

Universität Freiburg  
-Personaldezernat-  
Subject: .....

.....  
(Name, first name)

## INSTRUCTIONS AND DECLARATION

### I. Instructions

According to § 33 par. 1 clause 2 of the Beamtenstatusgesetz (law on the status of civil servants), civil servants are obligated to profess their belief in the free democratic constitutional structure as defined by the Grundgesetz (Basic Constitutional Law) with their overall behaviour and to support observance of the free democratic constitutional structure.

Accordingly, only persons can acquire civil service status acc. to § 7 par. 1 no. 2 of the Beamtenstatusgesetz who guarantee that they will always support the free democratic constitutional structure as defined by the Grundgesetz.

For employees, the same duties of allegiance result from § 3 par. 1 clause 2 of the collective agreement for the public service of the Laender (TV-L).

According to the judicial decisions of the Bundesverfassungsgericht (Federal Constitutional Court) a free democratic constitutional structure in terms of the Grundgesetz is a system that represents a form of government in accordance with the rule of law on the basis of self-determination of the people according to the will of the majority and of freedom and equality while excluding all tyranny and arbitrary rule. The free democratic constitutional structure is the opposite of a total state, which in its function as exclusive controlling power rejects dignity of man, freedom, and equality. The fundamental principles of this structure include particularly:

The respect for the human rights defined in the Grundgesetz, above all the right of the personality to live and live a life of free self-fulfilment,  
the sovereignty of the people,  
the separation of powers,  
the responsibility of the government,  
the legality of the administration,  
the independence of the courts of justice,  
the multiparty system,  
the equality of opportunities for all political parties,  
the right of constitutional education and exercise of an opposition.

Taking part in efforts directed against the above-mentioned principles characterizing the free democratic constitutional structure is incompatible with the obligations of an employee in public service. In this context, it is without significance if these efforts are pursued within an organization or outside of an organization.

Applicants for public service who take part in or support anti-constitutional efforts may not be employed.

Civil servants who are guilty of such a breach of duty have to be prepared that disciplinary proceedings will be initiated against them aiming at their removal from service.

In such a case, employees have to be prepared for exceptional dismissal acc. to § 626 BGB (German Civil Code).

Afterwards, applicants have to sign the following declaration:

### II. Declaration

On account of these instructions, I hereby expressly declare that I fully support the above-mentioned principles of the free democratic constitutional structure in terms of the Grundgesetz and that I am willing to profess my belief in the free democratic constitutional structure with my overall behaviour and to support observance of the free democratic constitutional structure.

I expressly attest that I do not support efforts directed against the free democratic constitutional structure or against one of the above-mentioned essential principles and am not a member of an organization opposed to these.

I realize that in case of a breach of these duties of allegiance and official duties I have to be prepared to be removed from service.

Freiburg, .....  
Date

.....  
Signature