



Federal Office
for Migration
and Refugees

The Basic Law

Cornerstone of our society



About this brochure

The initial period in Germany is not always easy. You may feel overwhelmed with a vast amount of new information. Many of the things you encounter at the start will appear strange and unusual. In this brochure, we would like to provide orientation and to help you understand life here in Germany.

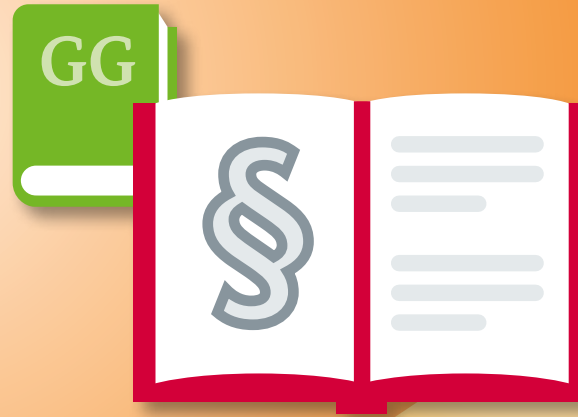
The following pages provide an introduction to the Basic Law – the German constitution – and the importance it has for people living here in Germany, which now includes you as well. You will get to know some rights, but also obligations as well. In addition, men and women – some of them immigrants to Germany – will tell you what they associate with the Basic Law. The aim is to provide you with an initial idea of what this important legal framework means. Later on – during an integration course, for instance – you will take an even closer look at its contents.

It is just as important and interesting for German citizens to take a closer look at the Basic Law. So please do not hesitate to ask people around you if you have difficulty understanding the contents or if you wish to discuss their meaning.

We wish you a pleasant and interesting read!

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What is the Basic Law?





“For me, the Basic Law is the fabric that holds our society together. The protection afforded to minorities is particularly important to me. Majorities will always appropriate power. Nevertheless, the measure of a constitution is how it deals with minorities. I can be certain here in Germany that as long as I behave in accordance with the Basic Law, I will be able to live as I choose.”

Ute, 50

What is the Basic Law?

Germany has a constitution, like most of the world’s countries. It was introduced in 1949, four years after the end of National Socialist rule. It begins by defining the so-called basic rights – some of which you will encounter here in this brochure.

The basic rights take precedence over all laws. On the one hand, they define the rights held by each citizen in dealings with the state: for instance, the police is not entitled simply to enter a home, and must instead obtain a warrant. On the other hand, the basic rights stipulate how we behave within society here in Germany: men and women are treated equally, and no person shall be disfavoured

because of their origins, religion or sexual orientation. The state protects the basic rights of all people in this country, irrespective of whether they have lived here for generations or only arrived recently.

The Basic Law comes to life, provided we all respect it. Not only do the values it upholds provide the basis for our state, they also lay the foundation for societal life. The peace, freedom and prosperity that Germany has enjoyed for decades now is only possible because the rights and obligations described in the following are anchored firmly in the hearts and minds of the people living here.

Further information

You can download the Basic Law free of charge from the website of the German Bundestag or order a copy from: www.btg-bestellservice.de

It is available in the languages English, French, Spanish, Polish, Turkish, Portuguese and Arabic.



ARTICLE 1

Human dignity shall be inviolable

- (1) Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.
- (2) The German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world.
- (3) The following basic rights shall bind the legislature, the executive and the judiciary as directly applicable law.

ARTICLE 1

Human dignity shall be inviolable

Protection of human dignity is the most important principle in the German Basic Law, and with good reason: not so long ago, National Socialists persecuted, abused, tortured and murdered millions of people in Germany and throughout Europe simply because of their religion, their origins, their political opinions, and for other reasons. They robbed these people of their dignity in many different ways.

Human dignity was defined as the key element of the German constitution in order to ensure that this kind of crime could never be repeated in our country. Protecting human dignity is the supreme priority and the foundation for all other rights as defined in the German Basic Law.

In Germany, a decent and dignified life means that all people enjoy the same rights and protection, irrespective of the colour of their skin, their origins, religion, age, gender, social status, or their



“I came to Germany after finishing high school. In my country of origin I lived in constant fear of the police, although I had never done anything wrong. But here I am respected, also by representatives of the state. I appreciate this fact deeply. You are respected and treated properly, the way it should be. I am convinced that this is one of the most important qualities.”

Hamed, 33

physical and mental capacities. It also means that each person should have enough to eat and a place to live, that they receive assistance in the event of illness and that they have a right to attend school.

The German state is tasked with respecting and protecting the human dignity of all people living in Germany. This means it must refrain from any action that would violate our dignity. It must also offer protection from others who may seek to humiliate, persecute or injure us.

Further information

The “Alliance for Tolerance, Solidarity, Democracy and Constitutional State – against Prejudice, Hatred and Violence” (Allianz für Weltoffenheit, Solidarität, Demokratie und Rechtsstaat – gegen Intoleranz, Menschenfeindlichkeit und Gewalt) unites religious groups, associations, trades unions and employers. In its appeal “Human dignity shall be inviolable”, the initiative advocates an open society in Germany.

You will find the appeal in several languages here: www.allianz-fuer-weltoffenheit.de



ARTICLE 2

Personal freedoms

- (1) Every person shall have the right to free development of his personality insofar as he does not violate the rights of others or offend against the constitutional order or the moral law.
- (2) Every person shall have the right to life and physical integrity. Freedom of the person shall be inviolable. These rights may be interfered with only pursuant to a law.



“My family arrived as immigrants in Germany when I was 13. Initially I found the freedom we enjoy overwhelming. Freedom was severely restricted in my home country, and here we have to make so many decisions ourselves. After all, freedom also means that we carry responsibility for ourselves.”

Klaudia, 38

ARTICLE 2

Personal freedoms

The basic right to personal freedom is also a response to the era of National Socialism. The aim is to prevent for all time any re-occurrence of violence, terror and the systematic imprisonment of people. Today, each custodial sentence must be justified by law. It is forbidden to mistreat or torture anyone in prison. We no longer have capital punishment.

Article 2 of the Basic Law also mentions the free development of one's personality. This means that each person is entitled to live their lives as they see fit. Everyone has the right to choose their own work, interests and life partner without interference from others. This is why homosexual relationships in Germany are respected just as much as heterosexual relationships. It is also entirely up to the individual men and women themselves to decide whether they wish to wear a long dress, short trousers or other items of clothing.

There are limits to personal development, of course. For instance, personal behaviour must never endanger, damage or injure anyone else. Here are two simple examples: just because somebody likes driving fast does not mean they are entitled to speed through the city. They are required to observe speed limits in order to protect other road users. We are also not allowed to smoke wherever we like, as this would otherwise interfere with the right of other people to lead a healthy lifestyle.

Freedom always comes with responsibility. It demands that each one of us respects and tolerates other lifestyles, irrespective of whether or not they reflect our own perceptions.

Further information

- On the following website, the Lesbian and Gay Federation in Germany (Lesben- und Schwulenverband in Deutschland, LSB) has compiled information for asylum seekers in a number of languages: www.queer-refugees.de
- **“Loves deserves respect”** is the title of a brochure published by the Center for Migrants, Lesbians and Gays (Zentrum für Migranten, Lesben und Schwule, MILES) on the topic of homosexuality. It is available for download in several language versions here: berlin.lsvd.de/projekte/miles



ARTICLE 3, SECTION 1

Equality before the law

- (1) All persons shall be equal before the law.
- (2) Men and women shall have equal rights. The state shall promote the actual implementation of equal rights for women and men, and shall take steps to eliminate disadvantages that now exist.
- (3) No person shall be favoured or disfavoured because of sex, parentage, race, language, homeland and origin, faith, or religious or political opinions. No person shall be disfavoured because of disability.

“I fled to Germany many years ago. One of the reasons was that in my country, some people could do whatever they wanted just because they belonged to a certain family or political group. Everyone has exactly the same rights before court in Germany, and nobody’s life is more important than my own.”

Hamado, 41



ARTICLE 3, SECTION 1

Equality before the law

The German Basic Law states clearly that “all persons shall be equal before the law”. This means that in court, the word of a poor person carries precisely the same weight as the word of a rich person, and that there is no difference between testimony given by a woman or by a man. In Germany, for instance, jobseekers are entitled to institute legal proceedings, and may well win their cases, while managers

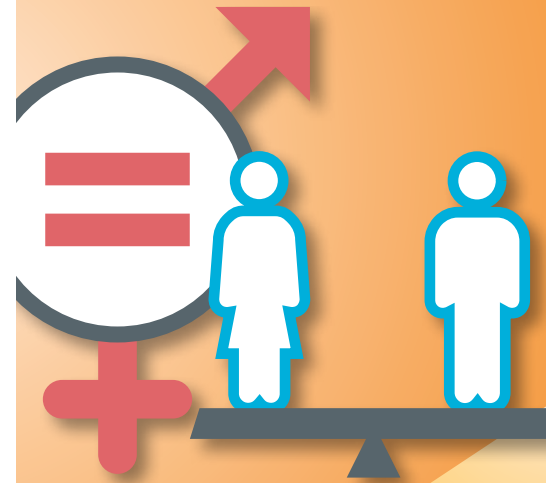
are convicted of crimes and end up behind bars. The courts are independent and cannot be influenced by politicians. All decisions are made based on laws that apply equally to everyone. This is one of the most important pillars of our democratic system.

The principle of “equality before the law” applies to all areas of life. For instance, it means that children born out of wedlock must not be placed at a disadvantage compared to children born to unmarried

couples. Additionally, homosexuals are entitled to their statutory share of an inheritance, provided they live in a civil partnership officially registered with the civil registry office.

Equality before the law also means that asylum seekers are entitled to invoke the Basic Law. What's more, they have the right to contest decisions by the German state.

People without sufficient means are entitled to receive legal aid to ensure that everyone is able to assert their rights. Legal aid is used to pay legal fees and court costs. But it is only approved if the claim is considered to have merit.



ARTICLE 3, SECTION 2

The equal rights of men and women

- (1) All persons shall be equal before the law.
- (2) Men and women shall have equal rights. The state shall promote the actual implementation of equal rights for women and men, and shall take steps to eliminate disadvantages that now exist.
- (3) No person shall be favoured or disfavoured because of sex, parentage, race, language, homeland and origin, faith, or religious or political opinions. No person shall be disfavoured because of disability.


ARTICLE 3, SECTION 2

The equal rights of men and women

Our Chancellor Dr Angela Merkel is a perfect example: in Germany, women can also make it to the top, just like men. They decide which profession they would like to pursue, whether as a nurse, an engineer or a soldier. They also make up their own minds who to marry and whether they want children. In turn, plenty of men play an active role in completing household chores

and raising the children. This is what we mean when we speak of gender equality.

German society had to work hard to ensure that women have the same opportunities as men. Many restrictions persisted well into the 1970s: for instance, women were not allowed to work without consent from their husbands, and were not even permitted to possess their own assets. The women's liberation movement



“I was brought up to believe that women are responsible for housework. But my wife and I share domestic chores. I also wash the dishes, clean the house, iron clothes and go shopping for groceries. I have a guilty conscience if my wife comes home tired from work and I haven’t cooked anything for dinner. It has become normal for me to help out around the house.”

Keli, 67

ultimately made the difference, initiating sweeping changes throughout German society: from then on, women were no longer confined to their roles as housewives and mothers.

There is still plenty of room for improvement, even today. However, the state does what it can to ensure that women and men have equal opportunities in all areas of life, whether as private citizens, at work or in the family.

Further information

- You will find publications on topics relating to equal opportunities on the homepage of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (Bundesministeriums für Familie, Senioren, Frauen und Jugend): www.bmfsfj.de
- The support hotline “Violence against women” advises women affected by violence. There are interpreters available for 15 languages to facilitate counselling whenever needed: **+49 (0)800 011 60 16** (staffed 24/7)



ARTICLE 3, SECTION 3

Prohibition of discrimination

- (1) All persons shall be equal before the law.
- (2) Men and women shall have equal rights. The state shall promote the actual implementation of equal rights for women and men, and shall take steps to eliminate disadvantages that now exist.
- (3) No person shall be favoured or disfavoured because of sex, parentage, race, language, homeland and origin, faith, or religious or political opinions. No person shall be disfavoured because of disability.



“I manage staff. When we place classified ads, we emphasise that we would be pleased to receive applications from persons with an immigrant background. Our team is extremely diverse: different nationalities, women and men, young people and old. If, for instance, a woman wearing a head scarf were to apply for a position here, we would have no problem hiring her, provided she has the right qualifications. We believe it is always the person that counts in the end.”

Felice, 46

ARTICLE 3, SECTION 3

Prohibition of discrimination

It is prohibited to discriminate against people in Germany. Nobody may be placed at a disadvantage simply because they were born abroad or because they are a black woman or man, for instance. Whether it is the jobs we seek, the homes we would like to rent or the restaurants we visit: the human being counts, not the gender,

the origins, belief systems, sexual orientation, political ideologies or any disabilities.

Unfortunately, though, even our society is not entirely free of discrimination. But we have the right to demand equal treatment: anyone who feels discriminated against, for instance, can seek advice from the German government’s Antidiscrimination Office (ADS).

The state is obliged to protect minorities against discrimination. However, we are also required to respect our fellow human beings. This is one of the fundamental principles underlying societal life in Germany: it is how a woman can become Chancellor here or an Alevite from Turkey can become chairman of a party.

Further information

→ Please contact the German government's Antidiscrimination Office (Antidiskriminierungsstelle des Bundes, ADS) if you require assistance in connection with discrimination:

Support hotline:

+49 (0)30 1855-1865 (Monday to Friday, 9 a.m. to 12 p.m. and 1 p.m. to 3 p.m.)

Service hotline for general enquiries:

+49 (0)30 1855-1855 (Monday to Friday, 9 a.m. to 12 p.m. and 1 p.m. to 3 p.m.)

E-mail: beratung@ads.bund.de

→ You will also find a list of counselling centres on the Antidiscrimination Office website: www.antidiskriminierungsstelle.de



ARTICLE 4

Freedom of faith and conscience

- (1) Freedom of faith and of conscience, and freedom to profess a religious or philosophical creed, shall be inviolable.
- (2) The undisturbed practice of religion shall be guaranteed.
- (3) No person shall be compelled against his conscience to render military service involving the use of arms. Details shall be regulated by a federal law.

“When I first came to Germany I thought that people weren’t particularly religious. As time passed, I gradually understood that religious beliefs are private here. This was the first time that I met families whose members held different religious beliefs, or none at all. Where I come from, all members of a family will profess the same religion. I’m fascinated by this openness.”

Ivona, 38



ARTICLE 4

Freedom of faith and conscience

Germany is a secular state, which means there is a separation between church and state. The state itself does not adhere to any religion and does not require its citizens to do so, either. Quite the contrary: the Basic Law stipulates that the state must ensure that each person in Germany is guaranteed an undisturbed practice of whichever religious beliefs they choose to profess.

Roughly 60 percent of Germans belong to the two major Christian denominations. Catholics and Protestants each account for roughly

half of the Christian believers. This means that Christianity is more widespread in Germany than other religions. A large number of social institutions, for instance hospitals or kindergartens, belong to organisations with Christian affiliations. Most German public holidays also have Christian origins, among them Easter and Christmas.

In Germany, freedom of faith also means that people are entitled to convert to other religions in any way they choose. Indeed, there is no compulsion to belong to any religion at all. One third of all Germans are not members of any church. Faith does not play a substantial role in the lives of many people.

Germany is a land of immigration, which means that a large number of different religions have become established. Today, most Germans are familiar with celebrations or holidays such as Hanukkah or Kurban Bayram. Synagogues and mosques are integral parts of many urban landscapes. Accounting for five percent of the overall population, Muslims make up the second largest religious group after Christians. But Germany is also home to large Jewish, Buddhist and Hindu communities.

Everyone is entitled to the undisturbed practice of religion, whichever one it may be. The only requirement is that the rituals and traditions are consistent with German law.

Further information

Websites of some of Germany's religious communities:

- Protestant Church in Germany (Evangelische Kirche in Deutschland): www.ekd.de
- Catholic Church in Germany (Katholische Kirche in Deutschland): www.katholisch.de
- Orthodox Bishops Conference in Germany (Orthodoxe Bischofskonferenz in Deutschland): www.obkd.de
- Central Council of Jews in Germany (Zentralrat der Juden in Deutschland): www.zentralratjuden.de
- Coordination Council of Muslims in Germany (Koordinierungsrat der Muslime): www.koordinationsrat.eu
- Islamic Community of Shiite Congregations in Germany (Islamische Gem. der schiitischen Gemeinden Deutschlands e.V.): www.igs-deutschland.org
- Ahmadiyya Muslim Jamaat Deutschland: www.ahmadiyya.de
- Alevite Community in Germany (Alevitische Gemeinde Deutschland e.V., AABF): www.alevi.com/de



ARTICLE 5

Freedom of expression and freedom of the press

- (1) Every person shall have the right freely to express and disseminate his opinions in speech, writing and in pictures, and to inform himself without hindrance from generally accessible sources. Freedom of the press and freedom of reporting by means of broadcasts and films shall be guaranteed. There shall be no censorship.
- (2) These rights shall find their limits in the provisions of general laws, in provisions for the protection of young persons, and in the right to personal honour.

ARTICLE 5

Freedom of expression and freedom of the press

In Germany, everyone is allowed to express their opinions freely. This means they can say what they think and criticise things they don't like. This is why it is commonplace to see peaceful assemblies,

demonstrations and rallies held in public spaces by a broad variety of social and political groups.

Freedom of the press also applies in Germany. People can use the over 350 daily newspapers and approximately 1500 magazines, numerous radio and television stations and the Internet as sources of information. Politicians are not entitled to determine what is

"My parents emigrated to Germany due to the press freedom here. Where they came from originally, they couldn't trust the newspapers. Nobody said what was really happening in the country. I'm pleased that things are different here, even if I don't agree with every opinion in the media. But everyone is free to make up their own mind from the huge number of reports."

Kiki, 38



published, and what is withheld. The Basic Law is very clear: “there shall be no censorship”. Artists also enjoy the basic right to express themselves freely in our democracy. This also includes satire.

Nevertheless, this doesn’t mean that people in Germany can say and publish whatever they like. For instance, people who express or publish an opinion that directly insults another person or that incites hate and violence will be punished. Denying the genocide of the Jews during the National Socialist era is also a criminal offence. In order to protect young people, certain books or films containing particularly graphic violence may only be sold to adults.

Freedom of expression and press freedom are immensely important for our democracy: we can only participate in political life – for instance by joining a political party or by voting in elections – if we are entitled to share our opinions and to access information without restriction.

Further information

- You will find news in 30 languages on the Deutsche Welle website: www.dw.com
- The consortium of public broadcasters in Germany (Arbeitsgemeinschaft der öffentlich-rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland, ARD) has compiled its services for refugees, including news, on a dedicated website: refugees.ard.de



ARTICLE 6

Marriage and family

- (1) Marriage and the family shall enjoy the special protection of the state.
- (2) The care and upbringing of children is a natural right of parents and a duty primarily incumbent upon them. [...]
- (3) Children may be separated from their families against the will of their parents or guardians only pursuant to law, [...].
- (4) Every mother shall be entitled to the protection and care of the community.
- (5) Children born outside of marriage shall be provided [...] with the same opportunities for physical and mental development and for their position in society as are enjoyed by those born within marriage.



“It is very important for parents to become involved in kindergarten and at school. I was a member of the parents’ council at the kindergarten that my children attended. When the kids started school, I frequently accompanied them on class trips or helped out during handicrafts. The teachers were very thankful. I became more familiar with the school, got to know other parents and generally enjoyed the experience.”

Zaradasht, 55

ARTICLE 6

Marriage and family

Father, mother and two kids: this was what a model family looked like in Germany for many years. Today, though, this is not the only form of cohabitation. Now we have unmarried and homosexual couples with or without children, single mothers and fathers, and plenty of so-called patchwork families, in which at least one parent brings a child from a previous relationship into the new household.

Mixed-race or even interfaith marriages are not at all uncommon in Germany. It is just as normal for people to live alone. However, the average household consists of two persons, and large families have become quite rare.

Parents are responsible for their children. They must apply the necessary care in bringing up and looking after their children. They are also required to send them to school and to ensure adequate healthcare. Physical violence against children – and against partners

or spouses – is prohibited by law. In most cases the state will not interfere with the upbringing of children, unless their well-being is at risk. The Youth Welfare Office will become involved in these cases.

There are many different counselling services in Germany that cater to families facing challenges or problems. The services are also available by telephone or anonymously. Their common purpose is to help families to improve the circumstances of their lives.

Further information

- Parents' hotline at the German Child Protection Association (Deutscher Kinderschutzbund):
+49 (0)800 1110-550 (Monday and Wednesday, 9 a.m. to 11 a.m.; Tuesday and Thursday, 5 p.m. to 7 p.m., freephone)
- Nationwide crisis line:
+49 (0)800 1110-111 or **+49 (0)800 1110-222** (24/7, freephone)
- Helplines ("Nummer gegen Kummer"):
For children and adolescents **+49 (0)800 1110-333**
For parents **+49 (0)800 1110-550**
- You will find a list of local counselling centres for children, adolescents and parents under the following link: **www.bke.de**



Duties in Germany




Duties in Germany

People in Germany have rights, but also responsibilities. They include practical aspects like carrying official identification: people living in Germany must be able to prove their identities using a valid passport or another official document when asked to do so, for instance by the police. Asylum seekers also require an official document containing their most important personal data. This

document may be a residence permit, which you receive when applying for asylum.

In addition, children are required to attend school. Parents must make sure that their children go to school. In general, children in Germany start school at the age of six. Paying taxes is another obligation. This means, for instance, that people in Germany are

A woman with blonde hair, wearing a black sweater over a white collared shirt, is sitting at a wooden table in a cafe. She is smiling and looking towards the camera. In the background, other people are seated at tables, and there are large windows showing a street scene with buildings and a bicycle parked outside.

“At the start you are simply overwhelmed by all the rules in Germany. But then you start to realise that everything has a purpose, and that it is important to know what it is. A simple example: everyone is required to air their apartments, as mould will otherwise grow. I believe the rules in Germany are very sensible. In the end, life is easier if everyone sticks to the rules.”

Alicja, 34

required to pay taxes and social security contributions on their monthly income. This money is used to fulfil important public tasks, for instance building schools, completing roadworks, maintaining parks and many other things that make life in Germany so attractive.

Everyone in Germany is required to adhere to applicable laws and to fulfil their duties. The majority do so gladly, because they want societal life to keep running smoothly in the long term.

Arriving in Germany

The app “Ankommen”

A companion for your first few weeks in Germany

You will find further information on life in Germany, on the asylum procedure and on the issues of work and education in the “Ankommen” app. The app will also help you start to learn German.



Download the free app:
www.ankommenapp.de



Imprint

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Editorial office

Lena Guntenhöner; OOMMEN OH! HOPPE – Büro für Kommunikation;
Miltiadis Oulios; Referat Steuerung der Projektarbeit, Integration durch
Sport, Informationsmanagement

