



Federal Government Commissioner  
for Matters relating to Disabled Persons

Staatliche  
**Koordinierungsstelle**

nach Artikel 33  
UN-Behindertenrechtskonvention



# The State Coordination Agency based on Article 33 UN Convention on the Rights of Persons with Disabilities

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Report 2010 - 2013

01.06.2013



## Index of contents

<b>1.</b>	<b>Foreword</b>	<b>4</b>
<b>2.</b>	<b>Introduction</b>	<b>6</b>
<b>3.</b>	<b>The State Coordination Agency</b>	<b>8</b>
3.1	Structure	8
3.2	Council Members	10
3.2.1	The Advisory Council on Inclusion	10
3.2.2	Working Group 1: Health, Long-Term Care, Prevention and Rehabilitation	11
3.2.3	Working Group 2: Freedom and Protection Rights, Women, Partnerships and Family, Bioethics	12
3.2.4	Working Group 3: Work and Education	13
3.2.5	Working Group 4: Mobility, Building, Housing, Recreation and Leisure, Social Participation, Information and Communication	14
<b>4.</b>	<b>The Work of the State Coordination Agency</b>	<b>15</b>
4.1	Working Processes	15
4.2	The Advisory Council on Inclusion	15
4.3	Spotlight: Inclusion Map	16
4.4	The Work of the Working Groups	17
4.4.1	General	17
4.4.2	Working Group 1: Health, Long-Term Care, Prevention and Rehabilitation	18
4.4.3	Working Group 2: Freedom and Protection Rights, Women, Partnership and Family, Bioethics	18
4.4.4	Working Group 3: Work and Education	19
4.4.5	Working Group 4: Mobility, Building, Housing, Recreation and Leisure, Social Participation, Information and Communication	19
<b>5.</b>	<b>The Work of the State Coordination Agency: An Evaluation</b>	<b>21</b>
5.1	Issues	21
5.2	The Process	25
<b>6.</b>	<b>Review and Outlook</b>	<b>26</b>

## 1. Foreword

Dear Reader,

The State Coordination Agency has been located at the offices of the Federal Government Commissioner for Matters Relating to Disabled Persons since 2008 and acts as the interface with the general public in communicating the content of the UN Convention on the Rights of Persons with Disabilities (UNCRPD). It includes people with disabilities in its work in an exemplary way. As a rule, people with disabilities approach other social actors, requesting them to take their needs into account. With the State Coordination Agency, the situation is reversed when it comes to considering the needs of people with disabilities: As members of the Advisory Council on Inclusion, the social actors in the expert bodies focus directly on disabled persons' needs.

The approach highlights how the UNCRPD has changed people's mindsets regarding disabled persons' role in society. Inclusion, meaning participation in society, has many addressees and does not target solely people with disabilities. Rather, it ensures that all aspects of life are designed in such a way as to allow all social groups to take part in and benefit from them.

The mandate of the State Coordination Agency is to sensitise the general public to the needs of people with disabilities by providing information on the UNCRPD and the underlying notion of inclusion. A key tool in this is an Inclusion Map. Widely disseminated position papers also give people with disabilities an audible voice in the public arena.

The structure of the State Coordination Agency is unique in Europe and serves as a role model. This was only achieved with the dedication and commitment of all involved. Due to their numbers and diversity, cooperation between the various actors in the expert bodies is not always easy, but this makes the results achieved all the more appreciable. The expert bodies have, despite the broad thematic range, managed to address many individual topics in great depth. This approach has allowed a whole range of aspects to be covered and brought a large number of differing actors to the table in order to achieve the common goal of implementing the UNCRPD in all aspects of life.

This report is an interim step because the process is not complete. There is still much to do to ensure that inclusion becomes firmly embedded in society.

I should like to thank all those involved in the expert bodies and, of course, the Advisory Council on Inclusion itself for their tremendous efforts in recent years.

I hope that this report will reach a broad audience and spark debate.

Sincerely,

A handwritten signature in black ink, reading "Hubert Hoyer". The signature is written in a cursive style with a large initial 'H'.

Member of German Parliament and  
Federal Government Commissioner for Matters relating to Disabled Persons

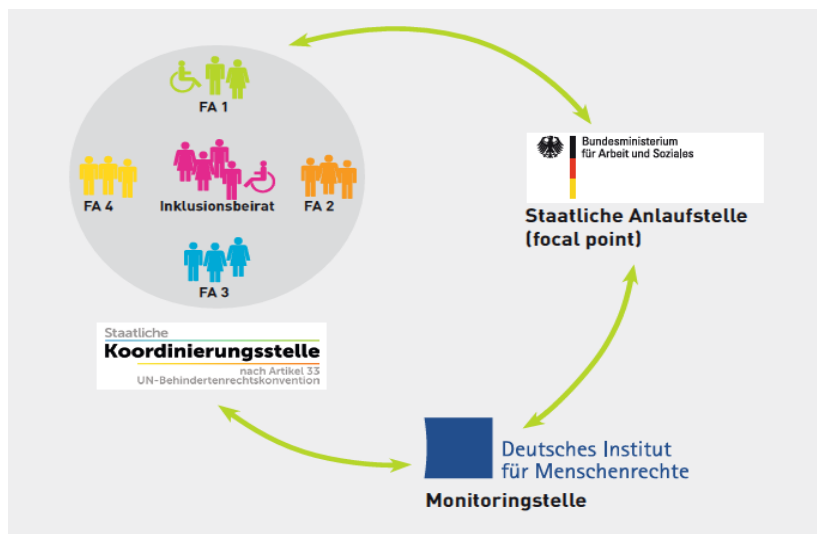
## 2. Introduction

The General Assembly of the United Nations adopted the UN Convention of the Rights of People with Disabilities (UNCRPD) on 13 December 2006. As one of the first signatory states, Germany signed the Convention and its supplementary protocol on 30 March 2007. The UNCRPD and its protocol have been binding in Germany since 26 March 2009.

The UNCRPD provides no special rights. Rather it defines and specifies a set of universal human rights from the standpoint of people with disabilities in relation to their personal circumstances that must be taken into account in the protection of basic human rights. The UNCRPD borrows from the UN Declaration of Human Rights and key UN human rights conventions, setting out key provisions from those documents in relation to the everyday situations of people with disabilities.

The UNCRPD sets out procedural requirements for its implementation at national level, which are delegated to three national agencies in accordance with its Article 33:

- The National Focal Point
- An independent agency (monitoring mechanism)
- The State Coordination Agency



Staatliche Anlaufstelle	National Focal Point
Inklusionsbeirat	Integration Council
Monitoringstelle	Monitoring Unit

The Focal Point is an arm of the Federal Ministry for Labour and Social Affairs (BMAS) and is responsible for issues relating to implementation of the UNCRPD. It thus drew up the National Action Plan, identifying measures for and commissioning the responsible national agencies with the Convention's implementation.

The Deutsches Institut für Menschenrechte (German Institute of Human Rights, or DIMR) is the independent monitoring unit tasked with promoting observance at national level of the rights arising from the UNCRPD, and with monitoring implementation of the Convention in Germany. In the course of its work, the DIMR issues statements and recommendations, and advises the implementing agencies.

The State Coordination Agency is located at the offices of the Federal Government Commissioner for Matters relating to Disabled Persons, and is responsible for aiding implementation of the UNCRPD and for actively including and integrating both people with disabilities and members of broad society in the implementation process. The State Coordination Agency is thus the interface between society and the State. Its work largely comprises media relations and awareness-building.

### **3. The State Coordination Agency**

#### **3.1 Structure**

A solid organisation is needed to meet the criteria the UNCRPD sets out for the Federal Coordination Office. The Advisory Council on Inclusion (Inklusionsbeirat) was thus set up to manage the Convention's long-term, strategic implementation. As the primary decision-making body within the State Coordination Agency, its members comprise largely people with disabilities and one representative each from the following organisations:

- The National Focal Point
- The Conference of State Commissioners for the Disabled
- The Monitoring Unit

The Council is chaired by the Federal Government Commissioner for Matters Relating to Disabled Persons and is served by four working groups, each of which focuses on one of the following issues:

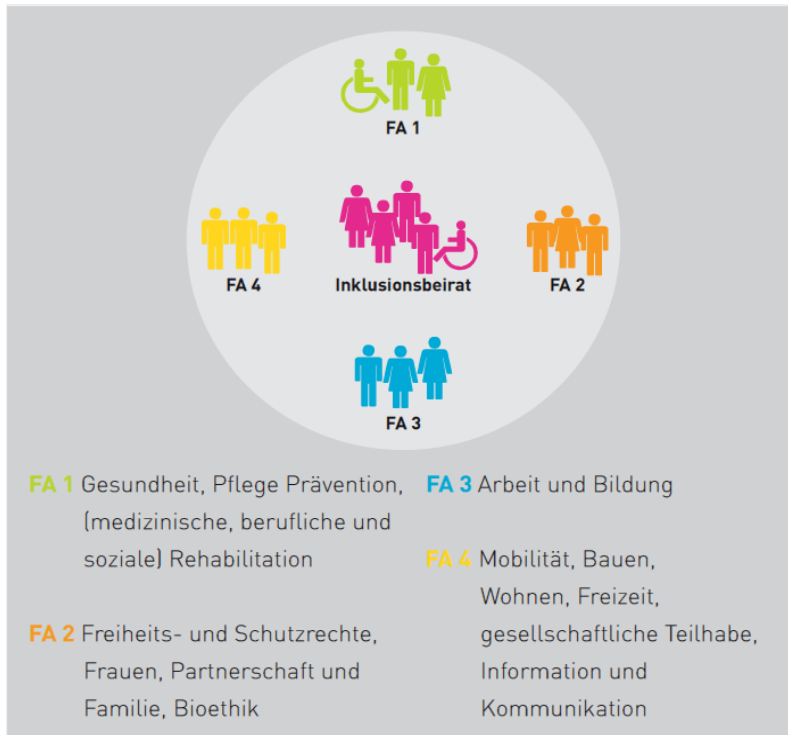
- Working Group 1: Health, Long-Term Care, Prevention and Rehabilitation
- Working Group 2: Freedom and Protection Rights, Women, Partnerships, Family and Bioethics
- Working Group 3: Work and Education
- Working Group 4: Mobility, Building, Housing, Leisure and Recreation, Social Participation, Information and Communication

The Council and the working groups exchange information on a regular basis and engage in active cooperation.

The work of the State Coordination Agency is supported by an office of the Federal Government Commissioner for Matters Relating to Persons with Disabilities. External moderators from Zarof GmbH are also available to the Council and its working groups.



The State Coordination Agency:



FA	WG
Inklusionsbeirat	Advisory Council on Inclusion
Gesundheit, Pflege, Prävention, Rehabilitation	Health, Long-Term Care, Prevention and Rehabilitation
Freiheits- und Schutzrechte, Frauen, Partnerschaft, Familie, Bioethik	Freedom and Protection Rights, Women, Partnerships, Family and Bioethics
Arbeit und Bildung	Work and Education
Mobilität, Bauen, Wohnen, Freizeit, gesellschaftliche Teilhabe, Information und Kommunikation	Mobility, Building, Housing, Leisure and Recreation, Social Participation, Information and Communication

## 3.2 Council Members

### 3.2.1 The Advisory Council on Inclusion

To ensure professional standards, the Council comprises people with disabilities and vast experience in policymaking for people with disabilities. This guarantees that the measures taken are both targeted and focused on the interests and the needs of disabled persons. At the recommendation of the German Disability Council (DBR), the Federal Government Commissioner for Matters Relating to Persons with Disabilities appointed the following individuals to the Council:

- **Dr. Sigrid Arnade**, Interessenvertretung Selbstbestimmt Leben Deutschland e.V. im Wechsel mit Claudia Tietz (Disabled Peoples' International Germany)
- **Andreas Bethke**, Deutscher Blinden und Sehbehindertenverband e.V. (German Federation of the Blind and Partially Sighted)
- **Peter Braun**, Allgemeiner Behindertenverband in Deutschland e.V. (German General Association for People with Disabilities)
- **Joachim Busch**, Bundesvereinigung Lebenshilfe für Menschen mit geistiger Behinderung e.V. (Lebenshilfe, Federal Association for People with Mental Disabilities)
- **Prof. Dr. Theresia Degener**, Mitglied des Ausschusses der Vereinten Nationen für die Rechte von Menschen mit Behinderungen United Nations Committee on the Rights of Persons with Disabilities
- **Brigitte Faber**, Weibernetz e.V. (Weibernetz women's network)
- **Karl Finke**, Landesbeauftragter für Menschen mit Behinderungen in Niedersachsen (Lower Saxony Commissioner for People with Disabilities)
- **Ruth Fricke**, Bundesverband Psychiatrie-Erfahrener e.V. (Federal Organisation of (Ex-)Users and Survivors of Psychiatry in Germany)
- **Dr. Ulrich Hase**, Deutsche Gesellschaft der Hörgeschädigten - Selbsthilfe und Fachverbände e.V. (German Society for Hearing-Impaired Self-Help and Professional Organisations)
- **Jens Kaffenberger**, Sozialverband VdK Deutschland (VDK Social Association of Germany)
- **Brigitte Lampersbach**, Focal Point (Bundesministerium für Arbeit und Soziales) (Federal Ministry for Labour and Social Affairs)
- **Hannelore Loskill**, Bundesarbeitsgemeinschaft Selbsthilfe von Menschen mit Behinderung und chronischer Erkrankung und ihren Angehörigen e.V. (BAG Selbsthilfe) (Federal Association of Self-Help Organisations for People with Disabilities, Chronic Illnesses and their Families)
- **Claudia Tietz**, Sozialverband Deutschland e.V. (Social Association of Germany), alternating with **Sigrid Arnade**

**Dr. Valentin Aichele** acts as an advisor and attends Council meetings as a representative of the Monitoring Unit.

### 3.2.2 Working Group 1: Health, Long-Term Care, Prevention and Rehabilitation

The members of Working Group 1 liaise with a range of actors in the healthcare sector:

- Aktion Psychisch Kranke (APK) (Alliance for the Mentally Ill)
- Bundesarbeitsgemeinschaft der überörtlichen Träger der Sozialhilfe (BAGüs) (Federal Association of Supra-regional Social Welfare Agencies)
- Bundesarbeitsgemeinschaft für Rehabilitation (BAR) (Federal Rehabilitation Council)
- Bundesärztekammer (German Medical Association)
- Bundesvereinigung Lebenshilfe für Menschen mit geistiger Behinderung e.V. (Lebenshilfe, Federal Association for People with Mental Disabilities)
- Deutsche Gesellschaft für Psychiatrie, Psychotherapie und Nervenheilkunde (DGPPN) (German Association for Psychiatry and Psychotherapy)
- Deutsche Gesetzliche Unfallversicherung (DGUV) (German Social Accident Insurance)
- Deutsche Krankenhausgesellschaft (DKG) (German Hospital Federation)
- Deutsche Vereinigung für Rehabilitation e. V. (DVfR) (German Association for Rehabilitation)
- Deutscher Verein für öffentliche und private Fürsorge (German Association for Public and Private Welfare)
- Fachverbände der Behindertenhilfe (German professional associations on personal assistance)
- Fördergemeinschaft für Taubblinde e.V. (Parents of Deaf-Blind Children in Germany)
- Forum selbstbestimmter Assistenz behinderter Menschen e.V. (ForseA) (Forum on Personal Assistance for People with Disabilities)
- Gemeinsamer Bundesausschuss (G-BA) (Federal Joint Committee)
- GKV-Spitzenverband (National Association of Statutory Health Insurance Funds)
- Kassenärztliche Bundesvereinigung (KBV) (Associations of Statutory Health Insurance Physicians)
- Kassenzahnärztliche Bundesvereinigung (KZBV) (National Association of Statutory Health Insurance Dentists)
- Stiftung bethel.regionall (Bodelschwingh Foundation Bethel)
- Verband der privaten Krankenversicherung e.V. (PKV) (Association of German Private Healthcare Insurers)

### **3.2.3 Working Group 2: Freedom and Protection Rights, Women, Partnerships and Family, Bioethics**

The scope of subjects covered by Working Group 2 is mirrored its composition:

- Arbeitskreis Frauengesundheit in Medizin, Psychotherapie und Gesellschaft e.V. (AKF e.V.) (Working Group on Women's Health in Medicine, Psychotherapy, and Society)
- Bundesarbeitsgemeinschaft der freien Wohlfahrtspflege (BAG FW) (Federal Association of Non-statutory Welfare Services)
- Bundesärztekammer (German Medical Association)
- Bundeskonferenz der Betreuungsvereine (BuKo) (Federal Conference of Caregiving Associations)
- Bundesverband behinderter und chronisch kranker Eltern (bbe) (Federal Association of Parents with Disabilities and Chronic Illnesses)
- Bundesverband Forum selbstbestimmter Assistenz behinderter Menschen e.V. (ForseA) (Federal Association of the Forum on Personal Assistance for People with Disabilities)
- Bundesverband Frauenberatungsstellen und Frauennotrufe (bff) (Federal Association of Women's Counselling Centres and Women's Emergency Lines)
- Bundesverband der Berufsbetreuer/innen e.V. (BdB e.V.) (Federal Association of Professional Guardians)
- Bundesverband der Migrantinnen in Deutschland e.V. (Federal Association of Immigrant Women in Germany)
- Deutscher Betreuungsgerichtstag e.V. (Conference of German Guardianship Courts)
- Deutsche Bischofskonferenz (German Bishops' Conference)
- Deutscher Frauenrat (National Council of German Women's Organisations)
- Deutsche Gesellschaft für Psychiatrie, Psychotherapie und Nervenheilkunde (DGPPN) (German Association for Psychiatry and Psychotherapy)
- Evangelische Kirche in Deutschland (EKD) (Evangelical Church in Germany)
- Institut Mensch, Ethik und Wissenschaft gGmbH (IMEW) (Institute for People, Ethics, and Science)
- Netzwerk gegen Selektion durch Pränataldiagnostik (Network Against Selection through Prenatal Diagnosis)

### **3.2.4 Working Group 3: Work and Education**

The Advisory Council on Integration appointed the following organisations to tackle labour and education issues:

- BAG der betrieblichen Schwerbehindertenvertretungen (Federal Association of Workplace Representative Bodies for Disabled Employees)
- BAG Gemeinsam leben - gemeinsam lernen e.V. (Federal Working Group on Living Together, Learning Together)
- Bundesagentur für Arbeit (Federal Employment Agency)
- Bundesarbeitsgemeinschaft der Freien Wohlfahrtspflege (BAG FW) (Federal Association of Non-statutory Welfare Services)
- Bundesarbeitsgemeinschaft der Integrationsämter und Hauptfürsorgestellen (BIH) (Federal Association of Integration Offices and Central Welfare Offices)
- Bundesvereinigung der Deutschen Arbeitgeberverbände (BDA) (Federal Confederation of German Employers' Associations)
- Bundesvereinigung der Landesarbeitsgemeinschaften der Werkstatträte (BVWR) (Federal Association of Sheltered Workshop Representatives)
- Deutscher Beamtenbund (dbb) (German Civil Service Federation)
- Deutscher Gewerkschaftsbund (DGB) (Confederation of German Trade Unions)
- Deutscher Industrie- und Handelskammertag e.V. (DIHK) (Association of German Chambers of Commerce and Industry)
- Deutscher Lehrerverband (German Teachers' Federation)
- Informations- und Beratungsstelle Studium und Behinderung des Deutschen Studentenwerks (Information and Counselling Service for Students with Disabilities of the German National Association for Student Affairs)
- Kommunale Spitzenverbände (Federation of German Local Authority Associations)
- Kultusministerkonferenz (Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany)
- Zentralverband des Deutschen Handwerks (ZDH) (German Confederation of Skilled Crafts)

### **3.2.5 Working Group 4: Mobility, Building, Housing, Recreation and Leisure, Social Participation, Information and Communication**

For the wide range of issues covered by Working Group 4, the Advisory Council on Inclusion called upon a large and diverse group of organisations:

- ARD - Arbeitsgemeinschaft der öffentlich-rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland (ARD, Consortium of Public-Law Broadcasting Institutions of the Federal Republic of Germany)
- BITKOM - Bundesverband Informationswirtschaft, Telekommunikation und neue Medien e.V. (Federal Association for Information Technology)
- Bundesarbeitsgemeinschaft der Freien Wohlfahrtspflege (BAG FW) (Federal Association of Non-statutory Welfare Services)
- Bundesarbeitsgemeinschaft der Senioren-Organisationen e.V. (BAGSO) (Federal Association of Senior Citizens Organizations)
- Bundesarchitektenkammer e.V. (Federal Chamber of German Architects)
- Bundeskompetenzzentrum Barrierefreiheit e.V. (BKB) (Federal Competence Centre on Accessibility)
- Deutsche Bahn AG
- Deutsche Bischofskonferenz (German Bishops' Conference)
- Deutscher Behinderten-Sportverband (German Disabled Sports Association)
- Deutscher Hotel- und Gaststättenverband e.V. (DEHOGA) (German Hotel and Restaurant Association)
- Deutscher Journalisten-Verband (DJV) (German Journalists Association)
- Deutscher Museumsbund (German Museums Association)
- Deutscher Olympischer Sportbund (DOSB) (German Olympic Sports Confederation)
- Deutscher Tourismusverband (German Tourism Association)
- Deutsches Institut für Normung e.V. (DIN) (German Institute for Standardisation)
- Evangelische Kirche in Deutschland (EKD) (Evangelical Church in Germany)
- GdW Bundesverband deutscher Wohnungs- und Immobilienunternehmen e.V. (Federal Union of German Housing and Real Estate Associations)
- Handelsverband Deutschland (German Retail Federation)
- Nationale Koordinationsstelle Tourismus für Alle (NatKo) (National Coordination Board Tourism for All)
- Verband deutscher Verkehrsunternehmen (VDV) (Association of German Transport Companies)
- Verband privater Rundfunk und Telemedien e.V. (Association of Private Broadcasting and Telemedia)

## **4. The Work of the State Coordination Agency**

### **4.1 Working Processes**

The work performed by the State Coordination Agency follows clear lines of hierarchy. As the primary decision-making authority, the Advisory Council on Inclusion sets out the framework for the work to be conducted by the various working groups. The Council also decides the issues and activities to be focused on and assigns these to the working groups for further processing. Council members or their representatives may also attend working group meetings in which they have an advisory vote.

When the working groups have completed an assigned task, the Council can provide feedback on the results and suggest any necessary amendments. Once the Council has approved a working group's report, the results are made available to the public.

### **4.2 The Advisory Council on Inclusion**

When establishing the State Coordination Agency, the Advisory Council on Inclusion set up four working groups in line with the topics covered by the UNCRPD and drew up Rules of Procedure for its own work. Once criteria for selecting working group members had been defined, the members of the working groups were named. In selecting them the Council focused on organisations from a wide range of potential partner organisations whose work could both aid and promote implementation of the UNCRPD, and provide constructive criticism in the ongoing process.

Focal topics were then defined for the four working groups. These were seen as guidelines for future work and were supplemented by suggestions from the working groups themselves. When choosing the focal topics, the criteria of importance, practicability and effectiveness were applied.

By providing substantive ideas and suggesting additional topics, the Advisory Council on Inclusion fosters the work performed by the working groups, consults with the working groups' appointed speakers and decides how the work results are to be disseminated.

One of the Council's particularly noteworthy projects is the Inclusion Map.

### 4.3 Spotlight: Inclusion Map

Launched in December 2010, the Inclusion Map website ([www.inklusionslandkarte.de](http://www.inklusionslandkarte.de)) provides a platform for organisations throughout Germany to register their inclusion projects. Examples of successful inclusion activities are subsequently shown on the map. The first projects were 'pinned' to the map in March 2011.

An Advisory Council on Inclusion project group decides whether a project is eligible for addition to the map. The members of the project group use selection criteria based on the following definition of inclusion:

Inclusion as defined in the UNCRPD means that all people are able to participate independently in all aspects and events of social life. People with and without disabilities play, learn, live and work together. Rather than living in special institutions, people with disabilities participate actively in all activities and offerings available to persons without disabilities. To ensure such inclusion and integration, society must create the necessary conditions by providing lifts and ramps, sign-language interpreters, and by using simple language, Braille and other guidance systems for the blind, and other aids as appropriate to the situation in question. Rather than the disabled person adjusting to society, society ensures that its offerings and services are available to all.

Projects which do not necessarily result in comprehensive change but which foster the process of inclusion may be deemed as inclusive and added to the map. Why? Because inclusion is a social process in which existing structures must be altered gradually as called for in the UNCRPD.

As of 30 April 2013, some 550 inclusion projects had been submitted. Of these, 197 met the project group's inclusion criteria and were added to the map.



## **4.4 The Work of the Working Groups**

### **4.4.1 General**

In their work, the working groups also involve representatives from industry, science and research, the unions, welfare organisations, the Church, funding providers and also service providers.

Apart from the various focal issues, the working groups are also required to include the following cross-sectoral topics in their work:

- Media relations and awareness-building
- Women
- Accessibility
- Information and communication
- Childhood and old-age
- Anti-discrimination
- Personal assistance
- Independent living (inclusion in the community)
- Immigration

To foster close cooperation and regular exchange between the Advisory Council on Inclusion and the working groups, each working group elects a speaker and a deputy speaker. Among other things, it is their job to present working group projects at Council meetings, where they are finalised and their results prepared for dissemination.

The working groups have a dual role. Firstly, via the Council they propose ideas and suggestions to German policymakers on how to implement the UNCRPD in Germany. Secondly, they work towards implementing the UNCRPD in their own organisations, their scope of impact, and in society at large.

The four working groups take different approaches to their assigned tasks. These range from a pure information and exchange platform up to a specialised expert committee.

The topics put forward by the Advisory Council on Inclusion provide the framework for working group activities. Current policymaking trends are thus taken into account, with the working group selecting additional topics to supplement their work. Alongside the interdisciplinary work performed by the group, a delegated approach is taken: Sub-working

groups are formed, with experts on specific topics and interested working group members, to discuss and develop position papers and proposals.

As with the Advisory Council on Inclusion, the importance, practicability and effectiveness of the measures in question were used to guide the discussion and the development of position papers, proposals, recommendations for implementation and models. The ultimate aim of the working groups' activities was to achieve consensus-based decisions.

#### **4.4.2 Working Group 1: Health, Long-Term Care, Prevention and Rehabilitation**

Working Group 1 chose to focus on access to rehabilitation for persons with severe disabilities and on accessibility to healthcare services, and to draw up guidance for use in developing action plans to implement the UNCRPD in organisations and societal institutions.

Numerous other issues were also discussed in meetings, such as the search via the medical practice hotline for accessible medical practices, participation-focused long-term care, the structures of healthcare provision, and legislation on patients' rights.

#### **4.4.3 Working Group 2: Freedom and Protection Rights, Women, Partnership and Family, Bioethics**

Working Group 2 agreed on a range of focal issues for which sub-working groups were formed.

When it comes to securing the human right of parenthood for people with disabilities, the working group saw significant need for action. This largely involved creating the legal framework and putting the legal processes in place to provide parents with disabilities timely, needs-based support and equal opportunity to care for their children.

The working group entered into in-depth debate on the subject of bioethics. This largely focused on the question of whether fundamental reform is needed or if existing rules and provisions suffice to the extent that they are in line with the UNCRPD.

The group also discussed the subject of violence and legislation on protection against violence, which the members felt did not always consider the specific circumstances pertaining to women with disabilities.

During a discussion on reform of care legislation, the working group was able to formulate clear recommendations on points on which they had reached a consensus. With regard to points of contention, value was placed on recording the points covered in the discussion to enable the Council to take these up further.

#### **4.4.4 Working Group 3: Work and Education**

Working Group 3 decided to select and focus on various topics in an ongoing process, starting with career orientation and the transition from school into working life.

The group first looked at the current situation regarding specific problem areas where action was needed. These included expanded, more in-depth career orientation, practicability in advising young people on the transition from school to working life, and the procedure for potential analysis and suitability for the primary vocational training and labour markets.

Another focal point involved the effectiveness of instruments contained in Book Four of the Social Code. Based on a kick-off presentation given by the Federal Association of Workplace Representative Bodies for Disabled Employees (Bundesarbeitsgemeinschaft der betrieblichen Schwerbehindertenvertretungen), tightening the provisions of the instruments contained in Book Nine of the Social Code and building awareness in companies and public administrations were discussed.

On the issue of inclusive education, the working group focused on vocational education and training, upper secondary school education, and tertiary education.

#### **4.4.5 Working Group 4: Mobility, Building, Housing, Recreation and Leisure, Social Participation, Information and Communication**

In the course of their work, it soon became clear to Working Group 4 that the complexity of the topics to be covered required that the work be split up. After reviewing recommendations from the Council, they formed four sub-working groups.

- Accessible housing and buildings
- Accessible information and communication
- Accessible media
- Accessible service chains for mobility, tourism and sport

Working Group 4 also repeatedly took up current topics and legislative initiatives. They looked at EU mandates in respect of information and communications technology, and

amendments to (Germany's) passenger transport law, both of which they criticised for failing to address accessibility. Subsequently, the sub-working group on service chains tackled accessibility in public transport, both road and rail.

A further topic taken up by the group involved media accessibility. Working with the responsible sub-working group, Working Group 4 looked at accessible offerings provided by German broadcaster WDR via its website (apps, audio descriptions and media libraries) and also drew up a list of their own organisations' offerings in simple language. A selected news offering in simple language was evaluated and approved. The group also looked at awareness-building and sensitisation of journalists to accessibility issues.

Another sub-working group tackled the issue of independent living in accessible housing and buildings, and also the financing of such offerings. Starting with the KfW Bank program for age-appropriate building modification (Altersgerechtes Umbauen) and its continuation over the coming years, the working group discussed the central challenge of adapting existing housing in line with the UNCRPD and its implementation in Germany.

When discussing the topic of culture, the working group suggested building bridges to the issues covered by the other working groups. They thus looked at the criteria for accessibility in relation to the use of public funds from the culture budget.

## **5. The Work of the State Coordination Agency: An Evaluation**

### **5.1 Issues**

Having received input from the four working groups, the Advisory Council on Inclusion worked on a wide range of issues during the period 2010 to 2013. Some of the initiatives launched have had a tangible impact.

The Council entered the federal budget debate, calling for a continuation of the KfW Bank funding program for age-appropriate building modification (Altersgerechtes Umbauen). The KfW Bank decided to continue the program albeit in a different format.

The Council also took a stand regarding amendments to passenger transport law, calling for policymakers to consider accessibility in their review. The revised Act on Passenger Transport now states that long-distance buses must be made equally accessible to persons with restricted mobility, and that they must be accessible by 31 December 2019. From 2016, new long-distance buses must have at least two seats/places for wheelchair users and be equipped with the necessary boarding aids.

The Council also supports ongoing policy debates in cooperation with the working groups, for example, in the debate on the need to consider quality, both when procuring labour market services, and in ensuring election rights.

Thus, the Council took the amendment to election right law for German Bundestag (national) elections as an opportunity to call for Section 13 (2) and (3) of the Federal Election Act (Bundeswahlgesetz) to be deleted so that people with disabilities for whom a guardian has been appointed in respect of all affairs are no longer excluded from the right to vote. The Council once again made it clear that in a democratic society, the right to vote and to be elected are a fundamental political right that must be afforded to people under guardianship.

With regard to purchasing labour market services, the Advisory Council on Inclusion supports the proposal for better quality in the award of service contracts, which was discussed in the Bundestag on 21 February 2013. According to the proposal, the scope of national legislation should be used to ensure that provider-specific quality criteria are applied when purchasing welfare services. The same applies to the reform of the EU procurement directives.

A range of statements were also published with the aim of accelerating the UNCRPD implementation process in the policymaking arena. Particularly worthy of note is the Advisory Council on Inclusion's initiative on forced medical treatment (Zwangsbearbeitung), for which

statutory provisions are to be enacted by means of a very brief legislative process. In response to the Council's protest against this process, the plans have been withdrawn and a public hearing has been arranged to include those affected. The proposal for a law governing consent to forced medical treatment of those in guardianship was discussed in the German Bundestag on 17 January 2013 and the requirements regarding forced treatment were tightened.

Position papers on a range of other issues were also disseminated and sparked great interest.

With its position paper on the situation for parents with disabilities, the Council calls for the right of disabled parents to live out their human rights and receive timely help and support. In particular, it is important that parents with disabilities and their children be provided with timely, needs-based support and barrier-free opportunities for participation. The Federal German government, the state (Länder) governments and local administrations were all called upon to create the necessary legal landscape to ensure that parents with disabilities receive the support they need in a timely and appropriate manner.

In the position paper on Better Protection for Women and Girls with Disabilities (Frauen und Mädchen mit Behinderung besser vor Gewalt schützen), the Advisory Council on Inclusion calls upon government and social institutions to improve protection for disabled women and girls. In particular, the Federal Ministry for Health (BMG) is asked to make same-sex care a provision of law. The Federal Ministry of Justice (BMJ) must urgently revise the Protection Against Violence Act (Gewaltschutzgesetz) because in many instances, it does not adequately consider the circumstances of women with disabilities. The Council also calls for Section 17 of Book One of the Social Code and for the Workshops for the Disabled Ordinance (WMVO) to be supplemented with a provision requiring the mandatory appointment of women's or equality representatives in institutions in which persons with disabilities are cared for. The state (Länder) culture ministries are likewise called upon to provide women and girls with differing disabilities access to information and educational offerings on protection against violence, and to provide them with help and support.

With its position paper on Bioethics, the Council takes up an especially contentious and sensitive issue, calling for reform in which prenatal diagnostics are restricted to diseases which can be treated before birth or whose discovery allows treatment directly after birth, and which also prohibits pre-implantation diagnostics. The Council would also like to see a ban on public funding being allocated to research for the advancement of prenatal examination

methods which do not serve the health of the unborn child or of the expectant mother. The Council would like to see foeticide banned and subject to prosecution.

In its position paper on guardianship law, the Council has made clear that considerable research is needed in terms of the legal and social science issues, and calls upon the Federal Ministry for Education and Research to commission the necessary research work. In addition, the Council wants to empower more people with mental disabilities to deal with their own legal issues and inform them of their respective rights.

The position papers were all announced via press releases in order to disseminate both the results and the associated calls for action. In a separate press release, the Council criticised shortcomings in the recommendations of the Culture Ministers Conference on Inclusive Education, thus breathing new life into the social discourse on this topic.

The Council pointed out to the Conference of the Länder Culture Ministers, the Federation of German Local Authority Associations and all state (Länder) commissioners for the disabled that key career orientation measures for young persons with and without disabilities are urgently needed. The Council appeals to the above organisations to secure cofinancing from the Länder for Federal Employment Agency projects targeting career orientation.

On the issue of media accessibility, the Advisory Council on Inclusion called for barrier-free transmission of the German Chancellor's and the German President's Christmas and New Year speeches on the country's main television channel, with sign-language interpreters, subtitles and audio description. This could not, however, be provided. The speeches are exclusively broadcast with sign-language interpreters on the Phoenix television channel.

The Council took up the issue of accessibility in depth. It called for accessibility to be a binding criterion for (project) funding allocation to cultural amenities, the aim being to incentivise both amenities and their funders to improve barrier-free accessibility to their information and services. On the issue of improved accessibility in public transport, the Council called for improved funding availability and for accessibility criteria to be applied in the procurement of passenger rail transport services. On the continuation of funding provision for both general and practice-relevant projects, the Council called, among other

things, for the tried and tested work of the Federal Competence Centre on Accessibility (Bundeskompetenzzentrums Barrierefreiheit e.V.) to be maintained.

On many other issues, such as the Healthcare Structure Act (Versorgungsstrukturgesetz), the Patients' Rights Act (Patientenrechtegesetz), restrictions in career choice and tertiary education, especially the review of recommendations for tertiary education, the Council drew up petitions which were sent to the responsible policymakers. In those petitions, the Council repeatedly reminded those involved of the need for determined implementation of the UNCRPD and that its promotion should be taken into account in the legislative process.

When going to print, decisions regarding certain position papers had not yet been reached. For example, the paper on independent living in existing housing stock (Selbstbestimmtes Wohnen im Bestand) is still on the agenda. It describes the status of accessible and semi-accessible housing in Germany, and views housing in the context of the municipal infrastructure, services and technical assistance systems, and consolidates building and construction legislation. The Council believes that age-appropriate modification to existing housing stock is important in implementing the UNCRPD and in dealing with demographic change. The recommendations contained in the paper target policymakers and specialist groups.

The Council also works on recommendations for UNCRPD implementation in cross-sectoral issues concerning education, such as human resources, space needs, learning materials, classroom experience, informational needs, compensating for disadvantages, and specific requirements to achieve an inclusive education system in vocational education and training, upper secondary education and tertiary education.

In respect of tightening the instruments contained in Book Nine of the Social Code, a paper is under discussion which focuses on the rights and obligations of those who represent persons with severe disabilities, and on the associated rules and regulations.

The issue of the rights to freedom, especially regulations on institutional care in Germany and forced medical treatment, are also under discussion. In a position paper, the national and state (Länder) governments will be called upon to review all institutional care regulations for their compliance with Section 17 of the UNCRPD. The paper also describes the requirements for the actors involved (e.g. carers, doctors and judges) in implementing the requirements regarding the law governing consent to forced medical treatment of those in guardianship, and sets out requirements for improved social-psychiatric services.



## **5.2 The Process**

The recommendation of the German Disability Council (Deutscher Behindertenrat) regarding the appointment of Advisory Council on Inclusion members was both constructive and effective. Selection of working group members by the Disability Council ensures broad diversity of topics and heterogeneity in composition.

The high degree of complexity posed a huge challenge in the work performed by the working groups from the outset. Simplification was achieved by concentrating on specific issues and setting up sub-working groups. This made the work more manageable and easier to coordinate. Consolidating the results of the various sub-working groups within the primary working group also ensured holistic discussion of the group's own work, which in turn led to consensus-based positions and solutions. Despite what are at times extremely different standpoints and opinions, the working process has resulted in an approach characterised by openness, interest and focus on results.

The clear hierarchy between the Council and the working groups has proven to be extremely results-oriented and on target. The results from the work performed by the working groups are well received by the Council, constructively discussed with the working group speakers and then finalised by the Council so they can be disseminated to the respective addressees. Involvement of the National Focal Point and the Monitoring Unit has also provided for efficient exchange of information and for contributions which have enriched the discussions at Council meetings.

Finally, the Inclusion Map has raised public awareness to the subject of inclusion.

The working process in place at the State Coordination Agency has thus proven to be successful over time.

## **6. Review and Outlook**

With the implementation of the State Coordination Agency in accordance with Article 33 of the UNCRPD, it has been possible to win more than 100 actors and organisations to work with the Advisory Council on Inclusion and its working groups. It has also created an efficient and effective body which actively promotes implementation of the UNCRPD in Germany. The diversity and heterogeneity of those involved in and the approach taken by the State Coordination Agency highlight both its uniqueness and its innovativeness.

The Advisory Council on Inclusion is the first decision-making body that is largely made up of people with disabilities and which discusses and decides on UNCRPD-related recommendations from the social actors represented in the working groups. It is thus a new instrument of participation and support in the implementation of the UNCRPD in Germany. With their work and their facilitator function, the working groups impact many aspects of social life.

Since it was founded in 2010, the Council and its respective working groups have addressed a wide range of topics. Public response to Council publications shows that the State Coordination Agency has provided important stimulus for policymakers and for society, and has thus enriched the political debate and influenced related decisions.

It thus makes sense for the Advisory Council on Inclusion to speak out in favour of continuing the work of the State Coordination Agency, its council and working groups. Given the good, constructive working atmosphere that has evolved over the past few years, it can be assumed that the effectiveness of the measures implemented will increase as these bodies become better known and as they become more professional in their approach.

The dual mandate for the working groups to serve the federal government on the one hand, and to serve their own institutions and environment on the other, has proven both practicable and successful. There is, however, potential for further development and this can be exploited in future cooperation activities.

In implementing the UNCRPD in Germany, many additional measures are needed and the associated process must be supported. The State Coordination Agency and the Advisory Council on Inclusion have played and will continue to play a key role these endeavours.