



## 2009 Disability Report

Report on the Situation of Persons with Disabilities submitted by the German Federal Government for the 16<sup>th</sup> Legislative Period

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Für ein lebenswertes Land.

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## Preface



The German Federal Government's disability policy has achieved quite a lot over the last four years. In this legislative period, we have continued to systematically pursue the change of paradigms initiated in 1998, self-determination and the participation of persons with disabilities in the life of society have come to be of great importance in our country. The Federal Government's report on the situation of persons with disabilities that has now been submitted takes stock of four years of successful disability policies. It documents the improvements achieved for the life situation of persons with disabilities but also identifies areas where we have to make further progress.

In the period under review, new national and international regulations have contributed to the achievement of full participation for persons with disabilities in Germany and worldwide. In Germany, for example, the General Equal Treatment Act is one instrument to ensure that persons with disabilities can lead their lives without discrimination. The Convention of the United Nations on the Rights of Persons with Disabilities lays down worldwide standards for a human and decent living of persons with disabilities.

For Germany, the Convention will give new impetus to strengthen and further develop the participation of persons with disabilities. The Federal Government has initiated steps to implement the requirement of the Convention to perceive disability as part of the diversity of human life and make a self-determined and discrimination-free participation in the life of society possible for persons with disabilities. The Federal Government is also considering a national action plan to implement the UN Convention. A final opinion on this point has not yet been reached within the Federal Government, however. The Federal Government will involve the major players including civil society into the planning for the implementation of the Convention. The place for persons with disabilities is in the midst of society. We want to create the prerequisites necessary to this end.

Olaf Scholz  
German Federal Minister of Labour and Social Affairs



## Priorities and major results of the report

### **Equal treatment of persons with disabilities has been strengthened in Germany and worldwide**

With the introduction of the General Equal Treatment Act of August 2006, Germany has made an important step to eliminate discrimination against persons with disabilities. The Act does not only protect and strengthen the rights of persons with disabilities but also the rights of persons who are being discriminated against on the grounds of their race or ethnic origin, their religion or ideology, their gender or sexual orientation or their age. It covers discrimination in working life and in everyday life. European directives are the basis of the General Equal Treatment Act.

A milestone of disability policy in this legislative period has been the transposition of the Convention of the United Nations on the Rights of Persons with Disabilities (UN Convention) into German law. Germany was among the first signatories to this UN Convention and ratified it at the end of March 2009 as 50th State Party. The Convention protects and strengthens the rights of about 650 million persons with disabilities worldwide. Of them, about 8 million live in Germany.

The UN Convention gives an important impetus for more self-determination and participation. The Federal Government will use the UN Convention and strengthen and promote new developments in disability policy in order to further advance a self-determined and discrimination-free participation in Germany. In so doing, it will involve the players with responsibilities in the field of disability policy.

### **To further expand an inclusive education of children with and without disabilities**

The UN Convention strengthens the rights of persons with disabilities to education. The guiding principle is the joint learning of children and young persons with and without disabilities. The purpose of joint learning is to help children with and without disabilities at an early stage to deal with each other naturally so that they will be able to adopt a similar attitude later at work and in everyday life. In Germany, only 15.7 per cent of all children and adolescents with disabilities attend school together with non-disabled pupils. This is why the inclusive education and support of children and adolescents with and without disabilities is an important socio-political concern of the Federal Government. The Federal Government and the Federal states have included this issue into the qualification initiative for Germany decided upon on 2 October 2008. In view of their primary responsibility for education matters, the states have committed themselves to improving the prerequisites so that all suitable pupils attending special needs schools may acquire not only the relevant school-specific qualifications but also lower secondary level school qualifications. In addition, integration measures are to be taken in the elementary sector with the aim to reduce the total share of pupils attending special needs schools.

### **Employment of persons with disabilities has continuously improved**

To find and also retain work and preserve one's employability are important prerequisites for a successful participation of persons with disabilities in the life of society. Over the last few years, the Federal Government has done a lot to promote participation in working life.

Due to the measures taken by the Federal Government (supported by the good economic situation in the past years), the situation of severely disabled persons on the labour market has continuously improved. In the years 2005 to 2008, their unemployment fell by more than 14 per cent. However, it rose in this period against the trend by just under 3 per cent in the field of the basic security for job seekers scheme, i.e. in the scope of Book Two of the Social Code.

Integration subsidies, accompanying assistance in working life and support provided by the integration services, all of which are indispensable elements of the labour market policy for severely disabled persons, have also helped to reduce unemployment among severely disabled persons. However, integration subsidies are used only on a disproportionately low scale by the joint agencies called ARGE and the approved municipal bodies. On the whole, we have to state that there is still room for improvement in the support for severely disabled persons who are in receipt of unemployment benefits II.

The employment of severely disabled persons has increased markedly. From 2003 to 2006, it rose by 5 per cent; the number of employed women with severe disabilities even rose by 7.5 per cent in this period (more recent data are not yet available). What has to be emphasized is the share of severely disabled persons employed with Federal Government authorities: It rose from 7.3 per cent (2005) to 8.5 per cent (2006). This means that the Federal Government does act as a role model for the employment of severely disabled persons.

As regards private employers, the employment rate of severely disabled persons went up from 4.0 per cent (2003) to 4.3 per cent (2006). These achievements are also a result of the initiative "job – Jobs ohne Barrieren" ("job – Jobs without Barriers") and the labour market programme "Job4000" supported by the German Federal Ministry of Labour and

Social Affairs. The purpose of these programmes is to promote, in addition to targeted information campaigns, relations and networks between companies and institutions with responsibilities for the participation of persons with disabilities in working life. However, the programmes also include elements of financial support for companies that create additional jobs for severely disabled persons.

### **Successful training of young persons with disabilities**

The training of young persons with disabilities has developed very successfully over the past few years. Since 2006, about two-thirds of all applicants with disabilities have started training annually (training year 2007/2008: 72 per cent). The remaining applicants (training year 2007/2008: 27 per cent) make use of alternatives, for example pre-vocational training measures. This leads to a very high share of the target group, namely almost 99 per cent in the last training year 2007/2008, who are either in vocational training or an alternative scheme.

To continue to be successful in the training of young persons with disabilities, the transition from school to working life must be made easier for these pupils by internships that are offered at an early stage. Internships in the form of a vocational orientation which are organised in companies while the young persons are still at school may convince employers of the capabilities of persons with disabilities. This form of vocational orientation is of particular importance for pupils attending special needs schools. There is evidence that it is particularly difficult for them to find training places after having completed schooling. Therefore, the Federal Government and the states decided at the Qualification Summit in October 2008 that it would be obligatory for all general and special needs schools in Germany to offer vocational orientation including concrete measures, also with the aim to enlarge the range of occupational choices for girls and boys.

Bonuses and subsidies paid by the integration offices and the so-called "training bonus" which was introduced with effect from 30 August 2008 and amounts to up to 6,000 EUR per additional training place help to further promote in-plant training for young persons with disabilities. The bonus is increased by 30 per cent if a company provides training for a young person with disabilities.

Over the last few years, vocational training centres have also come to cooperate more strongly with companies as in-plant training providers. The pilot project "Interlinked Training METRO Group with Vocational Training Centres" that started in 2004 in the context of the initiative "job – Jobs without Barriers" was further extended in 2006 because of the good results that had been achieved. This means that more and more young persons who receive training in vocational training centres are given the possibility to familiarize themselves with in-plant work processes in companies.

### **Supported employment increases employment opportunities for persons with disabilities**

Persons who, because of their disability, are not able to undergo training, may benefit from the instrument of supported employment that was created by virtue of the Act to Introduce Supported Employment dated December 2008. Pursuant to the principle "placement first, qualification later", they may be familiarized with work and supported at an in-plant qualification place until a work contract is concluded. At first, individual in-plant qualification is provided for a period of up to two years directly in companies of the general labour market. It may be prolonged for up to twelve months. If necessary, job-related support may be provided after the qualification period. It is the aim of this targeted support which is offered individually and company-oriented that more persons with disabilities who are in need of special support are employ-

ed on the general labour market. Pilot projects have already shown that this form of support is very successful.

### **To increase integration into companies also for workshop employees**

Workshops for persons with disabilities are an important element for participation in working life. They offer employment opportunities to those who, because of the nature or severity of their disability, are not or not yet able to find employment on the general labour market. The Act to Introduce Supported Employment made clear that the offer of vocational training and workplaces in workshops includes also external places on the general labour market, both permanent external places and places for the purpose of a transition to the general labour market. Facilitating transitions to the general labour market is also the aim of the project "JobBudget" which includes a company-oriented, modular qualification in application of the personal budget. Further impetus is to be expected from the working group of the Federal Government and the states for the further development of integration assistance.

### **Improved benefits for persons in need of care and their family members**

Benefits for persons in need of care and their family members from which persons with disabilities also benefit and which are in some cases actually geared to them have been improved with effect from 1 July 2008 in the context of the reform of the long-term care insurance. They will be raised gradually until 2012 and then dynamized. Furthermore, clear legal wording has been introduced to the effect that in future, also gender-specific differences will have to be taken into account by the benefit providers – more strongly than before and to the extent possible. The review of the concept of the need for care which had been decided upon by the coalition was inter alia also fo-

cused on the interface between care and disability. One question to be examined in particular in this context was whether persons in need of assistance who suffered from dementia-related impairments, mental disabilities or mental health disorders were adequately supported by benefits from the long-term care insurance. To deal with this question, the Federal Ministry for Health set up an Advisory Council in November 2006 which submitted its recommendations in January 2009 and a concrete report for implementation on 25 May 2009. In the preamble to its recommendations, the Advisory Council states that a society must also be measured by how it treats persons in need of care and/or with disabilities and, in particular, how it makes their participation in community life possible. By making the scope of autonomy an essential element of the assessment of the need for care, the Council has taken account of this consideration.

### **Pensions for thalidomide victims have been doubled**

To alleviate the financial burden caused for thalidomide victims by late and consequential damage, pension payments made under the Thalidomide Foundation Act have been doubled with effect from 1 July 2008. The persons concerned now receive between 242 EUR and 1.090 EUR per month. These benefits are fully funded from the Federal budget. To further improve the situation of thalidomide victims on a permanent basis, another 100 million EUR are made available – half of these funds come from Grünenthal GmbH company and the other half from the assets of the foundation. These funds will be used for additional annual special payments to thalidomide victims. The relevant changes in the Thalidomide Foundation Act entered into force on 30 June 2009.

### **Medical rehabilitation benefits have been improved**

By virtue of the Health Care Reform, all medical rehabilitation benefits have become mandatory benefits since 1 April 2007 and must be provided for all persons covered by the health insurance. This means that the previous discretionary benefits have been replaced by a clear benefit entitlement on the part of the insured persons. The medical prevention and rehabilitation measures for mothers and fathers (mother-father-child measures) have also been turned into mandatory benefits. Rehabilitation has thus once again been clearly strengthened.

Moreover, it is now possible for pension insurance funds to provide medical rehabilitation benefits to preserve the employability of insured persons not only on an in-patient but also on an out-patient basis; this new regulation went into effect on 1 January 2009.

### **To strengthen the quality of vocational rehabilitation**

Germany has an exemplary network of facilities for vocational rehabilitation that are faced with big challenges in view of the changes in the world of work. With the RehaFutur project, the Federal Government has started an initiative to secure vocational rehabilitation for the future – and it has commissioned a scientific expert group to draft recommendations for a viable system for the future. The report is to be submitted to the Federal Ministry of Labour and Social Affairs in May 2009. At the same time, funds and institutions are developing innovative projects ranging from new pricing models to improved methods for quality assurance to a new rehabilitation model.

### **Individual responsibility of persons with disabilities has been increased by personal budget**

With effect from 1 January 2008, persons with disabilities have a legal entitlement to a personal budget which means that the services and benefits in kind provided before are now made available in the form of cash benefits or vouchers. Persons with disabilities may use them to buy the assistance they require in accordance with their own ideas. All persons with disabilities and persons at risk of disability may be given personal budgets instead of their previous benefits, regardless of the nature and severity of their disability and regardless of the kind of benefits they require. In general, the new benefit form has been received positively by those concerned. However, the number of budget agreements concluded so far, i.e. about 10,000, should be increased. Therefore, since 2007, the Federal Government has considerably intensified the information and public relations work to make the personal budget better known as well as counselling and training courses.

### **To establish early intervention nationwide as a complex benefit**

Early intervention is meant for children with disabilities and at risk of disability and covers the period from a child's birth until the time that individual child starts school. The social environment is also involved. In accordance with the legal concept, it has, as a so-called complex benefit, an interdisciplinary approach and combines both pedagogical-therapeutic and psychological measures and medical-therapeutic measures to form a benefit "from one source" that is provided by interdisciplinary early intervention centres or socio-paediatric centres.

The practical implementation of early intervention as an interdisciplinary complex benefit has not yet been achieved on a nationwide

scale. This is above all due to the fact that the negotiations on the required trilateral reimbursement contracts between the benefit funds involved in early intervention (social assistance, youth assistance and health insurance funds) and the service providers often proceed only slowly. Problems are caused, in particular, by the definition of the competencies of the different benefit funds involved, the definition of what is included in the services to be provided and the level of the service fees.

The coordination problems existing in some regards are to the detriment of children with disabilities or at risk of disability because they are not provided with coordinated early intervention services geared to their needs which means that they are deprived of further development possibilities. In a joint circular letter to the central associations of the competent rehabilitation funds dated 24 June 2009, the Federal Ministry of Labour and Social Affairs and the Federal Ministry for Health supplied clarifying information for the implementation of the complex benefit of early intervention. Thus the prerequisites have been created for the competent rehabilitation funds – social assistance, public youth assistance and health insurance funds – to better cooperate with each other for the benefit of early intervention.

### **To improve the work of the Joint Service Centres and their cooperation**

To achieve a better benefit coordination and a closer cooperation between rehabilitation funds, the "Joint Service Centres" were introduced by virtue of Book Nine of the Social Code in 2001. As information and counselling centres working for all rehabilitation funds, their purpose is to ensure a more citizen-centred approach and quicker access to participation benefits. Despite the setting up of currently 529 Joint Service Centres on a nationwide scale, there are regions where the services offered and delivered by them are not satisfactory.

Often, there is still room for improvement as far as the equipment and role of the Joint Service Centres is concerned. Obviously, there is also a need for training to be provided for employees of the service centres that offer counselling on behalf of all rehabilitation funds, and there is a need for a better cooperation between all rehabilitation funds to ensure working in networked teams. Moreover, the services offered by the Joint Service Centres are still not very widely known in the general public.

Therefore, with the participation of the Federal Ministry of Labour and Social Affairs, the rehabilitation funds concluded a framework agreement "Joint Service Centres" on 1 January 2008. On the basis of this agreement, inter alia training courses were organised for employees of Joint Service Centres and a manual was drafted to facilitate counselling on behalf of all rehabilitation funds. Nevertheless, the aim of a sustainable improvement in the work of the Joint Service Centres is hard to reach without the commitment of all rehabilitation funds. Therefore, the Federal Government will call for further steps in future so that this aim can be achieved.

### **Advancing the further development of integration assistance**

Integration assistance benefits and services are an important instrument to promote the participation of persons with disabilities. More than 520,000 recipients of benefits are currently drawing about 12 billion EUR as integration assistance benefits, paid by the federal states and municipalities (in the framework of social assistance) which are prefunded by the federal government through social insurance funds.

A working group of Federal Government and state representatives, which was set up in 2008, is discussing proposals for the further development of integration assistance which will be submitted to the labour and social min-

ister's conference as cornerstones of a reform bill in the autumn of 2009. These proposals are currently discussed with the organisations representing persons with disabilities, the local government associations and the social insurance funds concerned.

### **Progress in barrier-free environments**

Participation in the life of our society also requires progress in a barrier-free environment. People with disabilities would like to be as mobile as possible and to have access to any of the typical infrastructures you need on a day-to-day basis without any third person's help. In brief: They want to live their lives as everybody else. The Act on Equal Opportunities for Disabled Persons from 2002 paved the way for creating a more barrier-free environment. More and more people have come to understand that a barrier-free environment is advantageous for all groups in society. The Federal, state and local governments are making enormous efforts in order to make public space accessible and barrier-free for people with disabilities. The population and decision makers alike are now increasingly aware of these problems.

### **Reinforcing the instrument of target agreements**

The Act on Equal Opportunities for Disabled Persons provides that businesses together with organisations representing people with disabilities – acting as "experts for their own cause" - should be consulted when it comes to the question as to which areas should be made barrier-free. Organisations are then to conclude target agreements on barrier-free environments with private companies.

This instrument of target agreements has, however, not been used widely enough so far. Thus, in 2009 the Federal Government began to support a Centre of Organisations that will

bundle the knowledge and the competence to negotiate and conclude target agreements.

### **Progress in the field of transport and mobility**

As for mobility and transport, general accessibility is making good progress. More and more public transport companies are building barrier-free infrastructures. The German Railways are equally focusing more and more on barrier-free access. Deutsche Bahn AG has set up a working group with representatives from disabled persons organisations and railway representatives in order to work on a new programme on barrier-free railway stations and trains. As for air traffic the EU enacted new rules in July 2008 that aim at guaranteeing people with disabilities access to travelling by air. In leisure and tourism many service providers have extended their offers for persons with disabilities, too. The leisure and tourism industry has recognised the economic potential of people with mobility restrictions and intends to develop it even more by barrier-free infrastructures in future.

### **Barrier-free building has a future**

The Federal Government supports the aim to implement barrier-free building infrastructures as comprehensively and widely as possible. Not only people with disabilities, but also older people benefit from barrier-free buildings. The Act on Equal Opportunities for Disabled Persons, the equivalent laws of the federal states and the state building regulations as well as the relevant revised DIN regulation set the framework for barrier-free building. Building without barriers is, however, not only important for the erection of new buildings but also when it comes to adjusting existing housing. For this purpose the federal government has earmarked annual hypothecated payments in the amount of currently 518.2 million EUR to the federal states.

### **Barrier-free information and communication on the road to progress**

Nowadays, access to the media, communication and information is of great importance for everybody. This is often all the more true for people with disabilities; therefore developing barrier-free information and communication technologies must have priority. The internet has become much more accessible in recent years. With the help of the Ordinance on Barrier-Free Information Technology from 2002, Federal Government websites have been designed almost totally barrier-free. The BITV Ordinance is currently under revision to adjust it to the latest technological developments. In this context the needs of people with mental disabilities and the interests of persons with hearing impairments are to be considered too. The Internet has given people with disabilities an important chance to participate in many areas of daily life. Thus the Federal Government intends to use and promote this medium even more. In the context of an "eGovernment Strategy" it is planned to further improve self-determined participation of people with disabilities through information and communication technologies. The "eGovernment Strategy" includes about 30 projects and programmes in six fields of action in the next four years. The measures are simultaneously embedded into the "eGovernment 2.0" strategy launched by the Federal Government and the EU "i2010" (e-inclusion) initiative.



# Challenges for the next legislative period – an outlook

The further development of the participation of persons with disabilities in the life of society will continue to be a focus of the Federal Government's policy towards people with disabilities also in the next legislative period. The topics of education and employment of people with disabilities and the question of barrier-free environments will continue to be focal points in this context. The further development of benefits and services for people with disabilities are to play a major role in future, too. On the basis of the UN Convention on the Rights of Persons with Disabilities the Federal Government has already begun to prepare its implementation. Here, the Federal Government also considers a national action plan as an instrument for an overall strategy involving the federal states, the municipalities and civil society, involving in particular associations and organisations of people with disabilities. However, the Federal Government has not reached a final opinion yet.

## Education and employment

Education and employment of people with disabilities pave the way to equal and self-determined participation. The UN Convention requires an education system in which pupils with and without disabilities attend classes together. In order to achieve this objective, it is first of all up to the federal states to take action as they are responsible for education matters pursuant to the distribution of competencies in the Basic Law. The Federal Government is going to support this process with a view towards a successful transition of pupils from special needs schools to training and working life. With a view to the economic crisis and the impact it has on the labour market it is important to ensure that discrimination against people with disabilities is prevented and that they receive adequate assistance and support by the joint agencies and the approved community providers.

## Barrier-free access

A barrier-free environment is a target which is not only beneficial for people with disabilities but for everybody. An all comprising barrier-free environment within the meaning of "Design for All" can, however, only be implemented gradually. Justified demands by people with disabilities themselves or by organisations representing them, has led to increasing awareness among decision makers that they need to take action. Therefore the Federal Government is going to continue to advance barrier-free access - in line with the spirit of the UN Convention on the Rights of Persons with Disabilities.

## Benefits

The reform of integration assistance is to be finalised in the coming legislative period. In this context the Labour and Social Ministers Conference confirmed in their decision of November 2008 its target to enable people with disabilities to participate in the life of society equally and in a self-determined way, in particular in the areas of education, training, work and housing and to improve the legal basis in order to achieve the above target. A desirable reform of integration assistance should on the one hand be based on developing person-focused participation benefits while taking individual needs and the respect for the right of people with disabilities to self-determination more into account, on the other hand it should be based on developing a transparent and flexible support system and on creating employment alternatives to workshops for people with disabilities.



## Publisher's information

### Published by:

Federal Ministry of Labour and Social Affairs  
Referat Information, Publikation, Redaktion  
53107 Bonn  
Germany



Information as of June 2009

### Ordering service:

Order no.: A 126  
Phone: 0180 / 515 1510\*  
Fax: 0180 / 515 1511\*  
Postal address: Federal Ministry of Labour and Social Affairs  
Information, Publikation, Redaktion  
53107 Bonn  
Germany  
Email: [info@bmas.bund.de](mailto:info@bmas.bund.de)  
Website: <http://www.bmas.de>

Service for the deaf and hard of hearing:

Email: [info.gehoerlos@bmas.bund.de](mailto:info.gehoerlos@bmas.bund.de)  
Text telephone: 01805 676716\*  
Fax: 01805 676717\*  
Sign-language telephone: [gebaerdentelefon@sip.bmas.buergerservice-bund.de](mailto:gebaerdentelefon@sip.bmas.buergerservice-bund.de)

\* (€0.14 per minute from the German telephone network)

**Layout and typesetting:** Graphics Section, Federal Ministry of Labour and Social Affairs