



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Germany
Title:	Law on participation
Date:	27 May 2016
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<u>Context</u>	
Issue at stake:	Reform disability law
Ground of discrimination:	disability
Source:	legislation
Field:	employment, social protection, social advantages, access to goods and services, education, housing, other
Applicable law:	Federal Law on Participation (Bundesteilhabegesetz), Drucksache 18/7824; Drs. 18/8428

Content

Law development: The German Bundestag passed a reform bill on 12 May 2016 intending to transpose the UN Convention on the Rights of Persons with Disabilities. The law sets a substantially amended framework for disability law in Germany. It aims to improve integration of persons with disabilities in Germany. It includes, among others, provisions on:

- The adaption of the concept of disability as provided by the UN Convention. The terms "interaction with various barriers" of Art. 1 of the Convention are framed as "interaction with barriers caused by attitudes and the environment" ("in Wechselwirkung mit einstellungs- und umweltbedingten Einflüssen"; the terms "long term" of Art. 1 of the Convention are defined as "most probably longer than 6 months" ("mit hoher Wahrscheinlichkeit länger als 6 Monate"), Section 3.
- Discrimination by failure to provide reasonable accommodation is explicitly recognised, Section 7.
- Improved barrier free access to public institutions and buildings: in 2021 Federal authorities have to report about their measures in this respect.
- Mandatory simple language texts of public authorities.
- A dispute resolution mechanism of the Federal Government Commissioner for matters relating to persons with disabilities between public authorities and individuals.
- Gender aspects, especially multiple discrimination of women with disabilities. An explicit reference to multiple discrimination of women with disability is included in the duty of public authorities to eliminate all forms of discrimination, Section 2.
- Improved public participation of organisations of persons with disabilities.
- A higher personal allowance for persons with disabilities relying on public monetary support for integration (these payments amount by now to 16,4 billion Euro a year).
- Better coordination of the activities of the Länder, including simplified access to

- support.
- Monetary subsidies for employers to integrate disabled persons.

The additional costs of the measures of the law amount to 1,5 billion Euro for the Federation and 350 million for the Länder. The law will enter into force one day after its promulgation in the Federal Gazette.

Key points of analysis: The law includes a number of measures intended to improve integration of persons with disabilities. A major criticism voiced by political parties and NGOs is that private parties, e.g. enterprises are not obliged to provide for barrier free access. The bill relies on voluntary action in this respect. The responsible minister commented that she would have preferred to include such a regulation on mandatory barrier free access in the private sphere in the law but found not enough political support in the German coalition government.

Internet link source:

<http://www.bundestag.de/dokumente/textarchiv/2016/kw19-angenommen-abgelehnt/422562>.