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Mitglied des Deutschen Bundestages

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Committee on the Rights of the Child (CRC)  
Human Rights Treaties Division (HRTD)  
Office of the United Nations High  
Commissioner for Human Rights (OHCHR)  
CH-1211 Geneva 10 (Switzerland)

Berlin, February 8<sup>th</sup>, 2016

Dear Sir or Madam,

I would like to draw your attention to the practice of the Free State of Bavaria that is likely to contravene several provisions of the Convention on the Rights of the Child. Since recently, asylum seekers and rejected asylum seekers from designated "safe countries of origin" are required to take residence in specific reception facilities in Bavaria. The designation of "safe countries of origin" is a controversial instrument of German refugee law that restricts the procedural, social and economic rights of asylum seekers from specific countries. As per today, Germany has designated Albania, Bosnia-Herzegovina, Ghana, Kosovo, Macedonia, Montenegro, Senegal and Serbia as safe countries of origin and the German government has proposed an extension of this list to Algeria, Morocco and Tunisia.

According to media reports,<sup>1</sup> children from these countries do not attend ordinary schools upon arrival in the aforementioned facilities. Instead, schooling in these facilities follows a specific curriculum that includes classes in English, Mathematics and Sciences (but neither German nor their mother tongue) for some hours every day. No children from outside the facilities attend these classes.

In my opinion, this violates the following provisions of the Convention on the Rights of the Child:

1. There is a violation of Article 2 of the Convention because such a practice distinguishes between the children with a specific immigration status and other children and thus constitutes a discrimination based on the status of the child and, indirectly, other criteria set out in this provision, especially the ethnic and social origin of the child.

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<sup>1</sup> [www.sueddeutsche.de/bayern/bamberg-balkanzentrum-kinder-koennen-nicht-in-ihre-schulen-zurueck-1.2785605](http://www.sueddeutsche.de/bayern/bamberg-balkanzentrum-kinder-koennen-nicht-in-ihre-schulen-zurueck-1.2785605).

2. There is also a violation of Article 3 of the Convention because such a practice fails to take due consideration of the best interest of children with a specific residence status. There is no reason to believe that being taught separately from other children and in English instead of the official language of the country where they live (Germany) and/or their mother tongue and/or an official language on their country of nationality is in the best interest of these children. English is an official language in only one of the aforementioned countries (Ghana) and German is a recognized minority language in Bosnia-Herzegovina.
3. There is a violation of Article 28 of the Convention because such a practice fails to offer primary education on the basis of equal opportunity to children with a specific residence status. A "separate but equal" approach to education recalls racially segregated schools in parts of the United States of America that have been abolished, thankfully, in 1954. Such a practice should not have a come-back under the guise of a system supposedly designed to enforce immigration law.
4. Finally, there is a violation of Article 29 of the Convention because it is not likely that children will develop their personality, talents and mental and physical abilities to their fullest potential in an educational setting that is clearly inferior to the general education system in Bavaria. The incriminated practice is not proper to allow these children to develop respect, neither for their own cultural identity, language and values, nor for the national values of the country in which they are living or from which they originate. Respect for one's own cultural identity and the national values of any country can hardly be developed without promoting the study of the languages that underlie and forge these identities and values. Teaching English but neither German nor the children's mother tongue fails to take this into due consideration. Furthermore, segregating these children from other children can hardly be considered as a measure directed to the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.

As a parliamentarian, I have called upon the government of the Federal Republic Germany to ensure that the provisions of the Convention on the Rights of the Child are fully respected, also with regard to asylum seekers and rejected asylum seekers. However, the government has not taken action in this matter and it failed to give a comprehensible explanation of its inaction. I have attached my correspondence with the government to this letter (in German).

Taking this into consideration, I call upon the Committee on the Rights of the Child to take appropriate measures to ensure that the Free State of Bavaria lives up to its responsibilities under the Convention on the Rights of the Child.

Sincerely,



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