



Permanent Mission  
of the Federal Republic of Germany  
to the Office of the United Nations and  
to the other International Organizations  
Geneva

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Note Verbale

The Permanent Mission of Germany to the Office of the United Nations and to the other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and – with reference to the latter's note dated 10 July 2009 regarding Human Rights Council resolution 10/7 - has the honour to transmit herewith informations by the German Government as contribution to prepare the intended study.

The Permanent Mission of Germany would be obliged to the Office of the High Commissioner for Human Rights for confirming receipt.

The Permanent Mission of Germany to the Office of the United Nations and to the other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 1 September 2009

Office of the High Commissioner for Human Rights

Geneva

- a) The **Federal Ministry for Labour and Social Affairs is appointed focal point** according to article 33 UN Convention. There is a unit within the ministry which is inter alia responsible for the UN Convention. In our view the focal point is mainly responsible for the process of implementation (e. g. responsibility for developing the strategy for implementation and for steering the process, drafting and coordinating the state report, international representation).
- b) The **Federal Government Commissioner for Matters relating to Persons with Disabilities** is appointed Coordination Mechanism according to Article 33. The Commissioner's office is currently working on the mandate.
- c) The Federal Government's Cabinet decision of 1 October 2008 initiating the legislative procedure for ratifying the Convention and the Optional Protocol entrusted the **Deutsche Institut für Menschenrechte e.V. (German Institute for Human Rights)** with the task under Article 33(2). The Institute is an independent body operating on the basis of the United Nations Paris principles, to which Article 33(2) refers. It is currently financed by the Federal Ministry of Justice, the Foreign Ministry and the Federal Ministry of Economic Cooperation and Development and its independence is guaranteed via its legal form and the articles of association. It started work in 2001 and in the same year was recognised internationally as the national human rights institution. The website address is: [www.institut-fuer-menschenrechte.de](http://www.institut-fuer-menschenrechte.de)

A separate department within the Institute for the task under Article 33(2) was set up. The Federal Ministry for Labour and Social Affairs provides some 430 000 euros a year to support the independent body.

- d) The involvement of civil society is a **basic principle of our policy for persons with disabilities**. Therefore civil society was consulted in the process of drafting the law for the ratification of the UN Convention. The lead committee of the German Bundestag held a consultation with experts, including representatives of civil society, as part of the legislative procedure.

The focal point and the coordination mechanism will closely collaborate with civil society with regard to the further implementation of the UN Convention. The Deutsches Institut für Menschenrechte e.V. will also work closely with civil society. It has already organised three meetings for civil society to get to know it better and will include civil society into the further process.

- e) People with disabilities are protected, like all other citizens, by the competent **public legal protection and supervisory bodies**. Police authorities, public prosecutors and Federal and State Courts are responsible for protection against violence and abuse.

People with disabilities are protected like everyone else by the general systems, such as:

- **Protection of children and young people**, in particular in children's homes and day-care facilities. Depending on their competence, supervisory authorities are active at State or local level. The competent authority conducts regular visits of public institutions such as child day-care centres. In the case of families/private households the competent authority acts in response to specific situations, i.e. when it obtains information on abuse, neglect or domestic violence.
- **Protection of young people at work, including protection with regard to hours of work**. Legislation on the protection of young people at work contains in particular provisions to ban child labour and the exploitation of young people. Moreover, it sets out requirements governing the working conditions of young people. In most cases, the competent authority carries out checks as needed, but also conducts routine inspections on a regular basis. The supervisory authority operates at State level.
- **Protection against violence and abuse at work for employees or civil servants**. In most cases, the competent authority carries out checks as needed, but also conducts routine inspections on a regular basis. The supervisory authorities are state authorities.

In the context of Article 16 the general systems for protection in institutions should be mentioned:

- **Protection for persons in institutional facilities (persons aged 18 and over)**. The supervisory authorities conduct checks in response to specific situations and at prescribed intervals. Prior notice is not required. Homes are checked as to whether they meet the requirements governing the operation of institutional facilities. For example, the supervisory authorities check the residents' health and psychological condition, hygiene, documentation etc. The authorities can impose conditions, sanctions or prohibit operation. Supervision is exercised by statutory health funds and authorities at State or local level.
- **Protection in psychiatric institutions** Supervision is exercised by supervisory authorities at state level and interdisciplinary supervisory commissions. The supervisory commissions have the responsibility and competence to visit psychiatric institutions at regular intervals (at least once every year), investigate possible grievances and ensure that the rights of residents are respected. Prior

notice is not required. Residents have the possibility of submitting a complaint, which the commissions are obliged to investigate.

Mention should, moreover, be made of the **Federal Agency for the Prevention of Torture**. It is based on the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Federal Agency checks all places of detention in Germany as to possible grievances and reports to the Federal Parliament and the Federal Government on its activities. The Agency is responsible for detention facilities which come under the jurisdiction of the Federal Government, including in particular those of the Federal Police and those of the Federal Armed Forces. A separate federal states commission will be set up to monitor detention facilities which come under the jurisdiction of the federal states (prisons, police services, psychiatric institutions).