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The most important basic rights and duties in Germany

– Written and explained in simple language –

Foundation for tolerance,
peaceful community relations and security



bürgerstiftung 
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aachen**

Relevant Article of the Basic Law	Rights	Duties
1	<p>“Human dignity shall not be violated”.</p> <p>I have the right to have my dignity respected and protected by every other person and by the State.</p>	<p>I must therefore treat every other person – man, woman and child – with respect and regard, just because the other person is a human being.</p>
2 (1)	<p>I have the right to develop my personality freely. Other people are not permitted to violate this right.</p>	<p>I must accept that, just like me, every other person has the right to develop their personality freely. I am not permitted to violate this right.</p>
2 (2)	<p>I have a right to life.</p> <p>I have a right not to be physically harmed and to live free from violence.</p>	<p>I must respect the fact that, just like me, every other person has a right to life.</p> <p>I am not permitted to use violence against any other person – men, women or children.</p>
3 (1) and (2)	<p>“All persons are equal before the law”.</p> <p>“Men and women have equal rights”.</p> <p>This means: we all have the same rights, regardless of whether we are men or women.</p> <p>Everyone has the right to self-determination (the right to make decisions for oneself without influence from anyone else).</p>	<p>I must respect men and women alike - regardless of their age or position.</p> <p>No person may be treated as if they are a possession.</p>
3 (3)	<p>I shall not be favoured or disfavoured because of:</p> <ul style="list-style-type: none"> • my sex, • my origin, • my race, • my language, • my homeland or where I come from, • my beliefs, • my religious or political opinions; or • my disability. 	<p>I am not permitted to favour or disfavour anyone because of:</p> <ul style="list-style-type: none"> • their sex, • their origin, • their race, • their language, • their homeland or where they come from, • their beliefs, • their religious or political opinions; or • their disability.
4	<p>I can believe in what I want.</p>	<p>I am not permitted to force anyone to believe in anything. I must accept that other people have different beliefs to mine.</p>
5	<p>I can express my opinions freely.</p>	<p>I must accept that other people may also express their opinions freely. A diversity of opinion is the basis of a vibrant democracy. I must tolerate this.</p>
6 (1) and (2)	<p>I can bring up my children as I believe is right, provided that this is permitted within the framework of these basic rights.</p>	<p>I must raise and care for my children, and must do this in accordance with the rules of the German Basic Law (Grundgesetz). I am not permitted to hit my children.</p>

Relevant Article of the Basic Law	Rights	Duties
7	<p>All children living in Germany have the right to go to school and to learn. The State has the right and the duty to oversee teachers, so that they educate children to be human beings who accept and protect our free, democratic constitution.</p> <p>The State may therefore require foreign teachers to teach in the German language and in accordance with this constitutional order.</p>	<p>As a father or mother, I have the duty to ensure that my children go to school regularly and fulfil the obligation to attend school. (Because there is an obligation to attend school, I do not need to pay any school fees).</p>
8	<p>I may assemble with other people peacefully and without weapons.</p>	<p>I am not permitted to carry any weapons.</p>
10	<p>My letters may only be opened by me. The State is not permitted to open my letters.</p>	<p>I am not permitted to open other people's letters.</p>
13	<p>No-one may enter my home if I do not want them to. Exceptions to this may only be ordered by a judge.</p>	<p>I am not permitted to enter anyone else's home if the person living there does not consent to it.</p>
14	<p>The State protects my possessions (e.g. through criminal statutes, the police, the courts).</p>	<p>I have a duty to treat public/State property with care (e.g. public buildings, green spaces) and not to damage them.</p>
16a	<p>If I am from a warzone or have been persecuted because of my religion, my race or my political opinions, I have a right to be given asylum in Germany.</p> <p>This will be decided in special proceedings by impartial authorities.</p> <p>If I do not agree with the decision, I may make an appeal to a court.</p>	<p>I have a duty to co-operate in these proceedings, give true statements and submit all identity cards, certificates and other papers which I possess or can obtain (e.g. from my homeland).</p> <p>I have no right to asylum if I have left my homeland because of famine or because I would like to train or be educated here. In this case I must comply with the rules applicable to immigration.</p>
17	<p>I can make a complaint or a request to state authorities, either alone or together with other people.</p>	
19	<p>The State guarantees these basic rights to me. They may only be restricted by laws which apply generally [and not solely to an individual case].</p> <p>If any of my basic rights is violated, I can bring proceedings against this in court.</p>	
20a	<p>I have a right to clean air to breath, to clean drinking water and to healthy food from plants and animals i.e. free from residues of fertilizer, poisons or medicines.</p>	<p>I have a duty to treat the natural foundations of life, such as the air, water and ground, with care and to consume or use them sparingly. Before I throw something away I must consider if it can be repaired or recycled.</p>

This is how our State, the Federal Republic of Germany, operates

The basic rights do not just apply to all citizens amongst themselves. They also apply between each individual citizen and the State (Article 1). That is why the guarantee in Article 19 of the Basic Law is so important. That: “the Federal Republic of Germany is a democratic and social federal state” (Article 20 (1) of the German Basic Law), is also important.

The separation of powers is the division of state power between the various organs of the state, which all **monitor one another**. The aim is to limit the power of individual state organs and persons and thereby prevent the abuse of power. The separation of powers is an important foundation of the democracies of today.

In accordance with historical example, three powers are usually distinguished:

The power to make law/legislative power (legislature):

this comprises the state authorities responsible for legislation. In Germany, these are the Bundestag and Bundesrat (upper and lower houses of the German federal parliament) and also – to a limited extent – the federal state and local parliaments (Länder- und Kommunalparlamente).

The administrative power (executive):

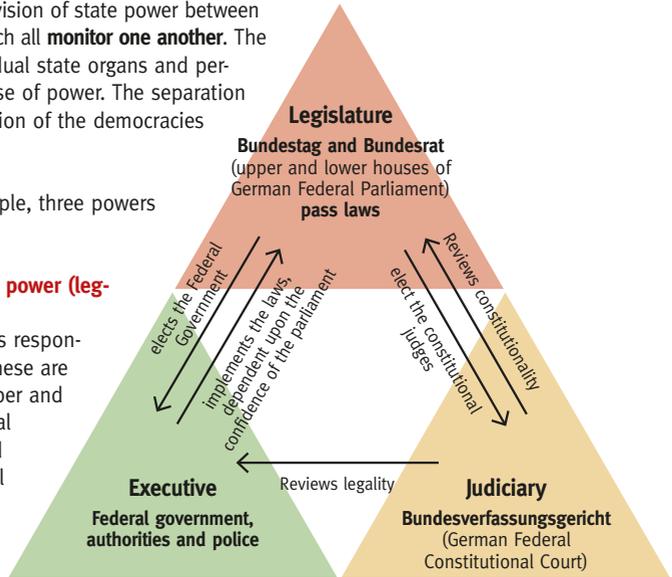
this is responsible for implementing the law. It includes, e.g. ministries, public authorities and the police. In Germany the Bundesregierung (federal government) forms the highest level of the executive.

The courts (judiciary):

the judiciary is made up of **all courts** and monitors the executive and legislature. The courts determine citizens' complaints against administrative acts (e.g. road traffic penalties or the refusal of asylum applications) and also decide about the constitutionality of new laws. The judges are **independent and answerable only to the law** i.e. nobody is permitted to order them how to decide.

This separation of powers, together with the basic rights, is the foundation of our State – the guarantee for peaceful co-existence, freedom and security.

This also means: **Only the State is permitted to use force, and it may only do so in accordance with generally applicable laws** (private justice, revenge and “honour killings” are prohibited).



Modified from source: www.gutefrage.net



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Publisher: Bürgerstiftung Lebensraum Aachen
Liable for the content within the meaning of German Press Law (Pressegesetz):
Hans-Joachim Geupel, Chairman
Responsible for the translation into English: Lingua-World GmbH

Sparda Bank West eG
IBAN: DE46 3706 0590 0003 6900 91
BIC: GENODE33SPK