

**ТЕОРІЯ ТА ІСТОРІЯ ДЕРЖАВИ І ПРАВА;  
ІСТОРІЯ ПОЛІТИЧНИХ І ПРАВОВИХ УЧЕНЬ**

УДК 342.9

DOI 10.36919/3041-1149(Print).5.2024.9-18

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OF STUDENTS WITH DISABILITIES  
IN THE EDUCATION SYSTEM IN GERMANY**

*The legal protection of students with disabilities in the Germany education system is based on several key principles that aim to ensure equal access to education. The article reveals key legislative acts and mechanisms that provide legal protection.*

*It is emphasized that Germany's Basic Law (Grundgesetz): Article 3 of the German Constitution prohibits discrimination on the basis of disability. In Germany, there are student committees and organizations that deal with accessibility issues.*

*The Law on Equal Rights of Persons with Disabilities (Behindertengleichstellungsgesetz, BGG), which provides equal access to education, work and social life for persons with disabilities, is analyzed. Specialized organizations and lawyers help students resolve conflicts.*

*The Social Code (Sozialgesetzbuch, SGB IX), which regulates the rights to rehabilitation and integration of persons with disabilities, including their education, is separately considered. Students can apply to special commissions of universities or relevant state institutions if their rights are violated.*

*It found that Germany also adheres to the UN Convention on the Rights of Persons with Disabilities (CRPD), which calls for inclusive education at all levels of education. Most universities have representatives to protect the rights of students with disabilities.*

*Highlighted is the Anti-Discrimination Act (Allgemeines Gleichbehandlungsgesetz, AGG), which protects students from all forms of discrimination, including on the basis of disability, in all aspects of public life, including education. BAföG (Federal Education Assistance Act) provides financial assistance to students with disabilities.*

*German legislation obliges schools, universities and vocational training institutions to ensure the adaptation of the educational process. For this, special services have been created, such as: access to buildings (barrier-free environment, elevators, ramps), educational materials in accessible formats (braille, e-books, audio), personalized study plans, tutors or assistants for support. The German education system strives to create conditions in which all students, regardless of their health status, are able to realize their potential.*

**Key words:** *higher education in Germany, legal protection of students, demographic security, individual approach, European Association, education with special needs, European dimension, disability, integration, educational policy.*

**Introduction.** In Germany, support and guidance for people with disabilities is ensured by a legal framework, subject to the Basic Law (Grundgesetz) and the Social Code (Sozialgesetzbuch). Furthermore, the United Nations Convention on the Rights of Persons with Disabilities entered into force in Germany in March 2009. The federal government and the Länder states have since taken measures to guarantee the human rights of persons with disabilities; prevent discrimination against persons with disabilities; and take appropriate legislative, administrative and other steps to achieve the objectives of the Convention. In education, school legislation was amended respectively newly adopted to allow for the inclusion and support of students with disabilities into the mainstream education system.

The main objective of the article is to work on creating a coherent and permanent structure for enhanced European cooperation in the field of special needs education. The main tasks are to collect, process and disseminate information on new and innovative measures in the field of special needs education, as well as to initiate research and disseminate research results in this area.

**Materials and Methods.** To achieve the goal of the research, the following research methods were used: analysis of scientific literature, observation, which allowed for the determination of the relevance of the problem; analysis of conceptual provisions and conclusions contained in philosophical, Pedagogical and methodological literature; systems analysis, comparative analysis, classification method, methods of systematization, generalization, logical analysis.

**Results.** List of current goals for improving projects in inclusive education in Germany:

- Providing accessible information for lifelong learning;
- Assessment in inclusive settings;
- Updating early childhood intervention;
- ICT for inclusion;
- ICT for accessibility of information in learning;
- Indicators for inclusive education;
- Key Principles for promoting quality in inclusive education;
- Mapping the implementation of inclusive education policies;
- Multicultural diversity and special needs education;
- Organizing support for inclusive education;
- Raising achievement for all learners – Quality in inclusive education (RA4AL);
- Teacher education for inclusion;
- Inclusive education in action (IEA) project;
- Vocational education and training: policy and practice in special education (VET);
- Young perspectives on inclusive education.

**Prospects.** Within their own areas of responsibility, the Länder take various and far-reaching measures which cannot be separately described. The reform measures of the Länder particularly concern:

1. Expanding full-day offers with the aim of extended educational and support options.
2. Raising the educational level of disadvantaged people.
3. Improving linguistic competence.
4. Improving dovetailing of the pre-school sector and primary school.
5. Improving school education, reading competence and the understanding of mathematical and scientific correlations.
6. Vocational orientation and improving the transition from school to work.
7. Strengthening the link between vocational and higher education.
8. Laws to improve the identification and recognition of professional qualifications acquired abroad by the Federation and the Länder.
9. Increasing the higher education graduation rate and that of comparable qualifications.

**Problem Statement and Relevance.** Germany is a Federal Republic of 16 Länder. Development in the different Länder of Germany is diverse. Each Land has its own responsibility, including individual legislation according to the guidelines of the Basic Law system. One core element of this status is so-called cultural sovereignty (Kulturhoheit), i.e. the predominant responsibility of the Länder for education, science and culture. This means, in principle, that each Land bears responsibility for its educational and cultural policy. They should express the historical, geographical, cultural and socio-political aspects specific to their Land, and thus diversity and competition in the education system and in the field of culture. However, the Länder bear joint responsibility for the entire federal state. This overall responsibility both entitles and obliges them to co-operate with one another and to work together with the Federal Government.

The right of children with disabilities to education and training appropriate to their needs is stated in the Basic Law (Grundgesetz, Art. 3 – R1), Book Twelve of the Social Code (Sozialgesetzbuch XII – Sozialhilfe) and the Länder constitutions (R14-29). More detailed provisions are set out in the school legislation of the Länder (R70, R72, R74, R76, R78, R81, R83, R85, R87-88, R90, R92, R98, R100-102). The introduction to Article 3, paragraph 3, clause 2 of the Basic Law states: ‘No-one shall be discriminated against because of their disability.’

**Analysis of Recent Research and Publications.** Recent initiatives in the different Länder include the 2021 Hamburg Masterplan on Education for Sustainable Development 2030 [1]. Lower Saxony’s Exemplary Act on Education for Sustainable Development [2] (Lower Saxony, 2021) or the Guidelines on education for sustainable development of North Rhine-Westphalia [3] (KMK, 2023).

Since 2021, the integration of the new cross-occupational training standards [4] ‘Environmental protection and sustainability’ and ‘Digitalised world of work’ set minimum mandatory course content requirements for all newly regulated dual training occupations [5], which significantly modernises the system. Different pilot projects on sustainability have been launched by the Federal Institute for Vocational Education and Training, e.g. training staff transfer programme (2020–22) [6].

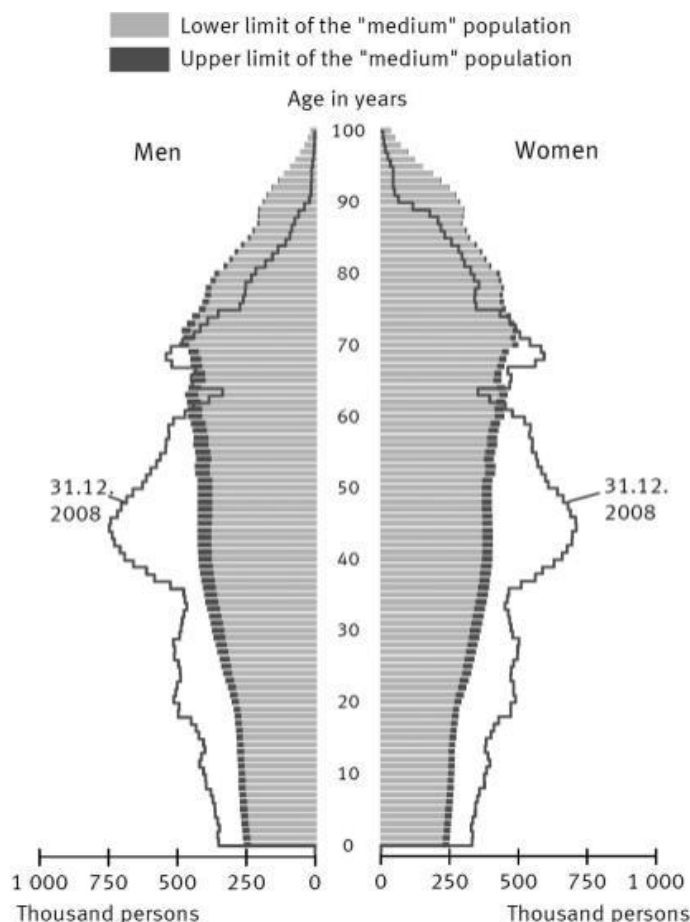
**Formulation of the goals of the article (statement of the task).** People with disabilities continue to face numerous barriers and disadvantages in their everyday lives. Structural obstacles in public spaces and transportation often prevent them from participating independently and equally. Additionally, issues arise in the realm of digital and communicative accessibility. For example, blind and deaf individuals frequently encounter a lack of text-to-speech technologies or insufficiently adapted communication methods when booking services or interacting with providers.

A significant number of complaints submitted to the Federal Anti-Discrimination Agency by people with disabilities relate to discrimination in healthcare, access to daycare facilities, schools, and the justice system. The General Equal Treatment Act (AGG) prohibits discrimination based on disability both in daily life and in the workplace. Disabilities under the AGG also include chronic conditions that have a long-term negative impact on an individual’s daily life and limit their societal participation, such as severe atopic dermatitis or HIV.

The Federal Anti-Discrimination Agency actively advocates for the ongoing removal of barriers for people with disabilities. It calls for enshrining the right to reasonable accommodations in the AGG to help reduce these barriers and prevent discrimination.

#### **Presentation of the main research material**

**Changes in the Age Structure.** 1. Both the declining number of births and the ageing of the large middle-aged cohorts cause significant changes in the age structure of the population. For a long time, the current population structure has deviated from the ‘classic’ population pyramid shape where children represent the strongest cohorts and the older cohorts gradually decrease in size as a result of increasing mortality. Today Germany’s population structure resembles a ‘dishevelled fir tree’, rather than a pyramid. The middle-aged cohorts are particularly large while the groups of older and younger people are smaller. By 2060, the large birth cohorts will move further upward, become sparser and will finally be replaced by smaller cohorts. At the same time, the relations between the different age groups will change significantly.



Today, children and young people under 20 years of age account for 19 % of the population. The proportion of people aged 20 to under 65 years is 61 %, while that of seniors aged 65 and older amounts to 20 %. In accordance with the variant projection for the 'medium' population (lower limit), every third person (34 %) will be at least 65 years old in 2060 and the number of 70-year-olds will be twice the number of new-born children.

The ageing process is especially reflected by the number of seniors aged 80 and more. In 2008, a total of about 4 million people in Germany were 80 years of age or older. They accounted for 5 % of the population. Their number will continuously increase to reach an all-time high of more than 10 million in 2050. Between 2050 and 2060, the number of the oldest seniors will decline to 9 million. Hence 14 % of the population (i.e. every 7th person) can be expected to be 80 years old or older in 50 years' time. The number of people aged under 20 years, which totals about 16 million today, will decline to some 10 million by 2060. This will be 16 % of the population. Thus the number of young people aged under 20 will exceed the number of people aged 80 and above by not more than about 1 million in 2060.

The promotion of underrepresented social groups in the education system is achieved through a number of measures which aim to overcome social obstacles and enable equal participation. The right of disabled persons with disabilities to education and training appropriate to their needs is enshrined in the Basic Law (Grundgesetz, Art. 3), in equality legislation, in Book Nine of the Social Code (Neuntes Buch Sozialgesetzbuch – Rehabilitation und Teilhabe von Menschen mit Behinderungen) and in the Länder constitutions.

More detailed provisions are set out in the school legislation (Schulgesetze) of the Länder. The special concerns of students with disabilities are taken into account in the Higher Education Acts of the Länder. In many Länder, the appointment of representatives for the concerns of students with disabilities and chronic illnesses at higher education institutions is now anchored in law. The regulations on the participation rights differ from Land to Land.

Population by age groups, 2008, 2020 and  
2060

|                        | 2008 | 'Medium' population |         |       |         |       |         |       |         |
|------------------------|------|---------------------|---------|-------|---------|-------|---------|-------|---------|
|                        |      | 2020                |         |       |         | 2060  |         |       |         |
|                        |      | lower               | change  | upper | change  | lower | change  | upper | change  |
|                        |      | limit               | on 2008 | limit | on 2008 | limit | on 2008 | limit | on 2008 |
| <i>Million persons</i> |      |                     |         |       |         |       |         |       |         |
| 0 to under 20 years    | 15.6 | 13.6                | -2.0    | 13.7  | -1.9    | 10.1  | -5.5    | 11.0  | -4.6    |
| 20 to under 30 years   | 9.9  | 8.5                 | -1.3    | 8.7   | -1.2    | 6.1   | -3.8    | 6.7   | -3.2    |
| 30 to under 50 years   | 24.3 | 19.8                | -4.4    | 20.1  | -4.2    | 14.6  | -9.7    | 16.3  | -8.0    |
| 50 to under 65 years   | 15.5 | 19.2                | 3.7     | 19.3  | 3.8     | 11.9  | -3.6    | 13.2  | -2.3    |
| 65 to under 80 years   | 12.7 | 12.6                | 0.0     | 12.7  | 0.0     | 12.9  | 0.3     | 13.7  | 1.0     |
| 80 years and older     | 4.1  | 6.0                 | 1.9     | 6.0   | 2.0     | 9.0   | 5.0     | 9.2   | 5.2     |
| Total                  | 82.0 | 79.9                | -2.1    | 80.4  | -1.6    | 64.7  | -17.4   | 70.1  | -11.9   |
| <i>Percent</i>         |      |                     |         |       |         |       |         |       |         |
| 0 to under 20 years    | 19   | 17                  | -13     | 17    | -12     | 16    | -35     | 16    | -29     |
| 20 to under 30 years   | 12   | 11                  | -14     | 11    | -12     | 9     | -38     | 10    | -32     |
| 30 to under 50 years   | 30   | 25                  | -18     | 25    | -17     | 23    | -40     | 23    | -33     |
| 50 to                  | 19   | 24                  | 24      | 24    | 24      | 18    | -23     | 19    | -15     |

**Early Childhood Education and Care.** Germany offers a variety of early childhood education, support, and development programs for children with disabilities prior to entering school. Most children who receive integration support under Book Eight of the Social Code (\*Achstes Buch Sozialgesetzbuch – Kinder-und Jugendhilfe\*), Book Nine of the Social Code, or who are identified as having special educational needs, are included in day care facilities alongside children without disabilities. These inclusive settings ensure that children with disabilities benefit from equal opportunities for early learning and social interaction.

**Special Education Needs in Schools.** The primary goal of special educational support in schools is to provide children and young people with disabilities or those at risk of disability access to education, training, and schooling that meets their individual abilities and needs. This support is delivered through personalized assistance measures designed to maximize integration in schools and workplaces, foster societal participation, and promote as much independence as possible.

Inclusive educational practices are central to this approach, encouraging collaboration and mutual learning between children with and without disabilities. By fostering an inclusive environment, the education system seeks to empower all students to thrive academically, socially, and personally.

The development and organization of special education in Germany's Länder (federal states) has been significantly influenced by resolutions from the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder (Kultusministerkonferenz – KMK). Key milestones include the Recommendations on the Organisation of Special Schools (Empfehlung zur Ordnung des Sonderschulwesens) adopted in March 1972, and subsequent recommendations for specific types of special education

The Recommendations on Special Needs Education in the Schools of the Federal Republic of Germany (Empfehlungen zur sonderpädagogischen Förderung in den Schulen in der Bundesrepublik Deutschland), issued in May 1994, played a pivotal role in fostering inclusion by dismantling barriers and promoting equal access to education for children with disabilities.

In light of the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), adopted in 2006, the KMK revised these recommendations starting in 2008. On November 18, 2010, it issued a position paper titled \*Educational and Legal Aspects in the Implementation of the United Nations Convention on the Rights of Persons with Disabilities in School Education (\*Pädagogische und rechtliche Aspekte der Umsetzung des Übereinkommens der Vereinten Nationen über die Rechte von Menschen mit Behinderungen in der schulischen Bildung). A year later, in October 2011, the KMK adopted a decision on Inclusive Education of Children and Young People with Disabilities in Schools (Inklusive Bildung von Kindern und Jugendlichen mit Behinderungen in Schulen).

These recommendations align with international agreements, such as the Convention on the Rights of the Child and the UN CRPD. Building on the principles outlined in the 1994 recommendations, they provide a framework for expanding inclusive practices in general and vocational education. Their ultimate goal is to ensure that children and young people with and without disabilities can learn together while maintaining and advancing the quality of special education services, including teaching, advising, and support systems.

The recommendations of the Standing Conference apply to pupils with special educational needs, regardless of whether support takes place at a mainstream school or at a special education institution. The following recommendations of the Standing Conference on the individual focuses of special needs education as well as on the teaching of sick pupils are in effect on a complementary basis for the time being, provided that the statements they make do not contradict the above Recommendations. A differentiation is made between eight support priorities:

1. Sight.
2. Learning.
3. Emotional and social development.
4. Speech.
5. Mental development.
6. Hearing.
7. Physical and motor development.
8. Instruction for sick pupils.

In addition to the «Recommendations on school education, guidance and support for children and young people with a special educational focus on LEARNING» ('Empfehlungen zur schulischen Bildung, Beratung und Unterstützung von Kindern und Jugendlichen im sonderpädagogischen Schwerpunkt LERNEN') adopted in 2019 and the "Recommendations for the school education, guidance and support for children and young people with a special educational focus on mental development" ('Empfehlungen zur schulischen Bildung, Beratung und Unterstützung von Kindern und Jugendlichen im sonderpädagogischen Schwerpunkt Geistige Entwicklung') adopted in 2021, the recommendations on the other special educational focuses are also currently being successively revised. In addition, in June 2000 the Standing Conference has made recommendations on the «Education and teaching of children and young people with autistic behaviour» ('Erziehung und Unterricht von Kindern und Jugendlichen mit autistischem Verhalten').

The German education system provides structured support for students at different stages of their educational journey, focusing on career advice, vocational orientation, and ensuring equal opportunities in higher education.

**School Career Advice and Vocational Guidance.** At the lower secondary level, career advice helps students make informed decisions about transitioning to other schools or selecting educational paths that lead to professional qualifications. Key features include:

- Collaboration with Employment Agencies: These agencies assist schools in offering career advice to students;
- Vocational Orientation (Berufliche Orientierung): This program is integrated into the curriculum across all federal states (Länder) and provides students with opportunities to explore career options. It is mandatory and embedded in educational guidelines;
- Careers Information Centres (BIZ): Run by Employment Agencies, these centers offer detailed resources for students and adults on vocational training, career prospects, job requirements, further education, and labor market trends.

**Higher Education Support.** German higher education focuses on promoting equal opportunities, especially for underrepresented groups such as:

- Women and students with children;
- Students with disabilities or chronic illnesses;
- Students from low-income or educationally disadvantaged families;
- Students with migrant backgrounds.

Support measures include:

- Financial assistance and scholarships;
- Special accommodations and advisory services for students with disabilities;
- Childcare support for student parents;
- Mentorship and programs encouraging participation from underrepresented groups.

These initiatives aim to remove social and economic barriers, fostering greater inclusivity and diversity in the educational and professional landscape.

**School career advice and vocational guidance.** School career advice at lower secondary level consists of not only counselling on questions of transferring to other schools and the choice of the further educational path but also advice on study courses leading to a professional qualification in the educational system. It also cooperates with the Employment Agencies in providing career advice for pupils. Vocational Orientation (Berufliche Orientierung) offers for pupils exist in all Länder for all educational programmes; in all Länder, Vocational Orientation is now a firm part of the curricula and guidelines or ordinances. The Employment Agencies also offer Careers Information Centres (Berufsinformationszentren – BIZ), facilities where anyone facing vocational or career decisions can find out more for themselves, in particular about training, professional activities and requirements, further education and training as well as developments on the labour market.

**Higher education.** The goal of support measures in university education is to eliminate social obstacles for hitherto underrepresented groups and allow their equal participation. Hitherto underrepresented groups in the German higher education system include women, students with

children, students with disabilities and chronic illnesses, children from low-income or educationally disadvantaged origin groups, and students with a migrant background. Support for underrepresented social groups in the educational system is provided through a number of measures.

**Conclusions and prospects for further research.** People with disabilities. There are around 70 million people in the European Union (one-sixth of the population) with mild to severe disabilities. These people still face many obstacles when it comes to participating in social life on an equal and self-determined basis, to accessing employment and to procuring healthcare. The participation of people with disabilities is a key issue, also at European level. Guaranteeing equality and inclusion is a question of fundamental rights, and benefits the whole of society.

Strategy for the Rights of Persons with Disabilities 2021–30. In March 2021, the European Commission adopted the «Strategy for the Rights of Persons with Disabilities 2021–30». This ten-year strategy aims to improve the lives of people with disabilities in Europe and worldwide and builds on the results of the previous European Disability Strategy 2010–2020 strategy.

The new strategy comprises a package of measures and flagship initiatives in various areas and has the following priorities:

1. Accessibility, a fundamental prerequisite for free movement and access to all areas of public and private life.

2. Ensuring people can live independent, self-determined lives with a good quality of life.

3. Ensuring equal participation, effectively protecting people with disabilities from all forms of discrimination and violence, guaranteeing equal opportunities and equal access to justice, education, culture, sport and tourism, as well as equal access to all health services.

The flagship initiatives include:

1. EU disability card: The European Commission has proposed a European Disability Card that would be valid in all EU countries. The card will make it easier for people with disabilities to receive appropriate support when travelling to another European Union country. The negotiations are to be finalised by the European elections in June 2024.

2. Guidelines with recommendations on enabling independent living and inclusion in the community: People with disabilities should be able to live in accessible, assisted living facilities in the community or continue to live at home.

3. A framework for excellent social services for people with disabilities.

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### **Ю. О. Корольов, С. С. Атаманська. ПРАВОВА Й ДЕМОГРАФІЧНА БЕЗПЕКА СТУДЕНТІВ З ОБМЕЖЕНИМИ МОЖЛИВОСТЯМИ В СИСТЕМІ ОСВІТИ НІМЕЧЧИНИ**

*Правовий захист студентів з обмеженими можливостями в системі освіти Німеччини базується на кількох ключових принципах, які спрямовані на забезпечення рівного доступу до освіти. У статті розкрито ключові законодавчі акти та механізми, які забезпечують правовий захист.*

*Наголошено, що основний закон Німеччини (Grundgesetz) – стаття 3 Конституції Німеччини забороняє дискримінацію на основі інвалідності. У Німеччині існують студентські комітети й організації, які займаються питаннями доступності.*

*Проаналізовано Закон про рівні права осіб з інвалідністю (Behindertengleichstellungsgesetz, BGG), який передбачає рівний доступ до освіти, роботи й суспільного життя для осіб з інвалідністю. Спеціалізовані організації та адвокати допомагають студентам у вирішенні конфліктів.*

*Окремо розглянуто Соціальний кодекс (Sozialgesetzbuch, SGB IX), який регулює права на реабілітацію й інтеграцію осіб з інвалідністю включно з їхньою освітою. Студенти можуть звертатися до спеціальних комісій університетів або відповідних державних установ, якщо їхні права порушуються.*

*З'ясовано, що Німеччина також дотримується вимог Конвенції ООН про права осіб з інвалідністю (CRPD), яка закликає до інклюзивного навчання на всіх рівнях освіти. У більшості університетів діють представники для захисту прав студентів з обмеженими можливостями.*

*Висвітлено Антидискримінаційний закон (Allgemeines Gleichbehandlungsgesetz, AGG), який забезпечує захист студентів від будь-яких форм дискримінації на основі інвалідності в усіх аспектах суспільного життя, охоплюючи освіту. BAföG (Федеральний закон про сприяння освіті) передбачає фінансову допомогу студентам з інвалідністю.*

*Законодавство Німеччини зобов'язує школи, університети та професійні навчальні заклади забезпечувати адаптацію навчального процесу. Для цього створені спеціальні послуги, як-от: доступ до будівель (безбар'єрне середовище, ліфти, пандуси), навчальні матеріали в доступних форматах (шрифт Брайля, електронні книги, аудіо), персоналізовані навчальні плани, тьютори або асистенти для підтримки. Система освіти Німеччини прагне створити умови, в яких усі студенти, незалежно від стану здоров'я, матимуть змогу реалізувати свій потенціал.*

**Ключові слова:** вища освіта Німеччини, правовий захист студентів, демографічна безпека, індивідуальний підхід, Європейська асоціація, освіта з особливими потребами, європейський вимір, інвалідність, інтеграція, освітня політика.