



# Combined Second and Third Periodic Report of the Federal Republic of Germany on the United Nations Convention on the Rights of Persons with Disabilities

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## Preliminary remark

In accordance with Article 20 (1) GG<sup>1</sup>, the Federal Republic of Germany is a federation consisting of federal states (*Länder*). Therefore, the Federation and the *Länder* are fundamentally independent in performing their constitutional responsibilities at their respective level. As a rule, the Federal Government has no intervention rights with regard to the *Länder*. The Federation and the *Länder* therefore have equal responsibility for implementing the CRPD and further developing German law in light of the Convention.

The parliaments and governments at federal and *Länder* level must repeatedly legitimise their power according to the respective constitutions. This leads to ongoing social discourse on the best solutions to strike a balance between the different interests at stake in a pluralistic society.

As a result of this discourse, the Federation has enacted legislation at federal level in various domains which is intended to contribute to the consistent implementation of the Convention in the *Länder*.

For example, as the central socio-political reform of recent years, the BTHG pursues the common goal of the Federation and *Länder* to improve the situation of persons with disabilities and resolutely press ahead with action to create a system that is person-centric, with solutions tailored to the individual's needs. The BGG legislation enacted at federal and *Länder* level is also geared to the equal participation of persons with disabilities in community life. Barriers for and discrimination against persons with disabilities are to be prevented or dismantled further.

Inclusion is a cross-cutting task that must be put into practice by all levels of government. In this respect, the 17 action plans at federal and *Länder* level are a central instrument for describing plans and initiatives, establishing responsibilities, defining milestones and measuring results.

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<sup>1</sup> Abbreviations, acronyms and initialisms are explained in the List of Abbreviations in the Appendix.

## Purpose and general obligations (arts. 1 – 4)

### Purpose and general obligations (arts. 1 – 4)

1. *Please provide information on measures to*
  - a) *Expedite the review and examination of existing and proposed legislation to ensure compliance with the Convention;*

The Federation and the *Länder* examine proposed legislation for compliance with the requirements of the CRPD, and seek to strike a fair balance between the various interests and responsibilities at stake. Under the Joint Rules of Procedure of the Federal Ministries, all affected ministries are required to be consulted in proposed legislation. Expert communities and organisations must also be involved if their interest are concerned. The Federal Government Commissioner for Matters relating to Persons with Disabilities<sup>2</sup> must be consulted where his responsibilities are concerned.<sup>3</sup>

Guided by the Monitoring Mechanism<sup>4</sup> and other scientific institutions, judicial review strategies and guidelines that meet the human rights standard of the CRPD have been developed and published.

Some *Länder* have introduced a regulatory review procedure for all existing and new legislation or commissioned the Monitoring Mechanism to examine selected statutes with regard to the equality of persons with disabilities and the implementation of the human rights approach. Individual action plans also provide for the review of central provisions on a case-by-case basis.<sup>5</sup>

- b) *Develop indicators to monitor the implementation of the Convention and provide information on the allocated budgets;*

Together with civil society<sup>6</sup>, the Federation and the *Länder* have developed action plans with specific measures to implement the CRPD. These serve as structural indicators. At the aggregate level, progress on the implementation of these measures is regularly monitored. Furthermore, the action plans were and are evaluated – in some cases also by independent and scientific research institutes – to identify ways to both refine the content and improve participation processes. The established committees are actively involved in the implementation, evaluation and development of the action plans.

In 2016, the BTHG was adopted at federal level, particularly to further advance the human rights goal of living independently.

Furthermore, indicators have been developed for the creation of participation reports at federal and *Länder* level. Based on the OECD recommendation, the Federal Government is currently working on an inclusion marker in the field of DC.

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<sup>2</sup> Hereinafter referred to as the Commissioner.

<sup>3</sup> The involvement of the Commissioner is also laid down by law under Section 18 BGG. Corresponding rules exist in the *Länder*.

<sup>4</sup> National Monitoring Mechanism for the UN Convention on the Rights of Persons with Disabilities set up within the German Institute for Human Rights.

<sup>5</sup> School laws, mobility laws, public transportation laws, electoral laws, higher education laws etc.

<sup>6</sup> With the involvement of inclusion committees, inter alia.

A budget of €4.58 million is currently available at federal level to implement the action plan. Budget amounts for the individual measures are not itemised separately. Unfortunately precise figures are not available.

- c) *Ensure the meaningful consultation with and participation of representative organizations of persons with disabilities regarding the development and implementation of new policies, strategies, regulations and timeframes to implement the Convention, the Sustainable Development Goals, and in other decision-making processes that concern them;*

The participation of persons with disabilities is a central concern of the Federal Government and *Land* governments. The Disability Mainstreaming Guidelines must be observed for legislative action at federal level. Accordingly, for all Federal Government proposals which may affect the situation of persons with disabilities, the Government is required to thoroughly examine how these persons' needs can be given appropriate consideration by consulting with persons with disabilities, their representative organisations and the Commissioner at an early stage<sup>7</sup>. Once laws have been adopted, persons with disabilities are also involved in their implementation, e.g. in advisory councils for research projects that examine the BTHG and in framework agreement negotiations via which the reformed integration assistance is primarily implemented in the *Länder*.

The participation fund<sup>8</sup> enshrined in the BGG is designed to enable nationwide organisations of persons with disabilities to have an active and comprehensive say in public matters.

There is extensive exchange between the organisations and the individual commissioners at the federal, *Länder* and municipal level. At federal level, the coordination mechanism within government<sup>9</sup> is attached to the Commissioner's Office. Furthermore, participation and inclusion conferences on various topics are held at federal, *Länder* and municipal level. Policy-makers, experts, persons with disabilities and their representative organisations share and discuss new approaches, policies and measures.

For example, the development of the new Inclusion Strategy for government DC was overseen by a committee of experts with equal numbers of representatives. Organisations of persons with disabilities are important partners in the negotiation and implementation of international development policy agendas.<sup>10</sup>

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<sup>7</sup> In particular, the Acts on Equal Opportunities for Persons with Disabilities of the *Länder* and Section 45 (1) and (3) and Section 47 of the Joint Rules of Procedure of the Federal Ministries together with Annex 6 to the Joint Rules of Procedure of the Federal Ministries constitute the legal basis for this.

<sup>8</sup> €1 million in funding annually as part of the budget for the NAP 2.0.

<sup>9</sup> Known as the Advisory Council on Inclusion (Inklusionsbeirat).

<sup>10</sup> Including 2030 Sustainable Development Agenda, World Urban Forum, Global Compact on Inclusive and Accessible Cities.

- d) *Prohibit disability-based discrimination by all actors, including private actors, especially the denial of reasonable accommodation and indicate legal and administrative safeguards, effective remedies and how non-compliance is sanctioned.*

With the amended BGG<sup>11</sup>, reasonable accommodation has been explicitly enshrined in the rule prohibiting discrimination<sup>12</sup>. The rule was included to specifically clarify at non-constitutional level the provisions for the prohibition of discrimination which already existed under constitutional law pursuant to Article 3 (3) second sentence GG and is to be interpreted in the light of the CRPD. Where the prohibition of discrimination is breached by a public authority or body, individuals concerned and organisations recognised under the BGG have had recourse to an arbitration procedure<sup>13</sup> since the amendment. Furthermore, subjective rights deriving from the BGG, i.e. also the right to reasonable accommodation, can be asserted by legal action. For organisations, an arbitration procedure now precedes representative actions.<sup>14</sup> Public authorities are required to work to ensure that institutions, organisations and legal entities governed by private law which the authorities are in charge of either directly or indirectly, entirely or in part, comply with the goals of the BGG.

The *Länder* constitutions and the BGG legislation at *Länder* level, which was extensively amended in light of the CRPD, also contain provisions prohibiting discrimination. Denial of reasonable accommodation is already expressly prohibited as inadmissible discrimination in some equality laws, and has been combined with a reverse onus clause in some *Länder*.

Additional special statutory regulations at federal and *Länder* level contain provisions which, in terms of content, approximate the concept of reasonable accommodation.<sup>15</sup>

At federal and *Länder* level, there are also anti-discrimination agencies that specifically act as central focal and information points for persons with disabilities also. They advise parties on the basis of the AGG and refer them to anti-discrimination advice centres where necessary.

The AGG, in contrast to the BGG, primarily applies to the private sector and contains bans on discrimination for employment law and broad areas of civil law that prohibit discrimination on several grounds, including a disability.<sup>16</sup>

With regard to the interpretation of the AGG, reasonable accommodation applies even if it is not expressly enshrined in the Act. The provisions are also to be interpreted in light of Article 3 (3) second sentence GG and the CRPD. The court rulings of the Federal Labour Court<sup>17</sup> now recognise that failure to provide reasonable accommodation can constitute inadmissible discrimina-

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<sup>11</sup> Entered into force on 27 July 2016.

<sup>12</sup> Section 7 (2) BGG.

<sup>13</sup> Section 16 BGG.

<sup>14</sup> Section 15 BGG.

<sup>15</sup> Such as compensation for disadvantages to ensure participation in working life (pursuant to Section 164 (4) and (5) SGB IX), tenancy law (pursuant to Section 554a BGB) or individual school laws at *Länder* level.

<sup>16</sup> Sections 7 and 19 AGG.

<sup>17</sup> Compare Federal Labour Court decision of 21 April 2016 – 8 AZR 402/14; Federal Labour Court decision of 19 December 2013 – 6 AZR 190/12.

tion.<sup>18</sup> Depending on the particular case, parties affected by discrimination can demand action to eliminate/end the discrimination, prevent further restrictions, and may also claim damages.<sup>19</sup>

## Specific rights (arts. 5 – 30)

### Equality and non-discrimination (art. 5)

2. Please provide information, at the national and Länder levels, about:
  - a) Strategies to ensure a uniform approach towards equality and non-discrimination legislation for persons with disabilities and its implementation;

Please refer to the response to Question 1.

- b) Available legal measures to dispute disability-discriminatory laws and practices;

Germany's Basic Law specifically forbids discrimination due to disability in Article 3 (3) second sentence. Article 3 is a fundamental right and therefore is binding upon all public sector bodies.<sup>20</sup> Laws contrary to this are unconstitutional. Only the Federal Constitutional Court has the power to reject a formal law (enacted after the ratification of the Basic Law) due to a breach of the Basic Law. Anyone who feels her/his fundamental rights or rights equivalent to a fundamental right have been infringed by public authorities may lodge a constitutional complaint with the Federal Constitutional Court. Also, a court must suspend proceedings and request the decision of the Federal Constitutional Court if it finds a law to be incompatible with the Basic Law and its ruling depends on the validity of the law. Furthermore, in the event of disagreements or doubts concerning compatibility, the Federal Government, a *Land* government or one quarter of the Members of the Bundestag can request the Federal Constitutional Court to examine the compatibility of a law with the Basic Law.

Further to this, some *Länder* constitutions make provisions for constitutional complaints that can be lodged by anyone claiming that her/his constitutionally guaranteed right to equality and non-discrimination as a person with disabilities is infringed by a *Land* law or other act of a public authority of the *Land*. In addition, judicial reviews of statutes by the *Land* Constitutional Court (referral by a court or abstract review filed by the Landtag or *Land* government) are also permitted.

In terms of legal recourse, parties can lodge an objection and bring an action against discriminatory practices of public authorities or bodies. At federal level, persons with disabilities have recourse to the Arbitration Service<sup>21</sup>, which is attached to the Commissioner's Office.<sup>22</sup> Organisations recognised under the BGG may also apply to the Arbitration Service. The arbitration procedure is also a prerequisite for subsequent representative actions. Furthermore, every individual has the right to contact the parliaments at federal, *Land* and municipal level, the relevant commissioners, and the competent

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<sup>18</sup> Section 7 AGG in connection with Section 241 (2) BGB.

<sup>19</sup> Compare Sections 13, 15 and 21 AGG. Please refer to the response to Question 9 regarding the obligation of private entities under the European Accessibility Act.

<sup>20</sup> Article 1 (3) GG: legislative, executive and judicial power.

<sup>21</sup> This body commenced operations on 3 December 2016.

<sup>22</sup> If they are of the opinion that their rights under the BGG have been infringed by a public authority or a federal public-sector body. Compare Section 16 BGG and the Ordinance on the Arbitration Service pursuant to Section 16 BGG and the procedures.

ministries at federal and *Länder* level. The Equality Acts of the *Länder* also provide for an arbitration and/or representative action procedure.

- c) *Data on the number of reported cases of denial of reasonable accommodation and protection against disability-based discrimination from public and private actors since the previous Concluding Observations including applied sanctions and awarded compensations.*

Since its establishment, the Arbitration Service has received roughly 300 applications for arbitration.<sup>23</sup> The discrimination ban accounted for around 50% of applications in 2017, and some 60% of applications in 2018. An amicable settlement was reached in around 50% of arbitration proceedings in 2017, increasing to over 60% of cases in 2018.

Between May 2015 and March 2019, a total of 2105 requests for advice on disability-based discrimination were made to the Federal Anti-Discrimination Agency. Of these, 817 concerned working life, 522 private services and access to goods, 263 public health and social services, 131 public education and 131 other administrative fields. Due to lack of records, no information can be provided on the outcome of the cases, particularly on applied sanctions and awarded compensations.

3. *Please update the Committee on the reform to the General Equal Treatment Law (AGG) and the provision and application of reasonable accommodation across all sectors for private actors. Please specify which sectors the reform will cover and indicate timelines and funding of initiatives.*

According to court rulings of the Federal Labour Court, an obligation to provide reasonable accommodation already applies under existing law. This follows, inter alia, from the fact that Article 5 (2) of the CRPD prohibits all discrimination on the basis of disability and that Article 2, which defines such discrimination more precisely, includes denial of reasonable accommodation.

In interministerial talks, the Federal Government is examining possibilities for the implementation of reasonable accommodation by private entities providing services of general interest, particularly in the health sector.<sup>24</sup> This is accompanied by an exchange of views with the Federal Anti-Discrimination Agency, which has published an expert report on this matter.

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<sup>23</sup> Data as at 18 March 2019.

<sup>24</sup> The Commissioner and the recently established Arbitration Service are also involved.

## Women with disabilities (art. 6)

4. Please provide information on strategies and legal measures for the active participation of women and girls with disabilities and for the full enjoyment of their rights under the Convention, particularly education, employment and health, including sexual and reproductive health and rights, and to be protected from sexual and gender-based violence. Please include gender-specific data and statistics and provide examples of collaboration with organizations of women and girls with disabilities with the objective to safeguard their interests.<sup>25</sup>

The constitutions of the Federation and *Länder* guarantee equality, promote the actual implementation of equal rights for men and women, take action to eliminate existing disadvantages and forbid disability-based discrimination. The AGG and the BGG legislation at federal and *Länder* level guarantees equality of men and women with disabilities and call for their full participation in society.

There are various stakeholders to safeguard the interests of persons with disabilities, which are enshrined in law at non-constitutional level.<sup>26</sup> In addition, there is special collaboration with groups representing the interests of women and girls with disabilities, such as *Weibernetz e. V. Weibernetz* campaigns for the interests of women with disabilities on a political level, including active participation in employment, healthcare, parenthood and protection against violence.

*Weibernetz* also oversaw the legal mandate of the Workshop Participation Ordinance to appoint women's representatives in Germany's more than 700 workshops.<sup>27</sup> It also conducted a training project in which over 60 women's representatives have received training so far.<sup>28</sup> The project "Federal Network for Women's Representatives in Institutions" based on this aims to create a nationwide network for women's representatives, their supporters and trainers.<sup>29</sup>

The "*Schwangere in Not*" pregnancy helpline also provides assistance through sign language interpreting and Easy-Read information.

Sexual and reproductive health services under the health insurance system are also available to women with disabilities without exception. All women with disabilities have the right to full access to medical services during pregnancy and to information and education. Furthermore, women and men have the right to information about sex education, contraception and family planning. This is provided by the BzGA and the pregnancy counselling services in Germany.<sup>30</sup>

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<sup>25</sup> More detailed information on the right of women and girls to protection against violence and strategies for protection against violence is provided later in this report, particularly in the response to Question 15.

<sup>26</sup> Examples include advisory councils of persons with disabilities at the various levels of government that are involved in the development and implementation of policy measures, residents' advisory boards in residential facilities, workshop councils and women's representatives in workshops for persons with disabilities as well as representative bodies of persons with severe disabilities, women's affairs officers and equal opportunities officers in enterprises and public authorities.

<sup>27</sup> Enshrined in law since 1 January 2017.

<sup>28</sup> "*Frauenbeauftragte in Einrichtungen: Eine Idee macht Schule!*" (Women's Representatives in Institutions: Setting a Precedent). In the 2013-2016 period, based on the results of the pilot project "*Frauenbeauftragte in Wohnheimen und Werkstätten für behinderte Menschen*" (Women's Representatives in Residential Homes and Workshops for Persons with Disabilities) (2008-2011).

<sup>29</sup> Since 1 October 2016.

<sup>30</sup> Section 2 SchKG.

Several projects are geared towards sex education and counselling for women with disabilities. The association “*donum vitae Bundesverband e. V.*” implemented the government-sponsored project “I Also Want to Marry” to teach persons with learning difficulties about sexuality, contraception and family planning.<sup>31</sup> Online advice in Easy-Read was developed in this context. Material packages for the sexual self-determination of persons with disabilities in residential facilities are being developed in a research project<sup>32</sup> with funding from the BzGA. Packages dealing with the topics of love, sexuality, contraception, pregnancy, birth and parenthood are also available in Easy-Read.

The Federal Government seeks to improve gynaecological health care for women and girls with disabilities. A government-funded research project is currently examining the range of services available.<sup>33</sup> Recommendations for actions will be developed on this basis. Women concerned are involved in the research project.<sup>34</sup>

With regard to the school education of persons with disabilities, personal circumstances are the guiding basis for individual education goals, which are geared towards increased activity and participation, independence and self-determination. Gender-specific topics, such as prevention and protection approaches, are also addressed here in collaboration with counselling centres.

Fewer girls than boys attend special schools in Germany, accounting for roughly 35% (110,800) of SEN pupils in 2017. No statistics are available on SEN support in general schools by gender.

At the end of 2017, some 7.8 million persons with severe disabilities<sup>35</sup> were living in Germany, up roughly 151,000, or 2.0%, compared to the end of 2015. In 2017, therefore, 9.4% of the entire population of Germany had a severe disability, of which 51% were men and 49% women.<sup>36</sup>

5. *Please explain the measures adopted and meaningful support available to empower women with disabilities who are mothers and mothers with children with disabilities to gain and keep employment.*

Women with disabilities and mothers are included in the general and special measures to promote employment and equal opportunities for women and have unrestricted access to such assistance. A broad range of specific support, rehabilitation and participation services are available to bring persons with disabilities into the labour market on a lasting basis.<sup>37</sup> Women with disabilities are guaranteed equal opportunities in professional life, particularly through the provision of services that suit their professional goals, are provided locally and also available on a part-time basis.<sup>38</sup> With regard to the promotion of employment and basic income support for jobseekers, equality between men and women is enshrined as a universal principle in law. To address existing inequalities of opportunity,

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<sup>31</sup> “*Ich will auch heiraten*” (I Also Want to Marry) project conducted in the period from 2013 to 2016.

<sup>32</sup> Since 2014.

<sup>33</sup> The research project should be completed by the end of the year.

<sup>34</sup> Through the Berlin Network of Women with Disabilities, among other channels

<sup>35</sup> Persons with a severe disability are individuals who are recognised by the Social Affairs Offices as having a disability level of at least 50 and have been issued with a valid ID confirming this.

<sup>36</sup> Federal Statistical Office.

<sup>37</sup> Such as integration grants, benefits for the adaptation of the workplace to the needs of persons with a disability, payment of the costs of an assistant if needed, benefits to employers to compensate for exceptional burdens, supported employment and special protection against dismissal.

<sup>38</sup> Section 49 (2) SGB IX.



the employment agencies and job centres have established the position of “equal opportunities officer” who acts in an advisory and support capacity.

At the employment agencies, specially qualified professionals are responsible for advising, placing and supporting persons with disabilities, particularly women with disabilities, on an individual, needs-oriented basis.

Most job centres now also have dedicated specialised inclusion experts to help persons with disabilities claiming basic income support for jobseekers. Gender-typical stress situations facing women with disabilities are also discussed here.

In addition, the labour market participation of women with disabilities is specifically supported wherever there is a specific need for action, such as:

- For the mandatory employment quota,<sup>39</sup> women with severe disabilities must be especially considered.
- Differentiation of integration services to recognise the special needs particularly of women with severe disabilities.<sup>40</sup>
- Particular consideration must be given to the needs of women with severe disabilities in binding inclusion agreements.<sup>41</sup>

Inclusive childcare services also help individuals pursue employment. With the KiQuTG, the Federation is providing financial support to the *Länder* through to 2022 for action to further enhance the quality of childcare, such as the establishment of inclusive childcare services as a standard service.<sup>42</sup>

Support required by parents with disabilities, on account of their disabilities, to care for their children has been specifically enshrined in the BTHG as assistance under social participation assistance.

### Children with disabilities (art. 7)

6. *Please clarify the existing mechanisms to ensure the meaningful representation of and self-representation and free expression by children with disabilities, including at home and in judicial proceedings and provide information on financial and other support. Please inform how organizations of children with disabilities are consulted and involved in this process.*

At home, children with hearing disabilities can communicate with their parents through sign language, for instance. Sign language funding is provided by the integration assistance agencies. If conditions are met, the children’s parents can attend courses within the framework of child and youth welfare assistance.

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<sup>39</sup> Section 154 (1) second sentence SGB IX: private-sector and public-sector employers employing at least 20 workers per month on an annual average are required to ensure that at least 5% of positions are filled by persons with severe disabilities.

<sup>40</sup> Section 195 SGB IX.

<sup>41</sup> Employers reach a binding inclusion agreement together with the representative of persons with severe disabilities and the representatives cited in Section 176 SGB IX in collaboration with the employer’s inclusion representative. Section 166 (2) third sentence and (3) no. 2 SGB IX are geared towards gender equality so that both genders are equally represented as employees.

<sup>42</sup> Section 2 first sentence, nos. 1 – 10 KiQuTG.

All children and adolescents – with and without disabilities – have the right to contact the youth welfare office for all matters concerning their upbringing and development,<sup>43</sup> also without the knowledge of their legal guardian in the event of conflict or crisis situations.<sup>44</sup>

Facilities housing children and adolescents with or without disabilities must generally provide suitable mechanisms for participation for children and adolescents and a way for them to raise a grievance in personal matters.<sup>45</sup>

Children can assert their entitlements at the administrative or social courts. They can participate as natural persons in the corresponding court and social administrative procedures.<sup>46</sup> In the aforementioned judicial proceedings, children<sup>47</sup> generally may not take procedural steps<sup>48</sup> unless they are recognised by provisions of civil or public law as capable of contracting for the subject of the court proceedings and are over seven years old.<sup>49</sup> The capacity to conduct proceedings before administrative courts must also be affirmed where inalienable rights, particularly fundamental rights, are concerned. Where the person demonstrates sufficient capability of understanding, it must also be affirmed in all other cases in which the ability of the individual to exercise her/his fundamental rights, and consequently the right of the minor to lodge a constitutional complaint against the official action, which is the subject of the judicial proceedings, are recognised under constitutional law. Children who are in a “state of pathological mental disturbance” that prevents the free exercise of will may not take procedural steps provided this state by its nature is not temporary only.<sup>50</sup>

In social administrative procedures, minors have the power to act once they have turned 15.<sup>51</sup> Children who do not have the capacity to conduct proceedings have a legal representative, but must also be granted a personal hearing. Children can apply for legal aid for judicial proceedings.<sup>52</sup>

### Awareness-raising (art. 8)

- 7. Please inform on systematic measures taken or foreseen to promote the application of the Convention and combat prejudice and harmful stereotyping against persons with disabilities, particularly among all public authorities and decision-makers, including law enforcement officials, the media and actors within the education system.*

To increase long-lasting awareness for the requirements of persons with disabilities in society as a whole, one action area in the NAP 2.0 is specifically dedicated to awareness-raising. This is also a central action area in the *Länder* action plans and the in-house action plans of various ministries, and is underpinned by numerous measures.<sup>53</sup>

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<sup>43</sup> Section 8 (2) SGB VIII.

<sup>44</sup> Section 8 (2) SGB VIII.

<sup>45</sup> Section 45 (2) no. 3 SGB VIII.

<sup>46</sup> Section 61 no. 1 VwGO; Section 10 no. 1 SGB X and Section 70 no. 1 SGG.

<sup>47</sup> Up until the age of 18.

<sup>48</sup> Section 2 BGB.

<sup>49</sup> Section 62 (1) VwGO; Section 11 SGB X and Section 71 (2) SGG in connection with Sections 104 ff. BGB.

<sup>50</sup> Section 104 (2) BGB.

<sup>51</sup> Section 36 (1) SGB I.

<sup>52</sup> Sections 67 and 67a VwGO as well as Section 166 VwGO in connection with Sections 114 ff. ZPO and/or Section 73a in connection with Sections 114 ff. ZPO.

<sup>53</sup> Such as events, conferences, awards, training, PR, provision of materials also in Easy-Read, funding programmes particularly also to raise awareness at the municipal level etc.

The Federal Government supports the implementation of the action plans with long-term campaigns. The theme of the NAP campaign was “disabling is curable”,<sup>54</sup> while the NAP 2.0 is being implemented under the motto “Simply done – implementing the UNCRPD together”.<sup>55</sup> The BTHG and BGG laws are effectively communicated to the public under the motto “enable more, impede less”<sup>56</sup>.

The information portal [www.einfach-teilhaben.de](http://www.einfach-teilhaben.de) has been completely overhauled and offers comprehensive information to interested and individuals concerned.

With the employment policy activities of the NAP (e.g. “Inclusion Initiative”, “Inclusion Works”, “Inclusive Business”), the Federal Government is promoting greater business awareness of the labour potential and capabilities of persons with disabilities.

The job of awareness-raising in the stricter sense is legally established with specific responsibilities in the BGG. These include the Office of the Commissioner,<sup>57</sup> the Federal Centre of Expertise<sup>58</sup> as the central contact for all accessibility-related issues, and the Arbitration Service.<sup>59</sup> Through PR work, these bodies also perform awareness-raising duties.<sup>60</sup>

Ultimately, a thorough understanding of the facts also helps overcome prejudices and stereotyping: the Federal Government therefore publishes a report on the situation of persons with disabilities in Germany each legislative term.

A government-funded project helps public authority employees to implement the complex reforms of the BTHG, with regular, nationwide expert discussions and events, and a website offering comprehensive information and a facility for public authority employees and decision-makers to share experience in closed forums.

Furthermore, the BTHG specifies the advisory obligations of public authorities as regards integration assistance in order to ensure comprehensive and professional support and guidance for persons with disabilities.<sup>61</sup> Combined with improved decision-making procedures, involvement on equal terms can therefore be ensured.<sup>62</sup> The competent authorities must employ an appropriate number of experts from various disciplines to meet demand,<sup>63</sup> all of whom must have suitable training, specific knowledge and the skills to communicate with the persons involved. Furthermore, opportunities for further (specialist) training and exchange with persons with disabilities must be provided. Service providers must also ensure they have sufficiently qualified specialists and support staff.<sup>64</sup>

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<sup>54</sup> German: “*behindern ist heilbar*”.

<sup>55</sup> German: “*einfach machen – gemeinsam die UN-Behindertenrechtskonvention umsetzen*”.

<sup>56</sup> German: “*mehr möglich machen, weniger behindern*”.

<sup>57</sup> Section 17 BGG (2002).

<sup>58</sup> Section 13 BGG (2016).

<sup>59</sup> Section 16 BGG (2016).

<sup>60</sup> For example, the Commissioner has held several awareness-raising events: Culture in the Kleisthaus Building, children and youth festivals, readings, events on migration and disability, regional conferences with the Federal Chamber of German Architects etc.

<sup>61</sup> Section 106 SGB IX – as of 2020.

<sup>62</sup> The “general plan system”, Section 117 ff., SGB IX – as of 2020.

<sup>63</sup> Section 97, SGB IX – as of 2020.

<sup>64</sup> Section 124 (2) SGB IX.

With the BTHG<sup>65</sup>, the Federal Government is supporting a free advisory service for rehabilitation and participation assistance which is open to everyone with (imminent) disabilities and their families, and offers guidance and direction. Counselling is independent of the funding agencies and service providers, and the provision of peer counselling is emphasised.<sup>66</sup>

The annual “Accessible Television” round-table provides an opportunity for in-depth exchange between all the relevant actors on the further development of accessible services.

A workshop on “language, images, accessibility – reporting about persons with disabilities” was also organised in collaboration with the non-profit *Sozialhelden* to discuss terminology and language, selected imagery in the media and accessible communication.

“Arts and Inclusion Network”, a government-sponsored nationwide dialogue and expert forum at the Academy of Arts Education in Remscheid, assists persons with disabilities in the media and artistic productions.

As an important reference framework for formulating training and examination regulations in the *Länder*, the standards for teacher training (initial and continuing) have been gradually overhauled in the spirit of the CRPD. *Länder* education laws have been amended and position papers/technical papers and recommendations that are oriented towards the Convention have been developed.

The Jakob Muth Award is presented to schools with exemplary inclusive education facilities.<sup>67</sup> The project is sponsored by the Bertelsmann Foundation, UNESCO and the Commissioner.<sup>68</sup>

8. *Please provide information on how the concepts and understandings of the Convention, including its accurate translation into the German language, are taken into consideration and applied in administrative decisions and in the development of uniform policies and legislation at the national and especially Länder levels.*

With the ratification of the Convention, the Convention has been introduced into German law, has the status of a federal law and extends to the Federation and *Länder* pursuant to Article 4 (5) CRPD. It also serves as a tool to help authorities and courts interpret laws. It is constitutionally required to apply the CRPD as an interpretation aid to determine the content and scope of fundamental rights and the principle of the rule of law.

Only language versions in the UN languages are authentic. This excludes the German translation, which has been available since 2011. There are no plans to revise the German translation, as the discussion has long since been overtaken by developments in participation and disability policy.

The action plans of the various government levels are also the outcome of in-depth dialogue with all the relevant actors, particularly also persons with disabilities and their representatives. The Concluding Observations were incorporated into the refined action plans, which take the human rights-based approach to participation, link back to the CRPD and use CRPD terms in their original meaning (e.g. inclusion).

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<sup>65</sup> Since 1 January 2018.

<sup>66</sup> German project known as “*ergänzende unabhängige Teilhabeberatung*” (complementary independent participation counselling).

<sup>67</sup> Since 2009.

<sup>68</sup> With regard to the ISI awareness-raising initiative, please refer to the response provided to Question 18.

Furthermore, the interpretation aids and other Committee publications are used at federal and *Länder* level. The UN documents, particularly the General Comments, are translated in collaboration with the Monitoring Body to ensure translation accuracy. General Comment No. 7 is currently being translated with the active involvement of civil society. An Easy-Read translation is also planned.

### Accessibility (art. 9)

9. *Please provide information on any national policies, strategies and effective remedies to ensure accessibility of facilities and services in all sectors for persons with disabilities at the national and Länder levels, through the Universal Design principle, based on reasonable accommodation. Please also provide information on:*

- a) *Resources allocated for their adequate implementation at all levels;*
- b) *Measures taken to ensure equal access to digital services;*
- c) *Steps taken to eliminate the distinction between private and public providers of goods and services;*

With the financial support provided by the Federation and *Länder* for urban development, municipalities can invest in urban planning measures that also meet the requirements of persons with disabilities. Measures that create or promote accessibility in local communities,<sup>69</sup> and measures to improve communal facilities that are also open to residents with disabilities are generally eligible for funding.<sup>70</sup>

Furthermore, the Federal Government launched the “Social Integration in Local Communities”<sup>71</sup> investment pact in 2017 together with the *Länder*. Creating an accessible environment and removing barriers are specific goals of the programme.

The Federation also funds pilot projects to ensure accessibility in public or private areas.

The overarching strategies of the *Länder* to ensure accessibility include the creation and amendment of statutory provisions and the formulation and updating of action plans.

Within the framework of the Commission for Equal Standards of Living, the Federal Cabinet has agreed<sup>72</sup> to specifically develop concrete proposals for all key aspects of general interest services, targeted strengthening of structures in the *Länder* and municipalities, and measures to help municipalities help themselves.

The Commission’s aim is to develop specific recommendations for action while considering differences in regional development and demographic change in Germany. This is to make a tangible contribution to establishing equal living conditions in all regions in Germany on a lasting basis. Six SWGs have created reports, which provide the basis for the Commission’s overall report.

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<sup>69</sup> For example on public streets/roads, for the accessibility of public transport stops and stations, and for improved accessibility of public buildings.

<sup>70</sup> For example neighbourhood centres as local meeting and advice centres.

See also the administrative agreement of the Federation and the *Länder* on the promotion of urban development (2019).

<sup>71</sup> German: “*Soziale Integration im Quartier*”.

<sup>72</sup> With the appointment decision of 18 July 2018.

The description of duties associated with the decision to appoint the “Social General Interest Services and Work” SWG stipulated that it should “develop measures to ensure a nationwide infrastructure to provide general interest services to the population, with due consideration also to aspects of health care, senior services, education, arts and accessibility and to address regional aspects of active labour market policy.” In the final report of SWG 5, the attainment of “accessibility” in Germany is defined as an important step towards an inclusive society and adaptation to demographic change – particularly in rural regions – as it delivers concrete near-term improvements for local residents (especially persons with disabilities, seniors, young families) and helps municipalities establish equal standards of living.

The Federation and some *Länder* run accessibility centres of expertise that advise public and, wherever possible, private bodies on accessibility issues and help them agree targets.

Public transportation plans in *Länder* and municipalities make provisions for strategies and measures to implement the PBefG.<sup>73</sup> The joint *Land* committees for multisectoral healthcare provision,<sup>74</sup> the hospital associations, the associations of doctors and dentists under the SHI, the psychotherapist chambers and the Ministries of Health in the *Länder* are engaged in the delivery of accessibility in the healthcare sector. Particular importance is attached to guaranteeing accessibility in urban development and housing promotion at federal and *Länder* level.<sup>75</sup>

Public authorities work hard to ensure accessibility in all areas,<sup>76</sup> such as the arts,<sup>77</sup> leisure, recreation and tourism,<sup>78</sup> and sport.<sup>79</sup>

HEIs are increasingly offering accessible programmes and services in line with legal requirements<sup>80</sup> and the resolutions of the HRK regarding “one university for all”.

With the Act Implementing Directive 2016/2102/EU<sup>81</sup>, public bodies of the Federal Government<sup>82</sup> are now required to ensure the accessibility of their websites and mobile applications and also of intranet content for their own staff.<sup>83</sup> Electronically assisted administrative procedures must be implemented gradually where necessary, but no later than 23/6/2021<sup>84</sup> –. In future, the bodies must also issue a statement declaring the extent to which their websites and mobile applications are accessible and, where appropriate, give alternative access options. A feedback mechanism must also be established for users; the Arbitration Service under the BGG will act as ombudsperson for the enforcement of these requirements. Furthermore, a federal monitoring body for accessible information technology

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<sup>73</sup> For further details, see the response to Question 10.

<sup>74</sup> Section 90a SGB V.

<sup>75</sup> See BT-Drs. 19/2590, for instance.

<sup>76</sup> Such as physical structures, services, communication and information.

<sup>77</sup> Such as shows with audio description and guided tours of museums in sign language.

<sup>78</sup> Such as taking the issue of accessibility into account in national parks or information on nature-based experiences, as well as city tours in sign language.

<sup>79</sup> Such as the increased development of accessible sports facilities, inclusion managers in sport, and live broadcasting of sporting events with audio description.

<sup>80</sup> Section 2 (4) HRG.

<sup>81</sup> Implementation of Directive 2016/2102/EU in the Federal Law Gazette I of 10 July 2018 with the amendment of the BGG.

<sup>82</sup> Private organisations that are primarily financed from public funds.

<sup>83</sup> Section 12 BGG.

<sup>84</sup> All dates indicated in the GB date format: day-month-year.

gy at the Federal Centre of Expertise will spot-check whether the public bodies comply with the requirements of the EU Directive on Digital Accessibility.<sup>85</sup> Implementation at federal level was completed in July 2018. The *Länder* have also since adapted their rules to the EU Directive or will have done so by July 2019 at the latest.

The European Accessibility Act<sup>86</sup>, which also envisages digital accessibility rules for the private sector, was adopted by the European Parliament and the Council in November 2018 and entered into force on 27/6/2019. As the bill involves important rules for the European Single Market, Germany did not pre-empt the decision, and instead waited for its adoption.

Businesses should independently consider the application of Universal Design principles in the design and provision of products and services. While the term itself is not defined by law, Section 4 BGG points out that the principles of “design for all” should also be observed to ensure accessibility in the areas mentioned. In Germany, there are several experts<sup>87</sup> in this field that advise and assist businesses where necessary and make an important contribution to the growth of “design for all”.

The BGG legislation at federal and *Länder* level guarantees the right to the use of sign language and communication aids, document access for persons with visual disabilities in administrative procedures, and the delivery of accessible ICT in public administration. The BITV ordinances at federal and *Länder* level flesh out the obligations deriving from the BGG legislation and have also adopted the Web Content Accessibility Guidelines, the current international standards.

Comprehensive statistics are not available on the resources invested to guarantee accessibility. This is because the budgetary principles of the Federation, *Länder* and municipalities do not make provisions for the detailed breakdown of costs to ensure accessibility in the context of spending for specific measures. The appropriations for specific projects entered in the budgets of public-sector agencies are also intended to ensure accessibility. Concrete data on the amounts invested in accessibility are only available in some cases. A number of *Länder* are developing accessibility programmes, with different levels of investment.<sup>88</sup>

*d) Steps taken to meaningfully consult industries on their consideration of accessibility through universal design within the framework of innovation and research policies.*

Accessibility and universal design are not criteria in research and innovation policy, and do not play a particular role in the allocation of funds. However, within the context of technology-neutral research and innovation support, such as the ZIM programme, we are seeing a growing trend in funding for the development of universally accessible products. Here, industries themselves are driving this development forward, flanked by research and innovation policy.

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<sup>85</sup> From 2020.

<sup>86</sup> European legislation to harmonise the regulations and administrative provisions of the Member States on accessibility requirements for products and services. The Directive was published in the Official Journal of the European Union on 7 June 2019 and entered into force 20 days later, on 27 June 2019; some of the requirements only apply after transition periods of several years, however.

<sup>87</sup> Such as the Federal Centre of Expertise on Accessibility, the Research Institute for Technology and Disability and the *Design für Alle – Deutschland e. V.* competency network

<sup>88</sup> With regard to the ISI initiative, please refer to the response to Question 18 – accessibility as an essential element of an inclusive social environment.

With the “Bringing Technology to People”<sup>89</sup> research programme, the Federal Government funds projects that support people in different aspects of life – from cognitive homes and smart mobility to staying healthy and assisted care.

The funding guideline for “Inclusion through Digital Media in Vocational Education and Training” is an innovation project to improve the accessibility of facilities and services for persons with disabilities.

In the field of photonics, the “Light Cares – Photonic Technologies for Persons with Disabilities”<sup>90</sup> competition supports the development of tools to facilitate the everyday lives of persons with disabilities.

*e) Sanctions, including financial sanctions, imposed for non-compliance of accessibility standards since the previous Concluding Observations.*

The German legal system does not provide for the imposition of sanctions or penalties due to the poor accessibility of facilities and services (particularly in the private sector).

*10. Please provide updated information on concrete actions to upgrade the barrier-free mobility and transport infrastructure at the national, Länder and municipal levels and meet the deadline for accessible public transport by 2022.*

Under Section 8 (3) third sentence PBefG, the public transport plans to be created by the regional transport authorities<sup>91</sup> must consider the needs of persons with reduced mobility or sensory capabilities with the aim of delivering fully accessible public transport by 1/1/2022. Exceptions are defined in Section 8 (3) fourth sentence and Section 62 (2) PBefG.

The Federation and *Länder* support measures to ensure access to, and use of, local public transport and passenger rail services through several funding programmes. *Länder* and municipalities invest in local services, largely on the basis of federal funding, and have commenced the gradual accessibility upgrading of stations and transport vehicles.<sup>92</sup>

DB AG has developed the third accessibility programme in close collaboration with self-advocacy organisations of persons with disabilities. With federal support, DB AG is making significant efforts to ensure the accessibility of platforms. Under the Railway Station Modernisation Programme, the *Länder* and municipalities are working with DB AG to establish stations for barrier-free accessibility and step-free platform-to-vehicle access. Platform edges have been upgraded depending on the boarding heights of the vehicles used, with the result that DB ensures same-level boarding without technical aids where possible, or failing that, at least guarantees on-train boarding aids by the DB Mobility Centre. Access routes have also been made accessible, as far as the rules of DB AG allow<sup>93</sup>. Where boarding and platform levels differ, all vehicles are fitted with ramps. On board, all relevant facilities, e.g. WCs, are accessible from at least one boarding area.

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<sup>89</sup> German: “*Technik zum Menschen bringen*”.

<sup>90</sup> German: “*Light Cares – photonische Technologien für Menschen mit Behinderungen*”.

<sup>91</sup> Authorities appointed by the *Länder*, generally the municipalities.

<sup>92</sup> Particularly on the basis of regionalisation funds.

<sup>93</sup> Known as the “1000 passenger rule” (stations frequented by fewer than 1000 passengers boarding, changing or disembarking daily).



The EBO defines a uniform height of 76 cm above the railhead as the standard platform height, as this would make steps into trains unnecessary.

Railway vehicles only receive entry-into-service authorisation if they meet the TSI requirements regarding passengers with reduced mobility. DB Fernverkehr AG coordinates the design of its long-distance vehicles with umbrella organisations of persons with disabilities and offers a wheelchair-friendly area in all new and modernised trains. One example of the many actions taken is the modernised ICE 3 (class 407) with vehicle-mounted lifts incorporated into ICE trains for the first time ever.

Specific vehicle accessibility requirements are also set down in the bid invitations for transport contracts in the regional passenger rail transport sector.

Under the Federal Government's "Investment-in-the-Future Programme" for accessibility at minor railway stations, minor stations<sup>94</sup> are being made accessible with the *Länder* sharing in the costs. *Länder* programmes are also to make interfaces to railway stations accessible.<sup>95</sup> The Revita programme promotes, inter alia, accessible routes to station buildings and the accessible development of areas for use by passengers.

The PBefG also specifies that associations must be given a hearing when local transport plans are being developed.<sup>96</sup> Specific minimum accessibility standards are defined in the plans.

With the "Accessible travel by long-distance bus" guide<sup>97</sup>, the Federal Government gives vehicle manufacturers, long-distance bus operators, municipalities and persons with disabilities an overview of the current legislative framework, inter alia.

Programmes for the upgrading or new construction of accessible stops in road-based local public transport systems fund barrier-free stop-to-vehicle passage and accessible road-side access according to TSI requirements. This also applies to on-board mobility and seating, passenger information and a universal toilet. New vehicles must comply with the latest TSI requirements and any pre-used vehicles in service must also meet minimum accessibility standards.<sup>98</sup> The low-floor buses or trams currently in use are largely accessible and have appropriate areas for wheelchairs, e-scooters and walkers. Easily accessible "stop" buttons<sup>99</sup> are provided inside and outside the vehicles, increasingly with Braille signage. The vehicles feature large handrails, kneeling entrances, mechanical or electro-hydraulic ramps, clearly marked priority seating for persons with reduced mobility, and spaces for wheelchair users. The vehicle entrance width is between 76 and 126 cm, and the entrance zones feature colour-contrasted floor indicators. Notices<sup>100</sup> are placed at a wheelchair-accessible height.<sup>101</sup>

Furthermore, drivers receive training in collaboration with associations of persons with disabilities. Drivers help passengers to board by providing access aids to bridge the gap between the vehicle and kerb.

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<sup>94</sup> Stations which are smaller than the "1000 passenger" stations.

<sup>95</sup> Such as with accessible bus stops, park+rail spaces for persons with disabilities or barrier-free accessibility of train stations.

<sup>96</sup> Section 8 (3) sixth sentence PBefG.

<sup>97</sup> An accessible version is available for free download on the website of the competent ministry.

<sup>98</sup> Such as barrier-free access, storage and accessible toilets.

<sup>99</sup> At a height of 75 to 100 cm.

<sup>100</sup> Schedules, route network etc.

<sup>101</sup> This means an average eye level of around 130 cm above the ground and no seating blocking access at the stops.

Several other laws contain concrete specifications to guarantee accessibility, e.g. Section 3 (1) FStrG which specifies that the providers responsible for road construction and maintenance must take the interests of persons with disabilities into consideration with the aim of ensuring maximum accessibility. Barrier-free access to the rail infrastructure is governed by Section 2 (3) EBO. Sections 19 d and 20 b LuftVG require airport operators and airlines to specifically consider the requirements of people with disabilities with the goal of creating an accessible environment.

In principle, airlines have an obligation to carry persons with disabilities. Regulation No. 1107/2006/EC applies to flights starting or landing in the EU. Exceptions are only permitted in the event of safety concerns or if it is physically impossible to transport the passenger or mobility equipment on board.<sup>102</sup> Where necessary, airlines must support and assist passengers for free during the entire ground handling process. Wheelchairs, other mobility equipment and assistance dogs can be carried without charge.

Significant efforts are being made at all levels to improve the mobility of persons with disabilities. The *Länder* and other parties involved are aware of the need to continue the implementation process intensively and adopt a differentiated approach to accessibility.

### Situations of risk and humanitarian emergencies (art. 11)

11. Please provide information on:

a) *'The Barrier Free Emergency App'* and clarify whether it is available, free and accessible 24/7, throughout the State party for all persons with disabilities regardless of impairment;

Persons with speech and/or hearing disabilities can make a free and accessible emergency call 24/7 nationwide through a relay service.<sup>103</sup> The enshrinement in the TKG of such emergency calls – as they can currently be placed through the operator service – is being examined as part of the ongoing implementation of Directive 2018/1972/EU.

In April 2019, the Standing Conference of Interior Ministers of the *Länder* resolved to introduce a nationwide emergency app to access the 110 and 112 emergency services and assigned a *Bundesland* central responsibility for all the necessary steps involved. This measure not only entails the free provision of a user app for common operating systems on mobile devices, but also the provision of the technical infrastructure to take and process the calls in the emergency centres via a web application. The link-up to emergency centres is slightly time-lagged.

The Federal Government has supported the development of a prototype and its subsequent trialling at selected emergency centres.<sup>104</sup> The evaluation of the project results found that the developed emergency app is employable, such that persons with hearing and/or speech disabilities can make a mobile emergency call to emergency services using a text-based, touchscreen solution. The *Länder* and the Federal Government seek to roll out the app nationwide in 2019.

b) *The meaningful consultation and involvement of organizations of persons with disabilities in the design and implementation of disaster risk reduction strategies and humanitarian relief*

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<sup>102</sup> For example, the size of the doors can prevent the carriage of a wheelchair.

<sup>103</sup> Video link to a sign language interpreter or data link to a speech-to-text interpreter.

<sup>104</sup> As part of the Smart Networking Strategy.

*and explain how relevant actions are monitored using criteria to measure actual implementation in line with the Convention;*

Ensuring the participation of persons with disabilities in needs assessment processes, the implementation of humanitarian relief measures and associated decision-making processes is a central objective of German humanitarian aid. To this end, the Federal Government has developed an inclusion marker for humanitarian relief measures comprising the aspects of gender, age and disability. Partner organisations can therefore be consistently encouraged to actively involve persons with disabilities, and to convincingly demonstrate their participation as early as the application stage. The Federal Government is currently taking action to systematise and standardise data collection in order to also draw on past experience when working with partners and consistently call on them to take greater account of inclusion in all phases of the project cycle.

In strategy and position papers, the Federal Government is also committed to the effective involvement of organisations of persons with disabilities in the design and implementation of disaster risk reduction strategies in partner countries of German DC.

- c) *The legal and other measures at the national and Länder levels to ensure the speedy identification of asylum seekers and refugees with disabilities, and when relevant, to provide accessible accommodation and support services.*

Asylum-seekers' details are taken promptly once they arrive at the refugee reception facilities of the *Länder*. Any disability that is claimed by the asylum-seeker, or is self-evident,<sup>105</sup> is considered with regard to housing and social and medical care.

An office of the European Union<sup>106</sup> makes an instrument available for determining persons with special needs.

Following arrival, asylum-seekers undergo a medical examination to identify any infectious diseases.<sup>107</sup> Disabilities can also be identified here and taken into consideration for accommodation and other assistance. Doctors, psychologists and nurses are also available at the reception facilities as voluntary services of the *Länder*. If the particular needs of vulnerable individuals cannot be met in collective living arrangements, individuals must be housed in suitable dwellings, or institutions if necessary. As part of a joint federal/UNICEF initiative for the protection of refugees in refugee shelters, minimum standards were also developed specifically for the protection of refugees with disabilities. In the course of redistributing asylum-seekers from the reception facilities to individual counties and urban districts, identified needs are also considered during the housing allocation process.

The tasks of the migration advisory service comprise social and educational support, the provision of information and arrangement of further support services. Some reception facilities work with the psychiatric departments of hospitals or outpatient clinics. Pools of interpreters are available to assist individuals access to health services, inter alia. Furthermore, the AsylbLG also ensures the provision of medical care via the structures generally available.

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<sup>105</sup> E.g. the use of a wheelchair.

<sup>106</sup> European Asylum Support Office.

<sup>107</sup> Section 62 AsylG.

The BAMF guarantees that special requirements are considered in asylum procedures. In preparation for hearings, individuals' needs are considered both in terms of time and location, aids are provided, requirements-based access to information is guaranteed, and sign language interpreters and the admittance of necessary helpers are offered. BAMF staff can help identify special requirements. The BAMF also has specially trained and sensitized appointees for vulnerable groups.

A government-funded project is currently collecting data on the health and medical care of asylum-seekers in 13 reception and accommodation centres. The aim is to quickly identify new or unanticipated health problems and create a reliable data basis for the planning of health policy measures.<sup>108</sup>

## Equal recognition before the law (art. 12)

### 12. Please provide information on

- a) *Any legal reforms and other strategies to abolish all forms of substituted decision-making and to ensure that decision-making regimes are in line with the Convention. Please explain how representative organizations of persons with disabilities have been meaningfully included, particularly in the process of reform of the current guardianship law;*

Two research projects on guardianship law have been conducted on the Federal Government's behalf.<sup>109</sup> Both studies also interviewed individuals concerned.<sup>110</sup> While the research results identify shortcomings in certain areas, they are not so severe as to warrant a fundamental rethink of legal guardianship as a legal instrument, or major structural changes among the current actors in the guardianship system.

The need for reform identified in the findings centres on the better implementation of the necessity principle in decisions regarding the appointment and scope of legal guardianship. This particularly concerns the arrangement of preferred "alternative assistance" by the guardianship authorities and the increased use of alternative assistance – such as assistance under social law – prior to a case of guardianship.

In addition, the findings also highlight the need to improve the quality of legal guardianship in practice, particularly the strengthening of the right to self-determination of the individuals concerned.<sup>111</sup>

The core objective of reform efforts<sup>112</sup> instigated on the basis of these findings is to improve the quality of legal guardianship for the individuals concerned by examining what measures – particularly legislative measures – can be taken to more effectively safeguard individuals' right to self-determination in decisions on the appointment and/or continuation of legal guardianship, the choice of specific guardian and how guardianship is conducted, and therefore improve the quality of legal guardianship overall. This includes the stronger orientation of rules under guardianship law towards the principle of supported decision-making, supervision and control of how the guardianship is con-

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<sup>108</sup> Project of the University of Heidelberg "Sentinel Surveillance der Gesundheit und primärmedizinischen Versorgung von Asylsuchenden in Erstaufnahmeeinrichtungen und Gemeinschaftsunterkünften in Deutschland (PriCare)/ Health and primary-care sentinel surveillance in reception and accommodation centres for asylum-seekers in Germany (PriCare)". Projects runs from 2016 to 2020.

<sup>109</sup> In the 2015-2017 period. These projects fully examined "Quality in legal guardianship" and the "Implementation of the principle of necessity in practice under guardianship law".

<sup>110</sup> For example, the perspective of persons affected by the guardianship system was studied in 68 in-depth case studies in the research project on "Quality in legal guardianship".

<sup>111</sup> Within the meaning of Article 12 CRPD.

<sup>112</sup> Commenced in June 2018.

ducted by the guardianship court in the interests of the persons concerned, and better implementation of the necessity principle.

The necessary legislative amendments will be prepared in an interdisciplinary and participative discussion process.<sup>113</sup> Individuals who are themselves affected by legal guardianship will also be involved in low-threshold workshops. At the final plenary in late 2019, the responsible ministry will take stock of developments and decide which legislative proposals to introduce.

There are no plans to abolish all forms of substituted decision-making. The Federal Constitutional Court emphasises the State's duty to protect persons in need of assistance. It follows that in instances in which the individual does not have, or no longer has, the capacity to act and exercise decision-making power, i.e. she/he has no capacity for self-determination, a substituted decision may be made and enforced to protect her/him from serious harm to herself/himself. In the Federal Government's view, this is not incompatible with the requirements of the CRPD. Representation<sup>114</sup> is therefore an element of the system of supportive decision-making which may only be used if it necessary to assert the will of the individual concerned or her/his subjective individual well-being.<sup>115</sup>

*b) Disaggregated data on trends regarding persons with disabilities still under legal guardianship since 2015 (by sex, type of impairment, and Länder);*

While 1,306,589 persons were still under legal guardianship in Germany in 2014, this figure dropped by 2.3% to 1,276,538 persons in 2015.<sup>116</sup> The *Land* Judicial Administrations did not disaggregate the data in court statistics by personal attributes in the period up to and including 2015. Information on "age" and "sex" has only been recorded since 1/1/2016 following the introduction of a new statistics system. While initial figures are available for 2017, they are only from eight *Länder* and are not yet reliable. However, they predominantly indicate a trend towards a slight decline in guardianship numbers. The new statistics do not provide for disaggregation by type of impairment, however, particularly as this could potentially be discriminatory in nature.

*c) Systematic training and education on the rights of persons with disabilities and the Convention for relevant professionals, including judges in guardianship courts, professional guardians, and civil servants in the social and health sectors.*

Under a government-funded project, the Monitoring Mechanism offered training on the content and scope of the CRPD at social courts in the *Länder*.<sup>117</sup> These nationwide specialised training programmes are now being continued for judges and judicial officers at guardianship courts.<sup>118</sup>

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<sup>113</sup> The process involves independent experts, the Monitoring Mechanism, professional and specialised associations, as well as the *Länder*, the local authority central organisations, the Commissioner and the federal ministries concerned.

<sup>114</sup> Section 1902 BGB.

<sup>115</sup> Decision of the Federal Constitutional Court of 26 July 2016 (1 BvL 8/15, point 88). Furthermore a general ban on measures that are taken against the natural will of persons with disabilities and are linked to a limited capacity for self-determination due to illness cannot be inferred from the provisions of the Convention, as the Convention sets out conditions of admissibility for such measures.

<sup>116</sup> Figures on 31 December of each year according to Deinert, guardianship figures in 2015: [https://www.bundesanzeiger-verlag.de/fileadmin/BT-Prax/downloads/Statistik\\_Betreuungszahlen/2015/Betreuungsstatistik\\_2015.pdf](https://www.bundesanzeiger-verlag.de/fileadmin/BT-Prax/downloads/Statistik_Betreuungszahlen/2015/Betreuungsstatistik_2015.pdf).

<sup>117</sup> In the period from 2017 to 2018.

<sup>118</sup> In the period from 2018 to 2021.

Two expert talks held on the topic by the Monitoring Mechanism in partnership with the Federal Government served to further sensitise both the judiciary and the scientific and political community to the importance of the CRPD in the German legal system.<sup>119</sup>

The Federal Centre of Expertise also teaches about accessibility-related issues in training seminars, particularly at federal authorities, and develops informational materials. The professional community is informed on specific topics at specialist events, most recently the judiciary on the issue of "reasonable accommodation".

In the *Länder*, initial and further training programmes for law enforcement, the police, the fire department and emergency services, guardians and administrative staff encompass human and fundamental rights, equal treatment, stereotyping, approaches to dealing with persons with psychological disabilities, and victim protection. Systematic education and training regarding the rights of persons with disabilities and the CRPD is offered to different professional groups.<sup>120</sup>

### Access to justice (art. 13)

*13. Please inform about the human and financial resources specifically allocated to the justice system and for the education and training on the Convention regularly provided to personnel in the justice, prosecution, police and prison systems by the State party on:*

- a) Equal recognition before the law and access to justice for all persons with disabilities regardless of the type and degree of disability at the national and Länder levels;*
- b) Accessibility of information, including plain language and interaction with persons with disabilities, particularly persons with psychosocial or intellectual disabilities;*
- c) The provision of procedural and age-appropriate accommodations.*

It is not possible to provide figures for the human and financial resources allocated for the individual areas listed. This is due to the principles of budgetary law of the Federation and the *Länder*. The budgetary system does not provide for the detailed breakdown of spending required to answer these questions.

The legal basis for access to justice was already discussed in the initial report of Germany.<sup>121</sup> In the interest of clarity, it should be noted that no fee is charged for the provision of accessible documents to persons with visual disabilities.<sup>122</sup> In principle, this also applies to the exercising of the right of persons with hearing and/or speech disabilities to choose to communicate orally, in writing, or through sign language interpretation.<sup>123</sup>

Consideration of the interests of persons with disabilities on the basis of these legal principles is an integral part of general and further training and education and of separate training courses and seminars in individual cases.

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<sup>119</sup> This series of expert talks is being continued.

<sup>120</sup> Please also refer to the responses to Questions 7, 13 and 26b.

<sup>121</sup> Response to Question 8 in the List of Issues.

<sup>122</sup> Section 191a GVG.

<sup>123</sup> Section 186 GVG.

The judiciary, public prosecution and prison officers receive comprehensive training on national law and its application. This also includes further training on the CRPD and other statutory provisions implementing the content of the CRPD.

The scope of training and education programmes for employees of the federal and *Land* police forces and prison systems includes the particular interests of persons with disabilities, communication with citizens, and dealing with prisoners, particularly taking account of the psychosocial disabilities.

At federal and *Länder* levels, judges receive further training on mental ill health. Regular Easy-Read training is also provided. Psychiatric care experts and the prison system share knowledge, also on best practices for dealing with prisoners with psychosocial disabilities. Training courses on how to deal with prisoners with psychosocial disabilities are also offered.

The action plans of the *Länder* also contain measures to remove barriers to access to justice. Considerable efforts are being made to guarantee physical accessibility through construction-related measures. Central contacts for inclusion have also been appointed in some areas.<sup>124</sup>

Accessible information is becoming increasingly available. This is also the goal of the implementation of the Ordinance on accessible documents for persons with visual disabilities in judicial proceedings through the provision of documents in written or electronic format.<sup>125</sup>

The accessible design of Internet and intranet content is being implemented according to the relevant regulations at federal and *Länder* level. This will also apply to future electronic file management.

Justice authorities keep an inventory of recognised psychosocial facilitators. Courts can appoint a psychosocial facilitator in criminal proceedings pursuant to the conditions stipulated in the Code of Criminal Procedure.

## **Liberty and security of the person (art. 14) and Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

*14. Please explain the legal and other measures at the national and Länder levels taken to:*

- a) Reform all laws that allow for the deprivation of liberty of persons with disabilities and to act on their behalf without consent, including Section 1906 para. 4 of the German Civil Code;*
- b) Prevent and eliminate involuntary hospitalization or forced institutionalization on grounds of impairment, especially of children with disabilities and persons with psychosocial disabilities and to promote alternative measures;*
- c) Effectively prohibit and safeguard against interventions without the free and informed consent of the persons with disabilities concerned, including medical treatment, electroconvulsive therapy, seclusion and the use of chemical, mechanical or physical restraints;*
- d) To implement the Committee's recommendations (CRPD/C/DEU/CO/1, para. 34) and those of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or*

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<sup>124</sup> These central points of contact receive further training in the specified subject area, act as disseminators, inspect courthouses, support measures to deliver accessibility, and hold seminars to make justice system staff more aware of how to deal with persons with disabilities.

<sup>125</sup> See BITV 2.0.

*punishment (A/HRC/22/53, para 68), in light of the German Supreme Court's (Bundesverfassungsgericht) ruling of 24 July 2018 (2 BvR 309/15 2 BvR 502/16).*

Since the adoption of the "Act regulating Consent to Compulsory Medical Treatment"<sup>126</sup> the legislature has decoupled consent to compulsory medical treatment from involuntary placement<sup>127</sup> in legislation surrounding institutionalisation under guardianship law.<sup>128</sup> While maintaining the strict substantive and procedural conditions for admissibility<sup>129</sup>, in paragraph 1 no. 7 the new Section 1906a BGB now provides that compulsory medical treatment is coupled to the requirement to stay as an inpatient in a hospital in which the required medical attention for the person under guardianship, including any necessary follow-up treatment, is guaranteed. Due to the principle of last resort, compulsory medical treatment provided on an outpatient basis shall continue to be ruled out. The Act also introduced additional provisions to strengthen the right to self-determination of persons under guardianship with regard to medical intervention.<sup>130</sup>

Also with a view to avoiding compulsory medical treatment, the spread of living wills is to be further promoted in that guardians are to inform persons under guardianship about the possibility of a living will wherever appropriate and help create one upon request.

The Federal Government believes that additional changes are not necessary as the provisions under Section 1906 BGB are consistent with CRPD requirements.<sup>131</sup> The Federal Government does not agree that all forms of forced institutionalisation or treatment constitute inadmissible torture, particularly if the individual concerned poses a danger to herself/himself or others. The same applies to the use of liberty-deprivation measures on persons living in open or closed institutions. Rather, the State is obliged to protect and promote the life of the individual and protect her/him from harm to her/his physical integrity and health.<sup>132</sup>

German law only provides for forced institutionalisation and the use of liberty-deprivation measures in narrowly defined exceptional situations, particularly

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<sup>126</sup> *Gesetz zur Regelung der betreuungsrechtlichen Einwilligung in eine ärztliche Zwangsmaßnahme*, entered into force on 18 February 2013.

<sup>127</sup> The Act to Amend Substantive Conditions for the Admissibility of Compulsory Medical Treatment and to Strengthen the Right to Self-Determination of the Person under Guardianship (*Gesetz zur Änderung der materiellen Zulässigkeitsvoraussetzungen von ärztlichen Zwangsmaßnahmen und zur Stärkung des Selbstbestimmungsrechts von Betreuten*) entered into force on 22 July 2017. The Act contains provisions for an evaluation of the impact of the changes on application practice after a period of three years following the Act's entry into force.

<sup>128</sup> For which the Federal Government has legislative capacity.

<sup>129</sup> Already presented in the initial report of Germany.

<sup>130</sup> For example, an express requirement for the admissibility of consent to compulsory medical treatment specifies that the will of the person under guardianship, which must be considered according to Section 1901a BGB, must not be opposed to the compulsory medical treatment.

<sup>131</sup> As already indicated on Page 36f. of the initial report.

<sup>132</sup> Please refer to the reasoning behind the decision of the Federal Constitutional Court of 24 July 2018 (2 BvR 309/15, 2 BvR 502/16, point 74 f.). The Federal Constitutional Court found that "the care of the state community (...) (can) include the power to forcibly place in a closed institution, and also restrain, the individual with mental illness, who, on account of her/his illness and the associated incapacity for understanding, may be unable to comprehend the gravity of her/his illness and the need for treatment, or who, despite being cognisant is unable to decide on treatment on account of her/his illness, if this proves to be absolutely essential to avert impending serious harm to the health of the patient (...). According to these criteria, the restraint of a placed patient can be justified to avert impending serious harm both to the health of the patient himself/herself and to that of other persons such as the nursing staff or doctors."



- due to guardianship court decisions: both the involuntary placement of persons under guardianship and the use of liberty-deprivation measures on such persons are only permissible under strict substantive guardianship and procedural conditions to avert significant damage to the health of the individual concerned.<sup>133</sup>
- for children due to custody and family court decisions: both the involuntary placement of a child or adolescent and the use of liberty-deprivation measures on a minor in a psychiatric clinic, a child/youth welfare institution or an institution for persons with disabilities require family court authorisation in addition to the consent of parents having custodial rights. Authorisation may only be granted if the measure is necessary to avert a significant danger to self or others and if this danger cannot be overcome by alternative means. Under the authorisation procedure, the child is assigned a case worker who determines the child's interests and asserts them in the legal process. The family court must also obtain an expert opinion or the written report of a doctor for child and adolescent psychiatry and psychotherapy who has personally examined the child.
- according to the StGB: the provision of Section 63 StGB does not lead to discriminatory deprivation of liberty due to a disability, but rather only authorises this if the individual has additionally committed one or more criminal offences, she/he can be expected to commit (additional) serious offences owing to her/his condition and she/he therefore presents a danger to the general public. The primary objective of a new law<sup>134</sup> is to even more effectively avoid disproportionate placement orders, particularly disproportionately long orders, by better defining substantive legal requirements and restrictions and expanding procedural safeguards.
- according to the PsychKG legislation of the *Länder*: under this legislation, an individual can be committed to a clinic against her/his will if there is an acute and serious danger to self or others owing to a mental disorder/mental ill health. Unwillingness to get treatment does not alone justify placement. The placement requires court approval. Furthermore, as a general rule these acts also provide for special assistance for persons with mental ill health, which is delivered, for example, by independent socio-psychiatric services of the health authorities.

In light of Federal Constitutional Court rulings, the *Länder* have already amended, or are currently amending, their PsychKG legislation. In doing so, they are also taking due account of the CRPD requirements regarding assistance and protections for persons with a psychosocial disability. The rights of the individuals concerned and individual assistance needs are prioritised. Coercion is to be avoided where possible and its application subject to the highest legal standards defined by the Federal Constitutional Court. New structures are to help prevent coercive practice and refine support. The *Länder* have also developed procedural proposals for psychiatric hospitals under their control.

The *Länder* laws also contain new structures to expand and better interlink the area of preventive and follow-up assistance for children, adolescents and adults. Better prevention and follow-up can

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<sup>133</sup> Section 1906 BGB.

<sup>134</sup> The Act to Amend the Right to Issue a Psychiatric Hospital Order pursuant to Section 63 of the German Criminal Code and to Amend other Provisions (*Gesetz zur Novellierung des Rechts der Unterbringung in einem psychiatrischen Krankenhaus gemäß § 63 des Strafgesetzbuches und zur Änderung anderer Vorschriften*) of 8 July 2016 takes even greater account of the goals enshrined particularly in Article 14 (1) (b) and (2) to base the deprivation of liberty for persons with disabilities on the conditions formulated therein.

prevent forced hospitalisation/involuntary placement and the number of liberty-deprivation measures could be reduced by the appointment of guardians *ad litem* with expertise in alternative measures.<sup>135</sup> Observance of patient rights is monitored by various bodies in the health system and independent consumer and patient bodies.

Aiming to increase transparency on coercive practices in Germany and gain insights into possible ways to avoid coercion through alternative, voluntary treatment options, the Federal Government is funding a research project on the "avoidance of coercive measures in the psychiatric assistance system".<sup>136</sup> Recommendations for action to reduce coercive measures are to be issued and a monitoring system developed to capture data on the use of coercion and measures to prevent coercive practices.

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<sup>135</sup> These measures include the nationwide deployment of psychiatry coordinators, the development of community psychiatric associations, the appointment of voluntary patient advocates, and a mental healthcare strategy at both municipal and *Länder* level, which is to be updated regularly.

<sup>136</sup> Project runs from 2016 to 2020. The component project "coercive practice in the psychiatric assistance system: observation and reduction" (*Zwangsmaßnahmen im psychiatrischen Hilfesystem: Erfassung und Reduktion*) aims to capture data on compulsory measures in this area and provide an in-depth analysis of the findings. The second project "avoidance of coercive practice in the psychiatric assistance system" (*Zwangsvermeidung im psychiatrischen Hilfesystem*) examines which measures - particularly structural measures - are suitable to prevent or avoid coercive practices.

## Freedom from exploitation, violence and abuse (art. 16)

15. Please provide information on:

- a) *All measures, including legal measures, taken to ensure the protection of persons with disabilities from exploitation, violence and abuse, including for those still in residential institutions;*
- b) *The independent monitoring, funding and accessibility of facilities and services, including shelters, for persons with disabilities victims of violence and abuse;*
- c) *An overarching strategy with a timeframe for the prevention and protection of violence against women and children with disabilities, particularly those still living in mental health institutions and who cannot express themselves.*

To assess the current situation and identify need for action, federal/*Länder* talks were held on the protection of people from violence, particularly women and girls with disabilities. The Federal Government's aim is to develop a strategy for the comprehensive protection of persons with disabilities, particularly in residential institutions. This is also to include a discussion on the establishment of independent oversight and complaint mechanisms. The *Länder*, municipalities and civil society are to participate in this discussion process.

Germany has special provisions governing protection against violence, abuse and exploitation. Recent StGB amendments have strengthened the protection of sexual self-determination overall, closed criminal liability loopholes and introduced the "no-means-no" solution.<sup>137</sup> By imposing a higher criminal penalty, this reform also took particular account of the greater level of protection needed for persons with disabilities.

Victims of a violent crime committed on the territory of the Federal Republic of Germany<sup>138</sup> can assert independent claims under the OEG. Pension benefits, curative and medical treatment services and welfare services are provided according to this legislation.

Only persons who have not been convicted of certain offences against sexual and personal self-determination may be hired by social assistance providers for jobs in which they interface with benefit recipients. As part of the BTHG reform, women's representatives were introduced in all workshops for persons with disabilities to more effectively enforce gender equality, the reconciliation of work and family, and protection against physical, sexual and psychological harassment or violence. Since SGB IX entered into force, rehabilitative sports have included "exercises to boost self-confidence" for women and girls with disabilities as a rehabilitation service for the prevention of violence. Up to 100 positions have also been funded nationwide for the coordination of protection against violence in refugee shelters.

Pursuant to SGB XI, the MDK and PDK conduct annual quality audits in all authorised nursing facilities to verify compliance with legal requirements, and with conditions contractually agreed with the long-term care funds, regarding personnel, staffing and the quality of care. Special-purpose audits are also held.

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<sup>137</sup> Amendment to Chapter 13 of the German Criminal Code as part of the 50th Act to Amend the German Criminal Code (*Strafrechtänderungsgesetz*), which entered into force on 10 November 2016.

<sup>138</sup> A deliberate unlawful assault on the body of another person with the intention of causing bodily harm. This also includes sexual offences and sexual assault on minors.

As part of statutory prevention and health promotion measures, the number of nursing facilities that produce and implement in-house guidelines or a strategy for the prevention of violence in the care sector is to be increased and Prevention Commissioners introduced. Seminars on the issue are also held and employees are given a practical guide to the fundamental rights of people requiring support, assistance and care.

The 24-hour "Violence against Women" helpline is a nationwide anonymous, free and accessible service providing (initial) advice and referral to support facilities. Advice is confidential and provided in multiple languages via telephone, an accessible website and sign language interpretation. Furthermore, the Federal Government is supporting a nationwide pilot project to specifically and sustainably improve the protection of girls and boys with disabilities against sexualised violence in institutions.<sup>139</sup> As part of the project, the Programme for the Prevention of Sexualised Violence was developed, which is specifically geared to the needs of girls and boys with disabilities.<sup>140</sup> In collaboration with the German Police University, the Federal Government implemented an action programme to gain insights into the causes of death among people over 75, inter alia, in order to identify potential sources of danger earlier.<sup>141</sup> Violence prevention measures were also addressed, such as in the case of neglect of elderly persons in the home-care environment or violence in partnerships. The "Safety Factors in Old Age" project followed on from this.<sup>142</sup>

The Federal Government has launched an action programme to support the *Länder* in providing support services and improving assistance structures for women affected by violence and their children, as part of the *Länder's* primary responsibilities. The action programme goals include better access to the support system and improved service provision for under-served target groups. Measures for the accessibility upgrading of support facilities are also to be funded.<sup>143</sup>

The BKiSchG<sup>144</sup> contains explicit provisions for the protection of children with disabilities. For example, rehabilitation providers are required to give appropriate consideration to safeguarding the best interests of the child in contracts they conclude with service providers.<sup>145</sup>

The purpose of many laws adopted by the *Länder* on assisted living is to protect the dignity, interests and needs of persons requiring long-term care and persons with disabilities, and guarantee their protection against violence and abuse. To a certain extent, providers are required to implement strategies against violence and violence prevention methods, avoid coercive measures, establish complaint mechanisms and guarantee and promote the co-determination of residents. Compliance with these standards is monitored annually by independent supervisory authorities. Their powers range from the imposition of requirements to admission freezes, employment bans and operating bans. They are available to residents and their families for advice and as a complaint resolution body.

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<sup>139</sup> Running from 2015 to 2020 – "BeSt – Beraten & Stärken" (BeSt – Advise and Strengthen).

<sup>140</sup> *Was tun gegen sexuellen Missbrauch? Ben & Stella wissen Bescheid* ("What to do against sexual abuse? Ben & Stella know the answer").

<sup>141</sup> German: "*Sicher leben im Alter*" (Safe Living in Old Age). Based on the results of the "Experience of Criminality and Violence in the Lives of Elderly Persons" study conducted by the Federal Government in the 2008-2012 period.

<sup>142</sup> German: "*Sicherheitspotenziale im höheren Lebensalter*" (Safety Factors in Old Age) - project conducted in the period from 2012 to 2014. See also the "*Rate mal, wer dran ist*" ("Guess who's calling") brochure.

<sup>143</sup> From 2020.

<sup>144</sup> Entered into force on 1 January 2012.

<sup>145</sup> Old: Section 21 (1) SGB IX; new: Section 38 SGB IX – since 1 January 2018.

Further necessary action can also be taken by reporting identified failings to the competent home supervisory authorities.

Statutory provisions governing child protection and early intervention require all actors, particularly socio-paediatric centres and early support units, to take preventive action and intervene in the event of violence and abuse towards children. Local networks pursue the effective protection of children through early risk identification and timely support and assistance.

*Länder* laws governing assistance for persons with mental ill health disabilities,<sup>146</sup> some of which have already been amended based on Federal Constitutional Court rulings, also serve to protect against undignified treatment, coercion and violence in hospitals and institutions. Committees for psychiatric care issues examine the care provided in hospitals and institutions and pursue the interests of this group of individuals. Commissions regularly visit hospitals and other institutions and may refrain from announcing their visit in advance. Institutions and their funding providers are required to assist the committees and visiting commissions in their work. They must disclose information and grant them access to records.

Coordination bodies help to combat violence. Services are available at women's shelters and victim support facilities.

Action plans of the *Länder* contain measures to prevent and protect against violence against women and children with disabilities. Their goals are to gain knowledge about the risks, provide protection against risks and strengthen self-determination and autonomy. Measures have been taken particularly in the areas of privacy of individuals, counselling for individuals affected by violence, and violence prevention. This also includes raising staff awareness in institutions to recognise abuse and structural forms of violence, better information (including Easy-Read information) about advice and protection services for women and girls, and the provision of accessible advice and protection.<sup>147</sup>

*d) Existing or planned therapeutic and preventive initiatives aimed at perpetrators or potential perpetrators with disabilities of violence at the national and Länder levels.*

Preventive counselling is provided in the *Länder* and municipalities particularly to men prepared to resort to violence. This can also include (potential) perpetrators with disabilities. Projects such as anger management training or non-violent communication are promoted, particularly to address domestic violence. There are also projects specifically geared to at-risk psychiatric patients that aim to keep them from committing crimes associated with the mental ill health disability.

Persons with paedophilic tendencies receive therapy via the "Don't Offend" prevention network, with twelve centres nationwide.<sup>148</sup> The service providers are mostly university hospitals. The Institute of Sexology and Sexual Medicine at the Charité university hospital in Berlin has lead responsibility for the prevention network. The therapy network is aimed at persons with paedophilic tendencies. No age specifications apply. Funding for the network and the "You Dream of Them" project for adolescents is secured in a pilot project through the SHI system.<sup>149</sup>

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<sup>146</sup> Please refer to the response to Question 14.

<sup>147</sup> Please refer to the response to Question 4.

<sup>148</sup> German: "*Kein Täter werden*", since 2011.

<sup>149</sup> German: "*Du träumst von ihnen*". Until the end of 2022 pursuant to 65d SGB V. With this approach, all statutory health insurance funds contribute towards funding the project. The basis for this was established

## Protecting the integrity of the person (art. 17)

16. Please inform the Committee about:

- a) *Measures to repeal legislation still authorizing the sterilization of persons without their consent, but with the consent of a third party;*

Section 1631c BGB prohibits the sterilisation of minors. The legal situation regarding the sterilisation of adults incapable of consenting is defined in Section 1905 BGB. Pursuant to Section 1905 (1) first sentence no. 1, the guardian may not consent to a sterilisation of the person under guardianship if this is inconsistent with the latter's (natural) will. Forced sterilisation is therefore forbidden in Germany. In line with the principle of supported decision-making, it is the guardian's duty to educate and advise the person under guardianship who is incapable of consenting, and to determine the individual's actual will. If the will is to object to sterilisation, irrespective of the form in which the objection is manifested, sterilisation may not be performed. Section 1905 BGB therefore also serves to protect persons under guardianship from sterilisation without sufficient education, advice and determination of their actual will. Additional requirements regarding the appointment of a sterilisation custodian<sup>150</sup> and the approval of the guardianship court, while respecting the rights of the person under guardianship,<sup>151</sup> ensure the actual will of the individual is explored. A repeal of this legislation could result in reduced protection for persons under guardianship given the risk that their consent – which is technically sufficient – may have been obtained through manipulation or pressure, without this being examined by the State.

The provision of Section 1905 BGB on guardian consent to a sterilisation of a person under guardianship who is incapable of consenting is, however, among the most controversial provisions of guardianship law since the adoption of the Guardianship Act in 1992. This provision is therefore to be reviewed once again in light of the CRPD requirements. This will first require sufficient factual knowledge of the various conditions under which sterilisations of persons under guardianship are approved and/or denied on the basis of Section 1905 BGB in judicial practice. The Federal Government therefore plans to conduct a research project on sterilisation in guardianship law.

- b) *Initiatives to implement its recommendations relating to intersex children (CRPD/C/DEU/CO/1, para 38 (d)).*

Germany is working on a provision to protect children with variations in physical sex characteristics against gender confirmation. It is to be clarified by law that gender confirmation surgery on children is only permitted to avert risks to life or health. The details on the form a legislative provision should take have been discussed at an interdisciplinary conference with individuals concerned and experts from various disciplines. A legislative draft is to be presented shortly.

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with the Act to Further Develop the Provision and Payment for Psychiatric and Psychosomatic Services (*Gesetz zur Weiterentwicklung der Versorgung und der Vergütung für psychiatrische und psychosomatische Leistungen*), which was adopted by the Bundestag on 10 November 2016.

<sup>150</sup> Section 1899 (2) BGB.

<sup>151</sup> Section 297 FamFG.

## Liberty of movement and nationality (art. 18)

17. Please clarify whether “receiving centres” guarantee accessible accommodation and information in all accessible formats, as well as access to health care services, rehabilitation and adequate individualized support services. Please inform about measures to implement Directive 2013/33/EU on standards for the reception of applicants for international protection, especially article 21 on persons with disabilities.

The Federal Government contends that national law is consistent with the European provisions of the Directive. The *Länder* have put a variety of measures in place to implement Article 21 of the Directive. For example, they have developed protection concepts with binding guidelines, provided seminars and continuing training for staff at reception centres, and published flyers and other informational material in the various languages of the main countries of origin.

The vulnerabilities of applicants for protection receive attention in every stage of the asylum procedure and necessary measures are taken to ensure due consideration is given. A formal determination procedure with regard to the asylum procedure is not established. The identification of persons with special requirements is one of the tasks under the general and individual asylum-procedure advice system that is currently being trialled at AnKER facilities. This enables the early identification of special requirements that were not identified during the reception process, i.e. potentially before an application is made. With the written consent of the advised parties, the asylum procedure advisors can share vulnerability-specific information with the office for asylum proceedings/decision-making level and third parties so that this information can be considered in the further course of the proceedings. The advisors also provide information about, and refer individuals to, other third-party advisory services.<sup>152,153</sup>

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<sup>152</sup> Such as charitable organisations.

<sup>153</sup> Please also refer to the response to Question 11 c.

## Living independently and being included in the community (art. 19)

18. Please provide information, at the national and Länder levels on the legal, policy, and other measures and, when appropriate, their specific timeframes for implementation, adopted to:
- a) Ensure sufficient, sustainable and long-term funding and support, including a sufficient number of accessible and affordable housing options, for individualized independent living within the community at national, Länder and municipal levels;
  - b) Expedite deinstitutionalization, particularly for persons with intellectual disabilities;
  - d) Provide personal assistance services based on an assessment of the characteristics, circumstances and requirements of the persons with disabilities and whether the “type of impairment”, the income of the person with a disability or the income of his or her family can affect this assessment. Please specify any differences in such provisions at national and Länder levels, respectively.

As a result of the BTHG, integration assistance for persons with significant disabilities will be extensively reformed from 1/1/2020 to enable individualised living and promote full, effective and equal participation within the community. Opportunities for people to plan and live their lives according to their personal preferences are to be strengthened further. The necessary disability-related support provided through integration assistance is therefore now exclusively geared to individual need, considered from a holistic perspective, and no longer defined by a specific living arrangement. This individual need is identified and established together with the person with disabilities.

Social participation assistance<sup>154</sup> is of primary importance to this person-centric approach of the integration assistance system. This assistance is aimed to enable persons with disabilities to lead self-determined, independent lives as much as possible in their own home and social environment, or support them doing so. To this end, social participation assistance is being restructured, defined in more concrete terms and complemented by previously unnamed forms of assistance, while retaining the open-ended catalogue of services<sup>155</sup>. For example, assistance as a benefit has been clearly defined. The goal of assistance services is to help individuals cope with everyday life and structure their day autonomously – irrespective of their living arrangements, and can encompass a broad range of services of varying intensity.

This "person-centric" approach of the BTHG means that persons currently in inpatient institutions under the integration assistance system are largely put on a par – under benefits law – with persons with disabilities who live in their own home. The "separate worlds" of inpatient institutions, which primarily accommodate persons with intellectual disabilities, are therefore to be phased out over the long term and the deinstitutionalization process, which has already commenced, is to be continued.

The BTHG has also strengthened the personal budget, a special form of assistance where traditional non-cash benefits and services under participation law can be replaced with monetary benefits. This enables the individuals concerned to organise the necessary assistance themselves. The personal budget must be sufficient to ensure that individuals can receive the necessary counselling and support. It can contribute to deinstitutionalisation if individuals use it, for example, to move out of an institution and into a home of their own.

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<sup>154</sup> Such as assistance benefits.

<sup>155</sup> Section 76 SGB IX and Section 113 SGB IX (in force from 2020).



As a result of the BTHG, the assets and incomes of persons with disabilities and their family are less relevant for the provision of integration assistance than previously the case. In future, persons with disabilities must make a much smaller personal contribution to integration assistance services and can save more money. Spouses and partners are not required to contribute towards integration assistance services. Services which were free up to now, such as many services for children, will remain exempt from contributions.

The reformed integration assistance must be implemented by the *Länder*, which must work towards state-wide inclusive services that cover needs and are oriented to the social environment. The *Länder*-appointed integration assistance providers must guarantee the provision of person-centric services for persons with disabilities, irrespective of the place of service provision. While the Federal Government has no direct influence on the delivery of integration assistance, it maintains constant dialogue with the *Länder*. Furthermore, the Federal Government is examining the new integration assistance provisions in a total of five research projects, which are to establish, by 2021, whether the improvements sought under the BTHG are materialising or whether changes are necessary.

The *Länder* implement the provisions of the BTHG. In doing so, they guarantee participation within the community and the provision of services for persons with disabilities, also with regard to housing. They invest over €18 billion annually to this end. One priority is the funding of measures to help people live in their own home. The framework agreements for the organisation and financing of these services are currently being renegotiated in the application of the BTHG. This also includes processes of deinstitutionalisation. Assisted living in one's own home, particularly for persons with significant support needs, has been promoted separately for many years. The continued development and implementation of the planning instruments (general plan and participation plan systems) is to guarantee person-centric service provision that considers the wishes of the individual in line with the statutory provisions of the BTHG.

Persons with disabilities are also entitled to avail of short-term care services also in institutions for persons with disabilities for a limited period per year in order to help them remain longer in their home environment. The family-relief services established by the *Länder* offer further relief for care-giving relatives: with a variety of outpatient services, they offer to care for children, adolescents and adults with disabilities on an hourly basis.

Furthermore, the *Länder* are supporting the development of new communal forms of living, such as housing-and-care communities, accessible neighbourhood models, communal housing projects for persons with and without need for support, and neighbourhood development strategies.

The share of adult benefit recipients with outpatient support is 48.3% nationwide and as high as 70% in some *Länder*. On a national average, therefore, almost half of adults receiving housing-related benefits live in accommodation where they receive assistance on an outpatient basis.

Individual integration assistance providers have set up special programmes to promote inclusive social environments beyond the integration assistance funding already available, and established outpatient-based housing assistance for people requiring substantial support. Furthermore, integration assistance providers have initiated numerous deinstitutionalisation programmes and projects.

Legal requirements for the design of accessible public space are contained in the Acts on Equal Opportunities at federal and *Länder* level. The ISI federal initiative seeks to remove social barriers and

raise awareness for the development potential of an inclusive social environment in urban and regional development overall. In particular, the processes resulting from the reformed system of integration assistance are to be examined at the biannual thematic<sup>156</sup> regional conferences. The aim is to enable independent living within the community for everyone.

The provision of accessible housing forms part of the funding programmes, with a focus also on the promotion of social housing.<sup>157</sup>

- c) *Ensure equal access to long-term care insurance benefits for persons with disabilities currently living in communal housing provided by the integration assistance services and describe measures taken to guarantee their free choices to live independently and be included in the community.*

Under Section 43a SGB XI, long-term care insurance contributes up to €266 in individual cases and per calendar month towards the costs of care for persons with disabilities who live in full-time inpatient institutions for the assistance of persons with disabilities and also require nursing care at levels 2 to 5. Furthermore, the integration assistance benefits in full-time residential institutions for the assistance of persons with disabilities also include long-term care benefits. This provision aims to ensure that – also in these institutions – persons requiring nursing care receive the necessary care-related benefits together with the integration assistance benefits from a single source.

The formal removal of the distinction between outpatient, partial inpatient and full-time inpatient benefits in legislation governing integration assistance<sup>158</sup> also renders redundant the point of reference of Section 43a SGB XI on service provision in full-time inpatient institutions. To maintain the legal effects, law-makers amended Section 71 (4) SGB XI in addition to changing Section 43a SGB XI. Existing recipients of outpatient long-term care insurance benefits living on 1/1/2017, or in future, in a living arrangement to which Section 43a SGB XI, in the version current on 1/1/2017, did not apply, are already protected against falling within the scope of Section 43a SGB XI in the version applicable as of 1/1/2020, through the protection of vested rights provided under Section 145 SGB XI.

The revision therefore provides a point of reference that can continue to reliably reproduce the current legal effects even when the new legal situation applies. The characteristics cited in the law to this end will be specified further at federal level through directives by the National Association of Long-Term Care Funds with the participation of the *Länder* and in consultation with BAGÜS and the municipal central organisations.

19. *Please provide planned initiatives to ensure full freedom of movement and inclusion in the community of persons with disabilities in line with the European Court of Justice ruling, Case C-679/16.*

The Finnish services of personal assistance for persons with severe disabilities, on which the ruling is based, are comparable with the German assistance benefits which persons with disabilities can receive under social participation assistance.<sup>159</sup> Integration assistance benefits can also be provided

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<sup>156</sup> Mobility, accessible building and accommodation, living arrangements with outpatient support, health, rehabilitation and long-term care services, participation and democracy, leisure, culture and the arts etc.

<sup>157</sup> Please also refer to the response to Question 29 e.

<sup>158</sup> With effect from 1 January 2020.

<sup>159</sup> Sections 76ff. SGB IX.

abroad for persons ordinarily resident in Germany if this is required in the interest of the role of integration assistance, the period abroad does not significantly extend the duration of the benefits, and unreasonable additional costs are not incurred.<sup>160</sup> Accordingly, integration assistance legislation does not require adaptation owing to the ruling above.

*20. Please provide data, at Länder and municipality levels, on the number of persons with disabilities below the age of 60 living in residential and nursing homes for the elderly, disaggregated by age, impairment and sex.*

Since 1999, the Statistical Offices at federal and *Länder* level have been collecting data biennially on the supply of and demand for long-term nursing care among the population. The long-term care statistics do not contain a separate breakdown by specific impairment. More granular data are also not available at *Länder* level. The statistics also do not cover persons receiving care in full-time inpatient institutions for the assistance of persons with disabilities pursuant to Section 43a SGB XI. At the end of 2017, a total of 3,414,378 persons required long-term care in Germany. Of these 2,594,862 received care at home and 818,289 in full-time inpatient institutions. Women accounted for a 62.9% share. 506,823 persons aged between 0 and 60 required long-term care, 37,585 of whom received care at an inpatient institution. The statistics do not indicate to what extent this care was provided in residential and nursing homes for the elderly.

### Personal mobility (art. 20)

*21. Please explain the measures provided for persons with disabilities, including those using powered mobility assistive devices, to access and utilize the public transportation system. Please also describe efforts to accommodate information on disruptions of services in accessible formats for all persons with disabilities.*

In addition to basic financial assistance, various measures are implemented in the *Länder* to help persons with disabilities access and use public transportation.<sup>161</sup> These measures can be for multiple *Länder* or limited to a single *Bundesland*.

Within the scope of their responsibilities and capabilities, the *Länder* work on measures to provide information on disruptions of services in accessible formats for all persons with disabilities.

The objective here is to notify passengers of service disruptions based on the two-sense principle.<sup>162</sup> By 2022 the aim is to ensure that information on transport conditions, schedules and pricing follows the two-sense principle, and that written media is sufficiently large, accessible, and in Easy-Read language where necessary. DB Station&Service AG, for example, is upgrading its stations with dynamic monitors that provide audio and visual information for passengers in the event of changes to regular service.

Many transport operators offer and/or are planning accessible websites where individuals can access the information they need. Font size adjustment and read-aloud functions are available or will be in future. The operators also provide service hotlines with information on disruptions of services.

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<sup>160</sup> Section 23 of the Integration Assistance Ordinance (*Eingliederungshilfe-Verordnung*) up until 31 December 2019; Section 104 (5) SGB IX from 1 January 2020 onwards.

<sup>161</sup> Please also see the response to Question 10.

<sup>162</sup> I.e. via monitors, announcements and digital information channels.

Travellers are also frequently offered a separate information interface to search for connections. Contrasting colours, variable font size and Easy-Read language facilitate use. The voice function integrated in browsers is also often provided. The electronic information systems are being overhauled to ultimately provide nationwide information on barrier-free travel itineraries. The aim is for passengers with reduced mobility to have information about the accessibility of the public transport system prior to commencing their journey.<sup>163</sup> Freedom of expression and opinion, and access to information (art. 21)

*22. Please explain the strategies and action plans concerning the availability and accessibility of public information, including websites, television and various public and private, as well as social, media for persons with disabilities and their specific timeframes. Please provide updated data on the percentage of publicly broadcasted television shows for adults and children containing subtitles and/or sign language or audio description.*

The Act Implementing the EU Marrakesh Directive regulates conditions governing the creation, archiving, distribution and public accessibility of copyright works in favour of persons with visual or reading disabilities.<sup>164</sup> It will continue to be possible to also offer accessible content by digital means directly over the Internet, and not solely through tactile media like printed books in Braille or large print. These new provisions benefit persons with visual or reading disabilities as well as persons who are unable to hold/turn or read printed works owing to physical disabilities or dyslexia. The increased production of accessible works is to be promoted through once-off financial support from federal budget funds.<sup>165</sup>

The FFG<sup>166</sup> provides for several improvements as regards accessibility. The requirement to produce an accessible format already applies to the production and digitisation of films.<sup>167</sup> Furthermore, financial support for cinemas and the sale of films is only possible if accessible formats are also provided.<sup>168</sup> To implement the statutory provisions, the German Film Board is collecting data on whether cinemas are equipped to show accessible film formats, and in what way. Many cinemas use the GRE-TA app, with the majority of distributors making their films available for use with the app. Furthermore, the German Film Board advises cinema operators continuously on inclusion, funds the development of an information platform for accessibility of motion pictures by the DBSV e.V.<sup>169</sup> and has set up a round-table with association representatives, cinema operators, distributors and technology companies.<sup>170</sup>

Both with regard to the production of film and the digitisation of the national cinematic heritage, the costs for the creation of an accessible format are fully eligible for funding.<sup>171</sup>

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<sup>163</sup> This includes information on the number of steps/stairs to be climbed at a station, information on conditions for boarding and alighting the vehicle, and information on the type of flooring.

<sup>164</sup> Entered into force on 1 January 2019.

<sup>165</sup> In the 2019-2020 period.

<sup>166</sup> Amendment entered into force on 1 January 2017.

<sup>167</sup> Section 47 FFG.

<sup>168</sup> Section 47 FFG.

<sup>169</sup> In 2018.

<sup>170</sup> New standards for accessible cinema are to be defined by the end of 2019.

<sup>171</sup> On the basis of the Joint Funding Guidelines of the Federal Government Commissioner for Culture and the Media, the *Länder* and the German Film Board on the digitisation of the national cinematic heritage, which apply since 2019.

The European Audiovisual Media Services Directive is currently being implemented.<sup>172</sup> It concerns both conventional television and video-on-demand services. According to current plans, the Directive is primarily implemented by the *Länder*. The level of government at which the universal complaints body will be established has yet to be finalised.

Television is the most widely used medium among persons with disabilities. All first broadcasts by ARD are offered with subtitles.<sup>173</sup> At roughly 98%, ARD has therefore more than doubled its percentage of subtitled programmes since 2012. ARD's nine regional broadcasters have also increased the number of subtitled programmes in their broadcasts in recent years.<sup>174</sup> The ARD media libraries offer a growing number of programmes with sign language for access at any time. With "*Sehen statt Hören*", ARD also offers the only series on German television that is specially for viewers with impaired hearing. Some regional broadcasters offer additional programmes in sign language. Audio description for sporting events is now a permanent service on ARD. Live description is provided for all football matches, the Olympic and Paralympic Summer and Winters Games, and major athletics events. Reporting on the 2018 Paralympics included audio description, subtitles and Easy-Read services, and a daily review with sign language interpretation.

Since early 2013, ZDF has consistently provided subtitling for all broadcasts on the main channel in the peak broadcasting time between 16:00 and 22:15. Subtitles are also available for approx. 90% of children's programmes. Subtitles from programmes on the main channel have also been available on the ZDFneo and ZDFinfo digital channels since mid-2015. Overall, the share of subtitled broadcasts on the main ZDF channel increased to 76.6% in 2017. ZDF remains committed to increasing this to 100%. Audio description is envisaged for selected programmes<sup>175</sup>. Live audio description is also provided for certain broadcasts, e.g. for all football matches. In 2017, audio description was available for 11.9% of programmes. Persons with hearing disabilities can also follow content live in the ZDF media library with sign language interpretation. ZDF has expanded sign language services in its media library since June 2018. In the BITV test, the ZDF media library received a "good accessibility" rating, earning 90.75 points out of 100.

As the supervisory and regulatory bodies for commercial broadcasting, the Media Authorities have been focussed on the issue of accessibility for some time. Public broadcasters have a legal mandate to provide service and support inclusion and receive public fees to do so. In contrast, commercial broadcasters are commercial enterprises that need to finance their channels.

The Media Authorities' activities include annual monitoring of accessibility in the commercial television sector.<sup>176</sup> Data indicate that the two major private broadcasters (RTL and ProSieben/Sat.1 Media SE) have begun to increase accessibility in recent years. According to the Sixth Monitoring Report,<sup>177</sup> the RTL Group provided special captioning for persons with hearing disabilities for 13% of the broadcasting time on average. In 2017, the figure was only 9%. ProSiebenSat.1 Media SE subtitles 18% of programmes, up from 13% in the previous year. Therefore, the positive trend of recent years towards the greater provision of accessible content by private broadcasters is continuing. Compared

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<sup>172</sup> Must be implemented by autumn 2020.

<sup>173</sup> Since 1 January 2013 digitally or in ARD teletext.

<sup>174</sup> For example MDR: 89%, NDR: 83%, BR: 79%, WDR: 73%.

<sup>175</sup> Such as early-evening series.

<sup>176</sup> Since 2013.

<sup>177</sup> Survey period from 15 September to 15 December 2018.

with public-sector broadcasters, however, the level of accessibility remains low and therefore needs to be improved upon in the future.

The “TV for All” inclusion project launched by the *Sozialhelden* organisation was actively supported by the Media Authorities, ARD, ZDF and VAUNET as cooperation partners.<sup>178</sup> The app and website offer an electronic programme guide providing an overview of all the accessible TV shows in Germany in the.<sup>179</sup>

### Respect for home and the family (art. 23)

*23. Please inform about measures to expedite the prohibition in the law of the separation of children from their parents based on disability of one or both of the parents and measures to provide support in the community to parents and families of children with disabilities.*

The Quality Childcare Act has established actions to enable, inter alia, the inclusive support of all children.<sup>180</sup> The *Länder* can invest the additional funding provided under the law in the further expansion of inclusive childcare services.<sup>181</sup>

Parents with disabilities have the right to childrearing assistance<sup>182</sup> and social participation assistance in the same way as parents without disabilities.<sup>183</sup> This includes assistance to help parents with disabilities to care and mind their children, such as assistance to perform general everyday tasks and professional assistance such as educational guidance, advice and support in their role as a parent.

If authorities learn of significant factors that threaten a child’s welfare, the Youth Welfare Office must assess the risk,<sup>184</sup> offer the legal guardians childrearing assistance, where necessary, to avert the risk,<sup>185</sup> and contact the family court if court action is deemed necessary for risk aversion.<sup>186</sup>

Judicial measures associated with a separation are only permitted if the danger cannot be addressed by alternative means, including public assistance.<sup>187</sup> A child is only taken into the care of the Youth Welfare Office if the threat to a child’s welfare is so immediate that it is not possible to wait for the family court decision in order to protect the child or adolescent.

To modernise child and youth welfare law,<sup>188</sup> a broad-based participatory process was initiated with child and youth welfare, integration assistance and health service theory and practice, the *Länder* and municipalities.<sup>189</sup> Specifically the discussion is to tie in with the results of previous discussions on

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<sup>178</sup> Implemented in 2018.

<sup>179</sup> See also responses to Questions 9 a to c, particularly regarding EU Directive 2016/2102.

<sup>180</sup> Entered into force on 1 January 2019.

<sup>181</sup> See also the response to Question 6.

<sup>182</sup> Sections 27ff. SGB VIII.

<sup>183</sup> Section 78 (3) SGB IX.

<sup>184</sup> Section 8a (1) first sentence SGB VIII.

<sup>185</sup> Section 8a (1) third sentence SGB VIII.

<sup>186</sup> Section 8a (2) SGB VIII.

<sup>187</sup> Section 1666a BGB.

<sup>188</sup> Based on the Act to Strengthen Children and Young People (*Gesetz zur Stärkung von Kindern und Jugendlichen*) adopted on 29 June 2017.

<sup>189</sup> Kick-off on 6 November 2018, “*Mitreden – Mitgestalten: Die Zukunft der Kinder- und Jugendhilfe*” (“Join the Discussion: Helping to Shape the Future of Child and Youth Welfare”).

the “Inclusive Solutions”<sup>190</sup> in order to provide “one-stop” assistance. Based on the evaluation of the results of the participatory process, a legislative initiative is to be launched in 2020.

## Education (art. 24)

24. Please provide information on:

- a) *The efforts and timeframes to ensure that all professionals within and around the education system are sufficiently aware of and receive adequate training to contribute to quality inclusive education;*

The skill descriptions for initial and continuing teacher training have been reviewed from the aspect of establishing an inclusive education environment. When updating their training and examination regulations, the *Länder* use these descriptions as a reference framework. The “Educating Teachers to Embrace Diversity” recommendation jointly adopted by the KMK and the HRK provides guidance.<sup>191</sup> In the context of implementation, attitudes and approaches play a central role as the basis for the joint education of pupils with and without disabilities. Nevertheless, this is a longer-term development task that calls for tailored support and advice.

For the Federal Government, the implementation of the CRPD is a cross-cutting task that applies to all areas. In line with its role, the Federal Government supports implementation through research funding and selected innovative projects such as the Advanced Training Initiative for Early Childhood Educators<sup>192</sup> or the promotion of research into skills development for pedagogical staff, and through the Quality Teacher-Training Initiative<sup>193</sup>. The 140 government-funded and recognised German schools abroad are also addressing inclusion and since 2014 have developed inclusion strategies, which are flanked by in-house teacher training.

- b) *The identifiable resources available to ensure adequate staff, supervision and training to guarantee support for students with disabilities in mainstream schools, including higher education and sport activities;*

The *Länder* have increased their training capacities for the training of SEN teachers and created the necessary positions for appointment to the teaching profession. Similar priorities have been set in continuing professional development and various strategies developed. In individual cases, pupils and students with disabilities may require school- and study-related, technical or personal assistance to be able to attend a school or HEI. Such disability-related needs that do not concern the core area of educational work can, in certain circumstances, be financed through integration assistance for persons with disabilities. Personal assistance for attendance at school includes the provision of a school assistant.

Personal assistance for attendance at a HEI includes:

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<sup>190</sup> This means responsibility of the youth and child welfare service for all children and adolescents with disabilities.

<sup>191</sup> Decision of the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* of 12 March 2015 and decision of the German Rectors’ Conference of 18 March 2015.

<sup>192</sup> German: *Weiterbildungsinitiative Frühpädagogische Fachkräfte*.

<sup>193</sup> German: *Qualitätsoffensive Lehrerbildung*.

- Communication assistants for lectures, seminars, exams etc.
- Study assistants to help students, for example, to attend lectures and take notes, use libraries, borrow books, and with the organisation of student life and other necessary procedures
- Readers to help select/browse through study literature and read it aloud
- Typists for lectures, exercises and seminars
- Specialized tutors to help students prepare for and follow up on lectures and seminars.

With the BTHG reform, educational services that were previously classified as social participation are now grouped together in a separate chapter entitled “Educational participation assistance”. This is also intended to reflect the importance of education in the spirit of Article 24 CRPD. Furthermore, legislation on integration assistance has set forth that educational participation assistance can also encompass study support services for a master’s programme.<sup>194</sup>

Furthermore, several HEIs also have a resource pool, and some HEIs also offer personal assistance<sup>195</sup>, which, however, is more designed to cover once-off,<sup>196</sup> short-term<sup>197</sup> or bridging-type needs for which an application for integration assistance services has been made but has not yet been approved.

No data are available on the resources available to ensure adequate staff, supervision and training to guarantee support for pupils and students with disabilities in mainstream schools, HEIs and sport activities.

*c) Efforts to promote the employment of teachers and assistants with disabilities in mainstream schools;*

Based on the provisions of the Social Codes, applicants for a teaching post with severe disabilities or an equivalent status who cannot be appointed to the teaching profession in the *Länder* anyway under the standard recruitment rules can be hired for a predefined number of positions with the involvement of primary representatives for teachers with disabilities.

*d) The education establishments that have been transformed into inclusive settings since 2009 (number/percentage/types);*

The construction and maintenance of schools is generally the duty of the municipal school authorities, and they perform this task under their own responsibility. This also includes the accessibility of schools. The extent to which schools are already accessible environments is not monitored statistically.

*e) The Länder that guarantee the right of persons with disabilities to attend mainstream schools with reasonable accommodation as a legal entitlement with safeguards.*

The right of children with disabilities to attend mainstream schools is enshrined in the Education Acts of all the *Länder*; the *Länder* provide reasonable accommodation to this end. Furthermore, rights in Germany do not require safeguards. Anyone whose rights are violated by public authority has re-

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<sup>194</sup> These amendments apply to the area of integration assistance with effect from 1 January 2020.

<sup>195</sup> Such as student assistants.

<sup>196</sup> Such as guided campus tours.

<sup>197</sup> Such as escorting the student to meetings with a lecturer or to the examination office.



course to legal action pursuant to her/his fundamental right set forth in Article 19 (4) GG. According to the Federal Constitutional Court,<sup>198</sup> Article 19 (4) GG contains a fundamental right to effective and, where possible, comprehensive judicial legal protection against actions of public authorities.<sup>199</sup>

## Health (art. 25)

*25. Please explain the initiatives taken to ensure affordable, full and equal access to health care facilities and services for persons with disabilities including within the local community, in light of existing stipulations in the Social Code, particularly section 63b Para 4 SGB XII.*

In the NAP 2.0, the Federal Government together with the *Länder* and the medical profession have undertaken to implement measures designed to increase the number of accessible medical practices.<sup>200</sup>

The aim is to obtain funds from the SHI system and tax revenue for this. Whether and to what extent such funds will be available will be determined in the course of 2019.

Centres for the specialised medical care of persons with disabilities have been established with the medical treatment centres for adults with intellectual disabilities or significant assistance needs.<sup>201</sup> Insured adults with intellectual disabilities or high levels of support are entitled to non-physician services,<sup>202</sup> particularly psychological, therapeutic and psychosocial services, if they are provided by a medical treatment centre under the supervision of a physician and are necessary to identify an illness at the earliest possible stage and prepare a treatment plan.

Overall, geographically-accessible outpatient medical and dental care provision, including in rural areas, is to be achieved by the regulations to ensure the supply of panel doctors<sup>203</sup> and the requirements planning guidelines issued on this basis.

Action to ensure the accessibility of hospitals, as a central prerequisite for adequate treatment, is a hospital organisation issue. Accordingly, the hospital laws of several *Länder* require hospitals to consider the specific concerns of patients who wish to continue to lead an independent life, and develop appropriate treatment approaches. Hospitals can receive investment grants for investment in accessibility *from the Länder*.

With regard to hospital treatment, a carer can be admitted as the patient's attendant if this is necessary for medical reasons. The same applies if persons requiring care outside hospitalisation periods ensure their own care through the "employer model".<sup>204</sup>

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<sup>198</sup> For example, see Federal Constitutional Court, ruling of the Second Senate 18 July 2005 – 2 BvR 2236/04.

<sup>199</sup> This comprises access to the courts, the examination of the action sought in a formal procedure and a binding court decision.

<sup>200</sup> For example, when choosing an applicant to take over a practice, particular attention must be given to the interests of persons with disabilities in accessing medical services; accessibility is set down in the requirements planning guidelines for physicians as a criterion to be considered in planning and licensing; and accessibility is also specifically mentioned in the quality standards for medical practice networks. Furthermore, associations of statutory health insurance physicians are required under Section 75 SGB V to provide information about the accessibility of medical practices in an appropriate manner.

<sup>201</sup> Section 119c SGB V.

<sup>202</sup> Section 43b SGB V.

<sup>203</sup> Sections 99f. SGB V.

Section 63b (4) SGB XII sets forth that persons requiring a high degree of care who ensure their own care through the “employer model” also receive “help with care” benefits from the social assistance agencies during a temporary period of hospitalisation if they require financial assistance. The provision of nursing care during a period of hospitalisation is otherwise guaranteed by the hospital.<sup>205</sup>

26. Please clarify:

a) *Whether health information and education is available in all accessible formats;*

The Federal Government strives to offer health information, information on legislation and on the competent authorities in the health sector in accessible formats, both online and in hard-copy format, and on social media. This is primarily guided by the Accessible Information Technology Ordinance under the BGG.<sup>206</sup> Actors in the health sector are continuously improving the range of accessible content they offer.

b) *The measures to train health professionals and support personnel on the human rights-based approach to disability and to avoid discriminatory and negative attitudes and stereotyping against persons with disabilities, particularly persons with psychosocial or intellectual disabilities.*

Training programmes for healthcare professions<sup>207</sup> already include modules that teach professional carers a human-rights based approach to dealing with persons with disabilities.<sup>208</sup>

Existing training programmes are being reformed as a result of the PflBRefG.<sup>209</sup> The new training and examination regulations for nursing professions explicitly stipulate that trainees must respect human rights and take action to ensure their realisation. It also provides that the right to self-determination of patients, particularly of persons with limited capacity for self-determination, must be protected and that persons with disabilities must be enabled to develop, live and participate in society as independently as possible.

As part of midwifery training, midwives are educated in how to deal with and assist patients, with due consideration to their physical and psychosocial requirements, taught to overcome prejudices, and learn social psychology.

c) *The safeguards that exist to ensure that medical procedures performed on persons with disabilities are carried out with their free and informed consent, particularly on women and girls with disabilities, including effective monitoring and appeal mechanisms for infringements.*

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<sup>204</sup> Section 11 (3) SGB V in connection with Section 63b (6) first sentence SGB XII. Employer model is where the person with disabilities becomes the employer of her/his assistant.

<sup>205</sup> According to SGB V.

<sup>206</sup> BITV 2.0 and BITV 2.0 Test.

<sup>207</sup> Such as training to become a gerontological nurse, general nurse and paediatric nurse, midwife and maternity care assistant, physiotherapist, massage therapist, hydrotherapist, dietician or podiatrist.

<sup>208</sup> See, for example, the training and examination regulations under the Care for the Elderly Act (*Altenpflegegesetz*) or the Nursing Act (*Krankenpflegegesetz*).

<sup>209</sup> With effect from 1 January 2020.

In principle, the patient must give her/his personal consent to medical procedures.<sup>210</sup> If the patient does not have the capability of understanding, consent must be granted by the authorised third-party<sup>211</sup> unless the patient created an effective living will beforehand<sup>212</sup> or the pending intervention cannot be delayed.<sup>213</sup>

The guardian and/or the authorised third-party is bound by the treatment preferences and presumed will of the person under guardianship. The yardstick is how the person under guardianship would decide herself/himself if she/he were able to consent. No special safeguards are in place for women and girls.

*d) The terms on which persons with disabilities can be denied access to private health insurance in, e.g., Section 19 of the General Anti-Discrimination Act (CRPD/C/DEU/1, para. 213) and to what extent expenses related to a disability or an impairment are covered through the statutory health insurance system. Please describe any differences at the national and Länder levels.<sup>214</sup>*

With regard to access to PHI, Section 19 AGG specifies that unfavourable treatment on the grounds cited in the AGG, such as a disability, is inadmissible when concluding a PHI contract.

For private insurance, the principle of premium calculation that is commensurate with risk is of fundamental importance; a distinction is made based on certain criteria, including age and health, not least in the interest of fair premiums.

For insured parties, access is not more difficult solely on account of a disability, and they may not be disfavoured with regard to premiums and coverage. However, chronic illnesses in the sense of pre-existing conditions or underlying diseases are considered in the individual risk assessment conducted when an individual takes out insurance. This can be reflected in risk mark-ups or even exclusion of cover.

Since 1/1/2009, all persons with pre-existing conditions can get insurance at a PHI company of their choice at an industry-wide uniform basic rate. Exclusion of cover or risk mark-ups are inadmissible under this scheme, and an obligation to contract applies. The benefits and services must be comparable to those under SHI in terms of type, scope and amount.

(Adopted) children of a privately insured parent are accepted into the PHI system without a medical examination, risk mark-ups or exclusion of cover.<sup>215</sup>

The SHI system, which insures some 87% of insured persons in Germany, guarantees comprehensive social protection in case of illness. Insured persons receive all necessary medical services irrespective of their economic standing, health or age. This encompasses all medical services.<sup>216</sup> Contributions are based on an individual's financial standing. Caps ensure that no-one is financially overburdened, and

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<sup>210</sup> Section 630d BGB.

<sup>211</sup> Custodian, appointed health care agent or guardian.

<sup>212</sup> Section 1901a (1) first sentence BGB.

<sup>213</sup> Section 630d (1) fourth sentence BGB.

<sup>214</sup> Please refer to the initial report of Germany for general information on the AGG and entitlements in the event of discrimination.

<sup>215</sup> Subsequent coverage for children.

<sup>216</sup> Such as the provision of remedies and aids, rehabilitation and palliative care.

guarantee a social balance. There are also various provisions specifically geared to the requirements of persons with disabilities.

The principle that account must be taken of the special requirements of persons with disabilities is also enshrined in SHI-related legislation.<sup>217</sup>

### **Habilitation and rehabilitation (art. 26)**

*27. Please explain the legal safeguards and strategies with applicable standards adopted to ensure that individual and adequate habilitation and rehabilitation services are accessible and affordable to persons with disabilities throughout their life, regardless of living arrangements. Please also inform on habilitation/rehabilitation measures to combat long-term unemployment among persons with disabilities.*

Due to the multi-branch rehabilitation system, persons with or at risk of disabilities receive benefits from different providers. Participation assistance can already apply in (early) childhood.<sup>218</sup> A comprehensive range of services enables individual, educational and vocational support, including vocational initial and further training, as well as academic study programmes.

To further improve access to rehabilitation services, the swift clarification of the responsibilities of rehabilitation providers was enshrined in the BTHG<sup>219</sup>. Furthermore, the new participation plan system mandates the identification of necessary services in line with the individual's needs if multiple services or different services from multiple rehabilitation providers come into consideration. The statutory long-term care insurance funds<sup>220</sup> are more effectively incorporated into the rehabilitation process, thereby ensuring the comprehensive and coordinated provision of service. At the level of the BAR, the providers agree joint recommendations that guarantee collaboration and common standards for service provision.

Occupational participation assistance encompasses a broad array of specific support, rehabilitation and participation services.<sup>221</sup>

Where occupational participation assistance is provided by the BA as the rehabilitation provider, assistance is geared towards persons with disabilities, irrespective of their status (unemployed, long-term unemployed etc.).<sup>222</sup> Special conditions under insurance law also do not apply.

Under current legislation, persons with disabilities claiming basic income support for job-seekers under SGB II<sup>223</sup> have equal access to occupational participation assistance. This applies both to unemployed and long-term unemployed persons.

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<sup>217</sup> Section 2a SGB V.

<sup>218</sup> Such as early identification and early support services and integration assistance for children with psychosocial impairments.

<sup>219</sup> With effect from 1 January 2018.

<sup>220</sup> The statutory long-term care insurance funds themselves are not rehabilitation providers.

<sup>221</sup> Such as measures for activation and occupational integration, employment on a trial basis, integration allowance, services for the promotion of continuing vocational training, transition allowance and training allowance.

<sup>222</sup> Section 19, SGB III.

<sup>223</sup> I.e. able-to-work persons entitled to benefits.

For persons insured under the DRV, the DRV provides rehabilitation and participation assistance to avert a substantial risk of earning-capacity reduction or – if earning capacity is already reduced – to restore or improve earning capacity.<sup>224</sup> This service is provided for insured persons who meet the personal and insurance-related conditions defined by law.<sup>225</sup> With regard to the clarification of personal (health-related) eligibility, the status of the insured (e.g. employed, unemployed, long-term unemployed, incapacitated) is immaterial.

If the conditions under insurance law for rehabilitation and participation service from the statutory pension insurance system are not satisfied, the BA is the competent rehabilitation provider for unemployed/long-term unemployed individuals.<sup>226</sup>

A government-funded project entitled “Participatory monitoring of current developments in rehabilitation and participation law”<sup>227</sup> scientifically monitors the reform process prompted by the CRPD.

## Work and employment (art. 27)

28. Please provide information on:

- a) *Policies and achievements since the previous Concluding Observations aimed at increasing the employment rate of persons with disabilities in the open labour market in the public and private sectors, including specific measures and vocational training;*

Totalling over 1.2 million, the number of persons with a severe disability or equivalent status in employment subject to compulsory social security reached a record high in 2017. Of these, 54% were male and 46% female. The general share of women in employment subject to compulsory social security also stood at 46% in 2017. In terms of long-term trends, the growth in employment is more pronounced among women with severe disabilities than among men: the number of women with severe disabilities employed by businesses with at least 20 workers increased by roughly 148,000 (+43%) between 2007 and 2017. The corresponding increase for men with severe disabilities was 119,000 (+26%).

The percentage of mandatory positions filled by persons with severe disabilities or equivalent status dropped slightly from 4.7% (2014) to 4.6% (2017). The absolute number of employers subject to the mandatory employment quota that do not employ persons with severe disabilities increased from 39,101 (2014) to 42,218 (2017). Expressed as a percentage, it remained constant at 25.6%, however, as the total number of employers subject to the mandatory employment quota increased on the same scale in this period (+12,093).

At the same time, the annual average number of unemployed persons with severe disabilities has fallen to the lowest level in eleven years. Standing at 156,621 in 2018, this represents a drop of 13.5% (181,110) on 2014 (men: -13.6%; women: -13.4%). The share of women among all unemployed with severe disabilities has hovered around 40% for years, and is therefore less than the share of women among all unemployed (roughly 45%).

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<sup>224</sup> Principle of rehabilitation before pension.

<sup>225</sup> For example, the completion of the 15-year qualifying period and the requirement that the services must be provided directly after a medical rehabilitation service from the DRV for what is likely to be a successful rehabilitation.

<sup>226</sup> Please refer also to the responses to Questions 18 and 28.

<sup>227</sup> German: *Partizipatives Monitoring der aktuellen Entwicklung des Rehabilitations- und Teilhaberechts.*

This positive trend demonstrates that the Federal Government's strategy to advise and raise business awareness for the potential of persons with disabilities is the right way forward. Nevertheless, the labour market participation of persons with disabilities can still be improved, as the unemployment rate among persons with severe disabilities remains above average.<sup>228</sup> Despite having better skills on average, unemployed persons with severe disabilities are less successful in securing employment in the primary labour market than persons who do not have severe disabilities. Measured by the volume of unemployed, however, they also become unemployed less frequently. The unemployment situation of unemployed persons with severe disabilities is far less dynamic than that of persons without severe disabilities – also in the age group of 25-54 year-olds. The unemployment duration and the percentage of long-term unemployed are therefore significantly higher.<sup>229</sup>

The Federal Government will therefore continue its activities with the participation of relevant labour market stakeholders in projects such as "*Unternehmens-Netzwerk Inklusion*",<sup>230</sup> "*Inklusionsinitiative II – AlleImBetrieb*"<sup>231</sup> and the "*Einstellung zählt – Arbeitgeber gewinnen*" initiative.<sup>232</sup> To bring persons with disabilities into the labour market on a lasting basis, the BA and other rehabilitation providers, as well as the job centres and *Länder* integration offices can avail of a broad range of specific support, rehabilitation and participation services.<sup>233</sup> Improvements and new support options are being incorporated constantly.

In 2015, access to inclusion firms was facilitated for long-term unemployed persons with severe disabilities and opened for the first time to persons with certain mental disabilities. Able-to-work trainees with disabilities can also top up their vocational training grant or training allowance with unemployment assistance II<sup>234</sup> if they do not live in residential homes or similar facilities with cost reimbursements and receive full board there.

Previously only benefitting higher-achieving trainees, the option of part-time vocational training will be open to everyone in the dual VET system as a result of the BBiMoG.<sup>235</sup> This also offers persons

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<sup>228</sup> For persons with severe disabilities, the unemployment rate is calculated on the basis of a limited reference base. Under these conditions, in 2018 the overall unemployment rate was 6.5%, and the unemployment rate for persons with a severe disability was 11.2%. The gap between the two groups has shrunk (5.3 percentage points in 2014; 4.7 percentage points in 2018).

<sup>229</sup> See also: Statistics of the Federal Employment Agency; Reports: *Blickpunkt Arbeitsmarkt – Situation schwerbehinderter Menschen* (Labour Market Focus – A Look at the Situation of Persons with Severe Disabilities), Nuremberg, April 2019.

<sup>230</sup> *Unternehmens-Netzwerk Inklusion* (Business Network for Inclusion) based on the "*Wirtschaft inklusiv*" (Inclusive Business) project (since 2018).

<sup>231</sup> "*Inklusionsinitiative II – AlleImBetrieb*" (Inclusion Initiative II - Everyone at Work). With additional funds of €150 million, the aim is to create new jobs and training places for persons with severe disabilities in the general labour market in inclusion firms according to Section 215 SGB IX.

<sup>232</sup> *Einstellung zählt – Arbeitgeber gewinnen* (Attitude/Recruitment Counts - Recruiting Employers). Starting in 2019, a joint initiative by the Federal Employment Agency, the Confederation of German Employers' Associations, the German Federal Association of Integration Offices and Main Welfare Associations and the Federal Government specifically targets the roughly 42,000 businesses that do not employ any persons with severe disabilities despite being legally required to do so, and raise their awareness for the workforce potential of persons with severe disabilities.

<sup>233</sup> See also the response to Question 27.

<sup>234</sup> Section 7 (5) SGB II (new).

<sup>235</sup> The Act enters into force on 1 January 2020. The new provision will be contained in Section 7a BBiG in future.

with disabilities or learning difficulties new incentives and alternatives to “reduced-theory” training for example.<sup>236</sup>

Access to labour market support for young refugees has also been improved.<sup>237</sup> This also benefits refugees with or at risk of disability.

“Participation in the labour market” is a new, recently introduced standard instrument that offers long-term unemployed individuals longer-term prospects in the general and social labour market.<sup>238</sup> Persons with severe disabilities or an equivalent status enjoy easier access to the new support facility. Initial take-up figures show that over 10% of those supported under the new instrument have severe disabilities.

Legislation entering into force on 1/8/2019<sup>239</sup> will also improve conditions for training for persons with disabilities and therefore ultimately for their integration into the general labour market. In addition to legal and administrative simplifications, the legislation introduces significant increases to individual subsidies and basic allowances under the vocational training grant<sup>240</sup> and the training pension<sup>241</sup>, such as the training pension for individual workplace training in the context of assisted employment.

Seeking to address the above-average level of unemployment among persons with disabilities, the Federal Government and the BA have agreed to place a particular focus on the following:

- Examination of potential improvements to the care of persons with psychological disabilities in rehabilitation to ensure their long-term (re-)integration.
- Examination of incentive opportunities for inclusive and accessible initial and further training programmes at legislative and administrative level.<sup>242</sup>

*b) The appointees responsible for the monitoring and evaluation of the system regarding the right to work and employment;*

The independent Monitoring Mechanism is responsible for promoting the implementation of the CRPD in Germany, protecting the rights the CRPD contains, and monitoring compliance (including the right under Article 27).

The focal point within government is attached to the BMAS. It is responsible for steering the process of implementing the CRPD.

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<sup>236</sup> Section 66 BBiG.

<sup>237</sup> Including through the Integration Act (*Integrationsgesetz*) and the Act to Promote the Employment of Foreign Nationals (*Ausländerbeschäftigungsförderungsgesetz*), which will enter into force on 1 August 2019.

<sup>238</sup> With the new Section 16i SGB II introduced on 1 January 2019 as a result of the Participation Opportunity Act (*Teilhabechancengesetz*).

<sup>239</sup> Act to Adapt the Vocational Training Grant and the Training Allowance (*Gesetz zur Anpassung der Berufsausbildungsbeihilfe und des Ausbildungsgeldes*).

<sup>240</sup> German: *Berufsausbildungshilfe*.

<sup>241</sup> German: *Ausbildungsgeld*.

<sup>242</sup> For example, more transparent information on accessible further training programmes.

The coordination mechanism within government is attached to the Commissioner's Office. It is to facilitate the implementation of the CRPD and actively involve persons with disabilities and broader civil society in the implementation process.

In businesses and public administration, the representatives for persons with severe disabilities and the employers' inclusion representative are responsible for ensuring the rights of persons with severe disabilities are respected and employers meet their obligations. The BA monitors compliance with the mandatory employment quota, while the integration offices impose the compensation levy.

- c) *The number of workers with disabilities currently recruited and employed on a permanent basis by private sector companies since the application of the Bundesteilhabegesetz / Federal Participation Law (BTHG) in 2017;*

The Federal Government does not have any data on this.

- d) *Accessibility of workplaces, including information and the widespread distribution thereof on legal measures and complaint mechanisms with safeguards, and statistics as well as effective sanctions for non-compliance with binding laws and policies, such as quotas;*

Employers employing persons with disabilities must set up and maintain workplaces in a way that factors in the special concerns of these employees as regards safety and health.<sup>243</sup> To define the requirements in concrete terms, the Workplaces Committee developed a Technical Rule on accessible workplaces<sup>244</sup>, which is available for free on the website of the Federal Institute for Occupational Safety and Health.<sup>245</sup> Non-compliance with the protective regulation of Section 3a (2), Workplaces Ordinance constitutes an offence<sup>246</sup> and carries a fine of up to €5,000.

Persons with severe disabilities are entitled to demand of their employer to set up and maintain disability-friendly workplaces, and to equip their workplace with the necessary technical work aids.<sup>247</sup> The BA and integration offices assist employers in performing these tasks.<sup>248</sup>

There is also entitlement to reimbursement of costs for necessary work assistance, such as a reader, sign language interpretation or an assistant for persons with physical disabilities. Under certain conditions, employees with severe disabilities can receive grants towards the purchase of a vehicle and additional disability-related equipment. This can also include the availing of free transportation in the local public transport system or the reimbursement of the costs of using transport services.

- e) *The transition from unemployment or employment in sheltered workshops into open employment for persons with disabilities, available incentives for employers, and statistics on the percentage of workers with disabilities that make the transition to the general labour market;*

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<sup>243</sup> This applies, in particular, to the accessible layout of workplaces, restrooms, break rooms, stand-by duty rooms, canteens, first aid rooms and accommodations as well as the doors, routes, emergency exits, escape routes, stairs and navigation systems that are used by employees with disabilities (in accordance with Section 3a (2) ArbStättV).

<sup>244</sup> Known as ASR V3a.2 Accessible Workplace Design.

<sup>245</sup> <http://www.baua.de/de/Themen-von-A-Z/Arbeitsstaetten/ASR/ASR-V3a-2.html>.

<sup>246</sup> Section 9 (1) no. 5 ArbStättV.

<sup>247</sup> Section 164 (4) no. 4 and 5 SGB IX.

<sup>248</sup> For example, through the provision of loans or grants up to the full amount of the necessary costs incurred.



Between January 2018 and December 2018, 62,933 persons with severe disabilities transitioned from unemployment to a job subject to compulsory social security payments in the general labour market.<sup>249</sup>

With regard to the number of annual transitions from sheltered workshops to the general labour market, only data from the statistics on benefit recipients under SGB XII are available. These data indicate that 216 benefit recipients transitioned during 2017. No statistical information is available on workshop employees who do not claim benefits under SGB XII.

Under the BTHG, a new instrument to promote such transitions was introduced with the Budget for Work with effect from 1/1/2018. A permanent wage subsidy coupled with instruction and assistance is to incentivise employers to conclude a regular employment contract with fully incapacitated persons.<sup>250</sup> The use of the Budget for Work is subject to the financial review.<sup>251</sup> Results are expected in 2021. According to initial estimates in the *Länder*, around 1,800 workshop workers have transitioned to the general labour since 1/1/2018, particularly by taking advantage of the Budget for Work.

*f) The meaningful involvement, consultation and representation of organizations of persons with disabilities in labour-related matters.*

The associations of persons with disabilities and other civil society actors, e.g. employers' associations and workers' organisations, have constant opportunities to become actively involved in matters concerning the participation of persons with disabilities in working life.

For example, the Advisory Board for the Participation of Persons with Disabilities<sup>252</sup> advises on all measures, projects and programmes that are financed through the compensation fund. The 49-member Board includes representatives of employers, employees and organisations of persons with disabilities.

Furthermore, the advisory body responsible for recommending applications for funding from the "Federal Government Programme for Improved Inclusion and Counselling of Persons with Severe Disabilities",<sup>253</sup> and the steering group overseeing the evaluation of the "*Inklusionsinitiative II – Al-lemBetrieb*" project (2016) each had a representative of the DBR.

The broad participation of the actors is also reflected in the Federal Programme "Innovative Paths to Participation in Working Life – rehapro".<sup>254</sup> The main actors<sup>255</sup> took part in the four regional workshops held in 2017 for professional exchange and the development of ideas for potential pilot pro-

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<sup>249</sup> The data collected by the Federal Employment Agency on persons remaining in and transitioning out of unemployment are available as monthly and annual figures at: [https://statistik.arbeitsagentur.de/nn\\_31892/SiteGlobals/Forms/Rubrikensuche/Rubrikensuche\\_Suchergebnis\\_Form.html?view=processForm&resourceId=210358&input\\_=&pageLocale=de&topicId=807884&region=&year\\_month=201812&year\\_month.GROUP=1&search=Suchen](https://statistik.arbeitsagentur.de/nn_31892/SiteGlobals/Forms/Rubrikensuche/Rubrikensuche_Suchergebnis_Form.html?view=processForm&resourceId=210358&input_=&pageLocale=de&topicId=807884&region=&year_month=201812&year_month.GROUP=1&search=Suchen).

<sup>250</sup> Persons who are unable to work at least three hours daily.

<sup>251</sup> Within the context of Article 25 (4) BTHG.

<sup>252</sup> Section 86, SGB IX.

<sup>253</sup> German: "*Programm der Bundesregierung zur verstärkten Eingliederung und Beratung von schwerbehinderten Menschen*", in the period from 2015 to 2016.

<sup>254</sup> German: "*Innovative Wege zur Teilhabe am Arbeitsleben – rehapro*". Section 11, SGB IX constitutes the legal basis.

<sup>255</sup> The German Pension Insurance, the Federal Employment Agency, municipal central organisations, social partners, the *Länder*, the academic community and other centres, associations and institutions.

jects. The participation of the DBR also guaranteed the involvement of several self-advocacy organisations. Furthermore, the DBR is represented with five of 20 votes on the rehapro advisory board, which oversees the development and implementation of the pilot projects.

### **Adequate standard of living and social protection (art. 28)**

*29. Please provide information on:*

- a) Social protection measures for persons with disabilities, especially families of children or parents with disabilities, to eliminate additional costs related to disability;*

The German welfare state is based on individual legal entitlements with a variety of benefits that are regulated in well-developed and comprehensive social security legislation. Alongside wage- and contribution-related social security schemes such as the unemployment and pension insurance which guarantee a replacement income, Germany also has the systems of basic support for job-seekers and social assistance, which contain a legal entitlement to the safeguarding of the socio-cultural subsistence minimum and to social participation if the condition of "being in need" is met. They also aim to help an individual overcome neediness through advice and support. Furthermore, Germany also has an active labour market policy, which considers individual support needs, including state-subsidised employment to a limited extent. The assistance under basic support for job-seekers is intended to improve or restore earning ability and also overcome disability-specific disadvantages.

As part of the BTHG reform, anyone receiving integration assistance must contribute less own income and assets in future. Formerly non-contributory assistance will remain non-contributory. For example, this concerns many services for children with disabilities for which the children's parents are not required to pay a contribution.

In connection with medical rehabilitation assistance and occupational participation assistance, benefits to ensure subsistence and other complementary benefits are provided by other rehabilitation providers.<sup>256</sup> A higher transition allowance<sup>257</sup> is paid if children need to be considered and economically inactive spouses or partners – as they are the benefit recipient's carer or are themselves in need of care – live in the same household. Under these benefits, domestic help is provided, inter alia, if a child under twelve or a child with disabilities lives in the household and the benefit recipient cannot manage the housekeeping herself/himself. Alternatively, the costs for bringing along or accommodating the child elsewhere are also covered up to the amount of the costs of domestic assistance to be otherwise provided.

Furthermore, persons with disabilities can receive social assistance benefits to cover core subsistence needs<sup>258</sup> principally on the same basis as persons without disabilities.<sup>259</sup>

In order to prevent insufficient coverage of subsistence needs, additional needs amounting to a flat rate of 35% of applicable standard needs are recognised from the age of 15 if support for schooling

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<sup>256</sup> See SGB IX, Part 1 Chapter 11.

<sup>257</sup> Transition allowance bridges periods where no income is earned during rehabilitation services.

<sup>258</sup> Such as accommodation or food.

<sup>259</sup> Subsistence assistance provided in the system of basic income support for job-seekers under SGB II, in the social assistance system under SGB XII and within the context of welfare assistance under social compensation law is designed to help safeguard the socio-cultural subsistence minimum.

or vocational training, or occupational participation assistance,<sup>260</sup> is granted. Additional needs can also be considered after completion of training for an appropriate transitional period, particularly a training-in period. A general flat-rate uncovered amount for "disability-related" subsistence needs that is divorced from the individual case does not exist, as the actual impact of the restricted participation must be considered. Nevertheless a flat-rate amount can be deducted from income tax depending on the degree of the disability.<sup>261</sup>

The QCG<sup>262</sup> opened up support for CVET measures to all workers whose jobs are affected by structural change or can be replaced by technology, for example. Access to support is facilitated for older workers and workers with severe disabilities.

The PflegeZG<sup>263</sup> and FPfZG<sup>264</sup> established provisions that are designed to improve the framework for people to care for close relatives and stay working: under the PflegeZG, workers are entitled to complete or partial release from work for up to 6 months if they provide care in the home environment for a close relative being in need of long-term care; furthermore, under the FPfZG workers are entitled to partial release from work for up to 24 months, while working a minimum 15-hour week, if they care for a close relative in need of long-term care in the home. Close relatives of minors requiring long-term care can request release also to provide care outside the home. To safeguard their livelihood more effectively while released from work, individuals can apply to the BAFzA for an interest-free loan.

Under the provisions of the MuschG, women who give birth to a child with disabilities can apply to extend the postnatal protection period from eight to twelve weeks. During the postnatal protection period, women can receive maternity benefit and a maternity benefit.

In addition, persons with severe disabilities whose earning capacity is reduced can receive reduced earning capacity pension from the statutory pension insurance system irrespective of age. Barring certain exceptions, this requires individuals to have completed a five-year qualifying period and paid into statutory pension insurance for at least three years before the reduction in earning capacity. Persons drawing reduced earning capacity pension from 1/1/2019 are treated as if they had been in employment subject to contributions up until the standard retirement age for old-age pension, earning their current average income. This added period bridges any missing contribution periods owing to the reduced earning capacity, when calculating old-age pension entitlements. Persons with severe disabilities who became fully incapacitated for work before completing the five-year qualifying period, and have since been fully incapacitated for work on a continuous basis, are entitled to a pension for total reduction of earning capacity if they have completed a qualifying period of 20 years with contributions. Irrespective of a reduced earning capacity pension under the statutory pension insurance system, individuals can be entitled to basic income support in old age and in the event of reduced earning capacity, on a supplementary basis where appropriate.

Benefits payments under long-term care insurance have increased 47% as a result of the PSG I-III.<sup>265</sup> The new definition of "in need of care", the new assessment procedure and the five new care cate-

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<sup>260</sup> For example, assistance to safeguard a job, vocational training or further training.

<sup>261</sup> Section 33b (5) EStG and Section 32 (6) EStG. The flat-rate amount can be up to €1,420.

<sup>262</sup> Entered into force on 1 January 2019.

<sup>263</sup> The rule does not apply to employers generally employing no more than 15 workers.

<sup>264</sup> The rule does not apply to employers generally employing no more than 25 workers.

<sup>265</sup> In the period from 2015 to 2017.

gories take better account of individual assistance needs than before. Long-term care insurance benefits for domestic care can be combined more flexibly to match individual needs, giving individuals in need of care and their families appreciably more support. The quality of care is also to be improved further. The "Concerted Action for Nursing" campaign develops measures to improve the situation of nursing staff.

In Germany, people can rely on high-quality medical care.<sup>266</sup>

Insured parties are entitled to up to ten days' sickness benefit per year for each child under twelve if a doctor's certificate specifies that they cannot work as the child requires minding, supervision or care and another person living in the household cannot mind, supervise or care for the child. For single parents, this entitlement increases to a maximum of 20 days for each insured child. Insured parents can take up to 25 workdays per year per parent (single parents: maximum 50 workdays). No age limit applies for sick children with disabilities, and no time limits apply for seriously ill children.

*b) Measures to mainstream women, youth and children with disabilities from families at risk of poverty or living in poverty into national poverty-reduction strategies;*

The Federal Government draws up an evidence-based report on the development of poverty, wealth and participation once per legislative term, with a focus, inter alia, on the living situation and poverty risk of women, children and persons with disabilities. These Poverty and Wealth Reports serve to review existing policies and encourage new measures.

In the field of family policy, a package of measures to address family poverty was agreed in this legislative term. To relieve the burden on families, the government plans to increase child benefit by a total of €25 for all families.<sup>267</sup> This increase is complemented by improvements to the child supplement for low-income families and the improved education and participation package for children and young people.

With the Act on Good Early Childhood Education and Care, the Federation is assisting the *Länder* inter alia with measures to reduce or even waive parental contributions by providing the *Länder* with a higher VAT revenue share. An amendment to Section 90 SGB VIII<sup>268</sup> will introduce a nationwide obligation to scale parental contributions by social criteria, and enlarge the groups of individuals who are entitled to exemption from day-care centre fees, including people receiving child supplement or housing allowance. The *Länder* can also take specific action to relieve the fee burden on parents.

*c) Results following the BTHG 2017 in relation to claims of the integration assistance benefit for persons with disabilities;*

Under the BTHG, integration assistance will only be transferred from SGB XII to SGB IX primarily from 2020 onwards. A comparison of data regarding applications for integration assistance is not possible.<sup>269</sup>

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<sup>266</sup> Please refer to the response to Question 26d.

<sup>267</sup> The child benefit increases by €10 with effect from 1 July 2019; a further increase of €15 is planned with effect from 1 January 2021.

<sup>268</sup> With effect from 1 August 2019.

<sup>269</sup> Please refer also to the response to Question 18: The Federal Government is examining the new provisions governing integration assistance in a total of five research projects. They are to establish, by 2021, whether the improvements sought under the BTHG are materialising or whether changes are necessary.

Current SGB-XII statistics<sup>270</sup> provide information on the actual numbers receiving integration assistance but not on applications for integration assistance.<sup>271</sup>

At the end of 2016, a total of 739,087 persons received integration assistance under SGB XII, Chapter 6 within and outside institutions. At the end of 2017,<sup>272</sup> the number of recipients totalled 761,262.

d) *Equal and comparable social and support services for persons with disabilities regardless of age, especially for adults with disabilities over the age of 65;*

Germany has a nuanced system of social and support services that are open to persons with disabilities, including those over 65. These include care support centres, outpatient services that assist people of any age in their own home, childrearing, social, health, addiction and debt counselling, social work with persons with disabilities, mobility assistance services,<sup>273</sup> special transport services, respite services<sup>274</sup> and centres for independent living. Programmes are also available that help persons with disabilities who have left the workforce structure their day.<sup>275</sup> Persons with dementia and their families also receive support and counselling from 500 nationwide "Local Alliances for Persons with Dementia" and additional drop-in centres in individual *Länder*.

Complementary independent participation counselling<sup>276</sup> was introduced as a result of the BTHG. This is a low-threshold service,<sup>277</sup> designed to give assistance, guidance and planning security to persons seeking advice on rehabilitation and participation prior to applying for concrete assistance. Funding for over 500 facilities offering such counselling nationwide has been approved. Funding is limited to a five-year period. Currently, the funding budget is €58 million annually through to 2022. This service is available in addition to the right to advice from the rehabilitation providers and is an important cornerstone of the reformed benefits legislation for persons with disabilities.

To ensure the long-term financial sustainability of the statutory pension system despite demographic developments, the retirement age for the standard old-age pension and other retirement pensions is being raised gradually over the long term, with particular consideration to the needs of persons with severe disabilities. While the retirement age for standard old-age pension is gradually increased to 67 for younger cohorts, the retirement age for persons with severe disabilities to claim old-age pension without deductions is gradually increased to 65. Furthermore, persons with severe disabilities can benefit from the time-limited special retirement arrangement for persons insured for a particularly long time: anyone who has paid contributions for 45 years can claim the old-age pension deduction-free from age 63. The retirement age for this old-age pension is gradually increased to 65 for those born on or after 1953. The earliest early retirement age with deductions for persons with severe disabilities is gradually increased from 60 to 62 for those born after 1951.<sup>278</sup> Persons with severe disabilities will therefore be able to retire starting at 62, five years before the standard retirement age of 67.

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<sup>270</sup> Integration assistance for persons with disabilities according to Chapter 6 SGB XII.

<sup>271</sup> A statistical record on rejected applications is not kept.

<sup>272</sup> The figures for 2018 are not expected to be available until the end of quarter 3, 2019.

<sup>273</sup> Such as chaperone services.

<sup>274</sup> Care services in the home environment.

<sup>275</sup> Such as those leaving sheltered workshops.

<sup>276</sup> German project known as: "*ergänzende unabhängige Teilhaberatung*".

<sup>277</sup> Known as peer counselling.

<sup>278</sup> Please refer also to the responses to Question 29 a and Question 33.

*e) Measures to address insufficient accessible and affordable housing, especially in densely populated urban areas.*

The promotion of social housing is a serious challenge for the Federation and the *Länder*. Persons with disabilities seeking accommodation particularly feel the effects of the tight housing situation in many regions in Germany. The Federal Government has agreed a variety of measures with *Länder* and municipalities and adopted a joint Housing Initiative.<sup>279</sup> This seeks to create 1.5 million new dwellings through a package of measures to stimulate investment in house building and actions to safeguard housing affordability, lower building costs and secure skilled labour.

As one of the most important measures, the Federation provides funding to the *Länder*, which the *Länder* supplement with their own financial resources.<sup>280</sup> In their efforts to promote social housing, the *Länder* have specific funding options for the creation of housing (both new and existing) for persons with disabilities. Furthermore, when calculating income to determine social housing eligibility, special allowances apply for persons with disabilities such that they still qualify for publicly subsidised social housing if their income is slightly higher.

The increased availability of accessible housing is also a central concern of the Federation and the *Länder*. The promotion of age-appropriate conversions under a KfW programme<sup>281</sup> with investment grants from the Federal Government and low-interest loans from the KfW's own funds allows many people to live in a familiar setting for as long as possible well into old age.

Due to the programme's increasing popularity, programme funding has been scaled up several times in recent years and put on a permanent footing. The Federation is allocating €75 million in programme funds annually in the 2019-2021 period.

The "Ageing at Home"<sup>282</sup> project demonstrates how approaches that support self-determined, individual yet community-oriented forms of living and housing are possible and can also be made accessible to people on a low income. In collaboration with actors at the various levels, the aim is to create long-term solutions that meet existing needs.

## **Participation in political and public life (art. 29)**

*30. Please specify legislative and other measures adopted to guarantee the right of all persons with disabilities to participate in political and public life, including electoral matters and guarantee the right to vote in European, national, Länder and municipal elections on an equal basis with others.*

Under the German Constitution, the principle of universal suffrage applies and therefore all Germans, including of course persons with disabilities, have the right to vote and stand in elections.<sup>283</sup> Up to now, however, persons fully under legal guardianship and offenders committed to psychiatric

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<sup>279</sup> See <https://www.bmi.bund.de/DE/themen/bauen-wohnen/stadt-wohnen/wohnungswirtschaft/wohnungspolitik/wohnungspolitik-node.html>.

<sup>280</sup> Funding of €5 billion provided in the 2018-2021 period.

<sup>281</sup> "Altersgerecht Umbauen" (Age-appropriate Conversions) programme.

<sup>282</sup> German: *Zuhause im Alter*.

<sup>283</sup> Article 38 (1) first sentence and Article 28 (1) second sentence GG. The principle of universal suffrage also applies to European elections (Section 1 (1) second sentence, EuWG).

institutions owing to exemption from criminal responsibility were excluded from voting in federal and European elections.

Following a ruling of the Federal Constitutional Court<sup>284</sup>, the Bundestag adopted a law to repeal the aforementioned exclusions from voting in federal and European elections at its session on 16/5/2019.<sup>285</sup> At the same time, to safeguard elections as an integration process with regard to the formation of the political will of the people,<sup>286</sup> the boundaries for permissible assistance in exercising the right to vote are defined and, within the context of permissible assistance, the punishability of voting against, or without, a view expressed by the registered voter is clarified.<sup>287</sup>

Before the new regulation entered into force, a ruling of the Federal Constitutional Court<sup>288</sup> stipulated that the aforementioned exclusions from voting were not to be applied for the European elections<sup>289</sup> with regard to applications for entry on the electoral register<sup>290</sup> and objections and complaints against the accuracy or completeness of the electoral registers.<sup>291</sup>

The *Länder* regulations governing Landtag and local elections also contained disenfranchisement rules. Some *Länder* had already repealed these in recent years. Also in light of the aforementioned ruling, the *Länder* have now lifted the disenfranchisement rules or plan to do so before the next elections.

Electoral rules contain provisions to facilitate the participation of persons with disabilities in federal and European elections: polling stations must be selected and equipped in a way that facilitates voting for all registered voters wherever possible.<sup>292</sup> Local authorities must inform registered voters of the polling stations that are accessible in a timely and appropriate manner. The voter's notification must contain the requisite information in text or pictogram format, and since recently must display a telephone number for information on accessible polling stations and aids.<sup>293</sup> If the polling station allocated to the registered voter does not suit her/his needs, the municipal authorities will identify an accessible polling station for the voter in her/his constituency where the voter can vote with her/his polling card on election day.<sup>294</sup>

Furthermore, all registered voters have the option of a postal vote. Voters unable to read or unable to mark, fold or place the ballot in the ballot box independently owing to a disability can receive as-

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<sup>284</sup> Ruling of 29 January 2019; case number: 2 BvC 62/14. The Federal Constitutional Court ruled the exclusion from voting rights of offenders confined in a psychiatric hospital based on exemption from criminal responsibility to be incompatible with the Basic Law (Article 38 (1) and Article 3 (3) second sentence) and null and void. It found the exclusion from voting rights of persons fully under guardianship to be incompatible with the Basic Law (Article 38 (1) and Article 3 (3) second sentence) and no longer applicable for courts and administrative authorities to the extent of the incompatibility found to exist.

<sup>285</sup> Act to Amend the Federal Elections Act and other Acts (*Gesetz zur Änderung des Bundeswahlgesetzes und weiterer Gesetze*); BT-Drs. 19/9228; Federal Law Gazette I, p. 834.

<sup>286</sup> According to the Federal Constitutional Court, the integration function also includes ensuring the communication function of the election.

<sup>287</sup> In Section 107a StGB.

<sup>288</sup> Decision of 15 April 2019; case number: 2 BvQ 22/19.

<sup>289</sup> On 26 May 2019.

<sup>290</sup> Section 17 and 17a EuWO.

<sup>291</sup> Section 21 EuWO.

<sup>292</sup> Section 46 (1) BWO and Section 39 (1) EuWO.

<sup>293</sup> Section 19 (1) second sentence, no. 2 and Section 7 BWO, Annex 3 to Section 19 (1) BWO and Section 18 (1) second sentence, no. 2 and Section 7 EuWO, Annex 3 to Section 18 (1) EuWO.

<sup>294</sup> Section 14 (3) BWG and Section 4 EuWG in connection with Section 14 (3) BWG.

sistance to vote from an assistant they appoint themselves. Voters with visual disabilities can also use a tactile voting device to mark the ballot paper unassisted.<sup>295</sup> The specification that the ballot paper must be clearly identifiable at the top right-hand corner ensures that the device is fitted correctly.<sup>296</sup> The font type, font size and contrasting used on ballot papers and absentee ballots must ensure easy readability.<sup>297</sup> Exact colour specifications ensures stronger contrasting of the lettering on the red letters to the electoral office.<sup>298</sup> Information on the procedure for federal and European elections is provided in Easy-Read on the website of the Federal Returning Officer. A "getting started" video in sign language on the website contains central information and helps persons with hearing disabilities navigate through the site.

Similar measures apply for *Land* or local elections – also backed by acts or ordinances. The focus here is on increasing the accessibility of polling stations, including improved signposting, the provision of tactile voting devices, the clear formulation of voter's notifications and other information material in Easy-Read language, videos in sign language or audio files, and raising electoral committees' awareness for the requirements of persons with disabilities.

The number of accessible polling stations will increase further thanks to the continued development of accessible public facilities – partially supported through funding programmes. Advisory councils give representative organisations significant opportunities to participate in political life<sup>299</sup>. These councils advise policy-makers, issue recommendations and encourage collaboration between public authorities and associations.<sup>300</sup>

In addition, the *Länder* have introduced a variety of measures to promote participation in political and public life.<sup>301</sup>

*31. Please inform about measures to ensure the effective representation of persons with disabilities, particularly women, in political and public decision-making positions.*

The Federal Government cooperates with the *Weibernetz* self-advocacy organisation to promote the participation of women with disabilities in political life, funds its "Political Representation of the Interests of Women with Disabilities – for Equal Opportunities and Protection against Violence" project

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<sup>295</sup> Section 50 (4) BWG. A tactile voting device created by associations of the blind can be used to mark the ballot paper. The Federation reimburses the costs of the device.

<sup>296</sup> Section 45 (2) BWO introduced for the 2017 federal elections and Section 38 (2) EuWO.

<sup>297</sup> Section 45 (5) BWO and Section 38 (5) EuWO.

<sup>298</sup> Section 45 (4) BWO and Section 38 (4) EuWO.

<sup>299</sup> Such as the Advisory Council on Inclusion attached to the Commissioner's Officer.

<sup>300</sup> See also the information provided in the response to Question 1c.

<sup>301</sup> For example, the promotion of the civic involvement of persons with disabilities through actions in Civic Engagement Strategies, legal provision for the promotion of participation in the Acts on Equal Opportunities of Persons with Disabilities, agreement on participation reached at the level of the state secretaries with the board of self-advocacy organisations, requirement of municipalities to enshrine the concerns of persons with disabilities in the statutes in the context of representation of interests and participation, promotion of self-help for persons with disabilities with the aim of initiating processes locally in order to build, strengthen and further develop structures for participation, participation funding guidelines for the promotion of measures geared towards the political education of persons with disabilities or the hosting of an expert conference on the political participation of persons with disabilities.



and enables the organisation to raise the interests of women with disabilities in committees, opinions on policy proposals and for the realization of international conventions, inter alia.<sup>302</sup>

Through the participation fund, (self-advocacy) organisations of persons with disabilities, in particular, receive support from the Federal Government for adequate financial and human resources to participate more intensively and sustainably in political and social processes.<sup>303</sup>

## Specific obligations (art. 31 – 33)

### Statistics and data collection (art. 31)

*32. Please explain existing measures to supplement the planned representative survey of persons with disabilities (2017-2021) to ensure adequate statistics regarding all persons with disabilities including gender-specific data, in particular taking into account the Sustainable Development Goals target 17.18 and the Washington Group on Disability Statistics' Short Set of Questions.*

The Federal Government supports a representative survey on the participation of persons with disabilities.<sup>304</sup> The survey aims to gather representative information on the situation of persons with and without disabilities. It constitutes a central basis for action to make inclusion policy measures more effective. The representative survey is the first comprehensive survey of its kind. It will be representative for all groups of persons with disabilities irrespective of their disabilities and whether they live in institutions or at home.<sup>305</sup> The human rights-based survey covers all the central fields of participation. Its indicators refer to the articles of the CRPD. The study is accessible and, as a participatory research project, it involves persons with disabilities in the research process.

The understanding of disability applied in the study corresponds to the biopsychosocial ICF model of disability. Accordingly, the survey questions regarding disabilities are very detailed and go far beyond the Washington Group short set.

The study is conducted as a panel survey in two waves. This allows to observe changes in participation over time. The interim reports and final report are published. The results of the first wave will be available in 2021. The results will also be incorporated into the Federal Government's Participation Reports,<sup>306</sup> which are published each legislative term.

Researchers have access to a panel with individual data on the occupational rehabilitation of persons with and at risk of disabilities created by the BA as part of a study to evaluate occupational participation assistance, and also to analogue data records from the DRV. A study entitled "Growing up and

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<sup>302</sup> This includes, for example, committee work for the federal/Länder "Domestic Violence" task force, participation in the advisory council for the "Violence against Women" hotline, participation in the advisory committee of the Independent Federal Government Commissioner for child sexual abuse and on the board of a project on sexual self-determination.

<sup>303</sup> For example, support for work with young people or the promotion of young talent to assume management roles in associations of persons with disabilities is possible.

<sup>304</sup> In the period from 2017 to 2021.

<sup>305</sup> The survey interviews 16,000 persons with disabilities and 5,000 persons without disabilities who live in private households, 5,000 persons in institutions and 1,000 persons in hard-to-reach groups (e.g. homeless persons).

<sup>306</sup> German: "Teilhabebericht über die Lebenslagen von Menschen mit Beeinträchtigungen in Deutschland".

Everyday Experiences of Adolescents with Disabilities” focuses on adolescents and their age-specific needs.<sup>307</sup> The regular "Health in Germany"<sup>308</sup> and "Health of Children and Adolescents in Germany"<sup>309</sup> studies provide information on the health of children, adolescents and adults.

Changes have also been made to the microcensus.<sup>310</sup> Since 2017, it reports annually on persons whose disabilities have been officially recognised, rather than every four years as previously the case.<sup>311</sup>

Under the requirements for the new Participation System Report, law-makers specify the collection of statistical data to enable the evaluation and steering of the rehabilitation process.

As the Sustainable Development Agenda has significantly tightened requirements for national statistical systems, German DC supports action to strengthen statistical systems. The focus is on methods to effectively collect, analyse and use data. International standards are observed and particular attention is given to the collection of disaggregated data. With the Initiative Programme to Implement the Agenda, eight partner countries have been and are being supported in this area. Additional projects are also in place with components to support statistical capacity-building. One particular focus is on improving vital records, a source of fundamental population data.

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<sup>307</sup> German: *“Aufwachsen und Alltagserfahrungen von Jugendlichen mit Behinderung”*; conducted by the German Youth Institute.

<sup>308</sup> German: *“Gesundheit in Deutschland”*.

<sup>309</sup> German: *“Gesundheit von Kindern und Jugendlichen in Deutschland”*.

<sup>310</sup> An annual official representative survey of the population and labour market in Germany.

<sup>311</sup> Data is polled in writing and on an interview basis.

33. *Please provide updated data on existing social and support services for persons with disabilities disaggregated by employment/non-employment status, age and sex.*

Many different social and support services are available that offer assistance in many areas (also) to persons with disabilities.<sup>312</sup> A statistical record of such services, disaggregated by employment/non-employment status, age and sex, is not kept, however.

### **International cooperation (art. 32)**

34. *Please inform on:*

a) *Efforts to implement, evaluate and contribute to the present European Disability Strategy;*

The Directive on the Accessibility of Websites and the Directive on Accessibility Requirements for Products and Services are current EU Strategy initiatives. Germany is transposing these legislative acts into German law. Germany is also supporting the Strategy with national measures in the indicated areas, such as employment, accessibility etc.

b) *Initiatives to address the conclusions and recommendations of the ‘Evaluation of the Action Plan for the Inclusion of Persons with Disabilities (2017)’ including implementation of the Sustainable Development Goals;*

The imminent adoption of the new Inclusion Strategy to systematically embed the rights of persons with disabilities as a cross-cutting theme in German DC is a central recommendation of the evaluation.<sup>313</sup> The Federal Government’s new Inclusion Strategy will also include the introduction of human rights-based target group analyses for technical and financial collaboration projects, the introduction of an innovative support approach for the broader involvement of persons with disabilities and their representative organisations in DC projects in the partner countries, and the planned introduction of the OECD/DAC policy marker on a voluntary basis to support data disaggregation in line with the Sustainable Development Agenda.

Aside from collaboration with political partners and civil society, the Federal Government has intensified its calls for closer collaboration with the private sector on inclusion, given the increasingly important role the private sector will play in the implementation of the 2030 Agenda.

As the Federal Government also regularly advocates for the rights of persons with disabilities in various negotiations in the context of bilateral and multilateral development policy processes, Germany also campaigns for persons with disabilities at the international level.

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<sup>312</sup> Examples include: outpatient services (care and support of persons with disabilities), socio-psychiatric services, family respite services, contact and information centres, nursing care support points, social work with persons with disabilities, and work assistance and specialised integration services in the field of employment.

<sup>313</sup> The adoption of the new Inclusion Strategy is planned for 2019.

- c) *Measures to systematically analyse the rights of persons with disabilities and to assess the extent to which persons with disabilities are entitled to benefits and collaboration with their representative organizations in all international cooperation projects.*

The introduction of an OECD/DAC marker on a voluntary basis is also designed to enable the systematic categorisation of planned government DC projects according to their contribution to the rights of persons with disabilities.

The participation of persons with disabilities and their representative organisations is considered a central component of the Inclusion Strategy. In this context, the Federal Government implements bilateral DC measures in consultation with civil society organisations including self-advocacy organisations in Germany and the partner countries. Their concerns have received closer attention in new project application procedures or project scale-ups.

There are also attempts to extend the rules for the financing of assistance for persons with disabilities and their organisations, which are binding in Germany, to missions abroad.<sup>314</sup>

- d) *Budgets to ensure inclusive development cooperation in projects and research.*

Government DC takes a twin-track approach.<sup>315</sup> Around 50 specific inclusion projects are currently supported through the technical cooperation framework, and inclusion is promoted as a firmly established cross-cutting issue in financial cooperation. In designing the measures, attention is paid to ensuring persons with disabilities can participate as equitably as possible.

The Federation has funded projects for persons with disabilities in developing countries through grants totalling €17.24 million to private providers, NGOs and central church bodies.<sup>316</sup>

Currently, no funding keys are used that would allow the Federal Government to determine what percentage of funds invested as part of government DC goes towards projects that support inclusion. Therefore, in line with the proposals of OECD/DAC countries, Germany intends to introduce an inclusion marker on a voluntary basis.

The Federal Government is providing funding of roughly €5 million towards application-oriented research projects, and approximately €120,000 towards other studies.<sup>317</sup> It has also financed a general study on the consideration of persons with disabilities in DC, and the development of a guide and toolkit for the mainstreaming approach.

The Monitoring Mechanism has produced two scientific position papers.<sup>318</sup>

### **National implementation and monitoring (art. 33)**

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<sup>314</sup> Please also refer to the response to Question 11b.

<sup>315</sup> This means that specific measures for persons with disabilities are developed and implemented. At the same time, German DC aims to ensure that the issue of inclusion is systematically considered in all German DC programmes (mainstreaming).

<sup>316</sup> In the reporting period, i.e. since the adoption of the last Concluding Observations.

<sup>317</sup> In Cambodia, Bangladesh and Guinea.

<sup>318</sup> Position paper on “Strengthening persons with disabilities through German development cooperation” (*Menschen mit Behinderungen durch deutsche Entwicklungszusammenarbeit stärken*) and “Towards inclusive humanitarian aid” (*Humanitäre Hilfe inklusiv gestalten*).

35. *Please provide information on the coordination and collaboration among the appointed Länder focal points and the meaningful consultation and involvement of organizations of persons with disabilities in its efforts to implement the Convention both nationally and at the Länder level. Please also inform about efforts to evaluate the work and results of these focal points.*

The Federation and all the *Länder* have appointed focal points within government, some of which have a legal basis. The focal point at national level invites the *Länder* to regular workshops. The NAP 2.0 contains joint actions of the Federation and *Länder* to implement the CRPD. Individual *Länder* focal points also exchange information on particular topics or for specific occasions and share their experiences.

The focal points work with the relevant ministries and coordinate the implementation of the CRPD at *Länder* and/or national level. The action plans serve as an instrument of implementation. The individual commissioners and various committees are the key contacts here.<sup>319</sup> Self-advocacy groups/organisations of persons with disabilities are regularly represented on these committees, which are actively involved in the implementation, evaluation and updating of the Actions Plans of the various government bodies.

Other forms of collaboration with the self-advocacy organisations also exist.<sup>320</sup> As the central national event on inclusion, the "Inclusion Days"<sup>321</sup> event provides the opportunity for broad exchange on a wide variety of topics.

Aside from ongoing evaluation in the aforementioned committees, individual *Länder* and the Federation have commissioned, or plan to commission, an external evaluation of the action plans and how they have expedited the implementation of the CRPD – the central task of the focal points – to identify ways both to strengthen the content of the action plans and to improve the participation processes.

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<sup>319</sup> Participation is enshrined, in particular, in the Acts on Equal Opportunities of Persons with Disabilities of the *Länder*. The participation of the Commissioner is set forth in Section 18 BGG. Other rights of participation are defined in the Joint Rules of Procedure of the Federal Ministries (Sections 45 and 47 in addition to Annex 6 to the Joint Rules of Procedure of the Federal Ministries). Examples of committees include the disability advisory councils at *Länder* level, the inclusion committees or the Committee on the National Action Plan to Implement the Convention of the Rights of Persons with Disabilities.

<sup>320</sup> Such as working groups dedicated to a specific topic, inclusion forums or bilateral talks. Examples of other measures are given in the response to Question 30.

<sup>321</sup> A two-day event held annually by the Federal Government since 2013.

36. Please explain the measures at the level of the different Länder to strengthen the capacities of the independent National Monitoring Mechanism, through long-term funding and support.

Funding for the Monitoring Mechanism is established in a federal law<sup>322</sup>. Accordingly, it is provided by the Federation – under the conditions set forth in the law – through funds from the German Bundestag budget in the form of institutional funding.<sup>323</sup> One *Bundesland* also provides a legal basis for ongoing monitoring by the DIMR, while another finances monitoring on an annual basis.

The *Länder* work constructively with the Monitoring Mechanism, are in contact and share information. Some *Länder* conduct time-limited projects with the Monitoring Mechanism. Financial support is also provided in this respect.<sup>324</sup> The Federation also additionally finances thematic projects of the Monitoring Mechanism.

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<sup>322</sup> In the Act on the Legal Status and Tasks of the German Institute for Human Rights (*Gesetz über die Rechtsstellung und Aufgaben des Deutschen Instituts für Menschenrechte*) of 16 July 2015.

<sup>323</sup> Currently a total of €2.657 million for the German Institute for Human Rights.

<sup>324</sup> This includes projects, for example, in the context of judicial reviews of statutes, the monitoring and evaluation of action plans and the study or analysis of selected areas such as accommodation, mobility or education.

## List of Abbreviations

AGG	Allgemeines Gleichbehandlungsgesetz / General Equal Treatment Act
AnKER	Zentrum für Ankunft, Entscheidung, Rückführung / Arrival, decision-making and repatriation facilities
ArbStättV	Verordnung über Arbeitsstätten / Workplace Ordinance
ARD	Arbeitsgemeinschaft der öffentlich-rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland / Working group of public broadcasters of the Federal Republic of Germany
AsylbLG	Asylbewerberleistungsgesetz / Asylum-seekers' Benefits Act
AsylG	Asylgesetz / Asylum Act
BA	Bundesagentur für Arbeit / Federal Employment Agency
BAFzA	Bundesamt für Familie und zivilgesellschaftliche Aufgaben / Federal Office of Family Affairs and Civil Society Functions
BAGüS	Bundesarbeitsgemeinschaft der überörtlichen Träger der Sozialhilfe / Federal Association of Regional Social Assistance Agencies
BAMF	Bundesamt für Migration und Flüchtlinge / Federal Office for Migration and Refugees
BAR	Bundesarbeitsgemeinschaft für Rehabilitation / Federal Association for Rehabilitation
BBiG	Berufsbildungsgesetz / Vocational Training Act
BBiMoG	Gesetz zur Modernisierung und Stärkung der beruflichen Bildung / Act to Modernise and Strengthen Vocational Training
BGB	Bürgerliches Gesetzbuch / German Civil Code
BGG	Gesetz zur Gleichstellung von Menschen mit Behinderungen / Act on Equal Opportunities for Persons with Disabilities
BITV	Verordnung zur Schaffung barrierefreier Informationstechnik nach dem Behindertengleichstellungsgesetz (Barrierefreie-Informationstechnik-Verordnung) / Ordinance to create accessible information technology according to the Act on Equal Opportunities for Persons with Disabilities (Ordinance on Accessible IT), (corresponding ordinances are implemented in the <i>Länder</i> )

BKiSchG	Gesetz zur Stärkung eines aktiven Schutzes von Kindern und Jugendlichen (Bundeskinderschutzgesetz) / Act to Strengthen the Active Protection of Children and Adolescents (Federal Child Protection Act)
BMAS	Bundesministerium für Arbeit und Soziales / Federal Ministry of Labour and Social Affairs
BR	Bayerischer Rundfunk / public-service radio and television broadcaster based in Bavaria
BT-Drs.	Bundestagsdrucksache / Bundestag printed paper
BTHG	Gesetz zur Stärkung der Teilhabe und Selbstbestimmung von Menschen mit Behinderungen (Bundesteilhabegesetz) / Act to Strengthen the Participation and Self-determination of Persons with Disabilities (Federal Participation Act)
BvC	The register reference BvC is used by the Federal Constitutional Court for electoral complaints pursuant to Article 41 (2) GG
BvL	The register reference BvL is used by the Federal Constitutional Court for judicial reviews of statutes that are requested by a court pursuant to Article 100 (1) GG
BvQ	The register reference BvQ is used by the Federal Constitutional Court for procedures regarding preliminary injunctions pursuant to Section 32 Federal Constitutional Court Act
BvR	File reference of a constitutional complaint made to the Federal Constitutional Court
BWG	Bundeswahlgesetz / Federal Electoral Act
BWO	Bundeswahlordnung / Federal Electoral Ordinance
BZgA	Bundeszentrale für gesundheitliche Aufklärung / Federal Centre for Health Education
CVET	Continuing vocational education and training
DAC	Development Assistance Committee
DB AG	Deutsche Bahn Aktiengesellschaft / German rail operator
DBR	Deutscher Behindertenrat / German Council of Persons with Disabilities



DBSV e. V.	Deutscher Blinden- und Sehbehindertenverband e. V. / German Federation of the Blind and Partially Sighted
DC	Development cooperation
DIMR	Deutsches Institut für Menschenrechte /German Institute for Human Rights
Directive (EU) 2018/1972	Richtlinie (EU) 2018/1972 des Europäischen Parlaments und des Rates vom 11. Dezember 2018 über den europäischen Kodex für die elektronische Kommunikation / Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code
DRV	Deutsche Rentenversicherung Bund / German Pension Insurance Association
EAA	Europäischer Rechtsakt zur Barrierefreiheit / European Accessibility Act
EBO	Eisenbahn-Bau- und Betriebsordnung / Ordinance on the Construction and Operation of Railways
EStG	Einkommensteuergesetz / Income Tax Act
EU	Europäische Union / European Union
EuWG	Gesetz über die Wahl der Abgeordneten des Europäischen Parlaments aus der Bundesrepublik Deutschland / Act on the Election of Members of the European Parliament from the Federal Republic of Germany
EuWO	Europawahlordnung / European Electoral Regulations
FamFG	Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit / Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction
Federal Centre of Expertise	Bundesfachstelle Barrierefreiheit / Federal Centre of Expertise on Accessibility
FFG	Gesetz über Maßnahmen zur Förderung des deutschen Films (Filmförderungsgesetz) / Act on Measures for the Promotion of German Film (Film Promotion Act)
FPfZG	Gesetz über die Familienpflegezeit / Act on Family Care Leave

FStrG	Bundesfernstraßengesetz / Federal Highway Act
GG	Grundgesetz für die Bundesrepublik Deutschland / Basic Law for the Federal Republic of Germany
GVG	Gerichtsverfassungsgesetz / Courts Constitution Act
HEI	Higher education institution
HRG	Hochschulrahmengesetz / Higher Education Framework Act
HRK	Hochschulrektorenkonferenz / German Rectors' Conference
ICF	Internationale Klassifikation der Funktionsfähigkeit, Behinderung und Gesundheit / International Classification of Functioning, Disability and Health
ICT	Information and communication technology
ISI	InitiativeSozialraumInklusiv / Initiative for an Inclusive Social Environment
KfW	Kreditanstalt für Wiederaufbau / Germany's state-owned development bank
KiQuTG	Gesetz zur Weiterentwicklung der Qualität und zur Verbesserung der Teilhabe in Tageseinrichtungen und in der Kindertagespflege (KiTa-Qualitäts- und Teilhabeverbesserungsgesetz) / Act on the Improvement of Quality and Participation in Centre-based Childcare and Family Day Care e
KMK	Ständigen Konferenz der Kultusminister der Länder in der Bundesrepublik Deutschland / Standing Conference of the Ministers of Education and Cultural Affairs of the <i>Länder</i>
LuftVG	Luftverkehrsgesetz / Air Traffic Act
MDK	Medizinischer Dienst der Krankenversicherung / Medical Service of the German Statutory Health Insurance Providers
MDR	Mitteldeutscher Rundfunk, public broadcaster for the federal states of Thuringia, Saxony and Saxony-Anhalt.
Monitoring Mechanism	Monitoring-Stelle UN-Behindertenrechtskonvention beim Deutschen Institut für Menschenrechte / National Monitoring Mechanism for the UN Convention on the Rights of Persons with

Disabilities set up within the German Institute for Human Rights.

MuschG	Gesetz zum Schutz von Müttern bei der Arbeit, in der Ausbildung und im Studium (Mutterschutzgesetz) / Act for the Protection of Mothers at Work and during Training or Studies (Maternity Protection Act)
NAP	Der Nationale Aktionsplan der Bundesregierung zur Umsetzung der UN-Behindertenrechtskonvention „Unser Weg in eine inklusive Gesellschaft“ / The National Action Plan of the Federal Government, entitled “Our Path to an Inclusive Society”, to implement the UN Convention on the Rights of Persons with Disabilities
NAP 2.0	Nationaler Aktionsplan 2.0 der Bundesregierung zur UN-Behindertenrechtskonvention / National Action Plan 2.0 of the Federal Government for the UN Convention on the Rights of Persons with Disabilities
NDR	Norddeutscher Rundfunk / public radio and television broadcaster transmitting for the federal states of Lower Saxony, Mecklenburg-Western Pomerania and Schleswig-Holstein
NGO	Nichtregierungsorganisation / Non-governmental organisation
OECD	Organisation für wirtschaftliche Zusammenarbeit und Entwicklung / Organisation for Economic Cooperation and Development
OEG	Opferentschädigungsgesetz / Crime Victims Compensation Act
PBefG	Personenbeförderungsgesetz / Passenger Transport Act
PDK	Prüfdienst der privaten Krankenversicherung e.V. / Audit Service of Private Health Insurance Providers
PfIBRefG	Gesetz zur Reform der Pflegeberufe (Pflegeberufereformgesetz) / Act to Reform the Nursing Professions (Nursing Professions Reform Act)
PflegeZG	Gesetz über die Pflegezeit / Act on Caregiving Leave
PHI	Private health insurance
PR	Public relations
PSG I-III	Erstes bis Drittes Pflegestärkungsgesetz / First to Third Act to Strengthen Long-term Care
PsychKG	Psychisch-Kranken-Gesetze / Mental Health Acts of the 16 <i>Bundesländer</i>

QCG	Qualifizierungschancengesetz / Skills Development Opportunities Act
Quality Childcare Act	Gesetz zur Weiterentwicklung der Qualität und zur Teilhabe in der Kindertagesbetreuung / Act on the Improvement of Quality and Participation in Child Day Care (Act on Good Early Childhood Education and Care)
Regulation (EC) No. 1107/2006	Verordnung (EG) Nr. 1107/2006 des Europäischen Parlaments und des Rates vom 5. Juli 2006 über die Rechte von behinderten Fluggreisenden und Fluggreisenden mit eingeschränkter Mobilität / Regulation (EC) No. 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air
RTL	RTL Television
SchKG	Gesetz zur Vermeidung und Bewältigung von Schwangerschaftskonflikten / Act to Avoid and Cope with Conflicts in Pregnancy
SEN	Special education needs
SGB I	Erstes Buch Sozialgesetzbuch – Allgemeiner Teil / Book I of the Social Code – General part
SGB II	Zweites Buch Sozialgesetzbuch – Grundsicherung für Arbeitssuchende / Book II of the Social Code – Basic Income Support for Job-seekers
SGB III	Drittes Buch Sozialgesetzbuch – Arbeitsförderung / Book III of the Social Code – Employment Promotion
SGB IX	Neuntes Buch Sozialgesetzbuch – Rehabilitation und Teilhabe von Menschen mit Behinderungen / Book IX of the Social Code – Rehabilitation and Participation of Persons with Disabilities
SGB V	Fünftes Buch Sozialgesetzbuch – Gesetzliche Krankenversicherung / Book V of the Social Code – Statutory Health Insurance
SGB VIII	Achtes Buch Sozialgesetzbuch – Kinder- und Jugendhilfe / Book VIII of the Social Code – Child and Youth Services
SGB X	Zehntes Buch Sozialgesetzbuch – Sozialverwaltungsverfahren und Sozialdatenschutz / Book X of the Social Code – Social and Administrative Procedures and Protection of Social Data
SGB XI	Elftes Buch Sozialgesetzbuch – Soziale Pflegeversicherung / Book XI of the Social Code – Social Long-term Care Insurance

SGB XII	Zwölftes Buch Sozialgesetzbuch – Sozialhilfe / Book XII of the Social Code – Social Assistance
SGG	Sozialgerichtsgesetz / Social Courts Act
SHI	Statutory health insurance system
StGB	Strafgesetzbuch / German Penal Code
SWG	Specialist working group
TKG	Telekommunikationsgesetz / Telecommunications Act
TSI	Technische Spezifikationen für die Interoperabilität / Technical Specifications for Interoperability
CRPD	Übereinkommen der Vereinten Nationen über die Rechte von Menschen mit Behinderungen / United Nations Convention on the Rights of Persons with Disabilities
VAUNET	Verband privater Medien / German Media Association, representing commercial broadcasting and audiovisual companies in Germany
VET	Vocational education and training
VwGO	Verwaltungsgerichtsordnung / Code of Administrative Court Procedure
WDR	Westdeutscher Rundfunk Köln / public-service broadcaster based in the federal state of North-Rhine Westphalia
ZDF	Zweites Deutsches Fernsehen / (Second German Television), public-service television broadcaster based in Rhineland-Palatinate.
ZIM	Zentrales Innovationsprogramm Mittelstand / Central Innovation Programme for Small- and Medium-sized Enterprises
ZPO	Zivilprozessordnung / Code of Civil Procedure