Germany would first like to refer to its Periodic Reports on the United Nations Convention on the Rights of Persons with Disabilities (CRPD) which outline good practices to ensure effective access to justice for persons with disabilities (see in particular the comments regarding Article 13).

Furthermore, Germany would like to draw particular attention to the following regulations and projects:

The Courts Constitution Act [*Gerichtsverfassungsgesetz* – GVG] contains special provisions designed to ensure that persons with disabilities have non-discriminatory access to justice. These provisions are section 186 GVG (a special provision on communication with hearing-impaired or speech-impaired persons in court proceedings) and section 191a GVG (a special provision on making documents accessible for blind or visually impaired persons). The English version of these provisions can be found here: https://www.gesetze-im-internet.de/englisch\_gvg/index.html

In family court proceedings and proceedings in matters of non-contentious jurisdiction, the situation is as follows: pursuant to section 125 (1), section 275 and section 316 of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction [*Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit* – FamFG], people with disabilities have capacity to participate in proceedings in marital matters, custodianship matters and placement matters. Any person with capacity to participate in proceedings can make or accept legally effective declarations – either on their own or via a representative appointed by them. In custodianship and placement matters, the court must furthermore appoint a guardian ad litem [*Verfahrenspfleger*] for the person concerned wherever this is necessary to represent their interests (section 276 (1) and section 317 (1) FamFG). The English version of these provisions can be found here: https://www.gesetze-im-internet.de/englisch\_famfg/index.html

Turning to the social court system: with the help of a 2017-2018 project funded by the Federal Ministry for Labour and Social Affairs, training courses on the content and scope of the CRPD were offered at the social courts of the *Länder* (federal states) by the Monitoring Mechanism. In the years 2019-2022, these nationwide specialist training courses will be run by the Monitoring Mechanism for judges and senior judicial officers at the adult guardianship courts. The Monitoring Mechanism also held two specialist discussion events (in conjunction with the Federal Ministry for Labour and Social Affairs) with the aim of raising awareness among judges, academics and politicians about the CRPD’s significance for the German legal system.

We would furthermore like to draw attention to the statutory provisions on the derivative right of action and the right to pursue representative action as enjoyed by associations which represent persons with disabilities.

Cases involving the volitional assignment of the derivative right of action [*gewillkürte Prozessstandschaft*] are regulated in section 85 of Book 9 of the Social Code [*Sozialgesetzbuch* – SGB] and section 14 of the Act on Equal Opportunities for Persons with Disabilities [*Gesetz zur Gleichstellung von Menschen mit Behinderungen* – BGG]. Associations representing persons with disabilities are thereby entitled to take legal action in their own name in order to assert the rights of persons with disabilities – but only with the consent of those persons. When an association asserts the rights of a person with disabilities, the same procedural requirements apply as if the person with disabilities were taking legal action themselves. In such cases, the association bringing the action is not permitted to pursue any interests that diverge from the interests of the person with disabilities.

A genuine right to pursue representative action [*Verbandsklagerecht*] is enshrined in section 15 BGG. This right to pursue representative action is not tied to any individual claims. Associations which represent persons with disabilities and which have been approved by the Federal Ministry for Labour and Social Affairs are entitled to file actions even if their own rights have not been violated.

These two special procedural rules make it possible to better safeguard the interests of people with disabilities.

Since the BGG was revised in 2016, a provision stipulating the creation of an Arbitration Service has been set down in section 16 BGG. Persons with disabilities can contact the Arbitration Service if they believe that any of their rights under the BGG – especially those arising from the rules on accessibility and non-discrimination – have been violated by a federal public authority. Since 2016, the legislation has also provided for the possibility of conducting a representative arbitration procedure in advance of the representative action under section 15 BGG.

The arbitration procedure, which is free of charge for those involved, enables the parties to reach a quick settlement in a relatively uncomplicated manner. This is in the interests of everyone concerned. For victims of discrimination, legal disputes of unknown duration and uncertain outcome are often experienced as being particularly stressful. Using the option of an arbitration procedure makes it possible to save time and money that would otherwise have to be spent on potential redress or appellate proceedings, while at the same time reducing the burden on the courts. The Arbitration Service began operating in late 2016 and has already received more than 360 applications for arbitration. In 2018, 62% of the admissible proceedings were resolved in the form of a friendly settlement. 8% of the cases were concluded in some other manner. This shows that the arbitration procedure has already established itself as an effective instrument for enforcing the rights arising from the BGG.