

concerning § 7 II The fundamental rights guaranteed in the Basic Law (overview)

The fundamental rights guaranteed in the Basic Law - an overview

I. Human dignity (art. 1(1))

II. Civil rights and liberties and similar rights

- 1) Right to free development of personality (art. 2(1))
 - a) General right of personality (art. 2(1) read together with art. 1(1))
 - right to privacy
 - right in one's own picture, right in one's own spoken word
 - right of informational self-determination (right to data protection)
 - right to ensured confidentiality and integrity of information technology systems
 - b) General freedom of action (art. 2(1))
- 2) Right to life and right to physical integrity (art. 2(2) phrase 1)
- 3) Personal freedom (art. 2(2) phrase 2, 104) and freedom of movement (art. 11)
- 4) Freedom of religion [= freedom of faith] (art. 4(1, 2))
- 5) Freedom of conscience (art. 4(1)) and right to conscientious objection (art. 4(3))
- 6) Communicative freedoms (art. 5)
 - a) Freedom of opinion (art. 5(1) phrase 1, 1st part)
 - b) Freedom of information (art. 5(1) phrase 1, 2nd part)
 - c) Freedom of the press (art. 5(1) phrase 2))
 - d) Freedom of broadcasting (art. 5(1) phrase 2))
 - e) Freedom of movies (art. 5(1) phrase 2))
- 7) Freedom of arts (art. 5(3) phrase 1)
- 8) Freedom of science (art. 5(3))
- 9) Fundamental rights concerning the school system (art. 7)
 - guarantee of religion classes in public schools (art. 7(3))
 - right of the parents to decide whether their children shall follow religion classes at school (art. 7(2))
 - right to establish private schools (art. 7(4, 5))
- 10) Freedom of assembly (Art. 8)
- 11) Freedom of association (Art. 9 I)
- 12) Right to form associations to safeguard and improve working and economic conditions (art. 9(3))
- 13) Privacy of correspondence, posts and telecommunications (art. 10)
- 14) Freedom of occupation (art. 12(1))
- 15) Prohibition to be required to perform particular work and prohibition of forced labour (art. 12(2, 3))
- 16) Inviolability of the home (art. 13)
- 17) Property and right of inheritance (art. 14)
- 18) Protection against deprivation of citizenship (art. 16(1)) and extradition (art. 16(2))

III. Equality rights

- 1) General principle of equality (art. 3(1))
- 2) Equal rights of men and women (art. 3(2))
- 3) Special prohibitions of discrimination (art. 3(3) phrase 1)
- 4) Prohibition of disadvantaging because of disability (art. 3(3) phrase 2)
- 5) Equal opportunities for children born outside of marriage (art. 6(5))
- 6) Equal citizenship (art. 33(1-3))
 - in particular equal eligibility for any public office (art. 33(2))
- 7) Equal elections (art. 38(1) phrase 1)

IV. Fundamental rights regarding marriage and family (art. 6)

- 1) Protection of marriage and family (art. 6(1))
- 2) Parental right (art. 6(2))
- 3) Right of mothers to protection and care (art. 6(4))
- 4) Equal opportunities for children born outside of marriage (art. 6(5))

V. Justice

- 1) Right to effective legal protection against public authority (art. 19(4))
- 2) Right to effective legal protection in civil law matters (art. 2(1) read together with 20(3))
- 3) Right to the lawful judge (art. 101(1) phrase 2)
- 4) Right to be heard at the court (art. 103(1))
- 5) Nulla poena sine lege (art. 103(2))
- 6) Ne bis in idem (Art. 103(3))

VI. Other fundamental rights

- 1) Right of asylum (art. 16a)
- 2) Right of petition (art. 17)
- 3) Right to resist [against attempts to abolish the free and democratic constitutional order] (art. 20(4))
- 4) Special rights of civil servants (cf. art. 33(5))