### a) Does your country have laws, policies, plans, strategies or guidelines at any level of government relating to raising awareness about persons with disabilities, in particular initiatives to:

### foster respect for the rights and dignity of persons with disabilities;

### combat stereotypes, prejudices and harmful practices relating to persons with disabilities; or

### promote awareness of the contributions of persons with disabilities?

In Germany, raising awareness is, like the realisation of the rights deriving from the UN Convention on the Rights of Persons with Disabilities (UN CRPD), organised as a cross-cutting task for all policy fields and all areas of society. This provides the best basis for bringing about a far-reaching shift in awareness within society. To support the Federal Ministries, a Disability Mainstreaming Guide has been published. It contains guidelines on planning and implementing measures which may affect the interests of persons with disabilities. It helps to raise awareness of the need to take the interests of persons with disabilities and impairments into consideration across the board. The Act on Equal Opportunities for Persons with Disabilities (*Gesetz zur Gleichstellung von Menschen mit Behinderungen*) also legally establishes fixed responsibilities for the task of raising awareness in the narrower sense. This includes the office of the Federal Government Commissioner for Matters relating to Persons with Disabilities (Section 17), the Federal Centre of Expertise on Accessibility *(Bundesfachstelle Barrierefreiheit*) (Section 13) and the Arbitration Service (Section 16), all of which work to raise public awareness.

To realise the rights deriving from the UN CRPD, the Federal Government has drawn up a National Action Plan on the basis of a broad participatory process, and has evaluated it, updated it and further strengthened its cross-cutting approach (National Action Plan 2.0). In the Action Plan “Raising awareness” is a field of action in its own right. The Federal Government’s aim is to increase the general public knowledge about the UN CRPD and the subject of disability inclusion. Further progress is to be made in changing society’s thinking, in the sense of a shift to a human rights-based approach.

The Federal Government was supporting the National Action Plan’s implementation via long-term campaigns (logo, billboards, a short film shown in cinemas, a booklet for journalists, advertisements relating to various topics on disability inclusion, a guide to developing action plans for companies and representatives of employees with severe disabilities, etc.). The title of the National Action Plan campaign is “*behindern ist heilbar*” (“Barriers are curable”) and seeks to make clear that disability only arises from the interaction of impairments with unfavourable conditions experienced in day-to-day life. The slogan for the implementation of the National Action Plan 2.0 is “einfach machen - gemeinsam die UN-BRK umsetzen” (“Just do it – jointly implementing the UN CRPD together”). The Federal Participation Act and the Act on Equal Opportunities for Persons with Disabilities are being supported by a high-visibility campaign using the slogan “*mehr möglich machen, weniger behindern*” (“Removing barriers – opening up opportunities”).

Enhancing the integration opportunities of persons with disabilities in the labour market, for example, is an important priority for the Federal Government. An important factor in creating the conditions for the equal participation of persons with disabilities in working life is a shift in awareness on the part of human resource managers in businesses and organisations. It is essential to raise their awareness of the labour reserve and to support them in training and employing persons with disabilities.

The Federal Government is therefore focusing, with the involvement of all relevant labour market stakeholders, on a strategy of raising companies’ awareness and offering them advice in order to reduce prejudices and allay feelings of uncertainty and reservations, and providing them with information about how the employment of persons with disabilities can succeed in practice. Since 2011, this has been taking place in particular, in the framework of the employment policy activities enshrined in the Federal Government’s first and second National Action Plans to implement the UN Convention on the Rights of Persons with Disabilities.

For example, since October 2013 Germany’s business organisations have been running the “*Inklusion gelingt*” (“Inclusion Works”) campaign to encourage member companies to provide more jobs and training places for persons with disabilities. The “*Wirtschaft Inklusiv*” (“Inclusive Business”) project raised the awareness of employers, particularly those who had not previously trained or employed persons with disabilities, and showing the potential of persons with disabilities in the workplace. It was also ensured that employers received advice from the business community’s education providers in cooperation with regional employers’ associations. This approach is successful because the project was conceived by the business community for the business community, and was developed in cooperation with the Confederation of German Employers’ Associations from the outset. Building on this, the Federal Ministry of Labour and Social Affairs has been supporting the “*Unternehmens-Netzwerk Inklusion*” (“Business Network for Inclusion”) project since the start of 2018.

Doing more to convince employers that companies benefit from employing persons with disabilities was also the aim of the support provided to promote disability inclusion competencies in chambers of crafts, chambers of industry and commerce and chambers of agriculture in the framework of Field of Action 4 of the Inclusion Initiative (2013-2018).

Companies which do not train or employ a single person with severe disabilities, despite the obligation to do so, are being targeted by a new joint initiative, “*Einstellung zählt – Arbeitgeber gewinnen*” (“Recruitment counts – attracting employers”), which was launched on 10th April 2019. The main aim of this initiative is to win over employers through information and education, and to convince them, including by means of concrete advisory and placement services, to employ persons with severe disabilities.

The standards for initial teacher training and teachers’ continuing professional development – which serve as important guidelines for the training and examination regulations of the *Länder* (federal states), were successively revised with regard to inclusive education. *Länder* school acts were amended accordingly. Furthermore, position papers and recommendations inspired by the CRPD were drawn up. The annually awarded Jakob Muth Prize is awarded to schools that implement inclusive education in an exemplary manner since 2009. It is supported by the Bertelsmann Foundation, UNESCO and the Federal Government Commissioner for matters relating to Persons with Disabilities.

Within the field of responsibility of the Federal Ministry of Defence, the rising number of persons with severe disabilities and persons with equivalent status who are serving in the armed forces shows that a shift in awareness on disability and rehabilitation is also taking place in the military field.

In addition, many Ministries have developed internal action plans, for example the Federal Ministry of Defence, the Federal Ministry of Labour and Social Affairs. These action plans establish measures to raise awareness as a field of action in its own right.

### (b) What are the challenges to implementing the above?

The UN CRPD calls on the States Parties to realise the right of persons with disabilities to participate effectively and on an equal basis in all areas of life. This is a task not just for policy-makers, but also for all stakeholders in society, as full implementation of the concept of inclusion requires a broad consensus in society.

Achieving the desired shift in awareness among employers, which is essential to achieving an inclusive world of work, is a process involving the whole of society, and one which the Federal Government can promote but not force. The initiatives which have been launched therefore deliberately avoid compulsion in favour of persuasion through advice, support and awareness-raising.

### a) What legislative and policy measures are taken to address hate crimes, hate speech and harmful practices against persons with disabilities?

The general criminal offences set out in the Criminal Code (*Strafgesetzbuch*) protect persons with and without disabilities from hate crimes and hate speech. These include, for example, the criminal offences of causing bodily harm (Section 223), libel and slander (Section 185 et seq.), threatening the commission of a felony (Section 241), using threats or force to cause a person to do, suffer or omit an act (Section 240) and incitement to hatred (Section 130). If the crime is based on a special protected characteristic, such as a disability, the court is explicitly required, under Section 46 (2) of the Criminal Code, to take such motives and aims on the part of the offender showing contempt for human dignity into account when sentencing the offender.

### (b) In particular, are there legal remedies available for persons with disabilities seeking compensation and reparation?

### Are there legal provisions to sanction perpetrators, including through criminal law? Please provide information on their application in practice (e.g. cases of persons condemned for hate crimes against persons with disabilities).

Anyone who has been the victim of a violent crime on the territory of the Federal Republic of Germany may bring a claim under the Crime Victims Compensation Act (*Gesetz über die Entschädigung für Opfer von Gewalttaten*). Naturally, this also includes persons with disabilities. The Act provides for an independent system of state compensation, going beyond the general social security systems and social assistance, for people whom the German state and its police forces have been unable to protect from an intentional violent crime. Benefits under the Act are granted upon application; there is no time limit for applications. The Crime Victims Compensation Act’s aim is to compensate for the health-related and economic consequences of violent crime. Non-income-related and – if the damage incurred has resulted in economic disadvantages – income-related pensions, benefits relating to curative and medical treatment and welfare benefits are provided under the Act.

German law on non-contractual liability entitles individuals to receive compensation from the offender if, for example, the offender, intentionally or negligently, unlawfully injures the individual’s life, body, health, freedom, property or another right (Section 823 (1) of the Civil Code (*Bürgerliches Gesetzbuch*)). The general right of personality, which among other things protects a person’s honour from interference and protects them from harassment, has been recognised by the courts as “another right” subject to protection. In addition, Section 823 (2) of the Civil Code protects individuals in the event that another person commits a breach of a statute that is intended to protect them; this may include, for example, the offences against personal honour enshrined in the Criminal Code.

In the case of an illegal infringement of this kind, rights of defence exist (entitlements to injunctive relief and to the elimination/withdrawal of the infringement) analogous to those set out in Section 1004 of the Civil Code. In addition, an entitlement to compensation exists; however, its primary purpose is to compensate for pecuniary and non-pecuniary disadvantages suffered by the victim as a result of the illegal infringement. German law on damages does not make any provision for compensation as a type of sanction, in terms of the amount of compensation imposed.

If the life, body, health or freedom of a person with disabilities is culpably injured by hate crimes, hate speech or harmful practices, the individual initially has rights of defence (entitlement to injunctive relief, and to the elimination of the infringement) and an entitlement to compensation for the resulting pecuniary damages. Regarding damage which is non-pecuniary in nature, the individual is entitled to appropriate monetary compensation (“damages for pain and suffering”). It should also be noted that German courts have ruled that in cases where only a culpable infringement of the general right of personality of the person with disabilities has taken place, an entitlement to monetary compensation for immaterial damages only exists if it is a serious infringement and the adverse effect cannot be satisfactorily offset in another way – for example, through rights of defence. The question of whether an act constitutes a serious infringement of the general right of personality depends on factors such as the significance and scope of the infringement, and the cause, motive and degree of fault of the perpetrator.

Criminal justice statistics do not contain any information about victims and so no information is available about convictions in relation to crimes committed against persons with disabilities.

### a) What steps have been taken to establish standards and/or good practices on the representation and portrayal of persons with disabilities in broadcast media, including codes, guidelines and other measures (legal, co-regulatory or self-regulatory)?

The public broadcasting corporations are required, under the Interstate Treaty on Broadcasting concluded between the *Länder*, to submit a report every two years on their fulfilment of their individual remit, the quality and quantity of their existing programming, and their priorities for planned programming (Section 11 e (2) of the Interstate Treaty on Broadcasting). These programming guidelines also include commitments relating to the involvement and participation of persons with disabilities. For example, the Association of Public Broadcasting Corporations in the Federal Republic of Germany (ARD) states in its guidelines for 2019/20:

“Channel I (*Das Erste)* will continue to broadcast programmes and reports which engage with the situation of persons with disabilities or involve them in the programme. Channel I will continue to give persons with disabilities a face and a voice in its programming – in information programmes and panel discussion shows, as well as in fictional formats, such as the series “Die Heiland”, which focuses on a lawyer with a visual impairment, or the telenovela “Rote Rosen”, which portrays an intern with Down’s syndrome.”

Other examples from the programming of public broadcasting corporations include the broadcasting of Para-Sport events and the “100percentme” format broadcast by the youth service FUNK, a channel featuring and by persons with impairments. Each week there is either a new episode about a protagonist who is followed over the course of several episodes, or a single episode about a new person.

In addition, Disabled People’s Organisations are represented on the supervisory bodies of the public broadcasting corporations, and put forward the positions and needs of persons with disabilities in their oversight and advisory role in relation to programming.

In the private broadcasting sector, surveys to determine the status quo and developments in terms of accessible programming on private television channels have been conducted annually since 2012 by the relevant supervisory and regulatory authorities, the media supervisory authorities of the *Länder*. These regular surveys are an important element of efforts to enhance options for media participation and they have already had a significant impact. In addition to systematically observing and monitoring trends regarding the accessibility of media programming and media usage by persons with disabilities, the media supervisory authorities also engage with the issue of the portrayal of persons with disabilities in the media. For example, a variety of projects have been driven forward in the framework of the specialised committee on communication and the media set up by the Advisory Council on Inclusion, including a brochure intended to help media professionals to recognise and avoid stereotypes when reporting about persons with disabilities. The focus is on practical tips to ensure reporting takes place on equal terms.

In addition, the Federal Government has set up a round table on the topic of “accessible television”. This round table has met annually since 2013 as part of the Inclusion Days, with lead responsibility resting with the Federal Ministry of Labour and Social Affairs and with the close involvement of the Federal Government Commissioner for Culture and the Media. The discussion participants include representatives of public and private broadcasting corporations, the media supervisory authorities, disabled people’s organisations, the *Länder*, the Federal Government Commissioner for Matters relating to Persons with Disabilities, the Federal Ministry of Labour and Social Affairs and the Federal Government Commissioner for Culture and the Media. The meetings focus on a dialogue on the state of play regarding accessibility in the case of public and private broadcasters, and on further plans for developing accessible programming.

### (b) In addition, what legal framework, measures or good practices exist to regulate social media in accordance with Article 8 and human rights standards on freedom of expression?

One statutory measure in this context is the Act to Improve Enforcement of the Law in Social Networks, or Network Enforcement Act (*Netzwerkdurchsetzungsgesetz*). This Act introduced compliance rules for providers of social networks, backed up by administrative fines, regarding their handling of complaints from users about hate crimes and other unlawful online content, and a requirement for providers to publish a quarterly report on this subject. In addition, individuals whose right of personality is infringed online are now entitled to receive details of the perpetrator’s subscriber data on the basis of a court order.

This Act also protects persons with disabilities from disparagement, as it stipulates that content on social networks in which persons with disabilities are subjected to insults (Section 185 of the Criminal Code) or have hatred incited against them as a segment of the population (Section 130 of the Criminal Code) is to be regarded as unlawful and is to be removed or access to it is to be blocked. The Network Enforcement Act requires the social networks to establish a mechanism for receiving complaints about unlawful content, to examine the complaints without delay, and to remove or block access to content which constitutes specific criminal offences.

### (a). Please provide information on the existence and implementation of the programmes and activities, including successful examples of campaigns, related to raising awareness about persons with disabilities and their rights, and combating negative attitudes including through initiatives of:

### training, including human rights education;

### research, including studies on perception and attitudes;

### surveys and data collection.

### (b) Please indicate their objective, scope, target audience, impact (including available data), partners and participants, particularly the participation of, and role of persons with disabilities and their representative organisations, and any key factors of success.

Questions 4 (a) and (b) will be answered together, as they are closely related. Please also see the answers to questions 1 and 5.

The following are examples of projects and events, etc., which seek to raise awareness in various areas:

* **Inclusion Days:** This annual event in Berlin, spanning two days, offers an opportunity to discuss various specialist topics with persons with disabilities, policy-makers, civil-society representatives, academics, etc.
* **Inclusive Social Environment Initiative** (ISI): This initiative is intended to raise awareness of the development potential of an inclusive social environment throughout the urban and regional development system. It focuses in particular on processes arising from the reformed inclusion assistance *(Eingliederungshilfe).* The Federal Ministry of Labour and Social Affairs and the Focal Points of the *Länder* have already engaged intensively with this topic in Federation-*Länder* talks.
* Further training programmes for the judiciary of the social courts and for stakeholders in the adult guardianship courts.
* The Federal Academy of Public Administration, as the Federation’s central, interministerial training institution, offers specific further training regarding persons with disabilities, which also serves to raise awareness. In addition, internal seminars are also offered within Ministries in some cases (e.g. an internal *Bundeswehr* seminar on the subject of “Soldier and Disability”)
* **Art and Inclusion**: This project by *EUCREA Verband Kunst und Behinderung e.V*., which was successfully piloted in Hamburg in 2015/2016 with support from the Federal Government Commissioner for Culture and the Media, aimed to improve the situation of artists with disabilities in terms of employment and vocational training. The result is the “*ARTplus*” structural programme, which produced a report and recommendations for action. It is now being rolled out in other *Länder* by various providers.
* **Inclusion Network:** This is building on the “Inclusion Pilot” project (2015-2017, supported by the Federal Government Commissioner for Culture and the Media) to fulfil the promise of inclusion in museums. The *Bundeskunsthalle* (Art and Exhibition Hall of the Federal Republic of Germany) is cooperating with six partner museums (of various types). The aim is to spread best practice to the entire German museums landscape.
* **Exceptions Are The Rule Here**: This project is turning the Bastian Building, the new education and outreach centre of the National Museums in Berlin, into a testing ground for inclusive educational work. The concept explores the question of what creative and expressive potential is offered by inclusive educational processes in cooperation with museums, educational institutions and representative organisations. It is supported by the Federal Government Commissioner for Culture and the Media.

The Federal Government Commissioner for Matters relating to Persons with Disabilities is carrying out the following measures to raise awareness, among others:

* **Culture in the Kleisthaus**: inclusive cultural events involving persons with disabilities and their organisations.
* Inclusive **children’s and youth festivals** in cooperation with local stakeholders to reduce separation in leisure activities.
* **Read Aloud Days**: inclusive readings for school students. Also serves to raise the awareness of cooperation partners (e.g. libraries).
* Events on **migration and disability**.
* **Regional conferences with the Federal Chamber of Architects** on interdisciplinary planning approaches for accessible construction.

The Federal Government Commissioner for Migration, Refugees and Integration is promoting the provision of advice and support to refugees with disabilities and the opening up of existing disabled persons’ organisations to persons with a migration background who have disabilities:

* **MINA – Leben in Vielfalt e.V.,** the organisation for persons with disabilities and a migration background is running the “*Ehrenamt in Vielfalt*” (“Voluntary Work in Diversity”) project in 2019. The aim is to enhance the participation of refugee families who have children or family members with disabilities by providing skills development to the Federal Association for Persons with Physical and Multiple Disabilities (bvkm) as an existing representative organisation. The project is being implemented by means of the transfer of intercultural and specialist expertise from MINA to the bvkm, which has 280 member organisations nationwide and 12 branches at *Land* level, via seminars, the activation of local disabled persons’ organisations and the recruitment of volunteers for this target group, as well as the establishment of local links between shelters, member organisations, disabled persons’ organisations, etc.

Since 2015, the Federal Government Commissioner for Culture and the Media has been supporting the nationwide specialist dialogue forum “*Netzwerk Kultur und Inklusion*” (“Culture and Inclusion Network”), run by the Academy of Arts Education in Remscheid. It supports persons with disabilities in the media and in artistic productions and provides a forum for the discussion and exploration of issues raised by the practical implementation of the UN CRPD in artistic and cultural fields. As a specialist dialogue forum, the Network brings together experiences and approaches from the academic and practitioner communities, science and research, relevant organisations and policy-makers. In October 2018, the magazine “Politik und Kultur”, which is published by the German Culture Council, included a section on the subject of “culture and inclusion”, with an overview and service section for cultural institutions. This is available in accessible form on the website of the Federal Government Commissioner for Culture and the Media.

The Federal Agency for Civic Education continuously develops products and formats which promote the Convention’s application at various levels. It makes inclusion a didactic priority, continuously developing targeted educational programmes for persons with disabilities on the basis of specialist and didactic expertise. It also seeks to combat stereotypes of persons with disabilities and their day-to-day lives by raising awareness of inclusion as a challenge for society as a whole in the design of educational formats.

In 2013, the Federal Government commissioned an external scientific evaluation of its first National Action Plan, with the aim of identifying approaches for its further substantive development, but also of receiving information about how its participatory processes could be enhanced, for example. Regular evaluations of the measures contained in internal action plans are carried out in some cases.

Full awareness of the facts also has a role to play in breaking down prejudices and stereotypes. The Federal Government therefore publishes a report on the circumstances of persons with disabilities in each electoral term. The report is based on an analysis of data from various sources. The issues covered are based on the UN CRPD and include all key aspects of participation, such as accessibility, mobility, education, employment or participation in political life.

To improve the available data regarding the participation opportunities and options of persons with disabilities, a comprehensive “Representative Survey on the Participation of Persons with Disabilities” is being carried out from 2017 to 2021, the first survey of its kind in the Federal Republic of Germany. This empirical study is examining the extent to which disabilities affects options for participation in various areas of life. In private households, 16,000 persons with impairments are being surveyed, as well as a further 5,000 persons without disabilities. 5,000 persons in residential facilities are being surveyed, as well as 1,000 homeless and hard-to-reach persons. The survey on participation uses a saturated sampling technique with comprehensive screening in 250 municipalities nationwide. The study takes a multi-method approach and uses accessible survey methods. As a participatory research project, it involves persons with impairments and experts in this field in the research process.

Another example which should be mentioned is the study commissioned by the media supervisory authorities of the *Länder* and Aktion Mensch on media use by persons with disabilities (2016), which was carried out by Dortmund Technical University and the Hans Bredow Institute in Hamburg. This study systematically examined what media are used by persons with disabilities and explored which media and content they consider it particularly important to be able to access.

### Please provide information on the role of persons with disabilities and their representative organisations, including children with disabilities, in the design, implementation, monitoring and evaluation of all measures relating to awareness raising. Please provide detail on concrete mechanisms and activities undertaken for consultation and active involvement (e.g. regular meetings, online consultations, etc.).

The participation of persons with disabilities is a key priority for the Federal Government. For example, since 2016, the Act on Equal Opportunities for Persons with Disabilities has provided for financial support for the participation of disabled people’s organisations, in particular their representative organisations, in the process of shaping federal public affairs (Section 19). The aim of this support is to enable the organisations to participate actively and fully in the shaping of public affairs. This promotes the participation of persons with disabilities in political decision-making processes and measures.

The consistent and early involvement of disabled people’s organisations in legislative processes is also an important priority for the Federal Government. The Federal Government’s Disability Mainstreaming Guide must be followed. This states that, in the case of all Federal Government plans which may, in principle, affect the circumstances of persons with disabilities, a comprehensive analysis must be carried out as to how the interests of persons with disabilities can be adequately considered, drawing on the expertise of persons with disabilities and their organisations and that of the Federal Government Commissioner for Matters relating to Persons with Disabilities at an early stage. The aim is to effectively avoid or eliminate the barriers which impede participation.

The participation of central and umbrella associations and expert groups in legislative processes is subject to the provisions of the Joint Rules of Procedure of the Federal Ministries (*Gemeinsame Geschäftsordnung der Bundesministerien*), which regulate the cooperation and organisation of the Federal Ministries and set out procedural requirements to be followed in legislative processes. The main provision dealing with the participation of these associations and expert groups is Rule 47 (3) of the Joint Rules of Procedure, which requires them to be involved as early as possible if their interests are affected. In principle, the timing, scope and selection is left to the discretion of the lead Federal Ministry.

In the process of implementing the UN CRPD, a committee has been set up consisting of representatives of organisations of persons with disabilities, social and welfare associations, the social partners and the academic community; the Federal Government Commissioner for Matters relating to Persons with Disabilities is also a member. The committee actively participates in the implementation, evaluation and updating of the National Action Plan.

The organisations also engage in an intensive dialogue with the Federal Government Commissioner for Matters relating to Persons with Disabilities. The state coordination mechanism (the Advisory Council on Inclusion) is attached to the Commissioner’s office.