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Circular Note of 21 July 2010, ONU-02749, Permanent Mission of Mexico;
Request during the informal Briefing on 29 July 2010
File No.: POL 381.4/27 (please quote in your reply):
New York, 13 August 2010

Dear Sirs,

Please find below the required information on the implementation of article 19 of the Convention on the Rights of Persons with Disabilities in Germany.

1. Background information

Germany ratified the Convention and the Optional Protocol without any interpretative statement or reservation. The Convention and the Optional Protocol have been legally binding in Germany since 26 March 2009.

The Convention is incorporated in the domestic legal order. The screening process of domestic law showed that the Convention's requirements are generally met. Beyond that, Germany strives for an effective implementation and intends to introduce new measures with regard to the UN Convention with a **focus on accessibility, education, employment, empowerment and awareness-raising as well as data collection**. Germany is working on the set-up of an **action plan** to guarantee a comprehensive and long-term implementation. The institutional infrastructure for the implementation is based on three pillars: The **German Institute for Human Rights** is entrusted with the task of national monitoring under Article 33 (2). The **Federal Ministry for Labor and Social Affairs** is appointed as focal point and the **Federal Government Commissioner for Matters relating to Persons with Disabilities** is appointed as Coordination Mechanism.

The Convention has been **translated into easy language and into German sign-language**.

2. Implementation of Article 19

In Article 19, the States Parties to the Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community.

The principles stipulated in the German domestic law the “*Neuntes Buch Sozialgesetzbuch (SGB IX — Ninth Book of the Social Code of 2002)*” support the aim of Article 19 of the UN Convention. For example, it stipulates that services and facilities must give beneficiaries as much scope as possible to shape their circumstances on their own responsibility and promote their independence. When deciding what services are to be rendered and whilst performing them, beneficiaries' legitimate wishes are to be complied with. The *SGB IX* lays down the principle that **out-patient services are to take precedence over in-patient services**, taking into account the beneficiaries' interests and individual circumstances.

The personal budget in accordance with § 17 *SGB IX* is an important instrument for independent participation in, and integration into society. Beneficiaries are **entitled to a personal budget** instead of services or benefits in kind. Personal budgets are always provided in monetary form and as combined benefits provided by several sponsors. The personal budget helps beneficiaries to live as independent a life on their own responsibility as possible.

Sincerely

Susanne Fries-Gaier