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Note Verbale

The Permanent Mission of Germany to the Office of the United Nations and to the other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and – with reference to its Verbal Note TESPRDD/DESIB/CYRU/HG, dated 30 November 2022 - has the honour to submit the following information for the preparation of the OHCHR report on the rights of the child and inclusive social protection :

- 1) What social protection systems are in place for children in your country? Please provide examples of specific laws and regulations, measures, policies, and programmes directed at ensuring children's access to inclusive social protection.

A key objective of German family policy is to promote families' economic stability and social participation. Economic stability essentially means protecting families from monetary poverty. Social participation refers to ways of accessing public life such as the participation in educational, artistic, cultural and sports activities. Social and family policy benefits are provided mainly based on legal regulations that are further developed as part of political processes.

Various financial benefits are available to support families: these include, for instance, the entitlement to a tax relief for families taking the form of child benefit and tax-free allowances (child allowance and an allowance for childcare, educational or training needs of the child) or child benefit under the Federal Child Benefits Act. With these regulations, government relieves parents of part of the costs arising as a consequence of having children by exempting corresponding portions of the parents' income from tax.

First of all, government provides support to low- or no-income households irrespective of the composition of the household and/or the family situation. Housing benefit and basic income support for jobseekers under Book II of the Social Code (*SGB II*) through citizens' benefit are

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key here. Apart from taking account of the number of people in the household, both benefits also contain special family-related regulations. Basic income support for jobseekers (citizens' benefit) is one of several systems to secure a decent subsistence level for persons in need of financial support – also for children. Thus, there is an enforceable right. It is the implementation of a constitutional requirement.

Certain educational and participation needs are also part of the specific subsistence level of children and adolescents. These are taken into consideration in all minimum guaranteed income schemes (in particular basic income support for jobseekers (citizens' benefit), social assistance and in the Asylum Seekers Benefits Act) as children's and adolescents' independent needs. Also families receiving housing benefit and child supplement have a right to have these educational and participation needs met.

The three family policy priorities to avoid child poverty include:

1. Enabling parents to work thanks to a good work-life balance based on partnership
2. Providing material security through cash benefits to ensure economic stability for families
3. Providing educational opportunities and care options (infrastructure)

Further developments over the past few years, for instance:

- increase of child benefit and tax-free child allowance,
- improvement of tax relief for single parents,
- expansion of maintenance advance for single parents,
- increase and redesign of the child supplement for low-income families,
- improvement of the quality of child day care centres and reduction of fees.

A detailed description of social security in Germany (as of 2020) can be found here: https://www.bmas.de/SharedDocs/Downloads/DE/Publikationen/a998-social-security-at-a-glance-total-summary.pdf?__blob=publicationFile&v=1.

Child and youth services system

The German system of child and youth services comprises various support services and measures for parents, children, adolescents and young adults to promote young people's development, enable or facilitate their equal participation in society, strengthen parents in meeting their parental responsibilities in raising their children and to protect children and adolescents. The legal bases of these services and measures, which range from family education, youth work and child day care to counselling services for people separating and divorcing to the taking into care of children and adolescents when there is an immediate danger to the child's welfare, are set out in Book VIII of the Social Code – Child and Youth Services (*SGB VIII*). If the care provided does not safeguard the child's welfare, the legal right of the persons entitled to care and custody to receive support in raising the child under section 27 subsections 1 and 2 of Book VIII of the Social Code will have special significance. The scope and type of support depend on the educational need in the individual case.

Charges may be levied for general child and youth support services (section 90 of Book VIII of the Social Code). When granting other services, persons concerned are required to contribute to the costs if and to the extent that under sections 91 ff. of Book VIII of the Social Code individual charges are levied for semi-residential and residential services or preliminary measures.

Up until now, young people living in a foster family or facility of the child and youth services and receiving income from professional training or another activity had to contribute up to 25 per cent of their income. Young people living in a foster family or facility of the child and youth services and undergoing subsidised professional training and receiving vocational training grants or training allowance in that context under Book III of the Social Code (*SGB*

III) had to fully pass on the amount as an equivalent benefit under section 93 subsection 1 sentence 3 SGB VIII.

Paying the costs and equivalent benefits, however, should not reduce young people's motivation to take up professional training. For this reason, in the summer, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) tabled a bill to abolish the practice of young people having to pay the costs when using child and youth services. The German Bundestag adopted the law on 11 November 2022; on 16 December 2022 the German Bundesrat gave its consent. The Act entered into force on 1 January 2023.

- 2) What are the main gaps and challenges to children's enjoyment of social protection in law, policy, and practice in your country and the impacts on children's rights? Please provide any relevant statistical or disaggregated data based on age, gender, disability, ethnicity, religion, sexual orientation and gender identity, migration status, or other categories. Please consider the specific situation of marginalized children and those in vulnerable situations in your response.

Here, we refer to the studies prepared in connection with the introduction of a European Child Guarantee commissioned by the EU Commission:

<https://ec.europa.eu/social/main.jsp?catId=1428&langId=en>

Its aim is to prevent and combat social exclusion of children in need by guaranteeing children in need effective access to a set of key services. These include:

- early childhood education and care free of charge,
- free education (including school-related activities and at least one healthy meal per school day),
- free healthcare,
- healthy nutrition and
- adequate housing.

The following analysis is of particular relevance for Germany:

<https://www.unicef.org/eca/reports/deep-dive-european-child-guarantee-germany>

Work on a National Action Plan outlining the implementation of the European Child Guarantee in Germany is still ongoing.

- 3) What are the good practices initiated by the Government to ensure that social protection benefits the rights of children in your country?

Please refer to the answer to question 1).

- 4) Are there examples of how measures and responses to alleviate poverty through social protection systems in emergency situations or, for example, in response to the COVID-19 pandemic, have positively affected children's rights, particularly to social security?

The COVID-19 pandemic presented parents with major challenges. It demonstrated how important it is for society and the economy that people can balance family and work. Having both parents in work offers the best protection against poverty for families. Many measures were adjusted quickly to the circumstances and provided support to families, such as easier access requirements for child supplement and basic income support for jobseekers under Book II of the Social Code (*SGB II*), easier access to and an increase in short-time work allowance (short-time work allowance amounted to up to 87 per cent of the net pay difference for persons with one child living in the household) or child bonuses for all families.

The Federal Government invested two billion euros in 2021 and 2022 through the Post-Covid Action Programme for Children and Young People to help children and adolescents find their way back to a carefree existence and support them in catching up on lost learning. In 2023, the Federal Government is making available 55 million euros for a “package to promote physical activity, culture and health” (*Zukunftspaket für Bewegung, Kultur und Gesundheit*). The package aims to improve the situation of children and adolescents in current times of crisis by promoting physical activity, cultural offers and physical and mental health measures. The programme focuses on enabling young people to participate directly and have a say.

- 5) How can States deliver more effectively to ensure the effective implementation of universal social protection for children, including through international cooperation?

Please refer to the answer to question 1).

In addition, introducing basic child assistance (*Kindergrundsicherung*) is one of the Federal Government’s key priorities during the 20th legislative period.

Basic child assistance aims to merge child benefit for all families, benefits under Book II of the Social Code (basic income protection for jobseekers) and Book XII of the Social Code (social assistance) for children, portions of the education and participation package and child supplement for low-income families into one single benefit. The scheme is intended to consist of two components: an income-independent guaranteed amount, which is the same for all children, and an additional amount staggered by age that is based on the parents’ income.

The aim of introducing basic child assistance is to provide greater security to families and lift significantly more children and adolescents out of (hidden) poverty. As the scheme overlaps and interconnects with other benefits and systems in many ways, the project is highly complex and demanding. Moreover, it needs to be ensured in particular that (increasing) parents’ economic activity pays off, as it is the most sustainable form of protection against poverty.

Under the lead of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*BMFSFJ*), an interministerial working group involving a total of seven federal ministries was already set up in late March 2022 to simplify the legal framework conditions and to try to find answers to open questions. The working group has since been discussing the legal and administrative issues related to specific details of basic child assistance.

The plan is for basic child assistance to be paid out for the first time in 2025, creating favourable framework conditions and tangible improvements for families with children still in this legislative period. Until the introduction of basic child assistance, an immediate monthly supplement offers additional security for children in need of financial assistance and children from families claiming child supplement. This increases these children’s opportunities for participation.

The Permanent Mission of Germany to the Office of the United Nations and to the other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 16 January 2023