

Question 1:

Germany's CRPD State report contains the following information on Art. 13 of the Convention:

German law guarantees access to justice for persons with disabilities. Appropriate provisions are contained for instance in the Courts Constitution Act (*Gerichtsverfassungsgesetz – GVG*) and the Code of Criminal Procedure (*Strafprozessordnung – StPO*).

Thus, for instance, in accordance with section 191a of the Courts Constitution Act blind or visually-impaired persons may demand that court documents are made available to them in a form accessible to them to the extent that this is necessary in order to safeguard their rights. In accordance with section 186 of the Courts Constitution Act, the necessary aids must also be furnished where appropriate to facilitate the communication of a hearing-impaired or speech-impaired person. The content of these provisions applies not only in court proceedings, but also in the investigation and execution proceedings, which the public prosecution office is to oversee in procedural terms. Section 187 of the Courts Constitution Act provides that the court calls in an interpreter or translator for an accused or convicted person or for persons who have the right to join a public prosecution as a private accessory prosecutor who are hearing impaired or speech impaired where this is necessary to enforce their rights in criminal proceedings.

If an accused person is unable to defend themselves in criminal proceedings for instance on grounds of a disability, they are to be appointed defence counsel (section 140 subs. 2 of the Code of Criminal Procedure). Section 140 subs. 2 sentence 2 of the Code of Criminal Procedure additionally orders that the application of an accused person with a hearing or speech disability for the appointment of counsel is to be complied with.

In accordance with section 259 subs. 2 of the Code of Criminal Procedure, hearing-impaired or speech-impaired person accused persons must be told of the final pleadings at least of the applications of the public prosecution office and of the defence counsel via an interpreter.

In accordance with section 68b of the Code of Criminal Procedure, a lawyer is to be appointed for witnesses for the duration of their questioning if specific circumstances apply making it evident that they are unable to exercise their rights themselves on being questioned. Additionally, victims of a criminal offence both with and without disabilities who are to be questioned as witnesses may take along to their questioning a person enjoying their trust (section 406f subs. 2 of the Code of Criminal Procedure).

In accordance with section 60 No. 1 of the Code of Criminal Procedure, it is guaranteed that persons who for instance on grounds of a mental disability have no adequate idea of the essence of an oath do not have to give an oath.

In accordance with section 66 of the Code of Criminal Procedure, the court must make available the technical aids which are necessary for persons who are hearing-impaired or speech-impaired who are questioned as witnesses to facilitate the understanding of the taking of an oath for these persons.

#### Question 2:

Since 1973, the German Judicial Academy has been responsible for training judges and public prosecutors on the national level. With its conference centres in Trier and Wustrau, the Academy offers a wide range of seminars, including many on behavioural topics that focus on interaction with colleagues and other persons. These seminars also offer participants the opportunity to consider the recognition of rights of persons with disabilities.

In addition to this, the Academy organises a seminar on "Guardianship Law", which looks at the main principles and objectives of the law pertaining to guardianship and involuntary commitment, as well as communicating with people with illnesses and disabilities.

In Germany, prison officials receive qualified training on dealing with persons deprived of their liberty. They receive teaching on the subjects of: prison law, constitutional law, political education, and prisoner management and care (criminology, methods from social work, psychology and prison education). These subjects also include teaching on the topics of: human rights issues, and complying with obligations under international agreements and conventions.

#### Question 3:

In Germany, some 70 blind persons are at present serving as judges. They can reach the highest judicial offices; blind judges have served on the Federal Supreme Court. The number of blind advocates is not known, but estimated higher than the number of blind judges. Figures relating to other disabilities are not available.