

Questionnaire

for the assessment of loyalty to the German constitution

Please note that the German version of this form is the official version. Please sign and return it with your application portfolio. The English version is merely provided for the purpose of helping you fill out the form.

I have taken note of the list of extremist or extremist-influenced organizations provided to me. I am aware that I also have to declare membership of or collaboration/ association with other German or foreign extremist or extremist-influenced organizations not specifically listed here.

Please answer the following questions:

1. Are you or have you been a member of one or more extremist or extremist-influenced organizations?

- No
 Yes

Organization	Period of time	Role

2. Do you support one or more extremist or extremist-influenced organizations or other anti-constitutional activities or have you supported them in the past?

- No
 Yes

Organization or other anti-constitutional activities	Period of time	Type of support

3. Did you ever work for the Ministry for State Security/Office for National Security of the former German Democratic Republic (GDR) or for one of the subdivisions of these offices, foreign intelligence services or similar institutions?

- No
 Yes

Period of time	Role or type of support

Were you ever a so-called Unofficial Employee of the Ministry for State Security/Office for National Security of the former GDR or of foreign intelligence services/institutions or did you sign an undertaking to work together with any of the above-named organizations?

- No
 Yes

If yes, please give further details

4. Has legal action been taken against you because you have violated principles of humanity or the rule of law?

- No
 Yes

If yes, give a brief description

In the event that an inquiry is to be made according to the procedure set out in Part 2, nos. 2 to 4, of the Publication on the Duty of Loyalty to the Constitution in the Civil Service (VerföDBek), I hereby give my permission for the necessary information to be requested from the *Landesamt für Verfassungsschutz* (State Office for the Protection of the Constitution) and the *Bundesbeauftragte für die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutschen Demokratischen Republik* (Federal Commissioner for the Stasi Archives of the former German Democratic Republic).

The data collected, processed and used from the above inquiry is intended to ensure the loyalty to the constitution of applicants for civil service positions. Any information gathered by the inquiry will be sent to the government authority in charge of the employment. Applicants may refuse their permission to the above-mentioned requests. However, a refusal may prevent employment in civil service (Part 2, no. 1, section 2, no. 5 VerföDBek).

.....
Place, date

.....
Signature

Notes re no. 1 and no. 2 of the questionnaire:

Organizations within the meaning of no. 1 and no. 2 above are organizations that exist or existed in the Federal Republic of Germany. The most important organizations are listed in sections I

and II of the list in accordance with Section II no. 8 of the Publication set out below. This list is not exhaustive. Membership in and support of other extremist or extremist-influenced organizations (including foreign associations) must also be declared.

Official Announcement by the *Bayerisches Staatsministerium des Innern* (Bavarian State Ministry of the Interior) of 29 November 2007, ref.: ID6-0331-2, last amended by the official notification of 14 November 2023

List of extremist or extremist-influenced organizations

(non-exhaustive)

1. Left-wing extremism

AGIR – Demokratische Jugend (AGIR – democratic youth – leftist youth organization from Rosenheim)
 Anarchist groups like *Anarchistische Gruppe München* (Munich anarchist group)/*Bibliothek Frevel* (anarchist library), *Auf der Suche* (Nuremberg anarchist group – AdS)
Autonome Antifa München (autonomist antifa group Munich – *Antifa-NT*)
Antifaschistische Linke Fürth (antifascist left Fürth – ALF) and *Jugendantifa Fürth* (youth antifa group Fürth – JAF)
Antifaschistisches Aktionsbündnis Nürnberg (antifascist action network Nuremberg – AAB/AABN)
Antikapitalistische Linke (anti-capitalist wing of the German Left Party – AKL)
Antikapitalistische Linke München (anti-capitalist left Munich – AL-M)
Arbeiterbund für den Wiederaufbau der KPD (workers' union for the revival of the Communist Party of Germany (KPD) – AB)
 Autonomist groups such as *Autonome Antifa* (autonomist antifa), *Antifaschistische Aktion* (antifascist action/antifa) or *Antifaschistischer Stammtisch München* (antifascist group meeting Munich – ASM)
 Rosenheim autonomist scene, such as *Contre la Tristesse* (autonomist group Rosenheim), *Offenes antifaschistisches Plenum Rosenheim* (open antifascist plenum Rosenheim – OAPR)
 German Communist Party (DKP)
Die LINKE. Sozialistisch-demokratischer Studierendenverband (the left. socialist-democrat student organization – DIE LINKE.SDS)
 Free Workers' Union (FAU – part of anarcho-syndicalism)
 Free German Youth (FDJ)
Gruppe Arbeiter:innenmacht (workers' power group – GAM)
Infogruppe Rosenheim (information group Rosenheim)
Internationale Sozialistische Organisation (international socialist organization – ISO), formed by merger of: *Revolutionär Sozialistischer Bund* (revolutionary socialist league – RSB), *internationale sozialistische linke* (international socialist left – isl)
Interventionistische Linke (interventionist left – IL)
 Communist Party of Germany (KPD) – „Sektion Ost“ (east-German section), based in Berlin
Kommunistische Plattform (communist wing of the German Left Party – KPF)
La Resistance – antifaschistische Jugendgruppe Ingolstadt (antifascist youth group Ingolstadt – LARA)
Linksjugend ('solid) (left-wing youth organization)
 Marx21 (Trotskyist wing of the German Left Party)
Marxistische Jugend (Marxist youth organization – mj)
 Marxist-Leninist Party of Germany (MLPD), including *Jugendverband REBELL* (youth organization of the MLPD), *Solidarität International* (aid organization for international solidarity – SI), *Frauen-verband Courage* (Courage women's association)
Münchner Bündnis gegen Krieg und Rassismus (Munich alliance against war and racism); formerly: *Bündnis München gegen Krieg* (Munich alliance against war)

Offenes Antikapitalistisches Klimatreffen München (open anti-capitalist climate meeting Munich – OAKTM) – part of the *Antikapitalistische Linke München* (anti-capitalist left Munich – AL-M)
Organisierte Autonomie (organized autonomists – OA)
Perspektive Kommunismus (communism perspective – PK)
Prolos (autonomist group)
Revolution (international communist youth organization – REVO)
Revolutionär Organisierte Jugendaktion (revolutionary organized youth action group – ROJA)
Rote Hilfe e. V. (“red aid” prisoner support group – RH)
Sozialistische Alternative VORAN (German section of the International Socialist Alternative – SAV)
Socialist German Workers Youth (SDAJ)
Sozialistische Gleichheitspartei (socialist equality party – SGP)
Sozialistische Linke (unionist wing of the German Left Party – SL)
Socialist Organization Solidarity (Sol)
Sozialrevolutionäre Aktion (social-revolutionary action – SRA)
...ums Ganze! – kommunistisches Bündnis (communist alliance – uGB)

2. Right-wing extremism

Aktivitas der Erlanger Burschenschaft Frankonia (student group of the *Frankonia* fraternity from Erlangen)
Aktivitas der Münchener Burschenschaft Danubia (student group of the *Danubia München* fraternity from Munich (from 2001))
Altermedia Deutschland (German version of the neo-Nazi news portal Altermedia – illegal since 2016)
Artgemeinschaft – Germanische Glaubensgemeinschaft wesensgemäßer Lebensgestaltung e. V. (right-wing extremist neo-pagan organization)
Blood & Honor – German division and White Youth – illegal since 2000
Bürgerbewegung Pro München patriotisch und sozial e. V. (patriotic citizens’ movement *Pro München*)
Bürgerinitiative A e. v. Nürnberg (Nuremberg citizens’ initiative against immigration – BIA)
Bürgerinitiative Ausländerstopp Augsburg (Augsburg citizens’ initiative against immigration – BIA)
Bürgerinitiative Ausländerstopp München (Munich citizens’ initiative against immigration – BIA)
Bürgerinitiative Soziale Alternative Oberpfalz (Upper Palatinate citizen’s initiative for a social alternative – BIZAO)
Bürgerinitiative Soziales Fürth (Fürth citizen’s initiative for social issues – B/ISF)
Collegium Humanum CH with Bauernhilfe e. V. (right-wing extremist eco-fascist organization with “farmers’ aid association” subgroup) – illegal since 2008
German division of the international neo-Nazi organization Combat 18 (C18) – illegal since 2019
Compact Magazin GmbH (right-wing extremist magazine)
Direkt München e. V. (Munich section of the party for direct democracy) (including *Freundeskreis Demokratie Direkt München* (associated “friends of” organization))
Der Dritte Weg / III. Weg (the third path – neo-Nazi party)
Der Flügel (far-right faction of the *Alternative für Deutschland* (alternative for Germany – AfD) party)
Deutsche Alternative (German alternative – DA) – illegal since 1992
Deutsche Liga für Volk und Heimat (German league for the people and homeland – DLVH)
Deutsche Partei – Die Freiheitlichen (political party founded in 2003 as a fusion of the *Deutsche Partei* (German Party) and the *Freiheitliche Deutsche Volkspartei* (German freedom party of the people) – DP) – until 2008
Deutsche Volksunion (German people’s union – DVU)
Deutschland-Bewegung/Friedenskomitee (German movement / peace committee)
Die Deutsche Freiheitsbewegung e. V. (German liberation movement – DDF)
Die Rechte (right-wing extremist party for referendum, sovereignty and homeland protection)
Ein Prozent (one percent – right-wing extremist group)
Fränkische Aktionsfront (Franconian action front – F.A.F.) – illegal since 2004
Freies Netz Süd (neo-Nazi network in Bavaria – FNS) – illegal since 2014
Freiheitliche Deutsche Arbeiterpartei (free German workers’ party – FAP) – illegal since 1995
Freundeskreis Ulrich von Hutten e. V. (Ulrich von Hutten memorial society)
Gesellschaft für freie Publizistik e. V. (society for free journalism – GFP)
Goyim Partei Deutschlands (goyim party Germany)
Heimatreue deutsche Jugend (homeland-loyal German youth – HDJ) – illegal since 2009
Hilfsorganisation für nationale politische Gefangene und deren Angehörige e. V. (aid organization for incarcerated nationalists and their families – HNG) – illegal since 2011
Identitarian movement Germany
Institut für Staatspolitik (right-wing extremist think tank “institute for state politics” – IfS)
Junge Alternative für Deutschland – Bayern (Bavarian section of the youth organization of the AfD party – JA Bayern)
Junge Nationaldemokraten (young national democrats – JN); since January 2018: *Junge Nationalisten* (young nationalists – JN) (youth organization of the *Nationaldemokratische Partei Deutschlands* (national democratic party of Germany – NPD))
Midgard e. V. (right-wing extremist organization)
Nationaldemokratische Partei Deutschlands (national democratic party of Germany – NPD)
Nationale Offensive (national offensive – NO) – illegal since 1992
Nationalistische Front (nationalist front – NF) – illegal since 1992
Nationalrevolutionäre Jugend (III. Weg youth organization)
Nordadler (right-wing extremist terrorism group from northern Germany) – illegal since 2020
Oldschool Records (right-wing extremist record label)
Pegida Franken (Franconian *Pegida* chapter)
Pegida München e. V. (Munich *Pegida* chapter)

Right-wing extremist bands like *Burning Hate*, *Eskalation*, *Kodex Frei*, *MPU*, *Prolligans*, *Schanddiktat*, *Siegesfahne*, *Spreegeschwader*, *Urweisse*, *White Rebel Boys/White Rebel Voice*

Right-wing extremist fellowships and local neo-Nazi groups such as *Bund Frankenland e. V.* (right-wing extremist society of Franconia), *Freie Kräfte Berchtesgaden* (neo-Nazi fellowship Berchtesgaden), *Kameradschaft Altmühltal* (right-wing extremist fellowship in the Altmühl valley), *Kameradschaft Gau Wendelstoa* (neo-Nazi fellowship in the region of the Wendelstein mountain), *Kameradschaft München Nord* (right-wing extremist fellowship of northern Munich), *Kameradschaft Unterfranken* (right-wing extremist fellowship of Lower Franconia)

Far-right skinheads, Hammerskins (including local factions and skinhead bands)

Right-wing extremist subcultures like Blood & Honor, Hammerskins, *Kollektiv Zukunft Schaffen – Heimat Schützen* (collective to create a future and protect the homeland), *Prollcrew Schwandorf/Bollwerk Oberpfalz* (right-wing extremist groups), Voice of Anger

Right-wing extremist publishers like *Antaios*, *Verlag Anton A. Schmid*, *Verlagsgesellschaft Berg*, *Versand der Bewegung* (online shop for flags, t-shirts etc.)

Ring Nationaler Frauen (women's organization of the *NPD – RNF*)

Schutzbund für das Deutsche Volk (German people's defense league – *SDV*)

Sturm-/Wolfsbrigade 44 (storm/wolf brigade 44 – neo-Nazi organization) – illegal since 2020

Treuebund (association of loyalty – neo-Nazi group from Sonneberg)

Verein zur Rehabilitierung der wegen Bestreiten des Holocaust Verfolgten (association for the rehabilitation of those persecuted for denying the holocaust – *VRBHV*) – illegal since 2008

Vikings Security Germania (neo-Nazi militia)

Weißer Wölfe Terrorcrew (white wolves terror crew – fan group of the right-wing extremist band *Weißer Wölfe – WWT*) – illegal since 2016

Wiking-Jugend e. V. ("viking youth" neo-Nazi association – *WJ*) – illegal since 1997

Wodans Erben Germania (Wodan's heirs Germania – neo-Nazi militia)

3. Islamism and internationally oriented extremism

Abu Sayyaf

Ahfad al-Rasul Brigades

Ahrar al-Sham, formerly: Kata'ib Ahrar al-Sham

Allied Democratic Forces (ADF)

Al-Aqsa Martyrs' Brigades

Al-Jama'a al-Islamiyya (Assembly of Islam – Islamic Group)

Al-Itihaad al-Islamiya (Islamic Union) – Somalia

Al-Mourabitoun

Al-Nahda, also: En Nahda

Al-Qaeda (The Base), also: World Islamic Front for Combat Against the Jews and Crusaders / World Islamic Front, including regional groups like al-Qaeda in the Islamic Maghreb (AQIM), al-Qaeda in the Arabian Peninsula (Yemen, Saudi Arabia), al-Qaeda in Iraq (AQI)

Al-Qassam Brigades

Amal Movement – Lebanese resistance groups

Ansar al-Islam, or Jaish Ansar al-Sunna, formerly: Jund al-Islam, Kurdish al-Tawhid, 2nd Soran Division, Kurdish Hamas

Ansar Allah – Houthi movement

Ansar Allah (Lebanon)

Ansar al-Sharia (Syria)

Ansar Eddine/Ansar al-Dine (AAD)

Kurdistan Workers' Party (PKK) – illegal since 1993 – also known as: People's Congress of Kurdistan (KONGRA GEL or KGK), Kurdistan Freedom and Democracy Congress (KADEK), Kurdistan Communities Union (KCK), Confederation Community of Kurdistan (KKK) including sub- and sister groups as well as regional associations, organizations or collectives (movements) that can be considered part of the PKK

Osbat al-Ansar (AaA)

BDS – Boycott, Divestment and Sanctions (Germany)

Extremist Sikh movements such as Babbar Khalsa International (BKI), Babbar Khalsa Germany (BKG)

Boko Haram (Jama'atu Ahl al-Sunna lil-Da'wa wal-Jihad)

Deutsche Taleban Mujaheddin (German Taliban Mujaheddin – *DTM*)

Devrimci Sol (Revolutionary Left) – illegal since 1983

Föderation der Türkisch-Demokratischen Idealistenvereine in Europa e. V. (federation of Turkish-democratic idealist associations – *ADÜTDF*)

Föderation der Weltordnung in Europa (federation of the world order in Europe – *ANF e. V.*), formerly: *Verband der türkischen Kulturvereine in Europa* (union of Turkish cultural associations in Europe – *ATB e. V.*)

Forces Démocratiques de Libération du Rwanda – *FDLR*; Democratic Forces for the Liberation of Rwanda

Furkan-Gemeinschaft (Furkan community), formerly: *Furkan Stiftung für Bildung und Dienstleistungen* (Furkan foundation for education and services – Furkan Egitim ve Hizmet Vakfi)

Generation Islam (generation Islam – *GI*)

Hay'at Tahrir al-Sham (HTS)

Harkat-ul-Mujahideen (Mujahideen movement – Kashmir/Pakistan)

Harakat al-Shabaab (Somalia)

Hezb-i-Islami Afghanistan (HIA)

Hilafet Devleti (*Kalifatstaat* – caliphate state), formerly: *Verband der islamischen Vereine und Gemeinden e. V.* (union of Islamic associations and communities – *ICCB*) – illegal since 2001

Hezbollah (party of god) – illegal since 2020

Hizb ut-Tahrir (party of Islamic liberation – HuT) – illegal since 2003
 Indigenous People of Biafra (IPOB)
 Islamic International Brigade (IIB)
 Islamic Movement of Kurdistan (IMK)
Islamische Gemeinschaft der schiitischen Gemeinden in Deutschland e. V. (Islamic community of Shiite congregations in Germany – IGS)
 Islamic Movement of Uzbekistan (IMU), also: Özbekistan Islomiy Harakati (ÖIH)
 Islamic Jihad Union (IJU)
Islamische Vereinigung in Bayern e. V. (Islamic association in Bavaria – IVB)
 Islamic Resistance Movement (Hammas)
 Islamic state (IS), also: ISIS or ISIG – illegal since 2014, including several regional sub-groups such as Islamic State – Khorasan Province (ISKP), or Islamic State – Sinai Province (ISSP)
 Islamic Center Hamburg (IZH)
 Jabhat Fatah al-Sham; formerly: Jabhat al-Nusra(h), (al-)Nusra(h) Front
 Jaish Aden Abyan (Aden-Abyan Islamic Army), Yemen/Al-Qaeda in Yemen
 Ja'amat Nusrat al-Islam wal-Muslimin (JNIM – Mali)
 Jaish al-Muhajirin wal-Ansar (JAMWA)
 Jama'at wa'l Dawa, formerly: Lashkar-e Tayyba
 Jemaah Islamiyah (Islamic Congregation – Indonesia)
 Junud al-Sham, also: Junud ash-Sham (Syria) Katiba al-Nasir Salah al-Din (Syria)
 Katiba Hudhaifa Ibn al-Yaman (Syria)
 Katiba Muhammed Ibn Abd Allah (Syria)
 Katiba Thuwwar Tarabulus (Syria)
 Katibat Abu Bakr al-Siddiq (Syria)
 Caucasus Emirate (CE)
 Lashkar-e Islam – Army of Islam (Lel – Pakistan)
 Lashkar-e Jhangvi (Pakistan)
 Lashkar-e-Tayyiba (LeT – Pakistan)
 Liwa Ahl al-Athar (Syria)
 Liwa Al-Izza Lil-Ilah, formerly: Katiba Shuhada al-Ahwaz (Iran)
 Liwa al-Tauhid (Syria)
 Liwa Dara' al-Umma (Syria)
 Liwa Mu'ta (Syria)
 Liwa Owais al-Qorani (Syria)
 Maoist Communist Party (MKP), formerly: Eastern Anatolia Regional Committee (DABK) including its peripheral organizations such as *Föderation für demokratische Rechte in Deutschland* (federation for democratic rights in Germany – ADHF), Socialist Youth Movement (SYM) and Democratic Women's Movement in Europe (ADKH)
 Marxist-Leninist Communist Party (MLKP) including its peripheral organizations such as European Confederation of Oppressed Immigrants (AvEG-Kon), *Föderation der ArbeiterimmigrantInnen aus der Türkei in Deutschland e. V.* (federation of Turkish migrant workers in Germany – AGIF) and Young Struggle
Milli Görüs Bewegung (Mili Görüs movement – *Islamische Gemeinschaft Milli Görüs e. V.* (Milli Görüs Islamic community) – IGMG), Erbakan foundation, Ismael Aga Cemaati (IAC), Saadet Partisi (SP) as well as their regional associations and organizations
 Muslim Brotherhood (MB) including *Deutsche Muslimische Gemeinschaft e. V.* (German Muslim community – DMG) and their *Islamische Zentren* (Islamic centers – IZ), formerly: *Islamische Gemeinschaft in Deutschland e. V.* (Islamic community of Germany – IGD), *Rat der Imame und Gelehrten in Deutschland e. V.* (council of imams and scholars in Germany – RIGD), Council of European Muslims (CEM), European Council for Fatwa and Research (ECFR) and *Europäisches Institut für Humanwissenschaften* (European institute of human sciences (Islamic university in Frankfurt am Main) – EIHW)
Muslimische Jugend in Deutschland e. V. (Muslim youth in Germany – MJD)
 Nordkaukasische Separatistenbewegung (North Caucasian separatist movement – NKSB)
 Palestinian Islamic Jihad (PIJ)
 Democratic Union Party (PYD – Syria) including organizations belonging to the PYD such as peoples defence units, Yekineyen Parastina Gel (YPG), and women's defence units, Yekineyen Parastina Jin (YPJ)
Realität Islam (Islamic reality – RI)
 Revolutionary People's Liberation Party/Front (DHKP-C) – illegal since 1998
 Salafist organizations, associations and groups operating nationally or in individual federal states (*Länder*) (including illegal ones)
 Samidoun – Palestinian Solidarity Network (Samidoun), including *Samidoun Deutschland* (Samidoun Germany), the German subgroup, also active under the names *Palestinian Youth Mobilization Jugendbewegung Germany (HIRAK)* and *Hirak e. V.*
 Saraya al-Furat
 Sariya al-Salafiah
 Tablighi Jama'at (TJ), also: Jamiyyat al Dawah wal-Tabligh
 Taliban (Afghanistan)
 Tanzim Hurras al-Din (THD)
 Tehrik-e Taliban Pakistan (TTP)
 Chechen Republic of Ichkeria (CRI), also: *Tschetschenische Separatistenbewegung* (Chechen separatist movement – TSB)
 Turkish Workers' and Peasants' Liberation Army (TIKKO)
 Turkish Hezbollah (TH), also: Turkish Hizballah / Hizbullah / Hizb Allah
 Communist Party of Turkey/Marxist-Leninist (TKP/ML) including its peripheral organizations such as Confederation of Workers from Turkey in Europe (ATIK), *Föderation der Arbeiter aus der Türkei in Deutschland e. V.* (federation of Turkish workers in Germany – ATIF), New Democratic Youth (YDG) and Yeni Kadın (new woman)

Communist Party of Turkey/Marxist–Leninist (TKP/ML) including its peripheral organizations such as Union of Immigrant Workers in Europe (AGEB), Partisan Youth Initiative / Marxist-Leninist-Maoist and *Lila-Rot-Kollektive* (violet-red collectives) as well as Revolutionary People's Liberation Party/Front (THKP-C Devrimci Sol) – illegal since 1998
Ülkücü movement
Union der Türkisch-Islamischen Vereine (Union of Turkish-Islamic associations – *ATIB*)
Popular Front for the Liberation of Palestine (PFLP)
People's Defence Forces (HPG), formerly: Peoples Liberation Army of Kurdistan (ARGK), Liberation Units of Kurdistan (HRK)
Sinjar Resistance Units, Yekineyen Berxwedana Singal (YBS)

4. Other types of extremism

Bürgerbewegung Pax Europa – Landesverband Bayern (Bavarian association of the Islamophobic Pax Europa organization – BPE Bayern)
DIE FREIHEIT Bayern (Bavarian organization of the German Freedom Party)
Pegida Nürnberg (Nuremberg *Pegida* chapter)
Munich Politically Incorrect group (*PIMünchen*)
Reichsbürger movement (groups or individuals that reject the legitimacy of the Federal Republic of Germany and claim to belong to the German Reich instead, e.g. *Bundesstaat Sachsen* (federal state of Saxony (not the actual German state of Saxony, which is called the Free State of Saxony)), *Exilregierung Deutsches Reich* (exile government of the German Reich), *Freiheit braucht Mut* (freedom needs courage), *Freistaat Preußen* (free state of Prussia), *Geeinte deutsche Völker und Stämme* (united German peoples and tribes – *GdVuSt*), including its *Osnabrücker Landmark* subgroup – illegal since 2020, *Kommissarische Reichsregierung* (acting German Reich government), *Königreich Deutschland* (kingdom of Germany), *Staatenlos.info* Comedian e. V. (website/association for the claim that the Federal Republic of Germany is not a legitimate state), *Vaterländischer Hilfsdienst* (auxiliary services for the fatherland – *VHD*), *Verfassunggebende Versammlung* (constituent assembly), *Volksstaat Bayern* (people's state of Bavaria), *Volksstaat Württemberg* (people's state of Württemberg)) and so-called *Selbstverwalter* (individuals who have declared their withdrawal from the Federal Republic of Germany and defined their home or property as a sovereign state)
Scientology Organization (SO) and its subdivisions

Information on the Duty of Loyalty to the Constitution in the Civil Service

*Beamte** must commit themselves to uphold and defend both the free democratic basic order as set out in the German Basic Law and the constitution of the Free State of Bavaria in all of their actions and by their general conduct (§ 33 (1) of the Civil Servant Status Law (*BeamtStG*)).

Accordingly, pursuant to § 7, subsection 1, no. 2 of the Civil Servant Status Law (*BeamtStG*), only applicants who warrant that they will at all times defend the free democratic basic order as set out in the Basic Law and the Constitution of the Free State of Bavaria may be appointed *Beamte*.

The same rules apply to judges [§ 9, no. 2 of the German Judiciary Act; § 71 of the German Judiciary Act in conjunction with § 33, subsection 1 of the Civil Servant Status Law (*BeamtStG*)].

The duty of public employees to commit themselves, in all of their actions and by their general conduct, to the free democratic basic order as set out in the Basic Law is specified in § 3, subsection 1, clause 2 of the Collective Agreement for the Civil Service of the Federal States (TV-L).

According to the rulings of the Federal Constitutional Court (cf. judgment of 23 October 1952 – file no. 1 BvB 151 – Compilation of Decisions of the Federal Constitutional Court, Vol. 2, p. 1 et seq.; judgment of 17 August 1956 – file no. 1 BvB 2 51 - Compilation of Decisions of the Federal Constitutional Court, Vol. 3, p. 85 et seq.), free democratic basic order according to the German Basic Law is an order characterized by freedom and equality and bound by the rule of law based on self-determination of the people in accordance with the will of the majority, without violence or despotism. Free democratic basic order is the opposite of a totalitarian state which, as an absolutist regime, does not

respect human dignity, freedom and equality. The basic principles of this order include, in particular:

respect for the human rights set out in the Basic Law, in particular the right of the individual to life and free development of their personality,
popular sovereignty,
separation of powers,
accountability of the government,
legality of administration,
independence of the courts,
multiparty principle,
equal opportunities for all political parties,
constitutional right to form and practice opposition.

Participation in activities which are contrary to the above-mentioned principles of a free democratic basic order is incompatible with the duties of civil service positions, irrelevant of whether these activities are pursued as part of an organization or individually.

Applicants for civil service positions who take part in or support anti-constitutional activities must not be employed.

Beamte and judges who commit such a breach of duty must be aware that disciplinary proceedings may be instigated against them for the purpose of terminating their position.

For public employees, such conduct is likely to lead to dismissal without notice pursuant to § 626, subsection 1 of the German Civil Code (BGB).

*Under German civil service laws, a distinction is made between two categories of civil servants, i.e. public employees in the civil service (in this document referred to as "public employees") and *Beamte* with their own legal status.

Excerpt from the **Public Notice of the State Government of Bavaria** on the Duty of Loyalty to the Constitution in the Civil Service of 3 December 1991 (StAnz./official gazette no. 49) as amended by the public notice of 27 September 2016

Section 1 General Provisions

1. Duty of Loyalty to the Constitution

Pursuant to the German Basic Law (*Grundgesetz*), the Bavarian constitution, the Civil Servant Status Law (*BeamtStG*), and the German Judiciary Act (*Deutsches Richtergesetz*)

- only persons may be appointed civil service or judge positions who warrant that they will at all times defend the free democratic basic order as set out in the Basic Law and the Constitution of the Free State of Bavaria;
- *Beamte* and judges are obligated to actively support the free democratic basic order both within and outside of their job duties.

2. Assessment principles

2.1 Each case must be assessed and decided individually, based on the following principles:

2.2 Applicants

2.2.1 Applicants who engage in anti-constitutional activities are not eligible for civil service.

2.2.2 If applicants are members of an organization pursuing anti-constitutional purposes, their membership will give rise to doubts as to whether they will at all times uphold and defend the free democratic basic order.

2.2.3 Applicants who have violated principles of humanity or the rule of law or worked for the State Security/Office for National Security of the former German Democratic Republic (GDR) are not suitable for the civil service, which is defined by democratic freedom and the rule of law.

2.3 *Beamte* and Judges

If *Beamte* or judges, as a result of their actions or membership in organizations pursuing anti-constitutional purposes, fail to comply with the provisions of § 33 (1) sentence 3 of the Civil Servant Status Law (*BeamtStG*) – in case of judges in conjunction with § 71 of the German Judiciary Act (*DRiG*), which require them to uphold and defend the free democratic basic order as set out in the German Basic Law, the employer has to investigate the facts and circumstances and draw the necessary consequences, in particular examine whether or not the *Beamte* or judge should be removed from service.

3. Public Employees

In accordance with the requirements of collective agreements, the same principles shall apply to public employees.

Section II Procedure

1. ...

2. In the event that as a result of the information provided in the questionnaire, the applicant's refusal to sign the declaration attached as Appendix 3/Appendix 4, or any other facts that have come to light there are concerns as to whether the applicant is fully committed to the free democratic basic order as set out in the Basic Law and the Bavarian Constitution, these concerns must be resolved prior to the applicant's employment. The following steps may be taken:

- file an inquiry to the *Landesamt für Verfassungsschutz* (State Office for the Protection of the Constitution) to establish whether or not there are any facts to support the concerns regarding the appointment. The State Office for the Protection of the Constitution is obliged to respond to such inquiries without delay. If there is supporting evidence, the information provided by the State Office must be restricted to facts that are suitable to be used in court;
- provided the applicant consents, file an inquiry to the *Bundesbeauftragter für die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutschen Demokratischen Republik* (Federal Commissioner for the Stasi Archives of the former German Democratic Republic) in the cases set out in § 20 (1) no. 6 lit. d, e and h and § 21 (1) no. 6 lit. d, e and h of the Stasi Files Act (StUG).

3. In departure from no. 2, for applicants from the former GDR born before 12 January 1972 inquiries regarding their potential activities for the Ministry for State Security/Office for National Security of the former GDR must always be filed to the Federal Commissioner for the Stasi Archives of the former German Democratic Republic in the cases set out in § 20 (1) no. 6, lit. d, e and h and § 21 (1) no. 6, lit. d, e and h of the Stasi Files Act (StUG), subject to the applicants' consent.

4. In accordance with no. 2 sentence 2, 1st bullet point, an inquiry to the *Landesamt für Verfassungsschutz* (State Office for the Protection of the Constitution) must always be filed in the following cases where

4.1 an applicant's employment in civil service coincides with the applicant's first appointment as judge;

4.2 an applicant was born or holds or held citizenship in one of the following countries:

- Islamic Republic of Afghanistan
- Arab Republic of Egypt
- People's Democratic Republic of Algeria
- Kingdom of Bahrain
- People's Republic of Bangladesh
- Eritrea
- Republic of Indonesia
- Republic of Iraq
- Islamic Republic of Iran
- Israel – persons of Palestinian ethnicity –

- Republic of Yemen
- The Hashemite Kingdom of Jordan
- Republic of Kazakhstan
- Kyrgyz Republic
- State of Kuwait
- Lebanese Republic
- Libya
- Kingdom of Morocco
- Islamic Republic of Mauritania
- Sultanate of Oman
- Islamic Republic of Pakistan
- Kingdom of Saudi Arabia
- Federal Republic of Somalia
- Republic of the Sudan
- Syrian Arab Republic
- Republic of Tajikistan
- Tunisian Republic
- Turkmenistan
- Republic of Uzbekistan
- United Arab Emirates;

4.4 Inquiries pursuant to nos. 4.1 through 4.3 require the applicant's consent; Art. 15 (2) through (4) of the Bavarian Data Protection Act must be complied with. Precondition for filing an inquiry is the intent to employ the applicant; in some cases, employment may be subject to receipt and examination of documents not yet submitted and assessment of the applicant's health status. Where an inquiry has been initiated and employment is no longer intended, the inquiry must be withdrawn without delay.

5. -8. ...

9. The Bavarian State Ministry of the Interior compiles a list of extremist or extremist-influenced organizations and publishes it in the *Allgemeines Ministerialblatt* and the *Bayerischer Staatsanzeiger* (General Ministerial Gazette/Bavarian Official Gazette). The list is updated by the State Ministry of the Interior as and when required.

4.3 applicants have no citizenship ("stateless persons") or whose citizenship is unknown or has not been determined.

Declaration

After having read the instructions on the duty of loyalty to the constitution in the civil service, I hereby expressly declare that I support the principles contained therein with regard to the free democratic basic order as set out in the German Basic Law and that I am prepared to uphold and defend the free democratic basic order as set out in the German Basic Law at all times through all my actions and conduct. I expressly affirm that I do not support any activities which are against the free democratic basic order or one of its above-mentioned fundamental principles and that I am not/have not been a member of an anti-constitutional organization.

I acknowledge having read and understood the list of anti-constitutional organizations.

I am aware that

- in case I have submitted inaccurate or incomplete information for the application process, I may not be employed or my appointment may be revoked and/or my employment contract may be rescinded,
- any breach of these duties of service and loyalty may result in my dismissal from the civil service and/or termination of my contract without notice.

.....
Place, date

.....
Signature