

### Development of the human rights situation in Germany July 2021 - June 2022: Report to the German Federal Parliament in accordance with section 2 (5) of the act on the legal status and mandate of the German Institute for Human Rights; Executive Summary

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German Institute  
for Human Rights

**Executive Summary**

# **Developments of the Human Rights Situation in Germany July 2021 – June 2022**

Report to the German Federal Parliament in accordance  
with section 2 (5) of the Act on the Legal Status and  
Mandate of the German Institute for Human Rights

## About the report

Each year, the German Institute for Human Rights submits a report on the developments in the human rights situation in Germany to the German Bundestag, in accordance with section 2 (5) of the Act on the Legal Status and Mandate of the German Institute for Human Rights (DIMRG: Gesetz über die Rechtsstellung und Aufgaben des Deutschen Instituts für Menschenrechte, of 16 July 2015). The report is presented on the occasion of International Human Rights Day on 10 December. The Act on the Legal Status and Mandate of the German Institute for Human Rights provides that the German Bundestag should respond to the report. The 2021/2022 report, the seventh such report to be issued, covers the period from 1 July 2021 to 30 June 2022.

By requesting an annual report on developments in the human rights situation in Germany, the Federal Parliament and the Federal Council have emphasised that respecting and realising the human rights of all persons in Germany is an ongoing responsibility for all public authorities, as new challenges continually arise. This is why the Basic Law (Grundgesetz), Germany's constitution, demands that the impacts of legislation on human rights be reviewed regularly and that adjustments be made when needed, through legislation or by changing administrative practices. Moreover, political and societal changes, international or domestic developments, and scientific and technological progress can give rise to new challenges to human rights. Recognising such challenges and developing human rights-based solutions to them is crucial. This report is intended to contribute to both: the assessment of the human rights impact of laws and the identification of new human rights challenges, and the identification of areas where new human rights risks demand a political response.

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## The Institute

The German Institute for Human Rights is the independent National Human Rights Institution of Germany (§ 1 DIMRG). It is accredited according to the Paris Principles of the United Nations (A-status). The Institute's activities include the provision of advice on policy issues, human rights education, information and documentation, applied research on human rights issues and cooperation with international organisations. It is supported by the German Bundestag. The Institute is mandated to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Rights of the Child and established Monitoring Bodies for these purposes.

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## Introduction

This is the seventh of the reports on the developments in the human rights situation in Germany that the German Institute for Human Rights submits to the German Bundestag each year. This year, the report focuses on the right to education of children and youth with disabilities. We examine the question of how Germany can create an inclusive school system for everyone and what tools it can use to do so. For this is what human rights demand, and this is what Germany pledged to do under the United Nations Convention on the Rights of Persons with Disabilities. We see this obligation as one shared by the federal government and the Länder. The report also addresses five other issues that were of great relevance for human rights in the period under report (01 July 2021–30 June 2022). It describes developments relating to these issues, assesses the major political and legislative measures in these areas through the lens of human rights, and formulates recommendations for government action.

To inform this report, the Institute evaluated publicly available statistics, documents, and studies, including material from the German Bundestag as well as media reports. The assessments and recommendations set forth in the report are grounded in extensive research carried out by the German Institute for Human Rights.

The year under report was dominated by three, to some extent interrelated, crises: the continuation of the Covid-19 pandemic, Russia's war of aggression against Ukraine, and the crisis created by the ongoing climate change and its grave consequences. With respect to the pandemic, two debates in the period under report call for special attention from the human rights perspective: the debate in December 2021 about mandatory vaccination for staff of certain types of institutions and the debate, which started in the spring of 2022, on the continuation of health and safety measures. The declared intention to try to avoid school closures, and thus realise children's right to school education without restriction, is a welcome one. However, the paradigm shift in Covid policy towards greater reliance on individual responsibility that some have advocat-

ed certainly warrants a reminder that persons at particularly high risk must rely on the protection provided by others as well in order to exercise their rights to participate in the life of society.

The Russian invasion of Ukraine immediately triggered an upswelling of willingness to help people fleeing Ukraine, in many countries, including Germany. The high level of engagement in (civil) society was and still is a heartening expression of human rights solidarity. An unequivocal political pledge of continuing solidarity is needed now. Also needed are funds to help the local governments accommodate refugees, particularly given the possibility of a substantial increase in the number of refugees arriving in the coming winter. Thus far, refugees from Ukraine have been allowed to take up employment right away and their children have been able to start attending school without delay, which has facilitated their rapid integration. This was made possible by the European Union's activation of the Temporary Protection Directive in response to the crisis. We expect this to continue, and we hope that lessons from this positive experience will be applied to the reception of persons fleeing wars from other countries.

The war is affecting the energy supply in many countries, including Germany, the result of Russian supply cuts and collective sanctions against Russia. The Federal Government's efforts to secure the supply of energy to people and businesses are necessary for many reasons, the protection of human rights not least among them. At the same time, it is essential to prevent action in this area from jeopardising the energy transition that is so very necessary. In the absence of decisive efforts to reduce greenhouse gas emissions, climate change will continue unabated, with far-reaching impacts on human rights worldwide, including in Germany, caused by extreme heat, drought or flooding. Determining the form, prioritisation and sequence of measures to take will require some difficult decisions. From the perspective of human rights, it is important to emphasise decisionmakers' responsibility to give priority attention to those who are most affected, meaning low-income people. As to the question of how the state should pay for meas-

ures providing people with basic protections, we remind policymakers of the obligation to use “all available means”. This entails tapping new sources of income, as well, if existing sources are not sufficient.

The German Institute for Human Rights will continue to monitor developments in these three areas. It is our hope that the information and recommendations in this report will be taken up by the federal government and the Länder so as to ensure that Germany protects and promotes human rights, both domestically and in its external policy.

## 1 Inclusive Education: The Necessity for Comprehensive Strategy and Greater Federal Responsibility

Children and young people with disabilities have the right to access an inclusive school system, without discrimination. **Yet this access is de facto denied to many students with disabilities in Germany.** The consequence: a significant impairment of the potential for children and young people with disabilities to shape their own lives and to play an active role in society in the future. **Germany needs a comprehensive strategy for inclusive education, one built around greater cooperation between the federal and Länder levels within the framework of education federalism.**

The aim: Children and young people with disabilities should attend inclusive schools of general education, and special schools (*Förderschulen*) should gradually be scaled down. This is what is required by Article 24 of the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), which has applied in Germany since 2009. Germany will be measured against the yardstick of its international law commitments under the UN CRPD. **The federal government cannot excuse itself from its own overall responsibility for implementing**

**an inclusive school system by pointing to the Länder’s authority in the area of education.**

Many Länder governments, though ostensibly committed to inclusive education, continue to hold to their system of special schools for students with disabilities. **The result: the rate of exclusion, which reflects the percentage of students in special schools, has remained at nearly the same high level nationwide for years.** Looking at Germany as a whole, more than half of all students with special educational needs are still being taught in special schools. In most federal states (Länder), the special school is still firmly anchored in the school system. Students usually leave these schools without a school-leaving certificate – the first link in a lifelong chain of exclusion. On leaving school, they often enter segregated forms of training that cover less theory than other programmes and are associated with poorer chances on the general labour market. By way of contrast, national and international studies indicate that inclusive education is associated with a range of advantages, up to and including cost savings from an education economics perspective.

For the section devoted to inclusive education (the spotlight issue of the 2021–22 report), the Institute consulted advising services about their experiences with access to inclusive education. The section depicts four specific cases to illustrate **specific barriers that parents and students can come up against.** It emerges, for instance, that arranging for placement in an inclusive school involves a significant investment of time and effort for some parents, while others are given to understand very early on that their child would be better off at a special school. There are also parents who “choose” a special school due solely to a lack of information about other options. Moreover, there are frequent instances of teachers and/or officials of regular schools unambiguously suggesting that students with disabilities transfer to a special school.

The Länder’s mandate to reform their school systems is not new: they have been under an obligation since 2009 to ensure that children and young people receive the best possible support and that

no one is excluded due to a physical, mental, intellectual or sensory impairment. Yet today, almost **14 years after the UN CRPD entered into force in Germany, only a very few of the Länder have demonstrated the political will and desire to begin establishing an inclusive school system of the kind required by human rights and, at the same time, start closing down special schools.** Bremen, Hamburg, and Schleswig-Holstein are exceptions in this regard; they have shown commitment and drive in their implementation of the right to inclusive education. Quite different is the case in Baden-Württemberg, Bavaria, Rhineland-Palatinate and Saarland, where the exclusion rates point to retrogression in this regard.

**The need to increase cooperation between the federal and Länder governments in the area of education has been recognised by many, the governing coalition among them. According to its coalition agreement, the coalition government aims at “closer, more targeted, and binding cooperation” and is considering a constitutional amendment. In implementing this aim, the Federal Government should consider it to encompass the key challenges associated with establishing and expanding an inclusive school system.**

In view of the situation as depicted above, the German Institute for Human Rights sees little likelihood that an inclusive education system will be established in Germany unless federal competence in this area is strengthened. **Germany committed itself to take positive steps by ratifying the UN CRPD, and the Federal Government must embrace this international-law duty.** In the pursuit of a sustainable overall strategy, the Federal Government should strengthen cooperative federalism in the area of school education. **The German Institute for Human Rights recommends three complementary ways of doing so:**

- Article 74, paragraph 1, no. 4 of the Basic Law: the introduction of complementary federal government competence for certain elements of an inclusive school system outside of the core area of teaching and instruction

- Article 91b of the Basic Law: the introduction of a joint task consisting in the alignment and extension of the standards with the aim of creating an inclusive school system
- State treaty between the federal government and the Länder: “Pact for Inclusion”

## 2 Climate Policy – Placing Human Rights Duties of Protection Front and Centre

Here, extreme weather events like the flood disaster in the summer of 2021, in which 184 people lost their lives and which left the affected regions uninhabitable for weeks, there, the landmark Federal Constitutional Court ruling in March 2021, in which parts of the 2019 Federal Climate Change Act (*Bundes-Klimaschutzgesetz*) were found to be unconstitutional: **the consequences of climate policy neglect can be seen on many levels in Germany.** Germany has human rights obligations to protect people from the current and future effects of climate change, and it must develop and implement appropriate climate change mitigation and adaptation measures in order to fulfil these obligations.

Climate change impacts already pose a serious threat to almost half of humanity and to their human rights, including the right to life (Article 6, International Covenant on Civil and Political Rights, ICCPR); the rights set forth in the International Covenant on Economic, Social and Cultural Rights (ICESCR) to health (Article 12), food, water, and housing (Article 11), work (Articles 6 and 7), and education (Article 13); and the right to privacy and family life (Article 17 ICCPR). This is reflected, inter alia, in the rising tide of climate litigation at international and regional levels, such as those before the European Court of Human Rights. In these actions, governments are charged with violating fundamental or human rights by failing to take sufficient action to address climate change – as was the case in the complaint upheld in the **Federal Constitutional Court ruling** mentioned above.



**Some regions in Germany have been particularly severely affected by high temperatures and drought, others, by heavy rains and flooding; likewise, climate change impacts affect some population groups more severely than others.**

Some estimates suggest that there were as many as 20,200 deaths linked with periods of high heat in the over-65 age group in 2018; flooding results in damage to buildings and infrastructure; poor harvests due to extreme weather can drive up food prices and affect access to food.

In view of all this, the UN Human Rights Committee and other bodies have criticised Germany for failing to provide enough information concerning action it is taking or intends to take to protect its population from the negative impacts of climate change.

In an attempt to make up for the failures of past years, **the coalition government announced and has already moved forward with ambitious climate and energy policy measures.** The coalition agreement makes specific reference to the Federal Constitutional Court's ruling on climate policy and shows a clear commitment to climate protection in all policy fields. However, it is already **apparent that the measures taken thus far will not be sufficient. What is more, the energy crisis resulting from the war in Ukraine may make the challenges associated with developing and adhering to a climate policy consistent with the 1.5 °C target considerably greater.**

To better fulfil its duty to protect human rights, Germany needs to take additional and adequate measures to mitigate and adapt to the impacts of climate change. **The “precautionary adaptation strategy” (vorsorgende Anpassungsstrategie) and federal climate adaptation legislation planned by the coalition government should be developed in a process enabling low-threshold participation by all stakeholders and should ensure the following:**

- concrete, measurable and binding objectives
- better data availability and better information on the impacts of climate change
- coordinated joint federal-Länder climate adaptation measures based on human rights

- human rights risk and impact assessments for climate adaptation measures and the monitoring of their implementation.

### 3 Situation at the EU's External Border with Belarus

Human beings fleeing war, torture, and persecution must not be turned away at the border of the European Union (EU). They have a right to access to a fair and effective asylum procedure. Yet there are **massive violations of the human rights of persons seeking protection occurring at the EU's external borders, where, in some cases, refugees are being instrumentalised for political purposes.** For instance, Belarus, which borders on the EU, encouraged and assisted people from countries such as Afghanistan, Yemen, and Mali to travel to its own borders with Poland, Lithuania, and Latvia in 2021 and 2022. Belarus's aim was to exert pressure on the EU by forcing these people to cross the border. **Thus far, the reactions by EU institutions and EU member states – including Germany – have not been adequate from a human rights perspective.**

First of all, the situation at the Poland-Belarus border, where at least 17 people had died by the end of December 2021, was unacceptable from a humanitarian view. Alone in April of 2022, about 2,000 persons seeking protection in the EU were stranded at the external border, where they were forced back and forth across the border and endured physical abuse and appalling conditions, suffering from freezing temperatures, hunger, and thirst. Polish border officials forced them back to Belarus in brutal “pushback” operations – in a clear breach of the prohibition of refoulement under the 1951 Refugee Convention and of collective expulsions under the European Convention on Human Rights. Yet the European Commission, the European Parliament, and the Council of the EU have done nothing to hold the Polish Government to account for this behaviour.



Germany, too, failed to express clear opposition to this treatment of protection seekers, treatment that is clearly inconsistent with human rights. This, despite the declaration in the coalition agreement that the coalition government **wants “to end illegal re-foulement and the suffering on the external borders” and to prevent “people from being instrumentalised for geopolitical or financial purposes”**. The coalition agreement also calls for a fundamental reform of the European asylum regime aimed at a fair distribution among EU states of responsibilities for the reception of asylum seekers and better standards for the treatment of persons seeking protection in asylum procedures. **The Federal Government will be measured against the yardstick of these intentions.**

The European Commission reacted to the actions of Belarus and the situation at the external borders of the EU by setting forth two proposals, neither of which had been adopted as of October 2022. One is for **“provisional emergency measures”, time-limited to six months, enabling Latvia, Lithuania, and Poland to derogate temporarily from some of the provisions of the Common European Asylum System**. The Commission’s other proposal is for the introduction of **a permanent emergency mechanism for use in cases of the instrumentalisation of migrants**. Although this proposal reiterates the EU’s commitment to fundamental and human rights, **it harbours the danger of facilitating “pushbacks” or even creating a long-term basis for them to be considered justified under exceptional circumstances.**

The Federal Government’s role in relation to these proposals had not been revealed to the public as of October of 2022. **The issues involved are of key significance for the future of a European asylum system with a human rights orientation, however. The German Institute for Human Rights therefore recommends, inter alia, that the Federal Government seek to ensure the following:**

- an unambiguous and firm stance on the part of the European Commission demanding that EU Member States adhere to the Common European Asylum acquis

- safeguards in all EU member states ensuring that persons seeking protection are always able to lodge an asylum application and that human beings are not summarily forced back over their borders (“pushbacks”)
- the rejection by the European Council of the planned Instrumentalisation regulation and of derogations from the Common European Asylum System and, in their place, the development of safe and alternative channels for entry into the EU
- the strengthening of family reunification provisions in German law, the expansion of the resettlement programme, and the establishment of federal reception programmes.

## 4 Lack of legal protections for older persons

The fundamental and human rights of older persons in Germany are restricted in many ways. Quite a number of challenges and problems faced by older persons as a result of the Covid-19 pandemic testify to this, as do increasing rates of poverty among older persons and the discrimination they face on a daily basis. **There is no international convention explicitly addressing the rights of older persons. However, there is increasing recognition in Germany, and elsewhere, of these human rights problems and gaps in protection.**

During the early phase of the Covid-19 pandemic, people in long-term care facilities and recipients of home care services suffered considerably under the protective measures introduced then, which enormously curtailed their right to participate in society and their social interactions. The legislature later attempted to address these problems, inter alia, by making vaccination compulsory for specific types of institutions (as of March 2022). **Another concern that the pandemic brought to light is the risk of discrimination on the basis of age and/or a disability in connection with a triage situation caused by a pandemic, which has still not been entirely ruled out.** In December 2021, the Federal

Constitutional Court ordered the federal government to take legislative action to protect against discrimination in triage situations, in its ruling on the “Triage” case (to which the Institute submitted an amicus curiae brief). The draft legislation put forth by the Federal Ministry of Health in August of 2022 does not go far enough, though. Its adoption would not suffice to safeguard the fundamental and human rights principle that every life has equal value and enjoys equal constitutional protection regardless of how long an individual may live. The draft provisions entail a risk of disadvantageous treatment on the grounds of age in their practical implementation. No legislation had been enacted as of October 2022.

The pandemic also shone a light on day-to-day discrimination against older people. For instance, older persons reap few or none of the benefits of digitalisation – a case in point being the difficulties associated with booking vaccination appointments online. This applies above all for older women and older persons with disabilities, as well as persons affected by poverty in older age, as the latter are often unable to afford digital devices or an Internet connection. There is little political awareness of this issue. **Older persons play no significant role in the Federal Government’s Digital Strategy, nor do they figure significantly in its Gender Equality Report or its Education Report.**

Poverty in older age remains an issue of great significance, including human rights significance, in Germany. Poverty acts as a barrier to social participation and leads to health problems, and low income is linked with decreased life expectancy.

**From a human rights perspective, combating poverty in older age begins with ensuring access to the labour market on an equal basis with others, and with reasonable pay.** Low wages result in low pension entitlements; for this reason, many older persons – the majority of them women – have almost no chance of pulling themselves out of poverty by themselves.

The situation with respect to older persons who came to Germany to escape war, violence or persecution, already problematic before the period under

report, deteriorated markedly in 2022 due to the war in Ukraine. Their needs must be taken in account in the context of their reception in Germany: early access to health services and care services is needed, as is the reduction of barriers to the reunification of families – including grandparents.

**Introducing an international convention offers a way to launch a paradigm shift that would close the gaps in the protection of the fundamental and human rights of older persons. Such a convention would result in older persons being viewed as rights-holders rather than as the recipients of assistance, an effect analogous to that of the UN Convention on the Rights of Persons with Disabilities.** Happily, Germany evinced a new, positive attitude towards this project in 2022. For this reason, **the German Institute for Human Rights recommends that the Federal Government do the following:**

- strongly advocate, nationally and internationally, the drafting of an international convention on the rights of older persons and take up an active role in the relevant UN human rights bodies
- view older persons as rights-holders in the national discourse in Germany
- increase its efforts to combat poverty in older age.

## 5 On the Path Towards Child-friendly Justice

Many children and adolescents are involved in proceedings in the justice system in Germany every year, whether as affected parties in an asylum procedure or a family court proceeding, on the divorce of their parents, for instance, or as victims, witnesses, or accused parties in criminal proceedings at a (juvenile) court. As is the case with many adults, their knowledge about the legal system and their own rights is very often incomplete, and they may not place much trust in the justice system. Moreover, their best interests and their views are not always given due consideration, and often their ac-

cess to justice is dependent on the assistance of an adult. **Child-friendly justice is therefore a key element for safeguarding children's rights in Germany.** Happily, this is reflected in some recent political developments.

The entitlement to access to justice is inherent in all human rights and it is also explicitly guaranteed as a distinct human right. Moreover, the UN Convention on the Rights of the Child (UN CRC) makes it quite clear that **children and young people are not merely the objects of care but the holders of their own rights – and thus legal actors in justice system proceedings.** A child-friendly justice system is one that places the best interests of the child (Article 3 UN CRC) and the child's right to be heard (Article 12 UN CRC) in the foreground, with due regard for the circumstances of the individual case. In practical terms, this means that interdisciplinary cooperation between the parties involved in the proceedings (for instance, the family court, guardians ad litem for children [*Verfahrensbeistände*], youth welfare offices, police) must be intensified and qualifications specific to children's rights must be promoted.

**The German Institute for Human Rights welcomes the recent reforms aiming at a child-sensitive justice system and is encouraged by the announcement that the governing coalition intends to refine them.** To this end, the German Bundestag should improve the Act to Combat Sexualised Violence against Children (July 2021; Gesetz zur Bekämpfung sexualisierter Gewalt gegen Kinder). Family and juvenile court judges and public prosecutors active in juvenile proceedings should be required to show that they have received training in (developmental) psychology, communication with children and youth and (social) education and should continue their professional training in this area on a regular basis. The same applies for guardians ad litem for children, whose role includes looking to the interests of the child in proceedings and giving the child a voice in them. The work of a guardian ad litem does not end when the judge communicates their decisions to a child: the guardian ad litem must follow up with the child, discussing the grounds for the decisions and their implica-

tions with them. This is essential **because children should genuinely understand the implications of and reasons for a decision that affects them.** Thus information needs to be communicated in a child-friendly manner **by all parties involved in the proceeding,** before, during, and after the hearing of the child. Adequate guarantees for this are not yet in place.

These improvements aiming at a child-friendly justice system in Germany are consistent with UN CRC provisions and the guidelines of the Council of Europe, as well as the recommendations of the UN Committee on the Rights of the Child. Nonetheless, further improvements are necessary. In particular, there is a need for guidelines describing how relevant provisions can be well implemented in justice system practice in Germany. **In a joint project with Deutsches Kinderhilfswerk (the German Children's Fund) and an expert group of researchers and justice system professionals, the German Institute for Human Rights has developed children's rights-based criteria for family court proceedings.** These criteria could be adapted for other areas of law as well. **A next step should be to further strengthen the procedural rights of young suspects or accused persons in juvenile criminal proceedings.**

**To create a child-friendly justice system, the German Institute for Human Rights recommends, inter alia, the following:**

- the preparation and implementation of additional practical guidelines and criteria (beyond those for family court proceedings)
- the involvement of children in the selection of the guardian ad litem
- holding hearings in a child-friendly manner
- regular continuing child's-rights based training of justice system professionals and the establishment of a sound legal basis for the provision of the material and financial resources this entails.

## 6 Greater Consideration of the Interests of Persons with Disabilities in the Health Care System and Health Policy

Under the UN Convention on the Rights of Persons with Disabilities (UN CRPD), Germany has an obligation to ensure that everybody has equal access, without barriers, to the health care system. In other words: **Germany must ensure that persons with disabilities obtain the same range of free or affordable health services in the same standards that persons without impairments do.** In order for this to happen, the rights, needs, and priorities of persons with disabilities must receive due consideration in decision-making in the health care system and in health policy, in the sense of disability mainstreaming. This, in turn, requires that persons with disabilities be involved in the decision-making at all levels. This is not currently the case.

In March of 2022, the detailed requirements for out-of-hospital-intensive-care came into effect. Persons affected were able to voice some of their concerns at the Joint Federal Committee responsible for the these, but they still see a substantial need for improvement. The curtailment of an individual's freedom to make their own choice with regard to the location of care is incompatible with the UN CRPD. Equally problematic is the unavailability of entities providing such care in some parts of the country. **Their absence may force persons with disabilities who need intensive care to live in a place where they have no family or ties to the community.**

As of November 2022, when persons with disabilities are hospitalised, the costs for accompanying persons (for instance, a relative or trusted party) will be covered. Thus, after years of activism by persons with disabilities and arduous political negotiations, there is now **a statutory basis for the urgently needed financing of in-hospital assistance for many cases.** Some gaps in protection still remain, however.

In the summer of 2022, the legislature debated the question of how **persons with disabilities and older persons, in particular, could be effectively protected from disadvantageous treatment in triage situations caused by a pandemic.** Earlier (in December of 2021), the Federal Constitutional Court, ruling on a constitutional complaint, had found that the legislature had not fulfilled its duty of protection. The legislative process that was initiated, in the spring of 2022, to address this issue makes it clear once again that the lack of disability mainstreaming and the inadequate participation of persons with disabilities can have substantial negative consequences.

Lastly, it is clear that the medical model of disability continues to be applied and even to prevail in Germany. There is not yet enough being done to realise the special requirements and the rights of persons with disabilities: action is still needed to guarantee for participation, eliminate barriers, and secure access to self-determined support and assistance, as well as to ensure the inclusion of persons with disabilities on an equal basis with others.

**Disability mainstreaming is necessary at all levels of the health care system and of health policy.** The German Institute for Human Rights therefore welcomes the fact that the coalition agreement of the governing coalition envisages an action plan for the creation of a diverse, barrier-free, and inclusive health care system, **and recommends, inter alia, action to ensure the following:**

- participation of persons with disabilities on an equal basis with others in legislative processes concerning health policy
- compulsory programmes for medical and care personnel aimed at raising awareness of the human rights-based model of disability
- accessibility for doctor's practices and clinics
- the establishment of an entitlement for people to choose their place of residence in out-of-hospital intensive care and steps to ensure the availability of such care throughout Germany
- non-discriminatory rules for triage situations brought about by a pandemic.

## 7 Germany Within the System of Human Rights Protection

“The German people ... acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world”: thus reads **Article 1, Paragraph 2, of the Basic Law** (Grundgesetz; GG), Germany’s constitution. Moreover, Germany has bound itself up with the European and international systems for the protection of human rights by virtue of its memberships in the Council of Europe and the United Nations (UN) and through its ratification of numerous human rights treaties. Among these are the **International Covenant on Civil and Political Rights** (ICCPR), the **International Covenant on Economic, Social and Cultural Rights** (ICESCR), the **UN Convention on the Rights of Persons with Disabilities** (UN CRPD), and the **UN Convention on the Rights of the Child** (UN CRC), as well as the **European Convention on Human Rights** (ECHR).

Beyond being legal positions that are individually justiciable (in German courts, for instance), human rights impose binding obligations for the governments, parliaments and administrations of federal and Länder governments. One special feature is represented in the **procedures for the examination of complaints (“applications”) lodged by an individual or a state by the European Court of Human Rights**. The ECtHR found no rights violations by Germany in any of its decisions during the period under report, July 2021–June 2022.

The website of the German Institute for Human Rights has detailed information about all human rights instruments and state-party reporting procedures as well as about individual complaints.

## Imprint

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menschenrechtsbericht2022](http://www.institut-fuer-menschenrechte.de/menschenrechtsbericht2022)

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