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## CHAPTER 1

### EVENTS LEADING TO THE ESTABLISHMENT OF THE COMMISSION

#### Representation made by the World Federation of Trade Unions under article 24 of the ILO Constitution

1. By letter dated 13 June 1984, the World Federation of Trade Unions (WFTU), referring to article 24 of the Constitution of the International Labour Organisation, submitted a representation to the International Labour Office alleging that the Government of the Federal Republic of Germany had failed to fulfil the obligations incumbent on it by virtue of its ratification of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).<sup>1</sup> The WFTU stated that the non-observance by the Federal Republic of Germany of its obligations was the result of discriminatory practices applied to public servants and candidates for public service posts in respect of recruitment, extension of service or dismissal, for political reasons.

2. The WFTU recalled that on 24 January 1978 it had already submitted a representation against the Government of the Federal Republic of Germany concerning the Government's failure to secure by its legislation and practice the effective observance of the above mentioned Convention. In that representation it had especially stressed discriminatory practice on the basis of political opinion in the procedure for the verification of loyalty to the national Constitution of public servants - so-called work-bans ("Berufsverbote") - based in particular on the following documents:

- Common declaration of the Federal Chancellor and the Prime Ministers of the constituent States of 28 January 1972;
- Guiding principles of the Federal Constitutional Court as regards the obligation of loyalty in the public service, decision of the Second Senate dated 22 May 1975;
- Principles for investigating loyalty to the Constitution (updated 19 May 1976);
- Principles for investigating loyalty to the Constitution (new version of 10 January 1979).