



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the combined second and third periodic reports of Germany*

I. Introduction

1. The Committee considered the combined second and third periodic reports of Germany¹ at its 674th and 675th meetings,² held on 29 and 30 August 2023. It adopted the present concluding observations at its 684th and 685th meetings, held on 5 and 6 September 2023.
2. The Committee welcomes the combined second and third periodic reports of Germany, which were prepared in accordance with the Committee's reporting guidelines in response to the list of issues prior to reporting prepared by the Committee.³
3. The Committee expresses its appreciation for the constructive dialogue held with the State party's high-level delegation, which covered a wide array of issues and included representatives of relevant government ministries who provided further clarifications on the questions posed by the Committee. The Committee also expresses its appreciation for the active participation of the German Institute for Human Rights, in its capacity as the national human rights institution and independent monitoring mechanism, pursuant to article 33 (2) of the Convention.

II. Positive aspects

4. The Committee welcomes the measures taken by the State party to implement the Convention following the recommendations of the Committee contained in its concluding observations on the initial report of the State party.⁴ It welcomes in particular the legislative and policy measures taken to promote the rights of persons with disabilities, including:
 - (a) The launch of the Federal Accessibility Initiative of 2022;
 - (b) The enactment of the Barrier-Free Accessibility Strengthening Act of 2021;
 - (c) The enactment of the Act on the Reform of Child and Adult Guardianship Law of 2021;
 - (d) The enactment of the Act to Strengthen Child and Youth Services of 2021;
 - (e) The signing of the coalition agreement of 2021;

* Adopted by the Committee at its twenty-ninth session (14 August–8 September 2023).

¹ [CRPD/C/DEU/2-3](#).

² See [CRPD/C/SR.674](#) and [CRPD/C/SR.675](#).

³ [CRPD/C/DEU/QPR/2-3](#).

⁴ [CRPD/C/DEU/CO/1](#).



- (f) The enactment of the Law on the Protection of Children with Variations in Sex Development of 2021;
- (g) The enactment of the Family Members Relief Act of 2020;
- (h) The enactment of the Act to Amend the Federal Elections Act and Other Acts in 2019, removing restrictions on the voting rights of persons with disabilities;
- (i) The enactment of the Act to Strengthen the Participation and Self-Determination of Persons with Disabilities (Federal Participation Act) in 2016.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

5. The Committee is concerned about the use of a medical model of disability in many areas of the law, at the federal and Länder levels.

6. **Recalling its previous recommendation,⁵ the Committee recommends that the State party harmonize the definition of disability in laws and policies, at the federal and Länder levels, with the general principles and provisions of the Convention, in particular with respect to non-discrimination and the human rights model of disability.**

7. The Committee is concerned about:

(a) The lack of recognition, across all government portfolio areas, of disability as a responsibility of all government entities, and the lack of mainstreaming of disability-inclusive measures in all areas of government, society and law;

(b) The lack of a systematic review of existing laws, policies and regulations to ascertain the legislative action required to conform with the obligations under the Convention;

(c) The lack of a general right of associations to take legal action to enforce the rights under the Convention, the rare use of such rights in the areas where the required statutory bases exist, and – in most of these statutory bases – the limited types of remedies available to declaratory judgments;

(d) The lack of systematic and institutionalized engagement with organizations of persons with disabilities, including organizations of children with disabilities, in all matters affecting them, and of processes for close consultation with and the active involvement of organizations of persons with disabilities;

(e) The insufficient resources of organizations of persons with disabilities to actively participate in the development and the implementation of laws, policies, programmes and regulations to implement the Convention, and undue administrative hurdles to access funding;

(f) The highly uneven efforts to implement the Convention across the Länder, and an insufficient human rights perspective in the action plans of many Länder.

8. **The Committee recommends that the State party:**

(a) **Develop strategies to strengthen commitment across all government portfolio areas to ensure that disability is recognized as a cross-cutting issue in all areas of government and society, and to effectively mainstream disability-related measures into all areas of the law;**

(b) **Systematically review the conformity of existing laws, policies and administrative practices with the obligations of the State party under the Convention and establish human rights-based action plans with a clear concept of disability that contain measures to promote, protect and fulfil the rights under the Convention and**

⁵ Ibid., para. 8 (a).

targets and indicators to monitor the implementation of the Convention, as recommended by the Committee in its previous recommendation;⁶

(c) Review the statutory bases of the right of associations to take legal action to enforce the rights under the Convention, at the federal and Länder levels, enact a generally applicable right of associations to take legal action, provide effective remedies beyond merely declaratory judgments and remove undue burdens such as the risk of prohibitive litigation costs and excessive admissibility requirements;

(d) Develop and implement institutionalized procedures for close consultation with and the active involvement of organizations of persons with disabilities, including organizations of children with disabilities, in all matters affecting them, set standards governing these procedures, guaranteeing, among others, sufficient time for their responses and providing all relevant documents in accessible formats, in line with the Committee's general comment No. 7 (2018) (para. 54) and its previous recommendation;⁷

(e) Bearing in mind the Committee's general comment No. 7 (2018) (paras. 60 and 61), strengthen the capacity of organizations of persons with disabilities, including children with disabilities and persons with intellectual and/or psychosocial disabilities, to actively participate in all measures designed to implement the Convention and to effectively employ their statutory rights to take legal action, and allocate sufficient funds. The State party should also ensure that funding is not solely project-based and may be accessed without undue administrative hurdles;

(f) Bearing in mind its obligations under article 4 (5) of the Convention, improve coordination among the Länder in their efforts to implement the Convention and ensure that their action plans to implement the rights of persons with disabilities are in accordance with their obligations under the Convention.

9. Taking into consideration that the State party ratified the Optional Protocol to the Convention, the Committee is concerned about the highly textual method employed by the State party's courts in their determination of the justiciability of the provisions of the Convention.

10. The Committee recommends that the State party, in particular its courts, determine the justiciability of the provisions of the Convention, including rights subject to progressive realization based on article 4 (2) of the Convention, in close alignment with the Committee's jurisprudence under the Optional Protocol.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

11. The Committee is concerned that:

(a) Legal protection against discrimination and of the specific rights under the Convention does not, with few exceptions, encompass private providers of goods and services;

(b) The State party's laws do not define the denial of reasonable accommodation as a form of discrimination throughout the legal system, but are confined to some specific areas, and the understanding of the requirements to implement reasonable accommodations could be improved;

(c) The State party's laws, including the laws of the Länder, do not, in general or explicitly, address multiple and intersectional forms of discrimination;

(d) The relief of burden of proof in the General Act on Equal Treatment does not unequivocally encompass the parties' obligations to prove the existence of a disadvantage.

⁶ Ibid., para. 8 (b).

⁷ Ibid., para. 10.

12. **Recalling its general comment No. 6 (2018), the Committee recommends that the State party:**

(a) **Fulfil its pledges in the coalition agreement of 2021 and extend legal protection against discrimination and of the specific rights under the Convention to all private entities that provide goods and services to the public, and establish effective remedies to enforce the respective obligations;**

(b) **Amend its laws, at the federal and Länder levels, so as to include an explicit recognition of the denial of reasonable accommodation as a form of discrimination in all areas of the law, and to include a legal definition of reasonable accommodation consistent with the meaning provided in article 2 of the Convention;**

(c) **Adopt the legal and other measures necessary to provide for explicit protection from multiple and intersectional forms of discrimination, including discrimination based on the intersection between disability and other status, such as age, sex, gender, race, indigeneity, lesbian, gay, bisexual, transgender and intersex status, ethnicity, migration status and national origin;**

(d) **Amend its laws on the relief of burden of proof, in particular section 22 of the General Act on Equal Treatment, to explicitly include the parties' obligations to prove the existence of a disadvantage as a part of that relief.**

Women with disabilities (art. 6)

13. The Committee is concerned about:

(a) The lack of a comprehensive intersectional approach to ensure that issues pertaining to women and girls with disabilities, including migrant women and girls with disabilities, are mainstreamed into both gender and disability legislation and policies;

(b) The lack of sufficient long-term funding of representative organizations of women and girls with disabilities to advance and promote their human rights.

14. **The Committee recalls its general comment No. 3 (2016) and recommends that the State party, at the federal and Länder levels:**

(a) **Strengthen measures and policy mechanisms to ensure that issues pertaining to women and girls with disabilities, including migrant women and girls with disabilities, are comprehensively addressed within gender and disability legislation and policies;**

(b) **Develop measures, including sufficient long-term financial resourcing, to support organizations of women and girls with disabilities to advance their human rights.**

Children with disabilities (art. 7)

15. The Committee is concerned about:

(a) The lack of training of entities and their employees on applying the new Act to Strengthen Child and Youth Services in terms of the requirements of children with disabilities;

(b) The high cost for parents of assistance services and inpatient treatment for children with disabilities;

(c) The lack of disaggregated data on refugee children with disabilities and children with disabilities in refugee-like situations, widely varying conditions in reception facilities often not tailored to the requirements of children with disabilities and seemingly varying access to education, health care and cultural and leisure activities.

16. **The Committee, recalling its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities, recommends that the State party:**

(a) **Establish training programmes for entities and their employees applying the new Act to Strengthen Child and Youth Services on the requirements of children with disabilities, including children with intellectual and/or psychosocial disabilities;**

(b) **Cover the disability-related costs of assistance services or inpatient treatment of children with disabilities;**

(c) **Strengthen the collection of comprehensive disaggregated data on refugee children with disabilities and children with disabilities in refugee-like situations, ensure that all reception facilities accommodating children with disabilities meet their requirements, and guarantee access to education, health care and cultural and leisure activities to all refugee children with disabilities and children with disabilities in refugee-like situations.**

Awareness-raising (art. 8)

17. The Committee is concerned about:

(a) The lack of a comprehensive national strategy for awareness-raising activities and campaigns to foster respect for the rights and dignity of persons with disabilities and to advance sustained and systemic attitudinal change;

(b) The inaccuracies in the official German translation of the Convention, which are conducive to substantive misinterpretations.

18. **The Committee recommends that the State party:**

(a) **Adopt and fund a comprehensive national strategy to raise awareness throughout society, in particular among persons with disabilities and their families, professional groups, the media and government officials at all levels, regarding the rights and dignity of persons with disabilities, in order to combat stereotypes, prejudice and harmful practices in all aspects of life and advance sustained and systemic attitudinal change;**

(b) **Revise the official German translation of the Convention, in close consultation with and with the active involvement of organizations of persons with disabilities, in order to accurately reflect its meaning in all aspects.**

Accessibility (art. 9)

19. The Committee is concerned about:

(a) The narrow implementation of the European Accessibility Act, confined to the mandatory obligations and omitting important areas such as health services, educational goods and services, household appliances and the built environment, and the corresponding widespread inaccessibility of services rendered by public and private entities, including services listed in article 2 of the Act;

(b) The insufficient quantity of affordable accessible housing in the State party and often inadequate building standards set by the Länder;

(c) The widespread lack of accessibility of public transport;

(d) The lack of institutionalized mechanisms for the participation of organizations of persons with disabilities in the development of accessibility standards.

20. **Recalling its general comment No. 2 (2014) and referring to the pledges in the coalition agreement of 2021, the Committee recommends that the State party:**

(a) **Amend its legislation, at the federal and Länder levels, to render all services by public and private entities provided to the public accessible, and intensify the implementation of existing provisions on accessibility;**

(b) **Expand and strengthen legal requirements of accessible housing for public and private use, for new and existing buildings, permitting the building of new housing that is inaccessible only in narrowly defined exceptional circumstances, setting**

legally binding time-bound goals to be achieved for buildings owned or used by public entities, and incorporate existing accessibility standards such as DIN 18040-3 into law.

(c) Enact and implement legal requirements guaranteeing the autonomous use of public transport by persons with disabilities, through the following measures in particular:

(i) Implementing the forthcoming revision to Commission Regulation (EU) No. 1300/2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility expeditiously and with a clear plan and time frame and, should the forthcoming revised regulation not guarantee autonomous access to stations and rail services, enacting and implementing national requirements to that end;

(ii) Enacting and implementing specific indicators, targets and monitoring mechanisms for the forthcoming revision to Regulation (EU) 1315/2013 of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network, ensuring autonomous accessibility of the respective new infrastructure;

(iii) Implementing existing requirements for the accessibility of commuter rail services, bus, coach and trolley bus services, cable car services and passenger navigation services expeditiously and with a clear plan and enacting and implementing requirements for the autonomous use of public transport in those areas;

(iv) Should the forthcoming revision to Regulation (EC) No. 1107/2006 of the European Parliament and of the Council concerning the rights of persons with disabilities and persons with reduced mobility when travelling by air not cover the following guarantees, enacting and implementing provisions prohibiting the denial of boarding because of a disability and the requirement of an accompanying person, and guaranteeing full compensation for damaged or lost mobility equipment or harm to assistance animals;

(d) Establishing institutionalized mechanisms for close consultation with and the active involvement of persons with disabilities through their organizations in the processes for the development of accessibility standards.

Right to life (art. 10)

21. The Committee notes with appreciation that the State party has enacted a federal law governing triage decisions in situations of insufficient medical capacities, and that these rules prohibit any direct and indirect discrimination based on disability. However, the Committee is concerned that the triage criterion of "actual or short-term probability of survival", as laid down in the law, may discriminate indirectly against persons with disabilities, despite the legal prohibition of such discrimination.

22. **The Committee recommends that the State party review the new federal law on triage decisions in situations of insufficient medical capacities and enact a triage criterion that effectively prevents any direct or indirect discrimination against persons with disabilities.**

Situations of risk and humanitarian emergencies (art. 11)

23. The Committee is concerned about the following:

(a) The lack of close consultation with and active involvement of persons with disabilities through their representative organizations in disaster risk reduction and humanitarian action, including the planning of coronavirus disease (COVID-19) pandemic-mitigation responses, which resulted in adverse impacts on persons with disabilities;

(b) The lack of an overarching disability-inclusive, human rights-based strategy for disaster risk reduction and humanitarian action that is in line with the Sendai Framework

for Disaster Risk Reduction 2015–2030 and the Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action.

24. Recalling the Sendai Framework for Disaster Risk Reduction 2015–2030 and the Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, develop:

(a) **A national public emergency plan that addresses the specific requirements of and responses for persons with disabilities and operates across all levels of federal, Länder and municipal governments;**

(b) **An overarching disability-inclusive, human rights-based strategy for all situations of risk and humanitarian emergencies, including public health emergencies, climate change and disaster risk reduction.**

Equal recognition before the law (art. 12)

25. The Committee is concerned that:

(a) The Act on the Reform of Child and Adult Guardianship Law 2021 does not eliminate all forms of substitute decision-making;

(b) There is no national comprehensive strategy for the implementation of supported decision-making mechanisms.

26. Recalling its general comment No. 1 (2014), the Committee recommends that the State party:

(a) **Eliminate all forms of substitute decision-making and replace them with a system of supported decision-making;**

(b) **Develop a national comprehensive strategy, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations and across all levels of federal, Länder and municipal governments, for the implementation of supported decision-making mechanisms.**

Access to justice (art. 13)

27. The Committee is concerned about barriers to access to justice for persons with disabilities, including:

(a) The lack of procedural and age-appropriate accommodations within the justice sector and the costs incurred by persons with disabilities in providing their own accommodations and support to facilitate effective participation in legal proceedings;

(b) The lack of understanding by legal professionals about access to justice for persons with disabilities;

(c) The lack of accessible judicial facilities and information and communications.

28. The Committee recommends that the State party, in close consultation with and with the active involvement of organizations of persons with disabilities, develop a national disability justice strategy:

(a) **To amend the procedural rules in criminal, civil, labour and administrative law to ensure that procedural and age-appropriate accommodations are provided to persons with disabilities in all proceedings on a no-cost basis;**

(b) **To ensure appropriate training for those working in the field of administration of justice, including members of the judiciary, police officers and prison personnel, on Convention standards and principles to ensure access to justice;**

(c) **To ensure that judicial facilities and information and communications are accessible.**

Liberty and security of person (art. 14)

29. The Committee is deeply concerned:

(a) About the forced institutionalization and forced treatment of persons with disabilities on the basis of impairment in care and integration assistance facilities and other institutions, psychiatric institutions and forensic psychiatric care facilities;

(b) That children and young people with disabilities can be deprived of their liberty on the basis of therapeutic necessity.

30. **Recalling its guidelines on the right to liberty and security of persons with disabilities⁸ and its guidelines on deinstitutionalization, including in emergencies,⁹ the Committee recommends that the State party take all necessary legislative, administrative and judicial measures:**

(a) **To prohibit involuntary detention, forced institutionalization and forced treatment of persons with disabilities on the basis of impairment;**

(b) **To strengthen all judicial and administrative protections to prevent the deprivation of liberty of children and young persons with disabilities on an equal basis with others.**

31. The Committee is concerned about provisions on being “unfit to stand trial” that allow for the indefinite detention of persons with disabilities in forensic psychiatric care facilities.

32. **The Committee recommends that the State party amend and/or repeal legislation that restricts the legal capacity of persons with disabilities and allows for harsher measures, such as indefinite detention, against persons with disabilities than against persons without disabilities convicted of the same crimes and that the State party guarantee access by persons with disabilities to justice on an equal basis with others throughout judicial proceedings.**

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

33. The Committee is concerned about:

(a) The use of physical and chemical restraints, seclusion and other harmful practices, in particular in care and integration assistance facilities and other institutions, psychiatric institutions and forensic psychiatric care facilities;

(b) The lack of oversight and monitoring of care and integration assistance facilities and other institutions, psychiatric institutions and forensic psychiatric care facilities and the use of restraints, seclusion and other harmful practices;

(c) The lack of independent complaints and redress mechanisms to address harmful and forced practices perpetrated in care and integration assistance facilities and other institutions, psychiatric institutions and forensic psychiatric care facilities.

34. **The Committee recommends that the State party take all legislative, administrative and judicial measures necessary:**

(a) **To prohibit the use of physical and chemical restraints, seclusion and other harmful practices in all institutional settings;**

(b) **To establish independent monitoring bodies in all Länder to provide regular oversight of all institutional facilities and to collect and analyse data on the use of forced treatment and coercive practices, and adequately resource existing monitoring mechanisms, including the National Agency for the Prevention of Torture and the German Institute for Human Rights, in order to strengthen their mandates;**

(c) **To establish an independent complaints mechanism, accessible to all persons with disabilities in all settings, to receive complaints and investigate and**

⁸ A/72/55, annex.

⁹ CRPD/C/5.

sanction institutions and perpetrators of harmful and forced practices, and to support victims by providing legal advice, accessible information, counselling and redress, including compensation and rehabilitation.

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

35. The Committee is deeply concerned about:

(a) The high rates of all forms of violence against persons with disabilities, in particular women and girls with disabilities, and the lack of a comprehensive and effective violence prevention and response strategy to protect against violence in all public and private settings;

(b) The lack of the purview of the Protection Against Violence Act to cover all forms of violence experienced in all institutional settings by persons with disabilities, in particular women and girls with disabilities.

36. The Committee recommends that the State party, in close consultation with and with the active involvement of organizations of persons with disabilities, in particular organizations of women and girls with disabilities:

(a) **Develop a comprehensive and effective violence prevention and response strategy in line with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence that responds to gender- and age-specific requirements, ensures that all shelters, refuges and counselling centres are accessible and widely available and establishes independent monitoring bodies with complaints and redress mechanisms;**

(b) **Undertake legislative and policy reform to ensure protection against all forms of violence and abuse experienced by persons with disabilities, in particular women and girls with disabilities, still living in institutional settings.**

Protecting the integrity of the person (art. 17)

37. The Committee is concerned about:

(a) The continued occurrence of forced and coerced sterilization of women and girls with disabilities;

(b) The practice of forced and coerced contraception and associated harmful side effects and forced and coerced abortions in institutional facilities.

38. The Committee recommends that the State party take all necessary legislative, administrative and judicial measures:

(a) **To prohibit the sterilization of women and girls with disabilities without their free and informed consent, including sterilization based on substitute consent or court decisions;**

(b) **To prohibit all forms of contraception and abortion without the free and informed consent of the individual concerned, including coercive practices.**

39. The Committee is concerned that the Act on the Protection of Children with Variations in Sex Development of 2021 does not provide comprehensive protection for all intersex children from invasive or irreversible medical procedures that modify sex characteristics.

40. The Committee recommends that the State party closely consult and actively involve representative organizations of intersex persons to review and amend the Act on the Protection of Children with Variations in Sex Development of 2021 to ensure comprehensive protection for intersex children from invasive or irreversible medical procedures that modify sex characteristics unless necessary to avoid serious, urgent and irreparable harm.

Liberty of movement and nationality (art. 18)

41. The Committee is concerned about:

(a) Access to essential supports, including disability-specific supports, for refugees and asylum-seekers with disabilities being dependent on country of origin;

(b) The lack of uniform and adequate procedures across all Länder for the identification of refugees and asylum-seekers with disabilities, resulting in inconsistent and inadequate implementation of human rights law and Directive 2013/33 of the European Parliament and of the Council laying down standards for the reception of applicants for international protection;

(c) The impact of the draft law to amend the Nationality Act, which would preclude persons with disabilities in receipt of benefits from obtaining citizenship.

42. The Committee recommends that the State party take all legislative, administrative and other measures:

(a) **To ensure that access to essential supports, including disability-specific supports, for all refugees and asylum-seekers with disabilities is available without discrimination on the basis of country of origin;**

(b) **To implement uniform and adequate procedures across all Länder to ensure the identification of refugees and asylum-seekers with disabilities and the provision of appropriate disability-related supports, as required by human rights law and Directive 2013/33 of the European Parliament and of the Council laying down standards for the reception of applicants for international protection;**

(c) **To ensure that the draft law to amend the Nationality Act does not preclude persons with disabilities in receipt of benefits from obtaining citizenship.**

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

43. The Committee is concerned about:

(a) The extensive segregation of persons with disabilities in institutional settings and the lack of measures to achieve progress in deinstitutionalization;

(b) The range of barriers to enable persons with disabilities to exercise choice and preference regarding their place of residence and support services, such as additional cost provisions, the forcible pooling of inclusion benefits and services and the complexity of utilizing personal budgets and benefit allowances based on shared accommodation rather than individual requirements.

44. Recalling its general comment No. 5 (2017), its guidelines on deinstitutionalization, including in emergencies, and the report of the Special Rapporteur on the rights of persons with disabilities on the transformation of services for persons with disabilities,¹⁰ the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities:

(a) **Develop a comprehensive deinstitutionalization strategy to end, as a matter of priority, the institutionalization of persons with disabilities, including in small residential homes, with measures to prevent transinstitutionalization and to support the transition from institutions to life in the community, with specific time frames, human, technical and financial resources and clear responsibilities for implementation and monitoring;**

(b) **Develop measures to remove barriers for persons with disabilities to choose where and with whom they live, including by committing to increase the supply of affordable and accessible housing, establishing personal assistance supports and services, removing additional cost requirements and the forced pooling of inclusion benefits and services, reducing the complexity of utilizing personal budgets and basing benefit allowances on individual requirements rather than shared accommodation.**

¹⁰ [A/HRC/52/32](#).

Personal mobility (art. 20)

45. The Committee is concerned about the lack of comprehensive and consistent mechanisms across all Länder to ensure that persons with disabilities are provided with affordable, quality mobility aids, devices, assistive technologies and other forms of assistance based on individual requirements.

46. **The Committee recommends that the State party establish comprehensive and consistent mechanisms across all Länder to facilitate the provision of affordable, quality mobility aids, devices, assistive technologies and other forms of assistance based on the individual requirements of persons with disabilities.**

Freedom of expression and opinion, and access to information (art. 21)

47. The Committee is concerned about the lack of a national standard on, and effective monitoring of, the accessibility of information, leading to a lack of effective access to information, in particular in private broadcasting and on websites, and the limited accessibility of information during the COVID-19 pandemic, in particular for persons who are deaf or hard of hearing and persons with an intellectual disability.

48. **The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities and their representative organizations, take all necessary measures, including the adoption of inclusive media regulations and the development and implementation of a national standard on accessibility, and mechanisms of monitoring and sanctioning, based on international and European standards, to ensure that information intended for the general public is available in accessible formats and through assistive technology for all persons with disabilities, in a timely manner and without additional costs, in particular during emergencies.**

Respect for privacy (art. 22)

49. The Committee is concerned about the lack of comprehensive measures ensuring data protection and the right to privacy concerning the personal, medical and rehabilitation information of persons with disabilities in institutions and sheltered workshops, and the absence of confidentiality protocols concerning the data protection of disability certificate holders in terms of data exchange among institutions and service providers.

50. **The Committee recommends that the State party adopt all necessary measures, including the revision of data protection laws, to ensure data protection and the right to privacy in hospitals, institutions and sheltered workshops, and set up data protection protocols and secure systems to guarantee the privacy of the personal, health and rehabilitation information of persons with disabilities, on an equal basis with others.**

Respect for home and the family (art. 23)

51. The Committee is concerned about certain provisions of the German Civil Code that may lead to violations of the rights of persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, to home and family life, namely:

(a) Section 1304, which prohibits a person who is “incapable of contracting” to enter into marriage;

(b) Section 1673, which determines the suspension of the parental custody of persons who are “incapable of contracting”;

(c) Section 1748, which foresees substituted consent for adoption in cases of parents’ “serious psychological illness or a particularly serious mental or psychological handicap”;

(d) Section 1905, which foresees the possibility of sterilization of persons under custodianship without their free and informed consent.

52. **The Committee recommends that the State party revise the German Civil Code and abolish all provisions that may restrict the full enjoyment and exercise of the right**

to marriage and parenthood and reproductive rights of persons with disabilities and that the State party promote the supported decision-making model in all matters related to home and family life.

Education (art. 24)

53. The Committee is concerned about the lack of full implementation of inclusive education throughout the education system, the prevalence of special schools and classes and the various barriers encountered by children with disabilities and their families to enrolling in and completing studies at mainstream schools, including:

- (a) The lack of a clear mechanism to promote inclusive education in the Länder and at the municipal level;
- (b) The misconceptions about and negative perception of inclusive education on the part of some executive entities, which may take parents' requests to enrol their children in mainstream schools as an indication of "incapability to take care of their child";
- (c) The lack of accessibility and accommodation in public schools and the lack of accessible transportation, in particular in rural areas;
- (d) Insufficient training for teachers and non-teaching staff on the right to inclusive education, the insufficient development of specific skills and teaching methodologies and reported pressure on parents to enrol children with disabilities in special schools.

54. Recalling its general comment No. 4 (2016), the Committee recommends that the State party, in close consultation with and with the active involvement of students with disabilities, their families and representative organizations:

- (a) **Develop a comprehensive plan to accelerate the transition from special schooling to inclusive education at the Länder and municipal levels, with specific time frames, human, technical and financial resource allocations and clear responsibilities for implementation and monitoring;**
- (b) **Implement awareness-raising and educational campaigns to promote inclusive education at the community level and among the relevant authorities;**
- (c) **Ensure that children with disabilities can attend mainstream schools, including by enhancing accessibility and accommodation for all kinds of disabilities and providing appropriate arrangements for transportation, in particular in rural areas;**
- (d) **Guarantee ongoing training for teachers and non-teaching staff on inclusive education at all levels, including training in sign language and other accessible formats of communication, and develop a monitoring system to eliminate all forms of direct and indirect discrimination against children with disabilities and their families.**

55. The Committee is concerned about the lack of data on the access of refugee children with disabilities to education and to mainstream schools.

56. The Committee recommends that the State party allocate sufficient resources for the regular collection of data, disaggregated by sex and type of disability, on the number and proportion of refugee children with disabilities who access education and are enrolled in mainstream and special schools, as well as on dropout rates.

Health (art. 25)

57. The Committee is concerned about:

- (a) The lack of accessibility and health practitioners trained on communication and on providing information in accessible methods and formats in health-care facilities, in particular for women with disabilities and in rural areas, and the fact that persons with disabilities may have to travel long distances to obtain accessible medical services;
- (b) The fact that persons with intellectual and/or psychosocial disabilities and persons who are deaf or hard of hearing are less likely to receive quality health care due to the lack of training of, and discriminatory approach taken by, health professionals;

(c) The absence of legal provisions, in particular in the German Civil Code, concerning the delivery of medical information for persons with disabilities in accessible formats to ensure that their free and informed consent is obtained, on an equal basis with others, prior to any medical intervention;

(d) Access to health services for asylum-seekers, who may receive acute care but not “complementary” services such as physiotherapy, occupational therapy and mental health treatment.

58. **The Committee recommends that the State party:**

(a) **Take measures to guarantee the availability and accessibility of health services across the Länder, in particular for women with disabilities and in rural areas, without discrimination, by identifying and removing barriers and providing accessible medical equipment;**

(b) **Strengthen mechanisms for the regular training of health professionals about human rights, dignity, autonomy and the requirements of persons with disabilities;**

(c) **Enforce regulations on the legal protection of persons with disabilities against discrimination in health-care services and define standardized protocols concerning the delivery of medical information to persons with disabilities and their free and informed consent for medical interventions in accordance with the Convention and the Committee’s general comment No. 1 (2014);**

(d) **Ensure that asylum-seekers with disabilities have access to comprehensive health services upon their arrival, on an equal basis with others.**

Habilitation and rehabilitation (art. 26)

59. The Committee is concerned about the lack of mechanisms in place to ensure that persons with disabilities receive integral rehabilitation services from different providers across the Länder and the uncertain long-term impact of the Federal Participation Act in creating efficient rehabilitation systems to reduce segregation, in particular in congregated settings and sheltered workshops.

60. **The Committee recommends that the State party develop cross-cutting, accessible and flexible mechanisms through which persons with disabilities can easily select and receive the most relevant rehabilitation programmes or services in accordance with their choice and preference, and conduct periodic thematic assessments of rehabilitation programmes to ensure that persons with disabilities can exercise independent living and have access to the labour market.**

Work and employment (art. 27)

61. The Committee is concerned about:

(a) The high incidence of unemployment among persons with disabilities, in particular persons with intensive support requirements, the high number of persons with disabilities enrolled in sheltered workshops and the low rate of transition to the open labour market;

(b) Insufficient legal measures to guarantee the accessibility of and reasonable accommodation in workplaces and to make the private sector accountable for not observing the quotas of employment for persons with disabilities;

(c) The lack of accessible and inclusive facilities that provide vocational training and protocols to eliminate discrimination and segregation and to ensure that persons with disabilities have equal opportunities to choose vocational programmes freely, without any kind of coercion.

62. **With reference to its general comment No. 8 (2022) and recalling the recommendations of the Committee on Economic, Social and Cultural Rights,¹¹ the Committee recommends that the State party:**

(a) **Develop, in close consultation with and with the active involvement of organizations of persons with disabilities, an action plan to promote the transition of persons with disabilities in sheltered workshops to the open labour market across the Länder that sets forth a suitable allocation of resources and specific time frame;**

(b) **Enforce the implementation of the quotas of employment for persons with disabilities in both the public and the private sectors, including through measures more effective than the current compensatory levy, and ensure the accessibility of and reasonable accommodation in workplaces;**

(c) **Restructure the vocational training system and take measures to ensure accessibility and inclusiveness, including through the establishment of a complaints mechanism to investigate discriminatory practices on the basis of disability in the field of vocational rehabilitation and work.**

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

63. The Committee is concerned about:

(a) The higher risk of poverty among persons with disabilities, the lack of measures to address poverty among persons with disabilities and the absence of regular research reports examining the systemic causes of the intersection of poverty and disability that are able to inform governmental policies and plans adequately;

(b) Insufficiently individualized support, including financial support, to persons with disabilities aged over 25 and living with their parents;

(c) The integration assistance benefit system, which, by taking into account the assets and income of persons with disabilities and other members of the household, hinders saving on an equal basis with others and jeopardizes financial security for senior citizens.

64. **The Committee recommends that the State party:**

(a) **Take all necessary measures to address the increased risk of poverty among persons with disabilities and mainstream disability into all studies, research, policies and plans related to poverty reduction;**

(b) **Revise benefit assessment rules for persons with disabilities in order to meet the individual support requirements of persons with disabilities;**

(c) **Revise the integration assistance benefits of persons with disabilities to allow for savings on an equal basis with others and guarantee their financial security in old age.**

Participation in political and public life (art. 29)

65. The Committee is concerned about:

(a) The lack of reasonable accommodation, in particular sign language interpretation, in political parties and unions, which hinders the participation of persons who are deaf or hard of hearing;

(b) The low participation of women with disabilities in political and public life and the lack of data identifying barriers to their participation;

(c) The lack of accessibility in polling stations, in particular in rural areas.

66. **The Committee recommends that the State party:**

¹¹ [E/C.12/DEU/CO/6](#).

(a) **Take measures to ensure accessibility and reasonable accommodation, including sign language interpretation, for persons with disabilities in political parties and unions;**

(b) **Allocate the resources necessary to conduct research on barriers that prevent participation and engagement in public life by women with disabilities and promote capacity-development programmes, in close consultation with women with disabilities and their representative organizations;**

(c) **Ensure the accessibility of voting material and polling stations, in particular in rural areas, across the Länder, and in the development of electronic voting systems.**

Participation in cultural life, recreation, leisure and sport (art. 30)

67. The Committee is concerned about:

(a) The lack of accessibility of public libraries, museums and touristic areas and monuments;

(b) Barriers that persons with disabilities encounter to benefiting from the personal assistance services necessary to exercise the right to sport and entertainment;

(c) The absence of policies and programmes to promote the cultural and linguistic identity of deaf persons;

(d) The lack of inclusivity and accessibility in some faculties of creative arts;

(e) The lack of measures to promote cultural diversity in society, in particular with respect to the contribution of the refugees with disabilities to diversity.

68. **The Committee recommends that the State party:**

(a) **Strengthen mechanisms to ensure that sporting, recreational, cultural and tourism venues are accessible for persons with disabilities;**

(b) **Ensure that persons with disabilities have access to personal assistance at no cost to practise sport and attend cultural and social activities;**

(c) **Promote the cultural and linguistic identity of deaf persons, with the participation of their representative organizations, in educational curricula, media and social events;**

(d) **In close consultation with and with the active involvement of persons with disabilities and their representative organizations, promote inclusion in and the accessibility of all creative arts studies;**

(e) **Promote cultural diversity in society and the contribution of refugees with disabilities to diversity.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

69. The Committee is concerned about:

(a) The effectiveness of the microcensus method used in disability statistics and the extent to which this method reflects the number of refugees with disabilities in the country;

(b) The medical model reflections on the disability statistics, in particular the criteria adopted to classify and distinguish between severe, moderate and mild disability.

70. **The Committee recommends that the State party:**

(a) **Ensure that public and thematic censuses are inclusive and disability-sensitive by using appropriate data-collection methods such as the Washington Group on Disability Statistics questions and incorporate questions to obtain specific data about refugees with disabilities;**

(b) **Adopt human rights-based standards to identify and classify the different types of disability.**

International cooperation (art. 32)

71. The Committee is concerned about:

(a) The lack of inclusion of projects funded in developing countries and limited budgets to fund disability-specific projects;

(b) The lack of effective consultation with persons with disabilities and their representative organizations in identifying national priorities and themes that will be funded in their countries;

(c) The lack of accurate indicators to ensure that international funds are used in line with the Convention, its purpose and general principles, and the Sustainable Development Goals.

72. **The Committee recommends that the State party:**

(a) **Ensure that inclusion is a precondition to approving projects funded as part of international cooperation programmes;**

(b) **Consult with persons with disabilities and their representative organizations on the national priorities and themes to be supported and engage them in all phases of the funded projects;**

(c) **Develop indicators to ensure that the goals and activities of funded projects are in conformity with the Convention and the Sustainable Development Goals.**

National implementation and monitoring (art. 33)

73. The Committee is concerned about:

(a) The insufficient human, technical and financial resources of focal points to fulfil their responsibilities and the limited involvement of organizations of persons with disabilities in the implementation of the Convention;

(b) The lack of mechanisms to monitor the implementation of the Convention at the Länder level.

74. **The Committee recommends that the State party:**

(a) **Build the capacity of focal points and equip them with sufficient powers and increased human, technical and financial resources to fulfil their responsibilities under article 33 of the Convention, and ensure that persons with disabilities and their representative organizations are effectively involved in monitoring the implementation of the Convention;**

(b) **Enact legislation establishing permanent independent monitoring mechanisms at the Länder level, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and allocate human, technical and secure financial resources to support their mandates.**

IV. Follow-up

Dissemination of information

75. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 44, on living independently and being included in the community, 54, on education, and 62, on work and employment.

76. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

77. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

78. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

Next periodic report

79. The State party has opted to report under the simplified reporting procedure. The Committee will prepare a list of issues prior to reporting and request the State party to submit its replies within one year of receipt of the list of issues. The replies of the State party, expected by 24 March 2031, will constitute its combined fourth, fifth and sixth periodic reports.
