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EUROPEAN PARLIAMENT

Working Documents

1981 - 1982

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2 October 1981

DOCUMENT 1-561/81

MOTION FOR A RESOLUTION

tabled by Mr R. LINKOHR

for entry in the register pursuant to Rule 49  
of the Rules of Procedure

on the denial of the right to stand for election  
of Mr H.-D. WOHLFAHRT

PE 75.066

The European Parliament,

- resolved to defend the right to vote and stand for election in the European Community,

1. Protests at the decision of 25 June 1981 of the 'Landratswahlausschuss' (committee set up in connection with the election of a district administrator) of Esslingen (Baden-Württemberg) not to admit Mr Hans-Dieter Wohlfahrt, a lawyer, as candidate for the election of a 'Landrat' (district administrator) on account of his membership of the German Communist party;
2. Instructs its Legal Affairs Committee to undertake a political and legal evaluation of the case.

Explanatory memorandum

The election of the 'Landrat' (district administrator) is due to take place in Esslingen, Baden-Württemberg on 1 October 1981. One of the two applicants, Mr Hans-Dieter Wohlfahrt, a lawyer, was rejected by the Baden-Württemberg 'Innenministerium' (ministry for home affairs) in Stuttgart which under the 'Landkreisordnung' (district regulations) has a right to participate in the compilation of lists of candidates for election as Landrat. The Ministry justified this decision on the ground that a 'Landrat' - as head of the first tier of the administration - must at all times be relied on to intervene in support of the basic principles underlying the constitution. However, it stated, the German Communist Party for which Mr Wohlfahrt had stood in elections on a number of occasions pursued clearly unconstitutional aims.

The rejection of Mr Wohlfahrt's application is based in particular on his standing as a candidate for the Marxist Student League - Spartakus for the Students' Parliament at the University of Heidelberg in 1971, in the elections to the 'Landtag' (provincial assembly) in 1980 and in the elections to the 'Gemeinderat' (local council) in 1980 in Stuttgart.

Initially the 'Landratswahlausschuss' whose task it is to take decisions on the eligibility of applicants, raised no objections, although it knew of Mr Wohlfahrt's membership of the German Communist Party. Mr Wohlfahrt was admitted as a candidate with votes in his favour from all parties. However, four weeks later, at the instance of the Stuttgart 'Innenministerium', a fresh vote was taken and Mr Wohlfahrt's application was rejected. On 24 September 1981 he was given a personal hearing by the 'Landratswahlausschuss', which then voted by 6 votes to 5 not to include his name on the ballot paper.

This is the first time that the 'Berufsverbot' policy (whereby a person may be excluded from a profession) has resulted in a denial of the right to stand for election.