



**Caritas Behindertenhilfe und Psychiatrie e. V. (CBP)**

**Submission**

**the UN Committee on the Rights of Persons with Disabilities**

**General discussion on the right of persons with disabilities in situations  
of risks, including in armed conflicts, humanitarian emergencies and  
disasters**

**28th session (6-24 March 2023) &  
17th pre-sessional working group (27-31 March 2023)**

**CRPD General discussion on Art.11**

Berlin, February 15th 2023

Bundesverband Caritas Behindertenhilfe und Psychiatrie e.V.,  
Reinhardtstr. 13, 10117 Berlin / Germany  
Tel. 030-284447-822, Fax 030-284447-828  
[cbp@caritas.de](mailto:cbp@caritas.de) – [www.cbp.caritas.de](http://www.cbp.caritas.de)

## **Preliminary**

As German federal association of 1100 non-profit Caritas organisations for people with disabilities is Caritas Behindertenhilfe und Psychiatrie (CBP) responsible for assistance for over 200.000 persons with disabilities with the staff of 95.000 employees. The Members of our association operate rehabilitation centers for people with disabilities all over the country. The CBP with the headquarter in Berlin provides services to the members on legal issues as well as on vocational education and rehabilitation. The CBP advocates for the participation of people with disabilities.

With the begin of the war in Ukraine the CBP cooperate with international organisations i.e. Caritas of Poland and coordinate the proceeding of transportation and welcoming refugees together with our members in Germany. The CBP coordinate the welcoming over 1000 refugees with disabilities. Our members of the CBP received around 400 refugee children and young people with intellectual, mental or multiple disabilities to keep them together with their caregivers and social references in our rehabilitation centers where they still live.

### **1. Human rights during a pandemic**

The legal system in Germany was focusing on the protection of population. With reference to this priority all new legal pandemic regulations were concerned on the special regulations for care and separation of the special groups of population as vulnerable groups. The people with severe disabilities in institutional care were generally classified as vulnerable groups and separate from other individuals for the pandemic time.

All these people had in the pandemic time very limited chance to take part in the community life due to the legal restrictions concerning institutional care. They received only the visits of their family members. Further the rights to use the therapeutical service or to participate in social life or to participate in the rehabilitation process were restricted and limited to the digital options.

The group of people with disabilities and with their special needs were not in the focus of the legislative and administrative system. The restrictions were concerned on general protection of health and all other social aspects of live and rehabilitation were not seen.

Considering these legal regulations in the pandemic time it is very important to develop the standards for protection of human right of people with disabilities according to the wishes of people with disabilities for more participation in the society.

The following aspects have to be concerned to fix the deficiencies:

- Information in barrier-free form about the present situation (crisis, pandemic etc.)
- Urgent organization of assistance for people with disabilities
- Priority of social participation referring medical aspects
- Political focusing on needs and interests of people with disabilities
- Participation of people with disabilities in the digital development
- Difference of vulnerability within the group of people with disabilities

## **2. Refugees with disabilities require special legal protection**

Refugees with disabilities are a vulnerable group of people and they need special regulation and organization of welcoming. The German system of allocation of refugees is determined by financing of the federal states without regard to the personal needs. The German system of allocation disregards the needs of refugees with disabilities.

Refugees with disabilities need an organization of special support and institutional care:

- Institutional accommodation and professional medical and social assistance
- barrier-free transportation with professional assistance
- access to medical assessment
- medical help and care
- medical aid program and support (i.e. hearing aids, wheelchairs, walking aids, canes and training courses etc.)
- Barrier-free access to medical care and medical rehabilitation
- Understandable and barrier-free communication,
- Participation and co-determination
- special language courses
- counseling services and support from your own community or family

All the above support is not ensured in Germany as we considered welcoming children with disabilities from Ukraine. The German system of allocation of refugees is determined by financing and not prepared for welcoming refugees with disabilities.

The real needs of refugees with disabilities for medical care and barrier-free accommodation are not in the focus of allocation in Germany. The Washington Group Questions represent a possible model for early initial identification. A few questions quickly provide initial indications of possible functional impairments. They are already used regularly in the field of humanitarian aid, but not in Germany. Many people with disabilities require regular medical care or medication, but they have no access to the full medical system. Refugees with disabilities need assistance to move away in groups with nursing relatives or together with their caregivers. The welcoming system in Germany is not prepared for refugees with disabilities.

Most people seeking protection go through an asylum procedure in Germany. They have to live in special centers according to a formalized procedure. These accommodations are not prepared for needs of people with specific disabilities. In practice, it is almost impossible to obtain an exemption from the obligation to live in such accommodations without medical care. Benefits to secure the livelihood are reduced. Access to full medical care and participation benefits is excluded in the first 18 months of residence.

With the first-time application of Directive 2001/55/EC EU ("Mass Influx Directive") to refugees from Ukraine, this group of people is granted temporary protection in Germany on the basis of Section 24 of the Residence Act without an asylum procedure. However, access to participation benefits was not clearly regulated and the different administrative applying is a huge challenge for all refugees. The consequences are different legal interpretations in the federal states and municipalities, which means that administrative procedures for granting participation benefits take many months and are not reliably successful.

The CBP is committed to ensuring that refugees with disabilities have the same access to subsistence services, health care and participation services as native population.

**Conclusion:**

**The human rights of people with disabilities have to be regarded in all crises, wars and humanitarian emergencies.**

**The states should ensure an up-to-date information accessible to all people with disabilities. (Art. 9 CRPD)**

**All legal regulations for crisis management or for accommodating refugees have to regard all needs of people with disabilities**

**With accordance to human rights persons with disabilities need an access to a basic income, medical care and professional assistens, health insurance system as well as habilitation and rehabilitation system.**

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Caritas Behindertenhilfe und Psychiatrie e.V.

Janina Bessenich, General Manager

Mail: [cbp@caritas.de](mailto:cbp@caritas.de)