



Coronavirus pandemic in the EU – Fundamental Rights Implications

Country: Germany

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1 Measures taken by government/public authorities

1.1 Emergency laws/states of emergency

Provide information on emergency laws/declarations of states of emergency, including actions taken by police to enforce them and court rulings concerning the legality of such measures.

As of 31 May 2020, no state of emergency has been declared for Germany. The German Constitution does not provide for a state of emergency in a case of a pandemic. The constitutional amendment pursuant to the State of Emergency Act of 1968 only covers situations of a natural catastrophe, a grave accident, an imminent danger to the existence or free democratic basic order of the Federation or a federal state (*Land*), or an armed attack (state of defence).¹ These provisions do not allow for a suspension of fundamental rights. The State of Emergency Act has never been applied.² Government action to fight infectious diseases falls under the 2001 Infection Protection Law (*Infektionsschutzgesetz*, IfSG). The power to adopt the measures stipulated in the Infectious Diseases Act lies generally with the authorities of the federal states (*Länder*). However, on 27 March, the Federal Legislature modified the Infectious Diseases Act by the Population Protection Act in cases of an epidemic situation of national relevance (*Gesetz zum Schutz der Bevölkerung bei einer epidemischen Lage von nationaler Tragweite*). Now, the Federal Government, namely the Federal Ministry of Health, is granted more powers to intervene in the event of an ‘epidemic situation of national relevance’.³ This situation is declared and lifted by the Federal Parliament.⁴ This amendment has been object of a critical discussion by several law professors, mainly addressed at the increased powers of the Federal Minister of Health and the limited powers of parliament.⁵

As there was no state of emergency in Germany, court decisions only referred to individual measures according to the Infection Protection Law (IfSG) and not to a state of emergency as such. A large number of the measures were found to be lawful by the courts, such as for instance measures to enforce infection protection and enable the gradual overall relaxations of measures, in particular

¹ In particular Articles 11, 12a, 35, 53a, 80a, 91, and 115a-115l, https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.pdf. For the draft law on the State of Emergency see <https://dip21.bundestag.de/dip21/btd/05/018/0501879.pdf>

² Germany, German Parliament (Bundestag) (2018), ‘Vor 50 Jahren: Bundestag beschließt Notstandsgesetze’, available at <https://www.bundestag.de/dokumente/textarchiv/2018/kw21-kalenderblatt-notstandsgesetze-556672>

³ Germany, Federal Ministry of Health (Bundesgesundheitsministerium), ‘Bundesrat stimmt Gesetzespaketen zur Unterstützung des Gesundheitswesens bei der Bewältigung der Corona-Epidemie zu’, 27 March 2020, available at <https://www.bundesgesundheitsministerium.de/presse/pressemittelungen/2020/1-quartal/corona-gesetzespaket-im-bundesrat.html>

⁴ Sect. 5(1) Infektionsschutzgesetz, <http://www.gesetze-im-internet.de/ifg/IFG.pdf>

⁵ Focus, ‘Verfassungsrechtler schlagen wegen “schwerwiegender Grundrechtseingriffe” Alarm, 30 March 2020, available at https://www.focus.de/politik/deutschland/corona-regelungen-der-regierung-medizin-darf-nicht-gefaehrlicher-sein-als-die-krankheit_id_11827625.html; Verfassungsblog, ‘Vom Niedergang grundrechtlicher Denkkategorien in der Corona-Pandemie’, 6 April 2020, available at <https://verfassungsblog.de/vom-niedergang-grundrechtlicher-denkkategorien-in-der-corona-pandemie/>; see also Germany, German Parliament (Bundestag), ‘Staatsorganisation und § 5 Infektionsschutzgesetz’, 2 April 2020, available at <https://www.bundestag.de/resource/blob/690262/cb718005e6d37ecce82c99191efbec49/WD-3-080-20-pdf-data.pdf>

regulations on compulsory masks⁶, distancing regulations⁷ and others, such as restrictions on participation in assemblies⁸.

1.2 Measures affecting the general population

1.2.1 Social distancing

Focus on:

- *Lifting of stay at home orders, and measures/rules for general physical distancing when in public or at home*
- *Enforcement and penalties*

The Federal Government and the governments of the *Länder* adopted new guidelines to deal with the corona pandemic twice in May, notably on 6 May and 26 May. The guidelines are not legally binding but serve to ensure uniform regulations in all *Länder*. It is up to them to issue concrete regulations, which are implemented by the local administrative authorities. This enables them to respond to regional differences and epidemiological situations.⁹

On 6 May, the Federal Government and the *Länder* agreed to extend the existing measures to limit social contacts until 5 June, including some relaxations. The most important rules remained to keep a minimum distance of 1.5 metres from other people and to wear a mouth and nose protection, particularly in shops and on public transport. Furthermore, major events (public festivals, major sporting events with spectators and major concerts) were banned until 31 August.¹⁰ The relaxations included in particular:

- Meetings with persons of a second household
- Resumption of classroom teaching for students before the summer holidays
- Gradual extension of emergency day-care from 11 May
- Recurring visits by a defined person in hospitals, nursing homes, facilities for senior citizens and persons with disabilities; the concrete regulations differed in the individual *Länder* and some were more strict than others; for instance, several *Länder* required that the visiting person should be a family member or another close person¹¹

⁶ See for instance Higher Administrative Court Bremen (OVG Bremen), decision of 12 May 2020, case no. 1 B 140/20, available at

<https://www.oberverwaltungsgericht.bremen.de/entscheidungen/detail.php?gsid=bremen72.c.18008.de&asl=bremen72.c.11265.de>

⁷ See for instance Higher Administrative Court Baden-Württemberg (VGH Baden-Württemberg), decision of 13 May 2020, case no. 1 S 1314/20, available at http://lrbw.juris.de/cgi-bin/laender_rechtsprechung/document.py?Gericht=bw&nr=31236

⁸ See for instance Higher Administrative Court Baden-Württemberg (VGH Baden-Württemberg), decision of 30 May, case no. 1 S 1651/20), press release available at https://verwaltungsgerichtshof-baden-wuerttemberg.justiz-bw.de/pb/_Lde/6327120/?LISTPAGE=1213200

⁹ Germany, Federal Government (Bundesregierung), 'Halten Sie Abstand!', 27 May 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/corona-massnahmen-1734724>

¹⁰ Germany, Federal Government (Bundesregierung), 'Beschluss: Maßnahmen zur Eindämmung der COVID-19-Epidemie', 6 May 2020, available at <https://www.bundesregierung.de/resource/blob/975226/1750986/fc61b6eb1fc1d398d66cfea79b565129/2020-05-06-mpk-beschluss-data.pdf?download=1>

¹¹ See for instance Rhineland-Palatinate, 'Landesverordnung über Neu- und Wiederaufnahmen volljähriger pflegebedürftiger Menschen in

- As a general relaxation, from 6 May, shops were allowed to reopen regardless of their sales area (in April, this had been temporarily restricted to shops with a sales area of max. 800 sqm)¹²; further details were to be decided by the *Länder*
- From 6 May, mass and leisure sports under the open sky were allowed again
- Bundesliga (football) without spectators starting from the second half of May
- Further gradual openings of cinemas, theatres, restaurants, hotels or beauty salons regulated by the *Länder*

Further details are regulated by the *Länder*. In addition, it was agreed that the local authorities could react immediately with new restrictions if there is a regional increase in the infection rate of more than 50 new infections per 100,000 inhabitants in seven days in a district (*Landkreis*) or district-free city (*kreisfreie Stadt*).¹³

On 26 May, the Federal and *Länder* governments agreed that the measures to limit social contacts were extended until 29 June and that the distance and hygiene rules would remain in place (see above). However, it was also agreed that the *Länder* could allow meetings with up to 10 people or with the members of two households and that the *Länder* could decide on the gradual opening of public life on their own responsibility.¹⁴

Violations of enforceable orders of the local authorities under the Infection Protection Law (IfSG) and against the regulations by the *Länder* may be classified as administrative offences (*Ordnungswidrigkeiten*) according to section 73 (1a) No. 6, No. 24.¹⁵ In addition, the *Länder* have laid down administrative offences in their respective regulations and have issued catalogues of fines.¹⁶ In the Land of Berlin, the Constitutional Court of the Land quashed provisions on administrative offences because they were insufficiently precise.¹⁷ In May, numerous violations of the regulations were identified and punished. However, there are no nationwide statistics available.¹⁸

Einrichtungen nach den §§ 4 und 5 des Landesgesetzes über Wohnformen und Teilhabe zur Verhinderung der weiteren Ausbreitung des Coronavirus

Vom 6. Mai 2020', available at https://corona.rlp.de/fileadmin/rlp-stk/pdf-Dateien/Corona/LVO_Neu_und_Wiederaufnahme_pflegebeduerftige_Menschen.pdf

¹²<https://www.bundesregierung.de/resource/blob/975226/1744452/b94f2c67926030f9015985da586caed3/2020-04-16-bf-bk-laender-data.pdf?download=1>

¹³ Germany, Federal Government (Bundesregierung), 'Ein ausgewogener Beschluss', 6 May 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/merkel-bund-laender-gespraech-1751020> ;

¹⁴ Germany, Federal Government (Bundesregierung), 'Halten Sie Abstand!', 27 May 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/corona-massnahmen-1734724> Germany, Federal Government (Bundesregierung), 'Beschluss', 26 May 2020, available at

<https://www.bundesregierung.de/resource/blob/975226/1755468/6cd6a58bfd7647ed1d5b8afc91243a70/2020-05-26-chefbkcdsbeschluss-data.pdf?download=1>

¹⁵ <https://www.gesetze-im-internet.de/ifsg>IfSG.pdf>

¹⁶ For instance in North Rhine-Westphalia, 'Ordnungswidrigkeiten nach dem Infektionsschutzgesetz im Zusammenhang mit der Coronaschutzverordnung', available at https://www.land.nrw/sites/default/files/asset/document/2020-03-30_bussgeldkatalog.pdf ; Section 18 of the 'Coronaschutzverordnung', available at https://www.land.nrw/sites/default/files/asset/document/2020-05-27_fassung_coronaschvo_ab_30.05.2020_lesefassung.pdf

¹⁷ Decision of 20 May 2020, Case no. 81 A/20, available at <https://www.berlin.de/gerichte/sonstige-gerichte/verfassungsgerichtshof/pressemitteilungen/2020/81-a-20-beschluss-neutral.pdf>

¹⁸ Welt, 'So häufig verstoßen die Deutschen gegen die Corona-Regeln', 11 April 2020, available at <https://www.welt.de/politik/deutschland/article207189479/Corona-So-haeufig-verstossen-die-Deutschen-gegen-die-Regeln.html> ; Süddeutsche Zeitung, 'Zehntausende Verstöße gegen Corona-Auflagen in Bayern, 28

1.2.2 Education

Focus on:

- *Steps to reopen educational institutions (schools, third level educational facilities and kindergartens/day care). Please include any specific measures aimed at children from socioeconomically disadvantaged backgrounds*
- *Measures to protect students and staff as they return to educational institutions (e.g. related to physical distancing, shift patterns, health and hygiene, etc.)*

After schools had previously been completely closed, the Federal Government and the *Länder* agreed on 15 April that schools would be gradually reopened from 4 May onwards in strict compliance with social distancing and hygiene rules.¹⁹ On 28 April, the Conference of Education Ministers (*Kultusministerkonferenz*) drew up a framework concept for the resumption of teaching in schools, which stipulated, among others, that each school had to have a hygiene plan and that compliance with the rules of social distancing, frequent hand washing etc. was essential.²⁰ The concept stated the goal that every student should be able to attend school temporarily. Classroom lessons and studying at home should alternate and be closely related to each other. Thus, further gradual opening of schools should take place, separated by grades or in learning groups.²¹

As the issue of school openings is handled differently in individual cases and differs between the federal states, it is difficult to provide a detailed overview. Home schooling remained part of families' everyday lives, as classroom teaching only took place to a limited extent. Children could only go to school separated by certain age groups and only for individual teaching units – sometimes only for one day per week.²² A return to (limited) regular schooling is planned in some *Länder* as early as June,

May 2020, available at <https://www.sueddeutsche.de/panorama/kriminalitaet-muenchen-zehntausende-verstoesse-gegen-corona-auflagen-in-bayern-dpa.urn-newsml-dpa-com-20090101-200528-99-214816>

¹⁹ Germany, Federal Government (Bundesregierung), 'Telefonschaltkonferenz der Bundeskanzlerin mit den Regierungschefinnen und Regierungschefs der Länder am 15. April 2020', 15 April 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/bund-laender-beschluss-1744224>; Spiegel, 'Unterricht in Schulen soll ab 4. Mai schrittweise wieder starten', 15 April 2020, available at <https://www.spiegel.de/politik/deutschland/corona-krise-unterricht-in-schulen-soll-ab-4-mai-schrittweise-wieder-starten-a-2a28791f-f92f-4d09-b8fd-fe5fa7fd5fc3>

²⁰ Germany, Federal Government (Bundesregierung), 'Telefonschaltkonferenz der Bundeskanzlerin mit den Regierungschefinnen und Regierungschefs der Länder am 15. April 2020', 15 April 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/bund-laender-beschluss-1744224>; Spiegel, 'Unterricht in Schulen soll ab 4. Mai schrittweise wieder starten', 15 April 2020, available at <https://www.spiegel.de/politik/deutschland/corona-krise-unterricht-in-schulen-soll-ab-4-mai-schrittweise-wieder-starten-a-2a28791f-f92f-4d09-b8fd-fe5fa7fd5fc3>

²¹ Conference of Education Ministers of the *Länder* (*Kultusministerkonferenz*), 'Rahmenkonzept für die Wiederaufnahme von Unterricht an Schulen', 28 April 2020, available at <https://www.kmk.org/fileadmin/Dateien/pdf/PresseUndAktuelles/2020/2020-04-28-Rahmenkonzept-Oeffnung-von-Schulen.pdf>

²² Spiegel, 'Mediziner fordern komplett Öffnung von Schulen und Kitas', 19 May 2020, available at <https://www.spiegel.de/panorama/bildung/corona-krise-mediziner-fordern-komplette-schul-und-kita-oeffnung-a-4d1a0336-680d-4259-818e-7a263732f811>

and generally after the summer holidays at the latest.²³ The exams of children in their final year of secondary education (*Abiturprüfungen*) were postponed in several *Länder*, but took place overall.²⁴

The Federal-*Länder* resolution of 6 May stipulated that emergency day-care should be expanded in all *Länder* by 11 May at the latest.²⁵ In the states of Saxony and Thuringia, regular day care has been in place – subject to strict conditions – since mid-May.²⁶ This expansion of day care for more children (but for shorter periods of time) partly leads to problems as people working in jobs that do not allow them to stay at home (doctors etc.) cannot accommodate their children long enough.²⁷

Educational injustice is a major challenge, as children from socio-economically disadvantaged families often cannot be adequately educated at home. For example, the president of the Teachers' Association, noted that there were already considerable gaps between students after only two months of home schooling and that the summer holidays should at best be used to support less performing students.²⁸ Several teachers, for example, reported in *Sueddeutsche Zeitung* that home schooling was a great challenge for equal opportunities, especially at the lower and middle secondary schools (*Hauptschulen* and *Realschulen*).²⁹ Educational justice was also seen as an important issue by 42 education experts who published an open letter to the Conference of Ministers of Education (*Kultusministerkonferenz*) at the end of April, in which they demanded that socially disadvantaged children should be sent to school first.³⁰ A further problem is that digitisation is not yet sufficiently advanced to enable home schooling in the best way possible, for instance if students or their parents

²³ Spiegel, ‘Mediziner fordern komplette Öffnung von Schulen und Kitas’, 19 May 2020, available at <https://www.spiegel.de/panorama/bildung/corona-krise-mediziner-fordern-komplette-schul-und-kita-oeffnung-a-4d1a0336-680d-4259-818e-7a263732f811>; Tagesschau, ‘Forderung nach vollständiger Schulöffnung’, 28 May 2020, available at <https://www.tagesschau.de/inland/corona-schulen-oeffnungen-101.html>; Das Deutsche Schulportal, ‘Fahrplan für die Schulöffnungen’, 12 May 2020, available at <https://deutsches-schulportal.de/bildungswesen/schuloeffnung-das-haben-die-laenderchefs-entschieden/>; Norddeutscher Rundfunk, ‘Schulöffnungen: Schleswig-Holstein im Länder-Vergleich’, 28 May 2020, available at <https://www.ndr.de/nachrichten/schleswig-holstein/Corona-Schuloeffnungen-SH-im-Vergleich,schuloeffnungen100.html>.

²⁴ See for instance Baden-Württemberg, ‘Zentrale Prüfungen werden verschoben’, 20 March 2020, available at https://km-bw.de/_Lde/Startseite/Service/2020+03+20+Zentrale+Pruefungen+werden+verschoben; for an overview of all *Länder* including official sources, see <https://www.rnd.de/politik/abi-2020-alle-termine-der-abiturprufungen-in-deutschland-im-uberblick-TNZGRGXNGJAVBJCH6PH7SUCYHI.html>

²⁵ Germany, Federal Government (Bundesregierung), ‘Halten Sie Abstand!’, 27 May 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/corona-massnahmen-1734724>

²⁶ See Thuringia, Ministry for Education, Youth and Sports (Ministerium für Bildung, Jugend und Sport), available at <https://bildung.thueringen.de/ministerium/coronavirus/>; Mitteldeutscher Rundfunk, ‘Kitas in Thüringen und Sachsen wieder für alle Kinder geöffnet’, 18 May 2020, available at <https://www.mdr.de/nachrichten/politik/inland/kita-oeffnung-corona-krise-100.html>

²⁷ Tagesspiegel, ‘Medizinisches Personal beklagt Mangel an Kita-Notbetreuung’, 29 May 2020, available at <https://www.tagesspiegel.de/berlin/die-situation-eskaliert-medizinisches-personal-beklagt-mangel-an-kita-notbetreuung/25873786.html>

²⁸ Zeit, ‘Eltern und Lehrer fordern Konzepte für Schulöffnungen’, 29 May 2020, available at <https://www.zeit.de/gesellschaft/schule/2020-05/corona-lockerungen-konzept-unterricht-sommerferien-digitalisierung>

²⁹ Süddeutsche Zeitung, ‘Vorübergehend nicht zu erreichen’, 11 April 2020, available at <https://www.sueddeutsche.de/bildung/coronavirus-homeschooling-chancengleichheit-1.4872417>

³⁰ ‘Offener Brief an die KMK’, 20 April 2020, available at <http://deutsches-schulportal.de/content/uploads/2020/04/Offener-Brief-an-die-KMK-.pdf>

do not have computers.³¹ In order to support parents who cannot go to work because they have to look after their children, the Federal Government extended the already existing state wage continuation payment in May with retroactive effect to 30 March, so that parents with children under 12 years of age now receive 67 per cent of their lost earnings for up to 20 weeks.³²

The universities should gradually return to attendance as well, while at the same time respecting the hygiene rules. The *Länder* decide on their own responsibility when lectures etc. will start again.³³ The federal state of Hesse, for example, let the universities decide for themselves when they will open again. However, a large part of the universities programme is still digital, also because the implementation of the hygiene rules is challenging in some cases.³⁴

1.2.3 Work

Focus on:

- *Steps for specific sectors/the general population to return to work and measures to protect employees in the workplace (physical distancing, health and hygiene, shift patterns, etc.)*
- *People in precarious work*

The Federal Government and the governments of the *Länder* have pointed out that every company must continue to develop and implement a hygiene concept.³⁵ This has to serve to avoid unnecessary contacts within the workforce and with customers, to comply with general hygiene measures and to minimise the risk of infection in the event of necessary contacts by means of special hygiene and protective measures. In addition, companies are still asked to allow home office wherever this is feasible.³⁶ In April, the Federal Ministry of Labour published occupational safety standards as recommendations for the return to work. Among other things, this document included recommendations that in cases of doubt, if minimum distance cannot be safely maintained, mouth-nose covers had to be provided and worn, and that persons with respiratory symptoms should not be

³¹ Das Erste, ‘Homeschooling: Das Ende der Chancengleichheit’, 23 April 2020, available at <https://daserste.ndr.de/panorama/archiv/2020/Homeschooling-Das-Ende-der-Chancengleichheit,chancengleichheit122.html>

³² Germany, Federal Government (Bundesregierung), ‘Lohnfortzahlung für Eltern verlängert’, 28 May 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/lohnfortzahlung-eltern-corona-1754306>

³³ Germany, Federal Government (Bundesregierung), ‘Halten Sie Abstand!’, 27 May 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/corona-massnahmen-1734724>

³⁴ Frankfurter Allgemeine Zeitung, ‘Die Universität gibt es weiterhin nur online’, 9 May 2020, available at <https://www.faz.net/aktuell/rhein-main/region-und-hessen/hessen-universitaeten-fokussieren-sich-auf-online-lehre-16761654.html>

³⁵ Germany, Federal Government (Bundesregierung), ‘Beschluss: Maßnahmen zur Eindämmung der COVID-19-Epidemie’, 6 May 2020, available at <https://www.bundesregierung.de/resource/blob/975226/1750986/fc61b6eb1fc1d398d66cfea79b565129/2020-05-06-mpk-beschluss-data.pdf?download=1>; Germany, Federal Government (Bundesregierung), ‘Halten Sie Abstand!’, 27 May 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/corona-massnahmen-1734724>

³⁶ Germany, Federal Government (Bundesregierung), ‘Beschluss: Maßnahmen zur Eindämmung der COVID-19-Epidemie’, 6 May 2020, available at <https://www.bundesregierung.de/resource/blob/975226/1750986/fc61b6eb1fc1d398d66cfea79b565129/2020-05-06-mpk-beschluss-data.pdf?download=1>; Germany, Federal Government (Bundesregierung), ‘Halten Sie Abstand!’, 27 May 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/corona-massnahmen-1734724>

on the company premises.³⁷ Furthermore, recommendations were given on special technical (e.g. keeping distance by workplace design) and organisational measures (e.g. staggered working and break times, working in shifts).³⁸

In Germany, the federal parliament agreed on 14 May 2020 on a second bill on social protection measures (*Sozialschutz-Paket II*) to raise the short-time work compensation benefit (*Kurzarbeitergeld*). If an employee is on short-time work (of minimum 50% reduced working hours) for longer than four months, the benefit rate will be increased to 70% (77% for parents) and to 80% (87% for parents) for short-time work of more than seven months.³⁹

In addition, the entitlement to unemployment benefit (*Arbeitslosengeld nach dem SGB III*) was extended. For persons receiving unemployment benefit whose entitlement to unemployment benefit would be exhausted in the period from 1 May 2020 to 31 December 2020, the entitlement period is extended once by three months.

Problems necessarily arose in areas in which home office and compliance with the distancing rules were not possible. For example, there have been several outbreaks of COVID-19 in slaughterhouses.⁴⁰ In an interview, a union leader explained that people often worked there under precarious conditions that increased the risk of spreading the virus. For example, he stated that five to six people were housed in the same room at a time (often by the employer).⁴¹ Similar problems occurred in logistics centres, where people worked in very tight spaces. Although masks are often mandatory there, it was reported that many employees did not wear them because of the strain of the physical work.⁴²

1.2.4 Access to justice

Focus on:

- *Strategies /steps to lift measures or restrictions previously imposed on court proceedings (e.g. resuming physical hearings)*
- *Measures to address the backlog in cases/proceedings prompted by lockdown restrictions*

³⁷ Germany, Federal Ministry of Labour and Social Affairs (Bundesministerium für Arbeit und Soziales), ‘SARS-CoV-2-Arbeitsschutzstandard’, 16 April 2020, available at <https://www.bmas.de/SharedDocs/Downloads/DE/PDF-Schwerpunkte/sars-cov-2-arbeitsschutzstandard.pdf?blob=publicationFile&v=4>

³⁸ Germany, Federal Ministry of Labour and Social Affairs (Bundesministerium für Arbeit und Soziales), ‘SARS-CoV-2-Arbeitsschutzstandard’, 16 April 2020, available at <https://www.bmas.de/SharedDocs/Downloads/DE/PDF-Schwerpunkte/sars-cov-2-arbeitsschutzstandard.pdf?blob=publicationFile&v=4>

³⁹ Germany (2020), Federal Ministry of Labour and Social Affairs (Bundesministerium für Arbeit und Soziales), ‘Weitere Hilfen für Arbeitnehmer’, press, 14 May 2020

⁴⁰ See for instance Norddeutscher Rundfunk, ‘Ermittlungen nach Corona-Ausbruch auf Schlachthof’, 26 May 2020, available at https://www.ndr.de/nachrichten/niedersachsen/osnabrueck_emsland/Ermittlungen-nach-Corona-Ausbruch-auf-Schlachthof,dissen254.html; Westdeutscher Rundfunk, ‘Coesfeld: Westfleisch-Fälle überschreiten Obergrenze deutlich’, 11 May 2020, available at <https://www1.wdr.de/nachrichten/westfalen-lippe/westfleisch-hamm-corona-100.html>

⁴¹ Süddeutsche Zeitung, ‘Ausbeutung und Elend sind der wirkliche Preis für billiges Supermarktfleisch’, 13 May 2020, available at <https://www.sueddeutsche.de/politik/corona-in-fleischbetrieben-ausbeutung-und-elend-1.4906204>

⁴² Spiegel, ‘Neue Corona-Fälle bei Amazon’, 30 May 2020, available at <https://www.spiegel.de/wirtschaft/unternehmen/amazon-werk-in-bad-hersfeld-verzeichnet-sechs-neue-corona-faelle-a-30a8a2f3-fbf4-464e-a7c0-aac307800046>

There is no federal regulation stipulating when court hearings take place. The judges can decide on this within the framework of their judicial independence. The Ministry of Justice can only make recommendations.⁴³ After a longer period, in which only matters that could not be postponed were pleaded before the courts (such as detention matters and other matters considered to be urgent in criminal proceedings and all other areas of law)⁴⁴, in many places the courts gradually started to increase the numbers of hearings and other proceedings requiring social contacts from the end of April/May onwards.⁴⁵ However, in most cases there were still fewer hearings, as otherwise the physical distancing requirement could not be met. Some of the courtrooms were also redesigned for this purpose.⁴⁶

Digitisation could play an important role in addressing the backlog in court proceedings. For example, Section 128a of the German Code of Civil Procedure (*Zivilprozessordnung*, ZPO) provides for the possibility of participating in a hearing by video since 2013.⁴⁷ However, the number of hearings actually held via video is still rather low. Besides the reluctance of some professionals towards digitisation, another problem is that in many courts the technical requirements are not yet met.⁴⁸ At the (video-) Conference of Ministers of Justice on 18 May, it was agreed in principle that digitisation should continue to be promoted, but no vote was taken on a draft resolution to improve the technical equipment of the courts.⁴⁹ In the area of labour and social matters – where a particularly large number of disputes are expected in the context of Corona – the German Bundestag expanded the already existing option of using video conferences during hearings on 14 May as part of the 'Social Protection Package II' (*Sozialschutz-Paket II*).⁵⁰

⁴³ See for instance Bavarian Ministry of Justice (Bayerisches Staatsministerium der Justiz), 'Corona-Virus: Maßnahmen der bayerischen Justiz – Fragen und Antworten', available at https://www.justiz.bayern.de/service/corona/Umgang_Justiz.php

⁴⁴ Government of North Rhine-Westphalia (Landesregierung NRW), 'Aktuelle Regelungen für den Justizbereich im Umgang mit dem Coronavirus', 17 March 2020, available at <https://www.land.nrw/de/pressemitteilung/aktuelle-regelungen-fuer-den-justizbereich-im-umgang-mit-dem-coronavirus>

⁴⁵ For instance in Baden-Württemberg: 'Betrieb der Justiz wird schrittweise wieder aufgenommen', 23 April 2020, available at <https://www.baden-wuerttemberg.de/de/service/presse/pressemitteilung/pid/betrieb-der-justiz-wird-schrittweise-wieder-aufgenommen/>

⁴⁶ See in Berlin for instance: Tagesspiegel, 'Die Gerichte fahren Betrieb wieder hoch – mit Einschränkungen', 28 April 2020, available at <https://www.tagesspiegel.de/berlin/berliner-justiz-in-corona-zeiten-die-gerichte-fahren-betrieb-wieder-hoch-mit-einschraenkungen/25785048.html>

⁴⁷ https://www.gesetze-im-internet.de/englisch_zpo/englisch_zpo.pdf

⁴⁸ Süddeutsche Zeitung, 'Gerichtsverhandlung aus dem Home-Office', 30 April 2020, available at <https://www.sueddeutsche.de/politik/justiz-gericht-coronavirus-1.4891246>; List of courts with video conference systems available at https://justiz.de/verzeichnis/zwi_videokonferenz/videokonferenzanlagen.pdf

⁴⁹ Beck-aktuell, 'Justizminister ziehen Corona-Bilanz', 18 May 2020, available at <https://rsw.beck.de/aktuell/daily/meldung/detail/justizminister-ziehen-corona-bilanz>

⁵⁰ For the legal text see <https://www.bmas.de/SharedDocs/Downloads/DE/PDF-Gesetze/gesetz-sozialschutzpaket-zwei.pdf;jsessionid=527E6BD297A8857EDD995946866FFE57?blob=publicationFile&v=2>; Germany, Federal Ministry of Labour and Social Affairs (Bundesministerium für Arbeit und Soziales), 'Bundestag hat das Zweite Sozialschutzpaket verabschiedet', 14 May 2020, available at <https://www.bmas.de/DE/Presse/Pressemitteilungen/2020/sozialschutzpaket-ii-weitere-hilfen-fuer-arbeitnehmer.html>

1.2.5 Freedom of movement

Focus on:

- *Steps to reopen borders/lift restrictions on freedom of movement to (external borders) and within the EU (internal borders), including rules or restrictions applying to certain categories of people (citizens; 'essential workers'; cross border commuters etc). Please mention what requirements are in place for various categories of people to enter country (e.g. negative COVID-19 test result and/or obligation to self quarantine; work certificate etc).*
- *Any changes to asylum application procedures (e.g. lifting of temporary suspensions or restrictions on procedures, or mentioning whether such restrictions are rather still in place)*

On 13 May, the Federal Ministry of Interior announced that there would be a gradual relaxation of border controls due to the positive development of infections.⁵¹ However, at the borders with France, Austria and Switzerland, as well as the air borders with Italy and Spain, an extension of controls until 15 June was ordered.⁵² The practical implementation of border controls has been changed, though, so that they are no longer systematic but 'flexible and risk-based'. The Ministry further announced that a valid reason for entry would continue to be required, but that additional facilitations would apply to travel for family or personal reasons. Furthermore, it was explained that the intensity of controls could be increased again in coordination with the neighbouring country if the infection level changed.⁵³ On the borders with Austria and Switzerland, persons wishing to visit their partners or relatives or to participate in important family events, have been able to cross the borders since 16 May. There are no longer any controls at the border with Luxembourg. The controls at the border with Denmark are also to be dropped in future.⁵⁴

There are no entry restrictions for German citizens, they may enter Germany in any case.⁵⁵ In addition, the Federal Ministry of Interior recommended to the *Länder* that quarantine should only be ordered for entries from third countries, whereas for entries from the Schengen area and Great Britain only a quarantine recommendation should be issued.⁵⁶ This is specifically regulated by the *Länder*, for example in section 1 of the 'Corona travel regulation' in North Rhine-Westphalia.⁵⁷

⁵¹ Germany, Federal Ministry of Interior (Bundesministerium des Innern, für Bau und Heimat), 'Änderungen im Grenzregime', 13 May 2020, available at

<https://www.bmi.bund.de/SharedDocs/pressemitteilungen/DE/2020/05/aenderungen-im-grenzregime.html>

⁵² Germany, Federal Ministry of Interior (Bundesministerium des Innern, für Bau und Heimat), 'Änderungen im Grenzregime', 13 May 2020, available at

<https://www.bmi.bund.de/SharedDocs/pressemitteilungen/DE/2020/05/aenderungen-im-grenzregime.html>

⁵³ More detailed information available at

<https://www.bmi.bund.de/SharedDocs/faqs/DE/themen/bevoelkerungsschutz/coronavirus/reisebeschraenkungen-grenzkontrollen/reisebeschaenkungen-grenzkontrollen-liste.html>

⁵⁴ Germany, Federal Government (Bundesregierung), 'Halten Sie Abstand!', 27 May 2020, available at

<https://www.bundesregierung.de/breg-de/themen/coronavirus/corona-massnahmen-1734724>

⁵⁵ Germany, Ministry of Interior (Bundesministerium des Innern, für Bau und Heimat), 'Schwerpunkt Coronavirus: Informationen des Bundesinnenministeriums', available at

<https://www.bmi.bund.de/DE/themen/bevoelkerungsschutz/coronavirus/coronavirus-schwerpunkt.html>

⁵⁶ Germany, Federal Government (Bundesregierung), 'Halten Sie Abstand!', 27 May 2020, available at

<https://www.bundesregierung.de/breg-de/themen/coronavirus/corona-massnahmen-1734724>

⁵⁷ North Rhine-Westphalia, 'Coronaeinreiseverordnung', available at

https://www.land.nrw/sites/default/files/asset/document/2020-05-19_fassung_coronaeinrvo_ab_20.05.2020_lesefassung.pdf

In order to trace contact persons, passengers and ship passengers are obliged to disclose their identity, travel route and contact details. The respective carriers must collect these and forward them to the competent authorities.⁵⁸

The Federal Government also declared that cross-border commuter traffic would be guaranteed. Commuters should carry with them appropriate proofs of employment from their employer showing the necessity of crossing the border for professional reasons (commuter certificate).⁵⁹ Furthermore, there are no entry restrictions for health and care workers from other EU countries, for example from Poland, who are employed in private households in Germany. They should carry suitable documents such as an employment contract, order documents or a cross-border commuter card.⁶⁰ On 2 April, the Federal Government had permitted the entry of up to 40,000 seasonal workers for agriculture for April and May under strict conditions: among other things, a health check had to be carried out at the airport after landing, and the persons entering the country had to live and work strictly separated from other employees for the first 14 days and could not leave the company premises.⁶¹

The pandemic has also resulted in restrictions on the conduct of asylum procedures. To avoid personal contacts, the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*, BAMF) only accepted asylum applications in writing.⁶² Furthermore, the BAMF was focusing on decisions without hearings. According to information on the BAMF's website, in special cases, particularly those with 'security implications' (*Sicherheitsbezug*), hearings were still possible. It was not possible to obtain any more detailed information on what exactly was meant by 'security implications', not even by a telephone enquiry. In addition, the BAMF stated on its website that it was trying to create hearing possibilities in its field offices, which complied with the infection protection regulations, but that this was not possible at all locations.⁶³ A telephone enquiry to the BAMF revealed that hearings had been increasingly carried out in practice since the end of April and that hearing opportunities had now been created in all BAMF field offices. Furthermore, no negative asylum decisions had been issued by May 11, as there were only limited possibilities for rejected asylum seekers to seek legal advice. These negative decisions have now been resent as of 11 May.⁶⁴

⁵⁸ Germany, Federal Government (Bundesregierung), 'Halten Sie Abstand!', 27 May 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/corona-massnahmen-1734724>

⁵⁹ Germany, Federal Government (Bundesregierung), 'Halten Sie Abstand!', 27 May 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/corona-massnahmen-1734724>

⁶⁰ Germany, Federal Government (Bundesregierung), 'Halten Sie Abstand!', 27 May 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/corona-massnahmen-1734724>

⁶¹ Germany, Federal Government (Bundesregierung), 'Halten Sie Abstand!', 27 May 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/corona-massnahmen-1734724>; Germany, Federal Ministry of Interior (Bundesministerium des Innern, für Bau und Heimat), 'Informationen zu Reisebeschränkungen und Grenzkontrollen', available at <https://www.bmi.bund.de/SharedDocs/faqs/DE/themen/bevoelkerungsschutz/coronavirus/reisebeschraenkungen-grenzkontrollen/reisebeschraenkungen-grenzkontrollen-liste.html>

⁶² Germany, Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge), 'Asylverfahren', 11 May 2020, available at https://www.bamf.de/DE/Startseite/_documents/corona-asyl-und-fluechtlingschutz.html?nn=282656#doc674782bodyText2

⁶³ Germany, Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge), 'Auswirkungen der Corona-Pandemie auf Asylverfahren und Asylverfahrensberatung', available at <https://www.bamf.de/DE/Themen/AsylFluechtlingschutz/asylfluechtlingschutz-node.html>

⁶⁴ Germany, Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge), 'Asylverfahren', 11 May 2020, available at https://www.bamf.de/DE/Startseite/_documents/corona-asyl-und-fluechtlingschutz.html?nn=282656#doc674782bodyText2

1.3 Impact of measures on particular groups

Select the three most relevant groups from the following:

- persons with disabilities,
- homeless people,
- Roma and Travellers (Note – for those countries requested to collect additional data on the impact of COVID-19 on Roma – Service request No 33 (Belgium, Bulgaria, Czechia, Ireland, Greece, Spain, France, Croatia, Italy, Hungary, Netherlands, Portugal, Romania, Slovakia and Sweden), information submitted on Roma for Bulletin 3 should not be duplicated in this additional data collection)
- Detainees (including measures on early release or alternatives to detention)
- or another group not listed that have immerged in your country as facing particular challenges - before selection, this should be discussed with FRA.

The pandemic poses an existential threat to homeless people. Physical distancing is particularly difficult for them, whether they live in the streets or in communal emergency accommodation. Major challenges included the fact that they were able to ask significantly fewer passers-by for money, public toilets were often blocked, facilities handing out meals were closed and voluntary helpers often belonged to risk groups.⁶⁵ In addition, many homeless people have pre-existing conditions or suffer from physical weakness and are therefore risk groups themselves.⁶⁶ A survey on the situation of homeless people during the corona pandemic was for example conducted by the Federal Association on the assistance to homeless people (*Bundesarbeitsgemeinschaft Wohnungslosenhilfe*), but the findings for the month of May have not yet been evaluated.⁶⁷ The findings for the month of April showed overall great concern for the existence of the facilities, their employees and those affected by homelessness. Points of criticism included inadequate management by the administration (e.g. with regard to the distribution of information), a major scarcity of protective clothing and disinfectants, shortages in the supply of food and medicine, and concerns that the situation would worsen as the crisis continued.⁶⁸

In addition to private initiatives, there is also state support for the homeless, even though there are many overall challenges. For example, in Berlin – where at least a total of about 2,000 homeless people live in the streets⁶⁹ – Germany's first quarantine station for homeless people was opened on 13 May. It was announced that in the future, this facility would accommodate people without a permanent

⁶⁵ Zeit, 'Pandemie, ganz unten', 6 May 2020, available at <https://www.zeit.de/2020/20/obdachlosigkeit-corona-krise-armut-pandemie-krankheit-wohnungslosigkeit/komplettansicht>; Deutsche Welle, 'Corona macht das Leben für Obdachlose noch schwieriger', 9 May 2020, available at <https://www.dw.com/de/corona-macht-das-leben-f%C3%BCr-Obdachlose-noch-schwieriger/av-53139525>

⁶⁶ Spiegel, 'Man verkrümelt sich in eine Ecke, wo keiner ist', 10 April 2020, available at <https://www.spiegel.de/panorama/gesellschaft/corona-warum-die-krise-obdachlose-besonders-trifft-a-89051f34-73c0-410b-bb3a-ee19ec434c98>

⁶⁷ Bundesarbeitsgemeinschaft Wohnungslosenhilfe, 'Corona und Wohnungslosigkeit', 28 April 2020, available at https://www.bagw.de/media/doc/DOK_20_Erste_Ergebnisse_28_April.pdf; Table for May: https://www.bagw.de/media/doc/DOK_20_R%C3%BCckmeldung_19_Mai.pdf

⁶⁸ Bundesarbeitsgemeinschaft Wohnungslosenhilfe, 'Corona und Wohnungslosigkeit', 28 April 2020, available at https://www.bagw.de/media/doc/DOK_20_Erste_Ergebnisse_28_April.pdf

⁶⁹ Statista, 'Obdachlose Menschen in Berlin 2020', 18 February 2020, available at <https://de.statista.com/statistik/daten/studie/1097522/umfrage/anzahl-der-obdachlosen-in-berlin/>

residence who were infected with the coronavirus and would therefore have to remain in domestic quarantine.⁷⁰

As there are no uniform nationwide rules and measures against coronavirus vary from *Land to Land* and from detention centre to detention centre, it is difficult to assess how they are implemented across Germany. Corona cases and chaotic conditions in prisons have been reported in some cases, but there has not yet been a large-scale outbreak of the virus.⁷¹ It is generally reported that the freedom of detainees was further restricted for reasons of infection protection, for example by banning group sports, by ordering eating in cells or visiting bans.⁷² In some cases, the prisons have the infrastructure for video phone calls as a substitute for visits,⁷³ and in others, visits – also by lawyers – were reported to be possible, separated by windows.⁷⁴ In some federal states, visits shall be possible again in the future under certain conditions, for example in North Rhine-Westphalia from 2 June on.⁷⁵ It was also reported that the sentences of people, who were detained because they did not pay their fines, were suspended so that they could be temporarily released in several places. Youth detention was also postponed and some convicts were not even summoned to appear in prison.⁷⁶ It is difficult to access official numbers of detainees released in the *Länder*, but it was for instance reported that already in March, about 1,000 persons were released from detention in North Rhine-Westphalia to create space for quarantine areas.⁷⁷ Likewise, it was reported in the beginning of April that up to 60 persons were released in Hamburg⁷⁸ and 49 persons in Schleswig-Holstein⁷⁹.

⁷⁰ Berlin, ‘Quarantäne-Station für Obdachlose wird vorgestellt’, available at <https://www.berlin.de/aktuelles/berlin/6169650-958092-quarantaenestation-fuer-obdachlose-wird-.html>

⁷¹ Buten un Binnen, ‘Keine weiteren Corona-Fälle in der JVA Bremen’, 27 April 2020, available at <https://www.butenunbinnen.de/nachrichten/gesellschaft/corona-im-gefaengnis-bremen-100.html> ;

Südwestrundfunk, ‘Sechs Corona-Fälle in der JVA Mannheim’, 28 April 2020, available at <https://www.swr.de/swraktuell/baden-wuerttemberg/mannheim/corona-in-jva-100.html> ; Bayerischer Rundfunk, ‘Zwei Gefangene der JVA Straubing mit Corona infiziert’, 4 May 2020, available at

<https://www.br.de/nachrichten/bayern/zwei-gefangene-der-jva-straubing-mit-corona-infiziert,Rxck0Fn>

⁷² Zweites Deutsches Fernsehen, ‘Wie Corona das Leben im Gefängnis verändert’, 19 April 2020, available at <https://www.zdf.de/nachrichten/panorama/coronavirus-gefaengnis-kontakt-einschraenkung-100.html>

⁷³ For instance in several detention centres in Thuringia, Saarland, Baden-Württemberg, Rhineland-Palatinate, Berlin, Saxony according to Zweites Deutsches Fernsehen, which refers to the spokespersons of the respective ministries of justice: ‘Wie Corona das Leben im Gefängnis verändert’, 19 April 2020, available at <https://www.zdf.de/nachrichten/panorama/coronavirus-gefaengnis-kontakt-einschraenkung-100.html>

⁷⁴ In Mecklenburg-Western Pomerania and Hamburg according to Zweites Deutsches Fernsehen, ‘Wie Corona das Leben im Gefängnis verändert’, 19 April 2020, available at

<https://www.zdf.de/nachrichten/panorama/coronavirus-gefaengnis-kontakt-einschraenkung-100.html>

⁷⁵ Westdeutscher Rundfunk, ‘Corona im Gefängnis: Ohne Besuche zerbrechen Familien’, 27 May 2020, available at <https://www1.wdr.de/nachrichten/themen/coronavirus/corona-gefaengnis-gewerkschaft-100.html>

⁷⁶ Zweites Deutsches Fernsehen, ‘Wie Corona das Leben im Gefängnis verändert’, 19 April 2020, available at <https://www.zdf.de/nachrichten/panorama/coronavirus-gefaengnis-kontakt-einschraenkung-100.html>

⁷⁷ Redaktionsnetzwerk Deutschland, ‘Wegen Corona-Pandemie: NRW entlässt Häftlinge aus 1000 Gefängniszellen’, 25 March 2020, available at <https://www.rnd.de/gesundheit/wegen-corona-pandemie-haftlinge-aus-1000-gefängniszellen-in-nrw-entlassen-S6IBZCF3TQ4J122U5ODCQI2AIQ.html>

⁷⁸ Norddeutscher Rundfunk, ‘Corona: Haftunterbrechung für bis zu 60 Straftäter’, 1 April 2020, available at <https://www.ndr.de/nachrichten/hamburg/Corona-Haftunterbrechung-fuer-bis-zu-60-Straftaeter,corona1722.html>

⁷⁹ Schleswig-Holsteinische Zeitung, ‘Platz schaffen für Quarantäne-Abteilung in der JVA: SH entlässt 49 Häftlinge wegen Corona-Krise’, 3 April 2020, available at <https://www.shz.de/regionales/schleswig-holstein/corona/platz-schaffen-fuer-quarantae-abteilung-in-der-jva-sh-entlaesst-49-haeflinge-wegen-corona-krise-id27925802.html>

People with disabilities were particularly affected by the virus, for example because individual meetings and therapy offers were cancelled or reduced to a minimum and workshops were closed for the most part.⁸⁰ In some cases, outbreaks of COVID-19 in care homes were reported.⁸¹ In addition, the Robert Koch Institute publishes data on the numbers of infections, hospitalisations, recoveries and deaths in relation to COVID-19 of, among others, people with disabilities, living in care homes (see tables on pages 18 and 19). Furthermore, there are different regulations in the *Länder* for people with disabilities living in care homes, for instance stipulating under which conditions visits would be possible or not.⁸² However, the representative of the government of North Rhine-Westphalia for people with disabilities criticised that many facilities did not allow their residents to receive visitors or to leave the buildings although it would legally be possible and appealed for these restrictions to be lifted.⁸³

⁸⁰ Norddeutscher Rundfunk, 'Corona-Regeln: Hart für Menschen mit Behinderung', 5 May 2020, available at https://www.ndr.de/nachrichten/niedersachsen/braunschweig_harz_goettingen/Corona-Regeln-Hart-fuer-Menschen-mit-Behinderung.behinderung164.html ; Mitteldeutscher Rundfunk, 'Beschäftigte von Behindertenwerkstätten sehnen Wiederöffnung herbei', 28 April 2020, available at <https://www.mdr.de/sachsen/bautzen/goerlitz-weisswasser-zittau/corona-schliessung-behindertenwerkstatt-100.html> ; Robert Koch Institut, 'Epidemiologisches Bulletin', 28 May 2020, available at https://www.rki.de/DE/Content/Infekt/EpidBull/Archiv/2020/Ausgaben/22_20.pdf?__blob=publicationFile

⁸¹ See for instance Tegernseer Stimme, 'Corona-Ausbruch in Behinderteneinrichtung unter Kontrolle', 6 May 2020, available at <https://tegernseerstimme.de/corona-ausbruch-in-behinderteneinrichtung-unter-kontrolle/>

⁸² An overview can be found here: Bundesinteressenvertretung für alte und pflegebedroffene Menschen (BIVA), 'Besuchseinschränkungen in Alten- und Pflegeheimen wegen Corona', 29 May 2020, available at <https://www.biva.de/besuchseinschraenkungen-in-alten-und-pflegeheimen-wegen-corona/>. The individual regulations can be found on the websites of the respective *Länder*, e.g. for North Rhine-Westphalia at <https://www.land.nrw/corona>.

⁸³ Government of North Rhine-Westphalia, 'Claudia Middendorf: Einrichtungen dürfen das Recht auf Selbstbestimmung nicht missachten!', 28 May 2020, available at <https://www.land.nrw/de/pressemitteilung/claudia-middendorf-einrichtungen-duerfen-das-recht-auf-selbstbestimmung-nicht>

2 Impact on fundamental rights of older people

Please provide information under each title / sub-title; and indicate n/a when no information available.

2.1 Data/statistics

Where available, data should be disaggregated by age groups and sex.

2.1.1 Share of persons 60+ in the total number of persons in the community infected, recovered and died in relation to COVID-19.

- Infected by COVID-19

Data on 1 May (see table below):

Demographic distribution of cases

Of reported cases, 52% are female and 48% are male. Among notified cases, 2,780 were children under 10 years of age (1.7%), 6,739 children and youth aged 10 to 19 years (4.2%), 68,891 persons aged 20 to 49 years (43%), 51,590 persons aged 50 to 69 years (32%), 26,023 persons aged 70 to 89 years (16%) and 4,543 persons aged 90 years and older (2.8%). The age of 191 notified cases is unknown. The mean and median age of cases are 50 years. The highest incidences are in the age groups above 90 years (see Figure 3).

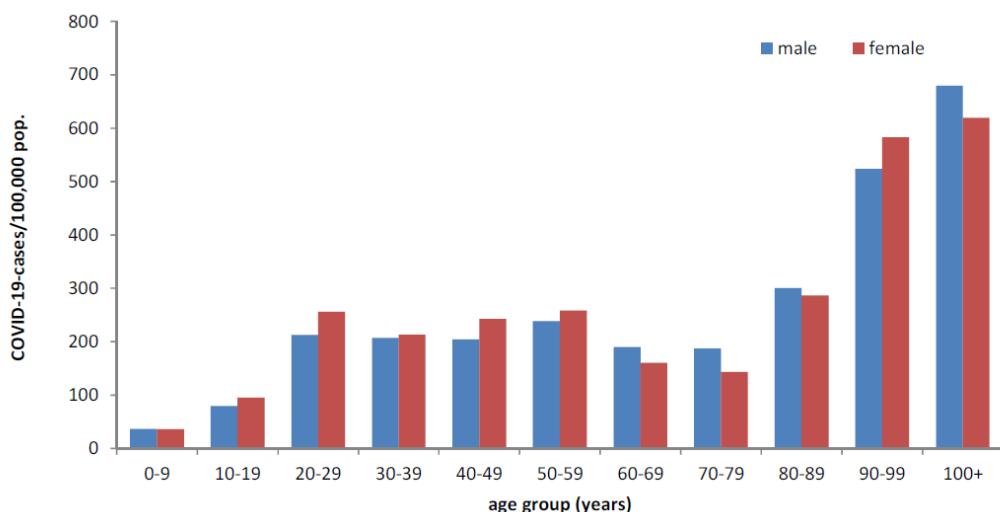


Figure 3: Electronically reported COVID-19 cases/100,000 population in Germany by age group and sex (n=160,137) for cases with information available (01/05/2020, 12:00 AM).

Source: https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Situationsberichte/2020-05-01-en.pdf?blob=publicationFile

Data on 31 May (see table below):

Demographic distribution of cases

Of all reported cases, 52% are female and 48% are male. Among notified cases, 3,697 were children under 10 years of age (2.0%), 8,083 children and teenagers aged 10 to 19 years (4.5%), 78,503 persons aged 20 to 49 years (43%), 56,663 persons aged 50 to 69 years (31%), 29,226 persons aged 70 to 89 years (16%) and 5,193 persons aged 90 years and older (2.9%). The age is unknown in 117 notified cases. The mean age of cases is 49 years (median age 50 years). The highest incidences are seen in persons aged 90 years and older (Figure 3).

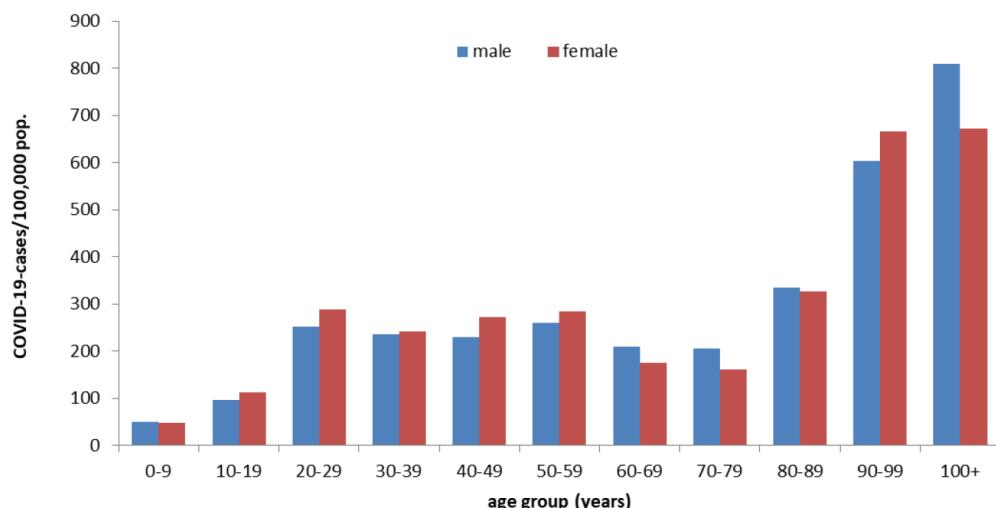


Figure 3: Electronically reported COVID-19 cases/100,000 population in Germany by age group and gender (n=181,042) for cases with information available (31/05/2020, 12:00 AM).

Source: https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Situationsberichte/2020-05-31-en.pdf?blob=publicationFile

- Recovered from COVID-19

There is only data available on people recovered from COVID-19, but not distributed by age groups, see https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Situationsberichte/2020-05-01-en.pdf?blob=publicationFile for 1 May and

https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Situationsberichte/2020-05-31-en.pdf?blob=publicationFile for 31 May.

- Died in relation to COVID-19

Data on 1 May (see table below):

Table 2: Number of notified COVID-19 deaths by age group and sex (Data available for 6,472 of notified deaths; 01/05/2020, 12:00 AM)

Sex	Age group (in years)										
	0-9	10-19	20-29	30-39	40-49	50-59	60-69	70-79	80-89	90-99	100+
Male		1	4	9	36	161	435	1,001	1,570	425	4
Female	1		2	5	11	50	145	466	1,376	734	36
Total	1	1	6	14	47	211	580	1,467	2,946	1,159	40

Source: https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Situationsberichte/2020-05-01-en.pdf?blob=publicationFile

Data on 31 May (see table below):

Table 2: Number of notified COVID-19 deaths by age group and gender (Data available for 8,495 of notified deaths; 31/05/2020, 12:00 AM)

Gender	Age group (in years)										
	0-9	10-19	20-29	30-39	40-49	50-59	60-69	70-79	80-89	90-99	100+
Male		2	6	14	49	218	590	1,286	1,999	539	5
Female	1		3	6	18	72	211	616	1,807	1,008	45
Total	1	2	9	20	67	290	801	1,902	3,806	1,547	50

In total, 8,500 COVID-19-related deaths have been reported in Germany (4.7% of all confirmed cases). Of these, 4,708 (55%) are men and 3,787 (45%) are women (see Table 2; gender was unknown in five

Source: https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Situationsberichte/2020-05-31-en.pdf?blob=publicationFile

Current data (including distribution by age group and gender) can be found under:
<https://experience.arcgis.com/experience/478220a4c454480e823b17327b2bf1d4>

2.1.2 Share of persons 60+ in the total number of persons in institutional settings infected, recovered and died in relation to COVID-19.

- Infected by COVID-19

Data on 1 May (see table below):

There is only data available for facilities for the care of older, disabled, or other persons in need of care, homeless shelters, community facilities for asylum-seekers, repatriates and refugees as well as other mass accommodation and prisons combined. The data does not say anything about the share of persons 60+ in these facilities. It further has to be noted that on 1 May, 37% of information is missing in these cases, so that the proportion of cases should be considered as minimum values.⁸⁴

⁸⁴ Robert Koch Institut, 'Coronavirus Disease 2019 (COVID-19) Daily Situation Report of the Robert Koch Institute', 1 May 2020, available at

Table 3: Notified COVID-19-cases according to possible occupation, accommodation or care in facilities relevant for transmission of infectious diseases (159,845* cases, no data available for 59,374 cases; 01/05/2020, 12:00 AM)

Facility according to		Total	Hospitalised	Deaths	Recovered (estimate)
§ 23 IfSG (e.g. hospitals, outpatient clinics and practices, dialysis clinics or outpatient nursing services)	Cared for / accommodated in facility	2,144	1,402	369	1,100
	Occupation in facility	9,672	429	15	8,300
§ 33 IfSG (e.g. day care facilities, kindergartens, facilities for after school care, schools or other educational facilities, children's homes, holiday camps)	Cared for / accommodated in facility	1,624*	47	1	1,500
	Occupation in facility	1,944	97	7	1,800
§ 36 IfSG (e.g. facilities for the care of older, disabled, or other persons in need of care, homeless shelters, community facilities for asylum-seekers, repatriates and refugees as well as other mass accommodation and prisons)	Cared for / accommodated in facility	12,062	2,635	2,326	6,000
	Occupation in facility	7,281	294	27	5,800
§ 42 IfSG (e.g. kitchens in the catering trade, in inns, restaurants, canteens, cafés, or other establishments with or for communal catering)	Occupation in facility	1,083	74	6	800
Neither cared for, accommodated in nor working in a facility		64,661	11,607	2,505	55,900

*for care according to § 33 IfSG only cases below 18 years of age are taken into account, as other information may be assumed to be incorrect.

IfSG: Protection Against Infection Law

Source: https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Situationsberichte/2020-05-01-en.pdf?blob=publicationFile

Data on 31 May (see table below):

There is only data available for facilities for the care of older, disabled, or other persons in need of care, homeless shelters, community facilities for asylum-seekers, repatriates and refugees as well as other mass accommodation and prisons combined. The data does not say anything about the share of persons 60+ in these facilities. It further has to be noted that on 31 May, 28 % of information is missing in these cases, so that the proportion of cases should be considered as minimum values.⁸⁵

https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Situationsberichte/2020-05-01-en.pdf?blob=publicationFile

⁸⁵ Robert Koch Institut, 'Coronavirus Disease 2019 (COVID-19) Daily Situation Report of the Robert Koch Institute', 31 May 2020, available at

https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Situationsberichte/2020-05-31-en.pdf?blob=publicationFile

Table 3: Notified COVID-19-cases according to possible occupation, accommodation or care in facilities relevant for transmission of infectious diseases (181,482* cases, no data available for 51,036 cases; 31/05/2020, 12:00 AM)

Facility according to		Total	Hospitalised	Deaths	Recovered (estimate)
§ 23 IfSG (e.g. hospitals, outpatient clinics and practices, dialysis clinics or outpatient nursing services)	Cared for / accommodated in facility	2,966	2,082	557	2,200
	Occupation in facility	12,826	585	20	12,500
§ 33 IfSG (e.g. day care facilities, kindergartens, facilities for after school care, schools or other educational facilities, children's homes, holiday camps)	Cared for / accommodated in facility*	2,228	58	1	2,100
	Occupation in facility	2,473	120	7	2,400
§ 36 IfSG (e.g. facilities for the care of older, disabled, or other persons in need of care, homeless shelters, community facilities for asylum-seekers, repatriates and refugees as well as other mass accommodation and prisons)	Cared for / accommodated in facility	16,422	3,700	3,240	12,000
	Occupation in facility	9,275	391	48	8,900
§ 42 IfSG (e.g. kitchens in the catering trade, in inns, restaurants, canteens, cafés, or other establishments with or for communal catering)	Occupation in facility	2,416	155	51**	2,100
Neither cared for, accommodated in nor working in a facility		80,885	14,634	3,211	75,500

*for care according to § 33 IfSG only cases under 18 years of age are taken into account, as other information may be assumed to be incorrect.

IfSG: Protection Against Infection Law

** incorrect high case number due to technical data transmission problems

Source: https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Situationsberichte/2020-05-31-en.pdf?blob=publicationFile

- Recovered from COVID-19
- Died in relation to COVID-19

2.1.3 Number and type of institutions affected

As far as can be seen, there are no numbers available, but COVID-19 related outbreaks continued to be reported in nursing homes and hospitals. In some of these outbreaks, the number of deaths was relatively high.⁸⁶

⁸⁶ Robert Koch Institut, 'Coronavirus Disease 2019 (COVID-19) Daily Situation Report of the Robert Koch Institute', 1 May 2020, available at

https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Situationsberichte/2020-05-01-en.pdf?blob=publicationFile

2.1.4 Do official statistics on mortality rates from COVID-19 include deaths of older persons in care homes? Has there been any critique of data collection with respect to care homes?

There has been some general critique on data collection of the Robert Koch Institute, but not with respect to care homes.⁸⁷ According to the Infection Protection Law (*Infektionsschutzgesetz*, IfSG), accommodation or care in a facility relevant for infection control is documented and electronically transmitted to Robert Koch Institute for notified COVID-19 cases. However, as of 1 May 2020, information on care, accommodation and occupation in these facilities was missing in 37% of cases, so that the proportion of cases cared for, accommodated in or working in facilities should be considered as minimum values (see above). On 31 May, 28 % of data was missing (see above).

2.1.5 Independent studies published on the situation of older persons with respect to the impact of and responses to COVID-19

Please reference up to three studies and provide brief information on their focus.

The federal interest group for old people and people affected by nursing care (*Bundesinteressenvertretung für alte und pflegebetroffene Menschen*, BIVA) conducted a non-representative survey with more than thousand participants on possibilities for visits and consequences of social isolation.⁸⁸

The further studies were announced and/or conducted, but no results have been published as of 31 May 2020:

The study 'Corona and age' of the Institute for psycho gerontology of University Erlangen-Nuremberg examines personal experiences, attitudes, concerns and behaviours regarding COVID-19 and how one's own aging and older people are perceived.⁸⁹

The study "Well-being before and since contact-restrictive measures by COVID-19 in people aged 50+" of the University of Vechta explores the (subjective) effects of corona measures on loneliness and the use of digital communication media in the age group 50+.⁹⁰

In the research field "Ageing Societies" at the Technical University Dortmund, a study on how the corona pandemic affects the everyday life of people in middle and old age is conducted.⁹¹

⁸⁷ Zweites Deutsches Fernsehen, 'Corona-Zahlen: Kritik am RKI', 10 May 2020, available at <https://www.zdf.de/politik/berlin-direkt/berlin-direkt-clip-1-380.html>

⁸⁸ Bundesinteressenvertretung für alte und pflegebetroffene Menschen (BIVA), 'Ernüchterndes Umfrageergebnis: Besuchsmöglichkeiten in Pflegeheimen sind unzureichend und die Folgen der sozialen Isolation gravierend', 29 May 2020, available at <https://www.biva.de/umfrage-besuche-im-pflegeheim-noch-unzureichend/>

⁸⁹ Institut für Psychogerontologie, 'Begleitstudie zur Corona-Pandemie', April 2020, available at <https://www.geronto.fau.de/forschung/alternsbilder/covid-19-studie/>

⁹⁰ Deutsche Gesellschaft für Gerontologie und Geriatrie (DGGS), 'Studienankündigung: 'Wohlbefinden vor und seit kontakteinschränkenden Maßnahmen durch COVID-19 bei Menschen ab 50 Jahren'', available at <https://www.dggg-online.de/nc/covid-19-news/details/studienankuendigung-wohlbefinden-vor-und-seit-kontakteinschraenkenden-massnahmen-durch-covid-19-bei-me.html>

⁹¹ Technische Universität Dortmund, 'Gesundheit und Unterstützung in Zeiten von Corona', available at <https://umfragen.tu-dortmund.de/index.php/913772?lang=de> , https://www.fk12.tu-dortmund.de/cms/ISO/de/Lehr-und-Forschungsbereiche/Sozialstruktur_und_Soziologie_alternder_Gesellschaften/Projekte/index.html

In the study "Coronavirus SARS-CoV-2 in nursing homes" researches from Bremen University aim to find out what current challenges nursing homes have to solve, what human and material resources are available to them and what framework conditions should be changed to support nursing homes.⁹²

2.2 COVID-19 measures targeting older people

Please indicate the age group/s concerned; e.g. 60+, 65+, 70+ etc.

Please consult and refer in particular to measures related to existing or planned national exit strategies (policies/measures).

Please report on developments for the reference period 1 May – 31 May (inclusive) and on any changes/revisions of measures reported in the 1st and 2nd bulletin regarding older people.

2.2.1 National guidelines/protocols in response to COVID-19 addressing older people

- in residential care homes (including protective equipment, visits etc.)

On 6 May, the Federal Government and the Governments of the *Länder* agreed that visits by a permanent contact person to nursing homes should again be allowed as long as there were no COVID-19 cases in the facility. It was also agreed that special protective measures should apply to hospitals, nursing homes, senior citizens' homes and institutions for people with disabilities, which were to be determined by the respective institutions according to local conditions and with the help of external expertise.⁹³ The Robert Koch Institute has also published recommendations for old people's and nursing homes and facilities for people with disabilities and for the public health service.⁹⁴

- in the community in general

Although it has been partially discussed whether one could establish stricter rules for older people in the community (e.g. self-quarantine)⁹⁵, there are no such rules in place. Older people can act on their own responsibility.

⁹² Universität Bremen, 'Informationsschreiben über das Forschungsprojekt Coronavirus SARS-CoV-2 in Pflegeeinrichtungen', 27 April 2020, available at <https://seafire.zfn.uni-bremen.de/f/2c46c03836a54468a315/>

⁹³ Germany, Federal Government (Bundesregierung), 'Halten Sie Abstand!', 27 May 2020, available at <https://www.bundesregierung.de/breg-de/themen/coronavirus/corona-massnahmen-1734724>

⁹⁴ Robert Koch Institut, 'Prävention und Management von COVID-19 in Alten- und Pflegeeinrichtungen und Einrichtungen für Menschen mit Beeinträchtigungen und Behinderungen', 20 May 2020, available at https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Alten_Pflegeeinrichtung_Empfehlung.pdf?blob=publicationFile

⁹⁵ Tagesspiegel, 'Strenge Regeln für Ältere und Kranke sind rechtlich möglich', 20 April 2020, available at <https://www.tagesspiegel.de/politik/risikogruppen-anders-behandeln-strenge-regeln-fuer-aeltere-und-kranke-sind-rechtlich-moeglich/25754614.html>; Tagesspiegel, 'Ich will Ältere nicht einsperren, sondern schützen', 30 March 2020, available at <https://www.tagesspiegel.de/berlin/senatorin-kalayci-zur-coronakrise-in-berlin-ich-will-aeltere-nicht-einsperren-sondern-schuetzen/25694600.html>

2.2.2 National guidelines/protocols on patient triage that apply age as the main and decisive criterion

There is no law on patient triage in Germany and, according to the Ministry of Health, no such law is planned.⁹⁶ However, the German Interdisciplinary Association for Intensive Care and Emergency Medicine (*Deutsche Interdisziplinäre Vereinigung für Intensiv- und Notfallmedizin*, DIVI) published recommendations for action in a triage situation at the end of April. According to these recommendations, the age of the patients is not a criterion, because it would be group-related and thus potentially discriminatory. Instead, main criterions are the urgency of the treatment and its chances of success. Chances of success mean the probability that a patient will be able to overcome the disease with the help of intensive therapy. Longer-term survival probability and quality of life do not play a role.⁹⁷ The fact that there is no legislation on patient triage in Germany was discussed and partly criticised.⁹⁸ For example, the position of an interest group representing people with disabilities was that the state should not leave ethically controversial issues to the expert associations.⁹⁹

2.2.3 Targeted testing of residents and staff in residential care homes

- Is this laid down in a targeted policy/measure or done on an ad-hoc basis when a case has been detected?

According to a fact sheet issued by the Ministry of Health on 17 April, more extensive testing should be carried out, particularly in nursing homes, retirement homes and other facilities for particularly vulnerable groups, so that outbreaks could be prevented or rapidly contained.¹⁰⁰ The *Länder* have developed their own strategies for this purpose. For example, in Mecklenburg-Western Pomerania, comprehensive tests were carried out in nursing homes for the first time at the beginning of May.¹⁰¹ At the end of May, the Federal Ministry of Health presented a draft regulation which stipulated that

⁹⁶ Frankfurter Allgemeine Zeitung, 'Warum der Gesetzgeber die Triage regeln muss', 30 April 2020, available at <https://www.faz.net/einspruch/warum-der-gesetzgeber-die-triage-regeln-muss-16748996.html>

⁹⁷ Deutsche Interdisziplinäre Vereinigung für Intensiv- und Notfallmedizin (DIVI), 'Entscheidungen über die Zuteilung intensivmedizinischer Ressourcen im Kontext der COVID-19-Pandemie', 17 April 2020, available at <https://www.divi.de/empfehlungen/publikationen/covid-19/1549-entscheidungen-ueber-die-zuteilung-intensivmedizinischer-ressourcen-im-kontext-der-covid-19-pandemie-klinisch-ethische-empfehlungen> ;

Süddeutsche Zeitung, 'Wie sich Ärzte entscheiden sollen', 2 April 2020, available at <https://www.sueddeutsche.de/gesundheit/coronavirus-medizin-triage-1.4864794>

⁹⁸ Frankfurter Allgemeine Zeitung, 'Warum der Gesetzgeber die Triage regeln muss', 30 April 2020, available at <https://www.faz.net/einspruch/warum-der-gesetzgeber-die-triage-regeln-muss-16748996.html> ; Konrad-Adenauer-Stiftung, 'Brauchen wir ein Triage-Gesetz?', 7 April 2020, available at <https://www.kas.de/documents/252038/7995358/Brauchen+ein+Triage-Gesetz.pdf/dd0cb801-4217-7219-b531-278a774e311e?version=1.0&t=1586415062476>

⁹⁹ Interessenvertretung Selbstbestimmt Leben Deutschland, 'Triage – Behinderung darf kein Kriterium bei Priorisierungs-Entscheidungen sein!', 31 March 2020, available at www.isl-ev.de/attachments/article/2410/Kommentar%20zu%20Triage.pdf

¹⁰⁰ Germany, Federal Ministry of Health (Bundesgesundheitsministerium), 'Testen, testen, testen – aber gezielt', 17 April 2020, available at https://www.bundesgesundheitsministerium.de/fileadmin/Dateien/3_Downloads/C/Coronavirus/Faktenpapier_Testen.PDF

¹⁰¹ Norddeutscher Rundfunk, 'Corona-Tests in Alten- und Pflegeheimen begonnen', 8 May 2020, available at <https://www.ndr.de/nachrichten/mecklenburg-vorpommern/Corona-Tests-in-Alten-und-Pflegeheimen-begonnen,coronavirus1840.html>

among others, more people without symptoms should be tested in these facilities and that health insurances could be obliged to pay for these tests.¹⁰²

- Data/statistics on testing & frequency of testing – institutions, residents, staff

At the end of April, 805 people (471 residents, 334 employees) were tested in five facilities in Leipzig within the course of a pilot study by the Robert Koch Institute. Of the residents, 74.7% were women and the median age was 85 years. No SARS-CoV-2 infection was detected during the project, i.e. all tests were negative.¹⁰³

The further available data on testing does not say where the tests were conducted (see table below).

Explanation: The left column indicates the calendar weeks (18 to 21 for May). The second column indicates the number of tests, the third column the number of people tested positive, the fourth the percentage of people tested positive and the fifth the number of laboratories that transmitted the figures.

Kalenderwoche 2020	Anzahl Testungen	Positiv getestet	Positiven- rate (%)	Anzahl über- mittelnde Labore
Bis einschl. KW 10	124.716	3.892	3,1	90
11	127.457	7.582	5,9	114
12	348.619	23.820	6,8	152
13	361.515	31.414	8,7	151
14	408.348	36.885	9,0	154
15	380.197	30.791	8,1	164
16	331.902	22.082	6,7	168
17	363.890	18.083	5,0	178
18	326.788	12.608	3,9	175
19	403.875	10.755	2,7	182
20	430.882	7.227	1,7	181
21	344.782	5.116	1,5	172

Tab. 1 | Anzahl der SARS-CoV-2-Testungen in Deutschland
(26.5.2020, 12.00 Uhr)

Source:

https://www.rki.de/DE/Content/Infekt/EpidBull/Archiv/2020/Ausgaben/22_20.pdf?blob=publicationFile

2.2.4 Restrictions/bans on visits to residential care settings, and any (conditional) lifting of these restrictions

Please report on the conditions applied.

As indicated above, the Federal Government and the *Länder* agreed to relax the general ban on visits on 6 May. Hence, every patient/resident of such a facility shall be given the opportunity for a recurrent

¹⁰² Germany, Federal Ministry of Health (Bundesgesundheitsministerium), ‘Tagesaktuelle Informationen zum Coronavirus’, available at <https://www.bundesgesundheitsministerium.de/coronavirus.html>

¹⁰³ Robert Koch Institut, ‘Epidemiologisches Bulletin’, 28 May 2020, available at

https://www.rki.de/DE/Content/Infekt/EpidBull/Archiv/2020/Ausgaben/22_20.pdf?blob=publicationFile

visit by a defined person, provided that there is no active SARS-CoV-2 infection in the facility.¹⁰⁴ The individual regulations vary from *Land* to *Land*.¹⁰⁵

2.2.5 Restrictive measures for older people living in the community

Please report on any restrictions for older people after gradual lifting of confinement measures (e.g. use of public services, work, and participation in voluntary and social activities).

As indicated above, older people can act on their own responsibility, (although the possibility has been partially discussed that they, as particularly vulnerable groups, should stay at home to enable the rest of the population to live with fewer restrictions).¹⁰⁶ Nevertheless, they face several challenges. For instance, in an interview, a researcher explained that the majority of older people do not live in nursing homes or retirement homes and that they struggled with age discrimination and isolation. He also saw the potential for a generation conflict in the question of whether old people should stay at home.¹⁰⁷

2.2.6 Access to healthcare for older people for conditions unrelated to COVID-19

Please report on measures targeted at older people living in the community and in institutional care settings (e.g. home-based visits, mobile health care, other hospital treatment).

In the course of the corona crisis, the number of intensive care beds in hospitals in Germany has been increased overall.¹⁰⁸ Yet, all hospitals have cancelled all operations that were not absolutely necessary to keep as much capacity as possible free for the treatment of corona patients.¹⁰⁹ At the end of April, the Federal Ministry of Health presented a concept according to which the hospitals were to gradually return to regular operations from the beginning of May, amongst others by keeping only 25 percent of intensive care beds free for corona patients instead of 50 percent as before.¹¹⁰ In addition, there are current statistics¹¹¹ on the occupancy of intensive care beds, according to which, over a longer

¹⁰⁴ Germany, Federal Government (Bundesregierung), ‘Beschluss: Maßnahmen zur Eindämmung der COVID-19-Epidemie’, 6 May 2020, available at

<https://www.bundesregierung.de/resource/blob/973812/1750978/fc61b6eb1fc1d398d66cfea79b565129/2020-05-06-beschluss-mpk-data.pdf?download=1>

¹⁰⁵ An overview can be found here for instance: Bundesinteressenvertretung für alte und pflegebedroffene Menschen (BIVA), ‘Besuchseinschränkungen in Alten- und Pflegeheimen wegen Corona’, 29 May 2020, available at <https://www.biva.de/besuchseinschraenkungen-in-alten-und-pflegeheimen-wegen-corona/>

¹⁰⁶ For example the senator of health of Berlin: Radio Berlin-Brandenburg, ‘Gesundheitssenatorin Kalayci fordert Impfvorrang für Ältere’, 8 May 2020, available under

https://www.rbb24.de/politik/thema/2020/coronavirus/beitraege_neu/2020/05/berlin-gesundheitssenatorin-dilek-kalayci-aeltere-impfen-vorrang.html

¹⁰⁷ Frankfurter Rundschau, ‘Diskriminierung im Alter: Die Corona-Krise kann den Generationenkonflikt verstärken’, 17 April 2020, available at <https://www.fr.de/panorama/corona-diskriminierung-alte-menschen-senioren-forscher-generationenkonflikt-zr-13654603.html>

¹⁰⁸ Tagesschau, ‘Mehr Intensivbetten und Beatmungsgeräte’, 2 April 2020, available at <https://www.tagesschau.de/inland/coronavirus-intensivbetten-deutschland-101.html>

¹⁰⁹ Zeit, ‘Wo Intensivbetten in Deutschland knapp sind’, 31 May 2020, available at <https://www.zeit.de/wissen/2020-04/coronavirus-intensivbetten-deutschland-auslastung-kapazitaeten-tagesaktuelle-karte>

¹¹⁰ Germany, Federal Ministry of Health (Bundesgesundheitsministerium), ‘Ein neuer Alltag auch für den Klinikbetrieb in Deutschland’, 27 April 2020, available at https://www.bundesgesundheitsministerium.de/fileadmin/Dateien/3_Downloads/C/Coronavirus/Faktenpapier_Neuer_Klinikalltag.pdf

¹¹¹ <https://www.intensivregister.de/#/index>

period of time, considerably below 10 percent of the clinics had exhausted their capacity.¹¹² This should also make it possible for hospital admissions and operations that are not absolutely necessary to be carried out again. Nevertheless, it is reported that in some cases, important medication and protective clothing are scarce.¹¹³ In addition, while there are no widespread capacity problems, it was reported several times that patients with other serious diseases did not dare to go to the doctor for fear of infection.¹¹⁴

Further problems are reported in the area of home based visits and mobile health care, as protective clothing and tests are lacking. Furthermore, the majority of older people is cared for by their relatives, who suffer from the fact that most support facilities are closed.¹¹⁵

2.2.7 Support measures and promising practices targeting older people, including access to goods and services online and offline, social/psychological support, and use of digital tools and technology

Please also report on any targeted measures for people with dementia.

Offers of help to support senior citizens include, for example, assistance with shopping, the provision of contact persons by telephone or contact persons for health or nursing questions.¹¹⁶

In addition, there are offers and tips on how to deal with dementia of relatives. For example, the German Alzheimer Society (*Deutsche Alzheimer Gesellschaft*) has compiled a list of answers to common questions about the corona virus in connection with dementia, such as how to explain the corona-situation to a person with dementia or how best to stay in contact with them.¹¹⁷ As visits and regular help were no longer possible, a Catholic aid organisation sent out videos with songs or poems to relatives of dementia patients to show them.¹¹⁸

¹¹² Zeit, ‘Wo Intensivbetten in Deutschland knapp sind’, 31 May 2020, available at <https://www.zeit.de/wissen/2020-04/coronavirus-intensivbetten-deutschland-auslastung-kapazitaeten-tagesaktuelle-karte>

¹¹³ Zeit, ‘Wo Intensivbetten in Deutschland knapp sind’, 31 May 2020, available at <https://www.zeit.de/wissen/2020-04/coronavirus-intensivbetten-deutschland-auslastung-kapazitaeten-tagesaktuelle-karte>

¹¹⁴ Frankfurter Neue Presse, ‘Frankfurt: Angst vor Corona – Viele Patienten meiden Kliniken’, 14 May 2020, available at <https://www.fnp.de/frankfurt/frankfurt-hessen-corona-coronavirus-kliniken-angst-patienten-zr-13753691.html> ; Aerzteblatt, ‘Rückkehr zur Regelversorgung: Chronische Krankheiten machen keine Coronapause’ available at <https://www.aerzteblatt.de/archiv/214065/Rueckkehr-zur-Regelversorgung-Chronische-Krankheiten-machen-keine-Coronapause>

¹¹⁵ Tagesspiegel, ‘Es ist eine Frage der Zeit, bis wir einen Coronafall haben’, 4 May 2020, available at <https://www.tagesspiegel.de/berlin/ambulante-pflege-in-der-corona-krise-es-ist-eine-frage-der-zeit-bis-wir-einen-coronafall-haben/25797706.html>

¹¹⁶ For instance Hamburg, Authority for Health and Consumer Protection (Behörde für Gesundheit und Verbraucherschutz), ‘Corona: Hamburg hilft Senioren’, available at <https://www.hamburg.de/coronavirus/senioren/>

¹¹⁷ Deutsche Alzheimer Gesellschaft, ‘Antworten auf häufige Fragen zum Corona-Virus im Zusammenhang mit Demenz’, available at <https://www.deutsche-alzheimer.de/ueber-uns/presse/aktuelles-zur-corona-krise/haeufige-fragen-und-antworten-zu-corona-und-demenz.html#c5038>

¹¹⁸ ‘Corona-Krise: Malteser verschicken Videos für Demenzkranke’, 15 April 2020, available at <https://www.kirche-und-leben.de/artikel/corona-krise-malteser-verschicken-videos-fuer-demenzkranke/>

2.2.8 Consultation of older people's organisations and/or other civil society organisations in the design, implementation and review of COVID-19-related measures

As far as can be seen, no information on consultations is available. There is, however, a larger number of groups that advocate for the interests of older people. For example, the Federal Working Group of Senior Citizens' Organisations has set out its position on visiting regulations in nursing homes and called on the *Länder* and the Federal Government to take note of this.¹¹⁹ Another interest group is the German Senior Citizens' Association.¹²⁰

¹¹⁹ Bundesarbeitsgemeinschaft der Senioren-Organisationen, 'Besuche in Pflegeheimen: Einrichtungen brauchen klare Vorgaben und mehr Unterstützung', May 2020, available at

<https://www.bagso.de/publikationen/stellungnahme/besuche-in-pflegeheimen/>

¹²⁰ <https://www.deutscher-senioren-bund.de/>