

Open Letter to the Freiburg Regierungspräsidium (Regional Council) & the City of Freiburg

Dear President of the Regierungspräsidium Bärbel Schäfer,

Dear City Mayor Martin Horn,

The initial reception centre (LEA) in Freiburg is not a good place to arrive. The LEAs in their current form are an expression of an asylum policy that is geared towards isolation and deterrence.

The resulting grievances have been exacerbated by the current movement of refugees from Ukraine. In the LEA there is hardly any privacy, no possibility of self-sufficiency and contact with the city society is extremely difficult. The Regierungspräsidium Council (RP) has a general power of attorney to organise the LEA. For this reason, together with the residents, we are addressing you in this letter with the following demands:

1. lockable rooms in the LEA
2. immediate establishment of visiting hours
3. immediate installation of cooking facilities

We call upon the city of Freiburg to use the contractual possibility of an intervention (jour fixe) and to ensure that fundamental rights and international agreements are respected in the Freiburg LEA and that our demands are implemented.

Lockable rooms

The rooms in the LEA are not lockable for the refugees. In addition to the daily unannounced room controls which have now been declared illegal by the VGH Mannheim, this ensures that no real privacy can develop - even though refugees urgently need a place of safety and calm. This ensures that no real privacy can develop - even though refugees urgently need a place of peace and quiet. There has been criticism of this deplorable state of affairs for years, and since 2018 the RP has promised to introduce a locking system. This is no longer acceptable. **We urge you to take immediate steps to put a locking system into operation - refugees also have the right to privacy.**

Visiting hours

In the LEA there is a de facto ban on visits. In addition to preventing social interaction, this massively impedes the work of civil society groups. The RP justifies this with the "safety" of the residents. As the VGH has stated, rooms in LEAs fall under the fundamental right to inviolability of the home (Art. 13 GG) - thus the residents also have the right to receive visitors. **We urge you to immediately establish visiting hours - the isolation of the refugees must come to an end.**

Cooking facilities

The residents have no understanding for the fact that they have no possibility to prepare their own meals in the LEA Freiburg. In fact, there is no legitimisation and no law that prohibits people from cooking for themselves - not even in the Freiburg LEA. The Asylum Seekers' Benefits Act (AsylbLG) provides for benefits in kind, but there is no mention of a ban on cooking. The cooking ban is probably due to a structural

problem of the facility itself. This is not acceptable. The importance of preparing and eating food is classified as a "formative activity" and "very relevant to health" even in the family reports of the federal governments (Printed Paper 12/7560, pp. 251-252).

The RP legitimises the cooking ban with fire safety requirements. This argument is futile, **because fire safety regulations cannot be used to justify encroachments on elementary fundamental rights**. Moreover, it is known that kitchens are already installed on some floors, or could quickly be installed.

According to current laws, individuals are to live in the Freiburg LEA for up to 18 months and families with children for up to 6 months with the provision in kind and thus the cooking ban. This contradicts a legal opinion commissioned by the city of Freiburg in 2003. According to this opinion, the provision of benefits in kind for a period of more than three months constitutes inadmissible discrimination in the sense of the Basic Law (e.g. principle of equal treatment Art. 3 GG, personal freedom of action Art. 2 GG). According to the UN Social Covenant, the right to food also has a high priority. In 2010, the Federal Constitutional Court referred to this. Exclusive feeding by a catering company contradicts this agreement.

We therefore call on you to allow self-determined food preparation in the LEA.

Expecting a reply soon and with kind regards,

***signatory groups**