www.politik-fuer-menschen-mit-handicap.de/documents/Bertelsmann-Studie_schulische_Inklusion_2018.pdf)

## **H3. Training for lawyers**

Disability awareness or equality issues are not part of the standard initial training programmes for lawyers. From 2012-2014 the Monitoring Body for the UN CRPD at the German Institute for Human Rights has conducted a disability awareness raising programme for lawyers that had a duration of three years. The information on the availability of new programmes is, by now, not available.

### **Links**

Federal Chamber of Lawyers

<http://www.brak.de/die-brak/>

Project 'Advocacy for Human Rights and Diversity' [Projekt Anwaltschaft für Menschenrechte und Vielfalt]

<http://www.institut-fuer-menschenrechte.de/themen/projekt-anwaltschaft-fuer-menschenrechte-und-vielfalt/>

## **H4. Training for doctors**

Disability awareness or equality issues are not part of the basic training programmes for doctors. The German Association for Medicine for People with Intellectual and Multiple Disabilities [Bundesarbeitsgemeinschaft Ärzte für Menschen mit geistiger oder mehrfacher Behinderung] offers trainings and workshops for doctors who want to learn more about how to treat or handle people with intellectual and multiple disabilities. The association also works on implementing qualitative standards for the medical treatment of persons with intellectual and multiple disabilities.

#### **Links**

German Medical Association

<http://www.bundesaerztekammer.de/>

German Association for Medicine for People with Intellectual and Multiple Disabilities

<http://www.aemgb.de/index.htm>

### **H5. Training for engineers**

Disability awareness or equality issues are not part of the standard initial training programmes for engineers. Nevertheless, accessible construction seems to be included as a topic in various basic vocational trainings.

#### **Links**

VDI – The Association of German Engineers

<http://www.vdi.de/>

### **H6. International development aid**

In 2006 the German Agency for Technical Cooperation (Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ); today: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) – Association for International Cooperation) published a policy paper about disability issues in the German development cooperation. Additionally there is VENRO, an umbrella organisation of around 120 non-governmental organisations (NGOs) in Germany that are active in international development aid. VENRO is committed to implementing human rights, combating poverty and conserving natural resources; it also focuses on disability issues.

Furthermore, a new NGO (Society for disability and development aid; in German: Behinderung und Entwicklungszusammenarbeit e.V.) has been established that provides regular information and conferences on the topic.

#### **Links**

Policy paper about disability issues in the German development cooperation, 2006 (German Agency for Technical Cooperation, GTZ)

<https://www.giz.de/fachexpertise/downloads/Fachexpertise/giz2010-de-behinderung-und-entwicklungszusammenarbeit.pdf>

VENRO – umbrella organisation of development non-governmental organisations (NGOs) in Germany

<http://www.venro.org/behinderungundez0.html>

Society for disability and development aid (Information and Conferences)

<https://www.bezev.de/de/ueber-uns/>