

## Germany – ANED country profile

The information contained in this summary was compiled by the Academic Network of European Disability experts (ANED) in April 2009.

### Academic networks and resources

iDiS – [International Research Unit Disability Studies](#) This research unit is affiliated with the Faculty of Human Sciences of the University of Cologne, Germany. Main activities focus on research and networking in the fields of Disability Studies and European disability policies.

[Arbeitsgemeinschaft Disability Studies in Deutschland](#) [working group on Disability Studies in Germany] This working group is a network of disabled scientists and activists. It aims at developing and promoting critical Disability Studies in Germany

ZeDis – [Zentrum für Disability Studies](#) [Centre for Disability Studies] This centre is a unit at the University of Hamburg. It is co-financed by the ESF, organises lectures and aims at establishing a university course in Disability Studies at the University of Hamburg.

[Disability Studies in Deutschland](#) [Disability Studies in Germany] This web site provides information about Disability Studies in Germany; it also offers a database for research projects.

[Netzwerk Artikel 3](#) [Network Article 3] This network is an association of the German disability rights movement; it focuses on campaigning for equal rights and non-discrimination.

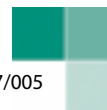
[Kobinet Nachrichten](#) [Kobinet News] This web site has been established by activists of the disability rights movement; it provides general press news and information about German disability policies.

### Policy and enforcement bodies

The key national bodies with responsibility for disability law and policy implementation include:

[Bundesministerium für Arbeit und Soziales](#) (BMAS) [Federal Ministry for Labour and Social Security] The Federal Ministry for Labour and Social Security is a body of the German Government; it is responsible for social policies at the federal level concerning the participation of disabled people in society.

[Die Beauftragte der Bundesregierung für die Belange behinderter Menschen](#) [Federal Ombudsperson for People with Disabilities] The Federal Ombudsperson is an official authority at the national level. The office is affiliated with the Federal Ministry for Labour and Social Security, but s/he acts independently from any government instructions. The ombudsperson intervenes on behalf of disabled people, and has the right to intervene with all political activities concerning disabled people in order to develop and establish national strategies that foster equal and social rights.



[Die Antidiskriminierungsstelle des Bundes](#) [Federal Equal Rights Commission] This authority is an independent body at the national level. It has the following tasks: advice and counselling for people who are discriminated against, support and information for employers, politicians, etc.; research about discrimination in Germany, public campaigns against discrimination

### **Organisations of disabled people**

The national organisation representing disabled people at the European level (European Disability Forum) is:

[Deutscher Behindertenrat](#) [German Disability Council]: The German Disability Council is an association of more than 40 disabled people's organizations whose overall membership represents more than 2.5 million disabled people in Germany (although it does not possess a general mandate of representation). Member associations maintain their autonomy and represent their interests. Every member organisation has one vote in the general council. The continuity of the political and organizational work of the German Disability Council is ensured by the working committee. It consists of 12 people; at least six of them have to be 'people affected by disability or a chronic disease'.

Other significant national organisations of disabled people include:

[Bundesarbeitsgemeinschaft Selbsthilfe](#) [umbrella organisation of self-help groups]

[Sozialverband VDK Deutschland](#) [disabled people's organisation]

[Bundesvereinigung Lebenshilfe Menschen mit geistiger Behinderung](#) [association for people with cognitive disabilities]

[Interessenvertretung Selbstbestimmt Leben in Deutschland](#) [umbrella organisation for independent living]

[Bundesverband für Körper- und Mehrfachbehinderte e. V.](#) [association for people with physical and multiple disabilities]

[Deutscher Blinden- und Sehbehindertenverband](#) [association of blind and visually impaired people]

[Deutscher Gehörlosen-Bund](#) [association of deaf people]

### **National law and strategy**

Germany has signed the [United Nations Convention](#) and the [Optional Protocol](#).

Important national laws, policies and strategies concerning disabled people include:

[General Equality Act](#) (2006) applies to disabled people and other groups, it guarantees the right to non-discrimination in employment, education, access to goods and services, buying and renting property. It rules that public authorities and private business have the duty to monitor and promote equal rights, on the grounds of disability as well as age, gender, sexual orientation, 'race', ethnicity, religion, and belief.

[Federal Disability Equality Act](#) (2002) guarantees disabled people the right to access to public places and buildings, public transport, the internet and political elections. It guarantees the right to communication, and acknowledges sign language as an official language. It also rules that the special needs of disabled women are to be respected. This law also regulates both function and tasks of the Federal Ombudsperson for People with Disabilities.

The [Social Code Book IX](#) (2001) is a framework legislation and covers the main areas of social law, i.e. social insurance and social assistance. It marks a turning point in German disability policy, namely the shift from the principles of care and welfare ('Fürsorge') to the ones of self-determination and participation ('Selbstbestimmung und soziale Teilhabe'). The law guarantees comprehensive social rights for disabled people; it also entails gender specific regulations. In general, it aims at establishing social inclusion, participation and self-determination for disabled people (Bundesministerium für Arbeit und Soziales, 2006, p. 27).

In 1994 the German constitution ('Grundgesetz') was amended. Article 3 (3) of the [Basic Law](#) forbids discrimination on the ground of disability.

Other important national laws cover the area of employment and aim at labour market integration. The [Act on the Promotion of Severely Disabled People's Vocational Training and Employment](#) (2004) aims at improving the employment rate of disabled persons. Its target group are mainly young people with severe disabilities. The [Act to Combat Unemployment amongst Severely Disabled Persons](#) (2000) also sought to improve employment opportunities.

### Facts and figures

Data on population indicate that:

The third [Federal Report on Poverty and Wealth in Germany](#) provides latest data on people with disabilities in Germany. According to this report, there are at present approximately 8.6 million disabled people living in Germany. Around three quarters are at least 55 years old., About a fifth (21.1%) are 55 to 65 years, 36.6% are aged 65-80 and 16.7% are 80 years and older. The majority of disabled people in Germany has acquired their impairments during the life course as a result of diseases or accidents (Deutsche Bundesregierung, 2008, p. 164). Disabled people form roughly 10% of the German resident population. More than half (54%) are male (Pfaff/et al. 2005, p. 1268).

Data on employment indicate that:

The regular [household survey Microcensus](#) reveals that in 2005 the vast majority (6,4 million) of disabled persons in Germany did not work. The participation rate of disabled men reached about 30%, and that of disabled women amounted to 23%. For comparison, the rate of non-disabled men was 71% and one of non-disabled woman was 53% (Pfaff/et al. 2005, p. 1270).

The [Government Report on Gender Issues](#) also points out that to a large extent disabled women do not participate in the labour force (Bundesministerium für Familie 2005, p. 561-569). The third [Federal Report on Poverty and Wealth in](#)



[Germany](#), however, stresses that employment participation rates have been even lower in the past: In 1999 only 20% of the disabled women and 29% of the disabled men were part of the active labour force (Bundesministerium für Arbeit und Soziales 2008, p. 152).

The highest rate of participation in the labour force can be found amongst disabled people aged 25 to 45 years (men: 74%; women: 65%), although even these rates are clearly below those of non-disabled men and women of the same age. Activity gradually decreases with age especially between 60 and 65 years: Only 21% of disabled men, and 14 % of disabled women in this age group are still employed (Pfaff/et al. 2005, p. 1271).

Data on education indicate that:

Integrative schooling is an official goal in German disability and education policies, but the principle of inclusion is not readily accepted. For this reason the German Government uses the term of integration instead of inclusion in the official German translation of the United Nations Convention, despite protests of disability rights organisations. In actual fact, the education system of Germany is still dominated by the segregative approach.

Between 2003 and 2006 the proportion of disabled pupils having access to integrative schooling has only increased from 12,8% to 15,7% ([Deutsche Bundesregierung](#), 2008, pp. 157-159).

Consequently, there are striking differences between disabled and non-disabled students concerning the level of school leaving qualifications: 62.1 % (42.1%) of disabled (non-disabled) people have only the lowest German school leaving qualification ('Hauptschulabschluss'). Only 12% of the pupils with disabilities reach the qualification for entrance to higher education ('Hochschulreife'), whereas, in contrast, up to 25% of non-disabled pupils leave school with this qualification. While 10,8% of the non-disabled people aged 30-45 are able to get a university exam, only 3,2% of the disabled people are able to do the same (Deutsche Bundesregierung, 2008, p. 164).

Data on accessibility indicate that:

Accessibility is an official goal of German disability policies. [The Federal Disability Equality Act](#) (2002) guarantees the right to access to public places and buildings, public transport, the internet and political elections. It also guarantees the right to communication, and acknowledges sign language as an official language. However, there is currently no official data on progress.

[Data from the MeAC accessibility survey](#) (2007) showed that

3 out of 5 of the selected public websites but none of the commercial websites passed the evaluation.

The main emergency number was not accessible by text phone, but text and video relay were available.



Both public television channels provided more than 20% national language TV programs with subtitling, and one some programmes with signing.

Neither of the two main commercial TV channels provided national language programs with subtitling or signing.

One of the two main banks had installed talking ATMs.

Data on poverty and incomes indicate that:

The third Federal Report on Poverty and Wealth in Germany<sup>1</sup> shows that households with disabled members belong to the lower social strata more frequently and have a higher risk of poverty. For example, over a third of people with disabilities who live alone and are aged 25-45 have a household net income of under 700 Euro, compared with 19% of non-disabled persons. 73% of non-disabled persons aged 25-45 years are able to earn their living by employment, but only 52% of the disabled do so. If disabled people are part of the workforce, they are more likely to be on a low income than their non-disabled peers (Deutsche Bundesregierung, 2008, pp. 162-163).

Concerning income, there is a distinctive gender bias. Disabled women participate in the labour market at a relatively low rate, and they achieve even lower income than disabled men: 15% of disabled men aged 25-45 receive a net income of under 700 Euros – in contrast to 39% of disabled woman in the same age group (Deutsche Bundesregierung, 2008, p. 163).

Data on attitudes indicate that:

In 2001, 8% of respondents in Germany (east & west) identified themselves as disabled, which is above the EU15 average of 5% (Eurobarometer 54.2)

Only a small majority of respondents (55%) say that they know a disabled person which is under the EU-15 average of 58% (Eurobarometer 54.2).

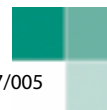
The [2007 Special Eurobarometer on Discrimination in Europe](#) showed that 46% of people knew someone who was disabled (compared to 55% EU average) and 76% acknowledged that being disabled tended to be disadvantage in society (EU average 79%).

Disability discrimination was viewed as widespread by 37% (EU average 53%); 25% thought that disability discrimination was more widespread than five years ago. 47% thought that not enough was being done to combat discrimination in general in Germany (EU average 51%).

69% thought that more disabled people should be in the workplace (EU average 77%) and 85% thought specific measures on equal opportunities were needed in this field.

Data on public spending indicate that:

<sup>1</sup> Deutsche Bundesregierung. (2008). [Lebenslagen in Deutschland. Der 3. Armuts- und Reichtumsbericht der Bundesregierung.](#) Retrieved 30.06.08



In 2005 Germany spent 1,9% of GDP on incapacity related benefits (including all public, mandatory private, cash and in-kind benefits) compared to the OECD average of 2.4% ([OECD Social Expenditure Database](#)).

### **Social protection**

Key features of the national system include (including adapted items from the [MISSOC](#) database December 2008):

#### Disability benefits

Finance for social protection is raised through contributions (personal insurance, and employers' contributions) and taxes (MISSOC, 2008)

According to the third [Government Report on Poverty and Wealth in Germany](#), the main source of income for disabled people in Germany are pensions (63%), followed by earnings and salaries (19%) as well as family support (9%) (Deutsche Bundesregierung, 2008, p.164).

The German social security system offers different types of pensions to individuals depending on the individual degree of work capacity. One can either receive a pension due to full reduction in earning capacity ('Rente wegen voller Erwerbsminderung') or a pension due to partial reduction of earning capacity ('Rente wegen teilweiser Erwerbsminderung') (MISSOC 2008, p. 42). A full reduction in earning capacity entails an earning capacity of less than three hours per day, and partial reduction of earning capacity, 3-6 hours per day. Medical expertise is required in order to tell whether and how long a person is still able to work. The amounts being paid depend on the defined contributions pension formula ('Rentenformel'), which is the basis of the German pension insurance system (MISSOC, 2008, p. 44).

#### Rehabilitation and re-training

The direction of German disability policy has changed from welfare and care orientation to the focus on social participation and inclusion, since Social Code Book IX was put into force in 2001. Disabled people now have the right to claim four types of benefits in order to achieve participation in society: medical rehabilitation; work rehabilitation and work assistance schemes; benefits for securing one's livelihood; individual integration support ('Eingliederungshilfe').

In Germany national social law offers comprehensive rehabilitation and re-training schemes; target groups are young people with disabilities as well as adults having acquired a disability or chronic disease in later life. In most cases these programmes are offered and paid for by the social insurance schemes covering health, unemployment, work place accidents, and invalidity. The general principle is: 'Rehabilitation before pensions' ('Rehabilitation vor Rente').

If necessary disabled people can also claim integration support ('Eingliederungshilfe') which is offered as part of the social assistance system ('Sozialhilfe') and belongs to the programme for special life situations ('Hilfe in besonderen Lebenslagen'). This benefit obeys the principle of subsidiarity, and it aims at providing adequate assistance and financial support for those disabled persons who need assistive

technologies, accessible housing, supported housing, help with transport etc.. Its target group is people with severe disabilities and their families who cannot finance their special needs.

The German social assistance system, and with it the integration support, is based on the principle of community orientation. Officially disabled people have the right to opt for institutional or community-oriented care. However, the right to choose home care is suspended if its implementation would result in disproportionately extra costs for the executive authorities in comparison with care in an institution.

([Bundesministerium für Familie](#), 2006, p. 227)

#### Preferential employment and quotas

All companies and enterprises with at least 20 employees have to recruit 5% of their staff from people with disabilities. If they do not employ the mandatory quota, they need to pay: € 105 for an employment rate of disabled persons from 3% to 5%; € 180 for an employment rate from 2% to 3%; € 260 for an employment rate from under 2% (MISSOC 2008, p. 49)

#### Long-term support and care

Since 1995 there has been a statutory long-term care insurance in Germany. However, it is oriented mainly to the needs of elderly and old people; people with disabilities and especially younger disabled people have difficulties with the regulations. The system focuses on a rather restricted medical care concept. Personal hygiene and housekeeping are taken into account, but social needs or a living situation as an employed person are not.

Three levels of care needs ('Pfleigestufen'), are diagnosed and assessed by medical expertise; recipients receive a clearly defined care status which defines the care support they are entitled to. When accepted as a recipient the person in need of care has different options. He or she may choose a lump sum from care insurance ('Pflegekasse') from which family members, friends, neighbours or others persons may be paid for providing personal care and support. The second option is cooperation with a professional home care provider. The third option is stationary care in a residential institution, but families have to contribute to these financial costs (MISSOC 2008, p. 124).

'Personal Budgets' ('Persönliches Budget') are regarded as a new instrument to support disabled people's self-determination and independent living. The German Personal Budget entitles people with (severe) disabilities to social security benefits in the form of a fixed lump sum of money or vouchers which are to be handed to rehabilitation providers. Until the end of 2007 allocation of the Personal Budget was at the discretion of the rehabilitation provider; from 2008 recipients have been legally entitled to it.

#### **Additional information**

Useful sources of more detailed information about the situation of disabled people, and the policies and support available, include:



The best source for information about disability policies in Germany is probably the web site of the [Federal Ompudsperson for People with Disabilities](#)

Anyone interested in news should go to [Kobinet News](#)