

INITIATIVE **RECHTE** statt **RESTE**

ICESCR

GERMANY

LIST OF ISSUES / Articles 9 and 11

submitted by *Initiative Rechte statt Reste*

in response to the 6th Periodic Report of the Federal German Government on the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR)

prepared for the Pre-Sessional Working Group of the Committee on Economic, Social and Cultural Rights
61st session

Munich, 16 August 2017

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Introduction:

Initiative Rechte statt Reste (Initiative Rights instead of Remnants) is an alliance of eight church and trade union organizations in Bavaria, based on the conviction that only with social rights instead of charities can poverty be permanently overcome. The goal of the initiative is to ensure that the social security system in Germany safeguards authoritatively against poverty.

Members of the initiative are:

- Vereinte Dienstleistungsgewerkschaft Bayern
- Diakonie Bayern
- Caritas Bayern
- Katholische Arbeitslosenseelsorge München
- Kirchlicher Dienst in der Arbeitswelt der Evang.-Luth. Kirche in Bayern
- Katholische Betriebsseelsorge München
- Katholischer Arbeitnehmerbewegung Bayern
- Erwerbslose in der Vereinten Dienstleistungsgewerkschaft Bayern

These following questions are focused on the calculation of the standard requirements of poorer households in Germany and some consequent social and political aspects. They are complementary to the more comprehensive questions from such organizations as Forum Menschenrechte (FMR) and Nationale Armutskonferenz (nak).

Issue: Calculation of the subsistence level

ICESCR: Articles 9 and 11

Concluding Observation of the previous report: Recommendation No. 21

Questions:

- 1) By what means has the German Government in its latest calculation of the subsistence level (Regelbedarf-Ermittlungsgesetz 2017) taken into account the admonitions of the Federal Constitutional Court of 23 July 2014, especially in regard to the deficit funding of household electricity, mobility in rural areas and the financing of durable products such as refrigerators or washing machines?
- 2) What is the position of the German Government in respect to the criticism of all German welfare organizations regarding the methodology in the calculation of the subsistence level?

Explanatory Note:

In its concluding observations in 2011 the Committee on Economic, Social and Cultural Rights expressed its concerns about the method for the calculation of the subsistence level. The State Party was therefore urged “to review the methods and criteria applied to determine the level of benefits and to monitor the adequacy criteria regularly to ensure that the level of benefits affords the beneficiaries an adequate standard of living”. (Recommendation No. 21)

In the current 6th state report, the German Government refers to the constitutional examination of the calculation method, claiming that in 2014 the Federal Constitutional Court confirmed the annual increase as “reasonable and constitutional”. (Paragraph No. 148)

However, the Government conceals the fact that the Constitutional Court regards the procedure merely as "currently still constitutional" (Press Release of 9 September 2014) and specifies several critical areas in the calculation method of the subsistence level:

- a. the general deficit funding, due to the negation of about a quarter of consumer spending in the reference households
- b. in the case of exceptional price increases in electricity the resulting deficit funding
- c. deficit funding for necessary mobility, especially outside larger cities
- d. deficit funding, due to the small monthly saving rate for necessary durable household products, such as refrigerators or washing machines

Decision and Press Release of the Federal Constitutional Court in English:

www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2014/07/Is20140723_1bvl001012en.html

www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2014/bvg14-076.html

The German Government ignores the appeal of all the major welfare organizations in Germany which have described the deficiencies of official subsistence levels for many years and have often criticized the numerous shortcomings in the calculating methods for the basic security benefits. Scientifically based models of calculation result in a subsistence level that is far above that calculated by the federal government.

Diakonie Deutschland's Statement on the Basic Needs Calculation Act (Regelbedarfs-Ermittlungsgesetz 2017):

www.diakonie.de/stellungnahmen/entwurf-eines-gesetzes-zur-ermittlung-von-regelbedarfen-1/

Statement of Caritas Germany (Deutscher Caritasverband) on the Basic Needs Calculation Act (Regelbedarfs-Ermittlungsgesetz 2017):

www.caritas.de/fuerprofis/presse/stellungnahmen/10-28-2016-gesetzentwurf-zur-ermittlung-der-regelbedarfe

Issue: Food Insecurity

ICESCR: Articles 9 and 11

Concluding Observation of the previous report: No Recommendation

Questions:

- 3) How does the German Government assess the increasing dependency of poorer population strata on food donations, such as shown by the fact that 1.5 million citizens are provided with food through Foodbanks (Tafeln) which receive surplus food from shops, supermarket chains and restaurants.
- 4) What political measures does the Government take to ensure that every household can afford at least one full meal with meat, poultry, fish or equivalent vegetarian nutriment every day?

Explanatory Note:

According to counts of the Federal Association of German Foodbanks (Bundesverband Deutsche Tafel) in 2016, the Foodbanks in Germany provide 1.1 to 1.25 million people with food every week. Including temporary projects, they count 1.5 million customers:

www.tafel.de/fileadmin/media/Presse/Pressemappen/2016_Tafel-Umfrage.pdf

According to the Data Report 2016, 7.5 per cent of the population in Germany say that they cannot afford a full meal of meat, poultry, fish or a corresponding vegetarian meal every second day:

www.destatis.de/DE/Publikationen/Datenreport/Downloads/Datenreport2016.pdf?__blob=publicationFile
(page 174)

Issue: Power Shutdowns in households of people in need

ICESCR: Articles 9 and 11

Concluding Observation of the previous report: No Recommendation

Question:

- 5) What political measures does the Federal Government take against Power Shutdowns, especially in households where particularly vulnerable groups such as children, young people, elderly or sick live?

Explanatory Note:

According to the government statistics, the power was shut down in 331,000 households in Germany in 2015:

<http://dip21.bundestag.de/dip21/btd/18/113/1811351.pdf> (page No. 6)