

**NGO Submission to the 2nd and 3rd Periodic Report of Germany on the Convention  
on the Rights of Persons with Disabilities (CRPD)**

**Focused on Article 24 (Education)**

Compiled by:

mittendrin e.V., Luxemburger Straße 189, D-50939 Köln. Writer: Eva-Maria Thoms

Supported by

Organisations of parents for inclusive education:

**Bundesnetzwerk Gemeinsam Leben – Gemeinsam lernen**, c/o Gemeinsam leben Hessen e.V., Dorothea Terpitz, Wilhelmsplatz 2, 63065 Offenbach

on federal states level:

- Gemeinsam Leben, Gemeinsam Lernen **NRW** e.V., Benninghofer Str. 114, 44269 Dortmund
- Gemeinsam leben **Hessen** e.V., c/o Dorothea Terpitz, Wilhelmsplatz 2, 63065 Offenbach
- LAG **Baden-Württemberg** Gemeinsam Leben – gemeinsam lernen e.V., c/o Kirsten Jakob, Weinbergweg 12/2, 89075 Ulm
- Gemeinsam leben, gemeinsam lernen - **Mecklenburg-Vorpommern**, c/o Kathrin Muhs, Goldberg 27, 19055 Schwerin
- LAG **Rheinland-Pfalz** gemeinsam leben – gemeinsam lernen e.V., Alicestrasse 32, 67549 Worms
- LAG **Bayern** Gemeinsam Leben - Gemeinsam Lernen e.V., Siegfriedstraße 21, 90461 Nürnberg
- Landesarbeitsgemeinschaft Inklusion in **Sachsen** (LAGIS) Gemeinsam leben - Gemeinsam lernen e.V., An der Hole 28, 09114 Chemnitz
- Eine Schule für Alle **Bremen** e.V., Am Bredenkaamp 25, 28203 Bremen
- Pro Inklusion **Hamburg** e.V., Schulterblatt 36, 20357 Hamburg
- Gemeinsam leben - Gemeinsam Lernen Landesarbeitsgemeinschaft **Niedersachsen** e. V., Vennweg 7, 30519 Hannover

regional:

- Kunterbunte Inklusion e.V., Lindenstr. 4a, 85757 Karlsfeld, Bayern
- FINI - Freisinger Initiative für Inklusion, Birkenstr. 4, 85376 Giggerhausen, Bayern

Self representation of persons with disabilities

- Landesbehindertenrat NRW e.V., Grafenberger Allee 368, 40235 Düsseldorf
- LAG SELBSTHILFE NRW e.V., Neubrückenstraße 12 -14, 48143 Münster

NGOs and Alliances:

- Berliner Bündnis für schulische Inklusion c/o Komturstraße 58-62, 12099 Berlin
- Eine Schule für Alle in Bayern e.V., Holtzendorffstr. 8, 81549 München
- Bündnis Gemeinschaftsschule Bayern, Hermann-Oberth-Straße 6, 90537 Feucht
- Stabsstelle Inklusion im Bistum Limburg, Bischöfliches Ordinariat, Roßmarkt 4, 65549 Limburg
- Lernwerkstatt Inklusion e.V., c/o Dr. Gerald Klenk, Hermann-Oberth-Straße 6, D-90537 Feucht, Bayern

This report provides a perspective from families advocating for the right to inclusive education for their children with disabilities.

mittendrin e.V. is a regional parent's initiative founded in 2006, which is part of the parent's movement "Gemeinsam leben – gemeinsam lernen" (Living Together - Learning Together), currently active in ten out of the 17 federal states (Länder).

With 17 years of experience, mittendrin e.V. has been fighting for the right to inclusive education as enshrined in Article 24 of the CRPD, as further elaborated in the CRPD Committee's General Comment No. 4.

In addition to our political activities and inclusive development projects, we operate a peer counseling center for individuals with disabilities and their families, providing independent advice on all aspects of living with disability. The counseling center assists over a thousand individuals each year, with 200 to 300 cases related to inclusive schooling.

Please find information about our work in German language: <https://www.mittendrin-koeln.de/> <https://www.mittendrin-koeln.de/ueber-uns/15-jahre-mittendrin-ev>

## Overview

In your List of Issues, you referred to necessary programs for raising awareness and training school professionals, providing resources for inclusive education, employing teachers with disabilities, transforming mainstream schools into inclusive schools, and ensuring the right to inclusive education with reasonable accommodations in the Länder.

All these issues suggest that Germany would be undertaking a planned development to fulfill Article 24 of the Convention. However, there has been no such structured development thus far.

The central government does not exert any influence over the Länder to establish an inclusive education system. As a result, only three Länder demonstrate targeted governance and consistent progress towards inclusive education. According to the scientific study by Wrase et al., all Länder, except Bremen, Schleswig-Holstein, and Hamburg, display persistent or ambivalent attitudes. Wrase's analysis of laws and regulations reveals the following:

- No measures to reduce special schools
- Inferior equipment in inclusive schools compared to special schools
- Concentration of inclusive schooling opportunities in a few schools
- Substitution of a broader inclusive development with special classes or partner classes between regular and special schools, without reporting

In conclusion, Wrase points out that most of the 17 Länder structurally impede inclusive education. <https://www.nomos-elibrary.de/10.5771/9783748924401/die-umsetzung->

## [schulischer-inklusion-nach-der-un-behindertenrechtskonvention-in-den-deutschen-bundeslaendern](#)

The consequences of these obstacles are reflected in statistics. The esteemed educational scientist Klemm demonstrates that

- the increasing inclusion rate in Germany primarily results from a growing number of children identified as having special needs.
- the rate of students attending special schools has not significantly decreased during this period, and in some Länder, it has even risen (e.g., Bayern, Baden-Württemberg, Rheinland-Pfalz, and Saarland).
- Particularly concerning is the increased exclusion rate of children with intellectual disabilities, which rose from 0.94 to 1.16 percent of all students nationwide since the ratification of the CRPD.

Analyzing the official projections of Länder about the numbers of pupils attending special schools until 2035, Klemm concludes that without substantial changes, Germany will not make any more progress towards meeting its obligations under the CRPD.

Prof. Klemm is not known for emotional statements. But this time he raises the question whether Germany for reasons of honesty should lead an open debate about saying good-bye to the goals of the Convention on the Rights of Persons with Disabilities.

[https://www.bertelsmann-stiftung.de/fileadmin/files/user\\_upload/BST-22-010\\_Inklusionszahlen\\_Klemm\\_8.pdf](https://www.bertelsmann-stiftung.de/fileadmin/files/user_upload/BST-22-010_Inklusionszahlen_Klemm_8.pdf)

Below the level of laws and statistics, the situation for affected children and their families in most Länder is even worse.

In reality, inclusive education depends on living in the right place, the accidental presence of aware professionals in schools and administration, and on the determination of strong parents.

The mechanisms hindering children from exercising their right to inclusive education are officially described for the first time in the current human rights report presented to the parliament by the German Institute for Human Rights (DIMR) in December 2022. DIMR states that the prevailing premise of "parent's choice" is a bogus choice due to:

- A severe shortage of high-quality inclusive schooling capacity
- Subliminal barriers against children with disabilities attending regular schools
- Insufficient information about the possibilities and the right to inclusive education

Like Wrase and Klemm, DIMR emphasizes the urgent need for structured activities at all levels to fulfill the obligations of the CRPD. DIMR criticizes the insufficient progress thus far and foresees an unacceptable standstill in the future. [https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Menschenrechtsbericht/Menschenrechtsbericht\\_2022.pdf](https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Menschenrechtsbericht/Menschenrechtsbericht_2022.pdf)

### **Current Situation for Affected Students and Their Families**

So what is the reality of "parent's choice"?

In essence, children with disabilities addressed by the CRPD have no problem finding and attending special schools. There is free school transport, most schools are day schools with reasonable accommodations, and access to medical therapy in school is available.

In contrast, families in most Länder must make significant efforts themselves to realize inclusive education. The proportion of inclusive mainstream schools varies greatly by region, and most are not accessible for students with all types of disabilities. Therefore, inclusive schooling in the community where one lives is not guaranteed.

Moreover, the level of accommodations in inclusive schools is lower than in special schools, and there is no obligation of general training for teachers in inclusive education. Consequently, most teachers in inclusive mainstream schools are unprepared for inclusive teaching.

Families also face challenges in obtaining assistance and school transport. They have to make annual requests to local administrations, and there is no guarantee of receiving the support needed. Particularly, school transport often becomes a burden for families.

Furthermore, without awareness-raising measures, families find themselves surrounded by teachers, administrative staff, doctors, therapists, health workers, and kindergarten personnel who still advocate for children with special needs attending special schools. Families receive no encouragement and very limited information about the right and possibilities of inclusive education. On the contrary, they are often given the impression that they are asking for something extraordinary.

In our mittendrin e.V. counseling center, we encounter between 200 and 300 individuals each year seeking advice on inclusive education. Through these interactions, we have identified typical influences and experiences that prevent families from realizing the right to inclusive education for their children or lead them to give up after a period of struggle. We have observed various highly effective defense strategies that hinder inclusive education, despite the legal entitlement.

Typical Scenarios:

1. First and foremost, many families who seek advice at our counseling service regarding inclusive education are filled with uncertainty. They are unfamiliar with positive examples of inclusive education for students with physical, intellectual or psychosocial disabilities. They are often confused by medical professionals who suggest that inclusive education is only suitable for "mild cases" and that inclusive schools lack the competence to adequately support their child. Media reports highlighting especially challenges and deficiencies of inclusive education further contribute to their apprehensions. They have been told that children with disabilities are often subjected to bullying by their peers. They have been asked whether they are willing to risk their child's well-being in such an environment. Moreover, they continuously hear politicians emphasizing the supposed high quality of the German special school system. In this social climate, pursuing the inclusive path requires great determination.
2. Families encounter soft defense strategies, for instance: when a family visits an inclusive mainstream school to enroll their child with more severe physical or

intellectual disabilities, teachers may inform them in a very friendly manner that the school will have to accept the student but lacks the necessary resources and expertise to meet their special needs. This subtly implies that considering a special school might be a better option.

3. Families are not offered schools in close proximity to their homes, for example: during the transition to secondary school, the school administration recommends a school located 30 km away because the local secondary school does not admit students with intellectual disabilities. Furthermore, no school transport is provided.
4. Schools fail to take responsibility for students with disabilities, for instance: a child with a disability attends a mainstream school with assistance. In the absence of this support, the school contacts the parents, requesting them to keep the child at home. Such occurrences, although illegal, are unfortunately common, and effective administrative measures to prevent them are lacking.
5. Another example of a lack of responsibility: an inclusive school is inadequately developed and fails to meet the special needs of the student. As a result, conflicts arise, and the teacher calls the parents to immediately pick up the child from school. We have come across cases where teachers engage in this behavior repeatedly several times a week.
6. Schools exhibit reluctance to develop inclusive practices, for instance: an inclusive school lacks collaboration and teamwork, and the lessons do not cater to the special needs of students with disabilities. The special needs teacher does not actively participate in lessons but only appears for a few hours each week to remove students with disabilities from the classroom. If parents express their dissatisfaction with the quality of education, they are advised to consider transferring their child to a special school.
7. Special schooling is demanded under the pretext of child welfare, for example: teachers feel challenged when educating an autistic child and repeatedly advise parents to switch to a special school. As parents refuse this suggestion, conflicts with the teachers escalate, and the teachers decide to report the family to the authorities, alleging that the child's welfare is being compromised. Such cases exist in several Länder. One ongoing case is that of "Marie," which is currently being reviewed by the CRPD Committee. In our counseling center, we have personal contact with three families who have faced conflicts over inclusive education and have lost parental custody of their child as a result.

Overall, the presence of these common defense strategies reminds us very much of the barriers to inclusion that have been observed in Spain.

### **Exclusion is on the rise again**

To summarize, a structured process of building an inclusive education system in line with the CRPD has not yet started in most Länder. In fact, we are currently witnessing a significant regression, which is evident in the increasing local preparations in several Länder to construct new additional special schools.

- For example, in the city of Cologne, the local inclusion monitoring report indicates a growing number of students with special needs, particularly children with intellectual disabilities: Their number grew about 60 percent over ten years. This development is leading to an increase in the number of students in special schools. Furthermore, the local statistical analysis reveals that the percentage of students with intellectual disabilities is twice as high among minors without German passports, concerning refugees and migrants. This development raises questions about the quality of special needs diagnostics and the quality of inclusive education. However, without any prior notice, the local administration proposes the construction of two additional special schools for children with intellectual disabilities, thereby increasing the total number of such schools in the city from four to six. [Source: [https://www.mittendrin-koeln.de/fileadmin/user\\_upload/03\\_Aktuell/2023/3668\\_2022\\_Bericht\\_Inklusionsentwicklung\\_an\\_Koelner\\_Schulen\\_SJ\\_2021\\_22.pdf](https://www.mittendrin-koeln.de/fileadmin/user_upload/03_Aktuell/2023/3668_2022_Bericht_Inklusionsentwicklung_an_Koelner_Schulen_SJ_2021_22.pdf)]
- Similarly, the city of Duisburg (Land Nordrhein-Westfalen) has decided to build an additional school for students with intellectual disabilities and expand the capacity of existing special schools. [Source: <https://spd-ratsfraktion.de/neue-schulen-fuer-duisburg/>]
- The district of Unna (Land NRW) has also decided to build a third special school for students with intellectual disabilities. [Source: <https://bergkamen-infoblog.de/dritte-kreiseigene-foerderschule-wird-in-luenen-sued-errichtet/>]
- The regional association Landschaftsverband Rheinland (LVR), which operates all the special schools for students with physical disabilities in the southern part of Land Nordrhein-Westfalen, highlights the need to build four additional schools for students with physical disabilities in the coming years. Consequently, the number of special schools for children with physical disabilities in this region will increase from 19 to 23. [Source: [https://www.lvr.de/media/pressemodul/fb03\\_bilder\\_und\\_dateien\\_1/2022\\_3/Vorlage15\\_1072.pdf](https://www.lvr.de/media/pressemodul/fb03_bilder_und_dateien_1/2022_3/Vorlage15_1072.pdf)]
- This trend of increased financial investments in exclusionary capacities is occurring in several regions. For instance, Land Berlin is expanding the capacity for special schooling by adding 800 places for children with intellectual disabilities. [Source: <https://www.berliner-zeitung.de/lernen-arbeiten/800-zusaetzliche-plaetze-fuer-schueler-mit-geistigen-behinderungen-li.4600>]
- Additionally, numerous special schools in nearly all Länder are being expanded with new buildings to accommodate more students, as seen in Hessen. [Source: <https://www.op-online.de/region/langen/vielseitig-nutzbar-und-klimatisch-1a-janusz-korczak-schule-langen-neubau-92356181.html>]

Given this development, we respectfully ask the CRPD Committee to consider the following recommendations in the Concluding Observations regarding Germany's 2nd and 3rd State Report:

1. To implement the right to inclusive education of all disabled children in the German mainstream education system by ending educational segregation and adopting a

strategy of cooperation between federal and state governments for inclusive education without special schools.

2. To fulfill a subjective right to inclusive education for all disabled children without financial, personell or spacial reservations in all states of Germany by adopting appropriate financial and human resource measures in this regard with a concrete timeline.
3. To protect parents of disabled children and their children against discrimination in the mainstream education system and against any form of intimidation by school authorities and youth welfare offices
4. To take effective measures both on federal and state level to raise awareness for inclusion and the right and benefits of inclusive education among professionals, politicians and society
5. To reallocate resources from the special education system to the mainstream education system and to provide for obligatory training all teachers in the mainstream education system (during their education and on the job) for inclusive and accessible education
6. To collect data on the accessibility status of all education facilities (primary, secondary, tertiary) and to adopt an accessibility strategy for all schools and education facilities in all states in Germany. The accessibility strategy should be underpinned by a specific timeline and adequate resources.