

"Belehrung" and "Erklärung" (Instructions and Declaration)

as per no. 2.2 of the decision of the state government Baden-Württemberg about the Obligation of Loyalty to the Constitution for public employees as of 2 October 1973 (StAnz. no. 86 p. 4, GABI. p. 950)

The German version of this document is the only legally binding version. This English translation is for your convenience only. Please sign the German version.

I. Instructions

A civil servant is obliged to acknowledge and defend the free democratic constitutional order within the meaning of the German Basic Law through his or her conduct as per § 70 para. 2 of the Baden-Württemberg Landesbeamtengesetz LBG (state civil service act). The same obligation applies to a judge as per § 8 Landesrichtergesetz LRiG (law applying to state judges) in connection with § 70 para. 2 LBG.

Public employees have the same civic duties as per § 3 para. 1 Sentence 2 of the Collective Agreement on the Public Service of the German states (TV-L).

Consequently, only those who pledge allegiance to the democratic constitutional system at any time may be appointed to serve in the civil service (§ 6 para. 1 no. 2 LBG) or be appointed as judge (§ 9 no. 2 of the Deutsches Richtergesetz (German law defining the functions and powers of judges)). The same rule applies to all employees in public service.

The free democratic constitutional order within the meaning of the Basic Law is a constitutional order based on the self-determination of the people contingent on the principles of majority rule, freedom and equality and excludes any form of tyranny and arbitrary rule. This was defined by the German Federal Constitutional Court (cf. decision of 23 October 1952, ref. no. 1 BvB 1/51, Reports of the Federal Constitutional Court, Vol. 2, pp. 1 ff.; decision of 17 August 1965, ref. no. 1 BvB 2/51, Reports of the Federal Constitutional Court, Vol. 5 pp. 85 ff.). The free democratic constitutional order is the opposite of a totalitarian state that rejects human dignity, freedom and equality. The basic principles of the free democratic constitutional order are in particular:

Respect for the human rights as defined in the Basic Law, particularly the right of the individual to life and free development of his or her personality,
the sovereignty of the people,
the separation of powers,
the accountability of the government,
the legality of administrative action,
the independence of the courts,
the multi-party principle,
equal opportunities for all political parties,
the right to constitutionally form and exercise opposition.

Participation in activities directed against the above listed basic principles of the free democratic constitutional order is not compatible with the obligations of an employee in the public service. It is irrelevant whether these activities are pursued within or outside of an organization.

Applicants for public or civil service who take part in or support anti-constitutional causes must not be hired.

Civil servants and judges who are guilty of breaching this duty have to expect disciplinary action and dismissal from the civil service.

Public employees have to expect the extraordinary termination of their contracts as per § 626 of the German Civil Code (BGB).

II. Declaration

Having been instructed in writing about my obligation to the Constitution, I hereby explicitly declare that I support the above listed principles of the free democratic constitutional order within the meaning of the German Basic Law and that I am at any time prepared to acknowledge and defend the free democratic constitutional order within the meaning of the Basic Law.

I explicitly affirm that I do neither support any causes against the free democratic constitutional order or against one of the above listed basic principles, nor am I a member of an organization that is directed against these.

I am aware that in the event of a breach of these duties and obligations I must expect to be dismissed.

Konstanz

_____,
(date)

(signature)