



**Politik gegen Aussonderung
Koalition für Integration und Inklusion**

Vorstand:

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20 July 2023

Committee on the Rights of Persons with Disabilities
Office of the United Nations High Commissioner of Human Rights
Mr. Jorge Araya
Secretary of the Committee on the Rights of Persons with Disabilities
Palais des Nations
CH -1211 Geneva, 10
Switzerland

Written submissions on country situations – Germany

Dear Mr. Araya, dear Jorge,

The *Association Politics against Exclusion – Coalition for Integration and Inclusion* is a German wide NGO that strongly supports inclusion for disabled and disadvantaged persons in all fields and dimensions of life. As such we responded already 2016 to your call for submissions on the CRPD Draft General Comment on the right to inclusive education.

The Association with the focus on politics against exclusion is a larger international group of German speaking academic experts who have gathered annually since 1986 in a conference of researchers on inclusion to present and discuss their research on inclusion in education (Early Childhood and School) in a so-called Inclusion Researcher's Conference. The University of Zürich organized the conference (InklusionsforscherInnen-Tagung 2023) this past year.

The attached written submission must be viewed in light of the fact that we, in various schools and Early Childhood institutions, have worked on, successfully developed and further researched non-excluding concepts and practices since the end of the 1970s. The inclusive approach and focus of the Association has expanded in the meantime to a broad variety of societal fields which are mentioned in the UN Convention on the Rights of Persons with Disabilities.

The following written submission contains the request for establishing an Enquête Commission on Societal Inclusion of the German Bundestag and we ask the UN-CRPD committee to recommend this proposal to the German government by including this request in the 'Concluding Observations'.

Attached I also send you in a second document a list of more than 1000 signatures of persons and organizations which all signed already this request for establishing an Enquête commission.

Sincerely Yours

Anne Stein

Chair: Prof. Dr. Anne-Dore Stein

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20 July 2023

Written Submission to the Office of the UN Committee on the Rights of Persons with Disabilities for the 29th Session of the UN-CRPD Committee regarding the 2nd and 3rd state report of Germany in August 2023 in Geneva

Initiative to establish an Enquête Commission on Societal Inclusion of the German Bundestag

Preliminary Remark about the Association Politics Against Exclusion – Coalition for Integration and Inclusion

The *Association Politics against Exclusion – Coalition for Integration and Inclusion* (PogA) is a German wide NGO that strongly supports inclusion for disabled and disadvantaged persons in all fields and dimensions of life.

Our sociopolitical intention is to uncover disabling, excluding and disadvantaging structures in institutions and society as a whole. Our specific aim is to raise awareness about structures and practices that exclude. We seek to do this by means of public relation activities (organizing political conferences about inclusion and exclusion; publishing a *,blackbook on Inclusion‘*; and more) and fostering inclusion on all political levels. We cooperate with persons and institutions that work for inclusion. We support the development of inclusive cultures in teaching, learning, professional development and support systems.

The Association PogA was founded in 2007 by academic experts who, since the end of the 1970th/beginning 1980th, have developed integration and inclusion in the field of education in Germany.

The Association with the focus on politics against exclusion emerged out of a larger group of German academic experts who have gathered annually since 1986 in a conference to present and discuss their research on inclusion in education (Early Childhood and School) in a so-called Inclusion Researcher’s Conference. The University of Zürich organized the conference (Inklusionsforscher*innen-Tagung 2023) this past year. There the following demand for an enquête-commission Societal Inclusion was accepted and spread out.

The attached written submission must be viewed in light of the fact that we, in various schools and Early Childhood institutions, have worked on, successfully developed and further researched non-excluding concepts and practices since the end of the 1970s. The inclusive approach and focus of the Association has expanded in the meantime to a broad variety of societal fields, which are mentioned in the UN Convention on the Rights of Persons with Disabilities.

The following written submission contains the request for establishing an Enquête Commission on Societal Inclusion of the German Bundestag and we ask the UN-CRPD committee to recommend this proposal to the German government by including this request in the ‚Concluding Observations‘.

Initial Introduction for the request for the Zürich conference February 2023

The implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) in the sense of creating inclusive societal structures continues to be slow in Germany - apart from individual projects and despite corresponding changes in inclusion policy legislation. There are many systematic and individual cases that show how the implementation of this national right to participation, which has been ratified by the German government, is hindered or even made impossible by a lack of structural, personnel, training and/or material and other preconditions in the various areas of society named in the UN-CRPD, and how exclusion continues to take place.

Against this background, initiatives had been formed since 2021 from four different areas in the meantime to call for an Enquête Commission on Inclusion of the German Bundestag:

- **February 2021** from the workshop-critical area, the `Virtuelle Denkwerkstatt (VDW) – an Alliance of Future-Oriented Professionals
- **March 2022**, parents organizations for inclusion from three provinces: Mittendrin Köln, GLGL Baden Württemberg, Gemeinsam Leben Hessen
- on **May, 2022**, the alliance `One for All - the Inclusive School for Democracy´ (alliance consisting of :Gewerkschaft Erziehung und Wissenschaft, Aktion Humane Schule (AHS), Gemeinnützige Gesellschaft Gesamtschule - Verband für Schulen des gemeinsamen Lernens (GGG), Grundschulverband (GSV), NRW Bündnis `Eine Schule für Alle´, Politik gegen Aussonderung, Koalition für Integration und Inklusion (PogA) and
- in **June 2022**, the UN Disability Rights Convention Monitoring Body at the German Institute for Human Rights.
- In **February 2023**, the initiative of the Inclusion Researchers' Meeting in Zurich (see the following cover letter), which was signed by the participants.

There is a unanimous demand for a survey of the current status of the implementation of legal norms requiring inclusion, the identification of causes with regard to existing structural barriers and obstacles to inclusion, and the determination of future-oriented, action- oriented recommendations by a commission of inquiry to be set up by the Bundestag in this regard. Thus, all initiatives demand - in addition to the processing of sector-related detailed questions - an overall societal inclusion concept to be developed through the establishment of such an Enquête Commission with the aim of developing benchmarks / inclusion indicators, as well as action plans and corresponding concepts to awareness-raising processes in order to finally realize inclusion at all levels of society almost 15 years after ratification in Germany.

The association PogA wants to bundle all requests by collecting signatures nationwide and from different sectors of society and organizations under the attached request for the establishment of such a commission. This will be addressed directly to the German Bundestag.

Since submissions can still be sent to the UN Committee on the Rights of Persons with Disabilities (CRPD) until July 21, 2023, which will discuss the combined 2nd and 3rd State Report of the Federal Republic of Germany on the UN CRPD on August 29 and 30, **2023**, the letter with signatures available (**by July 15, 2023**) should also be sent to the Committee so that a

recommendation for the establishment of an Enquête Commission can also be included by the CRPD Committee in the Concluding Observations to the Federal Government.

Darmstadt, February 2023

Prof. Dr. Anne-Dore Stein

(Chair Politics against exclusion - Coalition for integration and inclusion)

Initiative text for the Inclusion Researcher*s Conference February Zurich 2023:

Request for the establishment of an Enquête Commission on Societal Inclusion of the German Bundestag

Dear members of the German parliament

Dear Group Chairmen.....¹

Dear Minister Heil,

we call upon the German Bundestag to establish an `Enquête Commission Societal Inclusion - on the implementation of the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) in Germany.

This request is supported by the international association of inclusion researchers in the German-speaking countries, which has been meeting annually since 1987, and met in Zurich this year to discuss the theoretical and professional foundations and the available experiences with regard to the design of inclusive education, among other things.

In 2009, the Federal Republic of Germany signed the `United Nations Convention on the Rights of Persons with Disabilities (UN CRPD)`, including the Optional Protocol, and thus committed itself as a contracting state to ensuring the right to inclusive education, but also, beyond this, overall non-discriminatory, equal and thus unrestricted participation of persons with disabilities in all areas of social life.

In the response of the UN Committee on the Rights of Persons with Disabilities (CRPD) to the 1st State Report of the German Federal Government of 2011, it already became obvious in 2015 that significant deficiencies in the implementation of participation rights were identified in many areas described in detail (cf. `Concluding Observations` of the CRPD Committee 2015). The response to the 2nd and 3rd State Report submitted in 2019 by the CRPD Committee is due at the end of August 2023, but according to the assessment of the Monitoring Body for the UN Convention on the Rights of Persons with Disabilities at the German Institute for Human Rights, and substantiated by numerous current studies, e.g. in the field of education (cf. among others Steinmetz/Wrase et al. 2021, Klemm 2021), it is already becoming clear once again that there are serious indications of a systematic violation of the right to inclusive education in various federal states.

The results - including from the education sector - led the monitoring body to recommend the establishment of an Enquête Commission on Societal Inclusion as early as June 2022.

We had seen good indications in the coalition agreement of the new federal government to politically strengthen the participation rights of people with disabilities. However, we observe with great concern contrary developments in practice: structural problems that hinder the implementation of inclusive education and the right to participate in society to the point that

¹ the names of the parliamentary group leaders of all parties represented in the German Bundestag (except the AfD), as well as the minister of the BMAS, ministry responsible for implementing the UNCRPD, Hubertus Heil.

„special worlds“ are not only not dissolved contrary to the convention, but that special structures (e.g. new construction of special schools) continue to be established. A lack of inclusion not only leads to a considerable democratic deficit, but also reinforces already existing, alarming disruptions in society and, in the same way, also means deficits in personal development, the common good and the common sense for people who are not considered disabled - especially in the fields of the education system.

In the spirit of the consistent implementation of the UN CRPD, to which the Federal Republic of Germany has committed itself as a state party, we see it as very urgent and necessary to set up an interdisciplinary commission of inquiry, with the participation of all relevant stakeholders and experts from the field, in order to Self-advocacy organizations, associations and academia to take stock of all areas of society addressed in the UN CRPD.

In a joint understanding of all actors involved, the identification of structural problems should be the main goal and the resulting need for change should be formulated so that the design of inclusive societal structures can be achieved.

Above all, this commission of inquiry would have to determine concrete measures and timetables in order to be able to enter into the still outstanding implementation of the UN CRPD in a binding manner.

Such measures and timetables must be defined with regard to ensuring inclusive infrastructures at all levels listed in the UN Convention on the Rights of Persons with Disabilities - be this, for example, with regard to the design of inclusive (educational) opportunities, an inclusive labor market, municipal structures, the leisure sector or self- determined forms of housing. Appropriate forms of implementation must be secured.

Ensuring the inclusion and full participation of ALL citizens is at the core of shaping democratic societal structures, especially in today's era of social disruptions. Therefore, the German Bundestag, as the legislature responsible for the implementation of the UN CRPD, can make a significant contribution by setting up such a commission of inquiry and by publicly discussing its results. In our view, by setting up this commission of inquiry, you could provide the urgently needed impetus for the adequate implementation of this human rights convention, which has been overdue for 14 years.

Zurich February 2023

Association Politics against Segregation - Coalition for Integration and Inclusion

Prof. Dr. Anne-Dore Stein (Chairwoman)

and the first signatories at the meeting

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