

Instructions

on the Obligation of Loyalty to the Constitution in the Federal Public Service (Order of the Government of Baden-Württemberg of 2 October 1973, GABl, p. 950)

According to section 70, subsection 2 of the Civil Service Act of Baden-Württemberg (LBG) a civil servant is obliged to acknowledge and defend the free democratic constitutional order within the meaning of the German Basic Law .

According to section 3 subsection 1 sentence 1 of the collective agreement on the public service of the Länder (TV-L), public employees have the same civic duties.

Consequently, according to section 6 subsection 1 no. 1 of the LBG, only those who guarantee to pledge allegiance to the democratic constitutional system at any time may be appointed to serve in civil service.

The same rule applies to all employees in public service.

The free democratic constitutional order within the meaning of the Basic Law is, according to 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 1956, ref. no. 1 BvB 2/51, Reports of the Federal Constitutional Court, Vol.5 pp. 85 ff.) an order, constituting a state under the rule of law, excluding the rule of violence and despotism, based on the self-determination of the people contingent on the principles of majority rule, freedom and equality. 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:

Respecting the human rights as defined in the Basic Law, particularly the
right of the individual to life and free development,
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 public service. It is irrelevant whether these activities are pursued within or outside of an organization.

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

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

Public employees have to expect extraordinary termination of their contracts according to section 626 of the German Civil Code (Bürgerliches Gesetzbuch (BGB)).

Having been instructed in writing about my obligation to the Constitution, I hereby make the following statement:

Declaration

Based on these instructions, I hereby explicitly declare that I affirm the above listed principles of the free democratic constitutional order within the meaning of the 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 hereby declare explicitly 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 duty and obligations I have to expect to be dismissed.

Mannheim,

(First Name, Last Name)