

# Rosa Luxemburg Platz : Do's and Dont's

## Gatherings in public space

legal basics: The right to demonstrate is fixed in the 8. article of the basic constitutional law (Grundgesetz):  
“(1) All Germans have the right to gather without announcement and permission in an amicable way and without weapons.  
(the city of Berlin grants this right to everyone, not only Germans)  
(2) At open-air gatherings this right can be constricted because of other laws.”  
(this constrictions are framed by the gathering law (Versammlungsgesetz), which is part of the german federation law (Bundesgesetz))

Since the gathering law is part of the federation law, sanctional actions by the police can be limited, as they cannot operate according to Berlin's land law.  
("Federal law shall override Land law", article 31, Grundgesetz)

Furthermore you are not allowed to cover your face to avoid detecting your identity (Vermummungsverbot).

Breach of public peace (Landfriedensbruch)  
You get in conflict with this law if you are acting in a violent way against people and/or objects, or if you tell others to do so. Announcing violence is roughly the same.

Traffic regulations  
Messing up with road traffic regulations may end in fatal consequences.  
You should be extremely cautious, when playing with traffic signs -removing or converting them- or when placing obstacles, which might affect road traffic and thus endangering others or other object. When getting caught, you'd be lucky paying only a fine. In case of bad luck you end up in prison, doomed for dangerous interference with road traffic regulations (gefährlicher Eingriff in den Straßenverkehr, §315b StGB)

Protection of privacy  
Everyone should determine, if and in which context pictures by oneself may be released. This right is connected to the free development of personality (freie Entfaltung der Persönlichkeit, article 2, clause 1, Grundgesetz). This right would be endangered, if you didn't know, which information concerning your behaviour is saved, thus adapting your behaviour by precaution.

## Demonstrations:

Demonstrations can be subdivided into two categories:

1. An **arranged public demonstration** has to be announced two days in advance at the gathering agency (Versammlungsbehörde), which is located at police stations, where you have to name the persons in authority, which are responsible for a proper and orderly action.  
If you are in charge you need to know about the main judicial appointments of the gathering law.
2. **Spontaneous demonstrations** don't need to be announced but can be cancelled due to civil disorder (breach of public peace).  
This spontaneous actions can be Flash Mobs, bicycle demonstrations jamming the traffic, mobile clubbing or other reclaim the street actions (always according to the public peace law)

## Picture recording:

When **photographing**, you need to ask for permission to publish pictures of persons, who are individually recognisable. This doesn't mean that your published picture is save, when covering people's eyes with a black bar. You have to take care as well about the context, if it adds to a person's recognisability.  
However you can publish pictures showing celebrities without asking for permission, as long as the pictures don't offend their intimacy.

## Graffiti, Street art, etc.:

Painting **Graffiti** is legal as long as you are not being violent against objects (breach of public peace). Changing the appearance of an object in a permanent and not insignificant way will be charged as malicious injury of property (mutwillige Sachbeschädigung) and in most cases as breach of domestic peace, since you offend private property. Thus civil and criminal law will be in hot pursuit of you, demanding compensation.  
Painting Graffiti is legal, when you act by order of the owner, decorating his house. Furthermore you might find some legal surfaces (nearby youthclubs), which remain legal as long as there are no illegal graffities close by.  
This is where you might think of painting **reverse graffiti**, which are created by removing dirt, dust or other sedimentation, thus being legal but anyhow mostly removed.  
Another option might be **paste ups**. They're somehow legal if they are not placed upon rented advertising space, houses, etc and can be removed free of residues. If the surface gets ruined during removal, you are responsible for the damage. This turns out to be an administrative offence and if you get nabbed, you pay an administrative fine.

## Grassed areas:

If you want to start a **barbecue** in public, you have to go to a designated barbecue area. Doing not so, you will have to pay an administrative fine of 20 euros.  
If you ruin the grass, be it burned holes or whatever damage, it will be charged as injury of property, what costs you about 500 euros.

## On the streets:

For **selling stuff** on the streets you have to register a mobile trade business.  
Otherwise you can start a **garage sale** (as long as it takes place on your property, I guess), as long as you don't start to repeat constantly this activity and your financial gain is not sustainable and not intervening commercial economic traffic. This also applies to selling stuff at **flea markets**.  
At least you can start **begging**, as long as you are not pretending being a bum. All earnings are taxless.  
Don't be too brash, that would be an administrative offence.  
Furthermore, as a responsible citizen, you have to avoid making needless **noise**. If you molest the communality or the neighborhood you're acting against administrative regulations (§117 OWiG).  
Generally there's no noising allowed on sunday and official holidays.  
At least you can **drink** yourself into oblivion in public.



Flash Mob: Virtual community arranging obviously spontaneous gathering, via weblogs, Email etc.



mobile clubbing: dancing crowd, listening to music from their portable player



critical mass: non motorised crowd of bicyclists reclaiming the streets



graffiti



reverse graffiti



paste ups