

Office for Democratic Institutions and Human Rights



FEDERAL REPUBLIC OF GERMANY

EARLY ELECTIONS TO THE FEDERAL PARLIAMENT (BUNDESTAG)

23 February 2025

ODIHR Election Assessment Mission Final Report



**Warsaw
23 June 2025**

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I. EXECUTIVE SUMMARY

Following an invitation from the Permanent Mission of the Federal Republic of Germany and based on the recommendation of a Needs Assessment Missions, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) for the 23 February early federal elections.

The 23 February early parliamentary elections were triggered by the collapse of the ruling coalition and dissolution of the *Bundestag* due to a vote of no confidence on 16 December 2024. The political background against which the early elections unfolded was shaped by economic pressures and challenges in both domestic and foreign policy as well as polarized rhetoric. A non-binding motion to restrict immigration, passed by the Christian Democratic Union and the Christian Social Union of Bavaria with support of the Alternative for Germany (AfD) shortly before the elections, sparked widespread protests against far-right and further exacerbated the existing societal divisions.

The legal framework is robust and conducive to democratic elections. The 2023 amendments reduced the number of *Bundestag* seats from 735 to 630. While several changes were introduced since the last elections- some partially addressing previous ODIHR recommendations, including on campaign finance transparency - most ODIHR recommendations remain unaddressed. These relate amongst others to further enhancing campaign finance regulations, decriminalization of defamation, and observation of electoral process by citizens and international observers.

The *Bundestag* is elected for a four-year term through a mixed electoral system, where voters cast one vote for a district candidate and another one for a party list at the *Land* level. The electoral threshold of 5 per cent applies for party lists, except for parties winning at least three single-seat districts or representing national minorities. The 2023 legal reform changed the seat allocation rules and as a result, 23 candidates who won in their districts did not receive a mandate. While most interlocutors viewed the electoral system positively, the reform faced criticism for the lack of consultation and inclusiveness during the adoption process and for weakening smaller parties' representation. A further electoral system reform is envisaged.

The election authorities at all levels administered the electoral process professionally and efficiently and undertook comprehensive efforts to mitigate organizational and logistical challenges imposed by the tight deadlines of early elections. All ODIHR EAM interlocutors expressed a high level of trust in the integrity of the election administration, including in the conduct of election day. Sessions of lower-level commissions were not public, adversely impacting transparency. Notwithstanding provisions to facilitate autonomous access of persons with disabilities to elections, barriers to their participation on equal terms with other voters remain.

All citizens over 18 with a domicile or permanent residency not less than last three months are eligible to vote. Positively, full voting rights are granted to persons with intellectual and psychosocial disabilities under guardianship. Voter registration in country is passive, relying on municipal civil

¹ The English version of this report is the only official document. An unofficial translation is available in German.

registers, and is active for citizens permanently residing abroad. Voter lists were available for verification and all interlocutors expressed confidence in their accuracy and inclusiveness.

All in-country registered voters, including those residing temporarily abroad can vote by post. Citizens permanently living abroad are entitled to vote upon fulfilling certain criteria. The condensed deadline of 14 days for the preparation and conduct of postal voting posed organizational challenges and potentially left some voters disenfranchised. A few instances of late receipt of postal votes by citizens living abroad were brought to the attention of the ODIHR EAM and several interlocutors opined that the mechanism to enfranchise German citizens abroad is in need of reform.

All eligible voters may stand as candidates, either independently or on party lists. Parties with at least five members in the *Bundestag* or a *Landtag* are exempt from signature collection. The shortened timeframes posed at times challenges for organizing the legally required party conventions to select the candidates and, for some smaller parties, in collecting the required signatures. Of 66 parties that applied, 41 were registered and 29 contested the elections. Among 4,506 candidates, 1,422 were women (31.6 per cent). While the registration was overall efficient and inclusive, some procedural steps were overly cumbersome and contestants were not always granted an opportunity to rectify omissions. Contrary to prior ODIHR recommendations and good practice, voters can sign in support of only one contestant.

The campaign was vibrant and competitive, with a wide range of contestants representing alternative views across the political spectrum. Nevertheless, the environment was marked by polarized rhetoric fuelled by societal divisions, widespread protests and some violent incidents. While overall, fundamental freedoms were respected, a number of ODIHR EAM interlocutors raised concerns about deterioration of civic space, in which individuals and groups can meaningfully engage. Migration-related issues and political firewall (*Brandmauer*) aimed at isolating far-right parties resonated most strongly in the campaign discourse.

Political parties campaigned actively on social media, with some committing themselves to fair digital campaigning. While online platforms are regulated by European and national legislation, some ODIHR EAM interlocutors raised concerns about limited understanding of the enforcement mechanisms by the public and stakeholders and inadequate access to online platforms data, curtailing transparency. Candidates and campaigners from vulnerable groups, including people of migrant origin, faced increased violence, predominantly online, which could have been a deterrence to their participation in public and political life. The campaign was targeted by disinformation and foreign interference gaining momentum closer to election day. Notwithstanding considerable efforts by the national authorities to address these malpractices, several ODIHR EAM interlocutors raised concerns about insufficient resources and lack of awareness about relevant institutional and legal framework and available mechanisms needed to efficiently counter online attacks.

Women are underrepresented in public and political life and the authorities and political parties made insufficient efforts to promote women's political participation in these elections. There are 204 women in the newly elected 630– seats *Bundestag* (32.4 per cent), which constitutes a decrease in comparison with the 2021 parliament. The election legislation does not provide any temporary special measures for candidate nominations or party lists. The provisions supporting women candidacy failed to gather sufficient parliamentary support during the 2023 reform. The law does not guarantee a gender-balanced composition of the election management bodies and no gender disaggregated data on staff engaged in the election administration is collected. The level of commitment to supporting women's candidacy varies across the political spectrum, with some political parties applying internal party measures. Legislative gender quotas featured also in the election campaign, with the Greens and the Social Democratic Party (SPD) advocating for their enactment and the AfD opposing the

idea. Women politicians were exposed to online violence more often than their male colleagues and the derogatory campaign discourse negatively affected women's active participation.

In line with prior ODIHR recommendations, 2024 amendments of the campaign finance legal framework included transparency measures for sponsorship, introduced a definition of third-party campaigning and obligations for third-parties, and lowered the threshold for immediate declaration of donations. However, other ODIHR recommendations, including those related to the establishment of an independent, sufficiently resourced oversight body, on imposing caps on donations, and on publication of election campaign accounts at federal level remain unaddressed. Moreover, the reporting is not sufficiently detailed and timely to allow voters to make an informed choice; and insufficient regulations regarding sponsorship and loans negatively impact transparency. The limited capacity of the *Bundestag* department, the body mandated with oversight of political finance, and its lack of investigative powers and independence from the *Bundestag*, do not ensure effective oversight.

Germany has a diverse, free and pluralistic media environment. Nevertheless, frequent use of strategic lawsuits, as well as physical and online attacks on journalists, contribute to increasingly antagonistic environment for media outlets and journalists, at times leading to self-censorship. The legal framework provides safeguards of the freedom of expression and of the media but defamation remains criminalized and frequently used by politicians, despite previous ODIHR recommendations. The legislation on access to information is scattered and does not provide for sufficient transparency. Media outlets extensively covered the campaign through various formats including nine nationwide TV debates, portraits, interviews, talk shows, allowing voters to form a well-informed opinion.

Opportunities for judicial redress are provided for and the jurisdiction over election-related disputes is shared by various administrative and judicial institutions which enjoy a high level of public trust. Complaints regarding breaches of electoral rights, the validity of elections and their administration can be lodged in for up to two months after the election day. Nevertheless, the effectiveness of the process is undermined by the lack of expedited timeframes and the absence of judicial review with public hearing at all stages, contrary to OSCE commitments and other international standards.

In accordance with ODIHR's methodology, the EAM did not observe election day proceedings in a systematic and comprehensive manner, but visited a limited number of polling stations. The observed voting process was orderly, and procedures were largely followed. Preliminary and final election results were released promptly; however, no disaggregated voting results per polling station were published, detracting from transparency. The law does not specifically provide for citizen and international election observation, contrary to OSCE commitments and prior ODIHR recommendations. The ODIHR EAM was granted full access to all stages of the electoral process.

This report offers recommendations to support efforts to bring elections in Germany fully in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to review of the legal framework to address outstanding ODIHR recommendations, introducing effective temporary special measures for women, proactively addressing all forms of electoral violence, decriminalizing defamation, ensuring effective legal remedy, increasing transparency of campaign finance, publishing disaggregated election results per polling station and guaranteeing observer access to all stages of the electoral process. ODIHR stands ready to assist the authorities to address the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Permanent Mission of the Federal Republic of Germany, and based on the conclusions of the Needs Assessment Mission (NAM) undertaken between 9 to 11 December 2024, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) to observe the 23 February 2025 early elections to the Federal Parliament (*Bundestag*). The ODIHR EAM, based in Berlin, was deployed between 9 and 26 February and consisted of six experts drawn from six OSCE participating States, comprising four women and two men.

The ODIHR EAM assessed compliance of the elections with OSCE commitments and other international obligations and standards for democratic elections, as well as with national legislation. In line with ODIHR's methodology, the EAM did not observe election day proceedings in a systematic or comprehensive manner, but visited a limited number of polling stations.

The ODIHR EAM wishes to thank the Permanent Mission of the Federal Republic of Germany to the OSCE for the invitation to observe and the Federal Foreign Office for their cooperation and assistance. The ODIHR EAM also expresses its appreciation to other state institutions, as well as the representatives of political parties, the media, civil society and other interlocutors for sharing their views.

III. BACKGROUND AND POLITICAL CONTEXT

Germany is a federal republic, composed of 16 federal states (*Länder*). Legislative power is vested in the *Bundestag*, with directly elected members, and state parliaments (*Landtage*). The *Länder* participate in the process of legislating at the federal level through the Federal Council (*Bundesrat*), to which the respective state governments delegate a total of 69 members. Federal executive power is vested in the Federal Cabinet, led by the Federal Chancellor, elected by a majority of parliament members at the proposal of the Federal President.

Following the 2021 federal elections, the *Bundestag* was composed of 736 members from 9 political parties. The Social Democratic Party (*Sozialdemokratische Partei Deutschlands*; SPD) was the leading party of the so-called “traffic-light” coalition with the Alliance 90/The Greens (*Bündnis 90/Die Grünen*) and the Free Democratic Party (*Freie Demokratische Partei*; FDP). The parliamentary opposition included the Christian Democratic Union (*Christlich Demokratische Union Deutschlands*; CDU) and its federal faction partner Christian Social Union of Bavaria (*Christlich-Soziale Union in Bayern*; CSU), the Alternative for Germany (*Alternative für Deutschland*; AfD), the Left (*Die Linke*), the splinter party from the Left - Sahra Wagenknecht Alliance (*Bündnis Sahra Wagenknecht*; BSW), and a minority party representing Danes and Frisians – the South Schleswig Voters' Association (*Südschleswiger Wählerverband*; SSW).²

² In its [2023 public report](#), the Federal Office for the Protection of the Constitution (BfV) classified the AfD as a “suspected right-wing extremist threat”. The AfD informed the ODIHR EAM that it has been engaged in legal disputes with the BfV and its *Länder* offices since 2018. On 8 March 2022, the Cologne Administrative Court upheld BfV's classification of the AfD and its youth wing as ‘suspected cases’ (*Verdachtsfall*). On 2 December 2024, the investigative media CORRECTIV [submitted an application](#) to the Cologne Administrative Court for a temporary order against the BfV, to compel the authority to disclose whether the the AfD had been reclassified as a “confirmed case of right-wing extremist threat”. On 2 May 2025, the BfV designated the party as “confirmed right-wing extremist” *stating inter alia* that the party's ethnic-ancestry-based understanding of the nation is incompatible with democratic principles. The designation carries no automatic legal consequences and has been suspended pending a court challenge by the AfD.

Following long-standing differences and internal tensions resulting in inability to agree on the 2025 budget, the ruling coalition collapsed on 6 November 2024. Main political parties, including the opposition CDU, informally agreed to hold early elections. Subsequently, the Chancellor Olaf Scholz (SPD) lost the vote of confidence on 16 December.³ On 27 December, the President set the election day for 23 February 2025, according to the constitutionally established deadlines.⁴

These elections took place amid polarized political rhetoric and societal divisions reflected in a divide in regional and cultural identity politics. The pre-election environment was affected by a series of violent attacks with their frequency intensifying closer to election day.⁵ Concerns over the so-called right-shift in the society (*Rechtsruck*), which sparked the January 2025 protests, were still resonating in the weeks preceding the elections.⁶ On 29 January, the CDU/CSU passed with support of the AfD a non-binding motion to restrict immigration.⁷ This prompted a series of protests against breaking a longstanding political “firewall” (*Brandmauer*) against collaboration with far-right, bringing more than 300,000 people to the streets nationwide in January and February 2025. In the aftermath, the CDU/CSU questioned political neutrality of some non-profit organizations involved in the protests and hence their eligibility for public funding, which was perceived as an attack on civic engagement.⁸ The election environment was further shaped by the stagnating economy, the effects of the war caused by the Russian Federation’s invasion of Ukraine and an abrupt change in the transatlantic relations.⁹

IV. LEGAL FRAMEWORK

The legal framework is composed of the 1949 Basic Law, the 1956 Federal Electoral Act (FEA – last amended in 2024), the 2002 Federal Electoral Regulations (FER – last amended in 2024), the 1951 Law on the Scrutiny of Elections (last amended in 2020), the 1999 Law on Election Statistics and the 2002 Civil and 1998 Criminal Codes. Political party funding is regulated by the 1994 Political Parties Act (PPA – last amended in 2024). Additionally, Federal Constitutional Court (FCC) rulings govern the elections. The Federal Ministry of the Interior and Community (FMOI) can issue ordinances to further detail the electoral legislation.

³ These were the first early parliamentary elections since 2005.

⁴ By law, the *Bundestag* may be dissolved within 21 days from the day of the lost vote of confidence; the new elections shall be held within 60 days. The elections were originally scheduled for 28 September 2025.

⁵ The attack in Magdeburg [on 20 December 2024](#) left six people killed and hundreds injured. [On 22 January](#), two persons were killed and several injured in an attack in Aschaffenburg. Two persons were killed, and dozens were injured during an attack in Munich [on 13 February](#). [On 21 February](#), one person was injured during an attack in Berlin.

⁶ Over January 2025, some 900,000 people went to the streets nationwide following the November 2024 meeting in Potsdam, where AfD members, far-right activists and their sympathizers discussed the so-called ‘re-migration’ of people from Germany.

⁷ The [motion](#), passed with a narrow majority, called for “immediate, comprehensive measures to end illegal migration, secure Germany’s borders, and consistently deport persons who are legally required to leave the country, especially criminals and potential threats”.

⁸ On 24 February 2025, a day after the elections, the CDU/CSU submitted [a parliamentary inquiry](#) of 551 questions related to political neutrality of some civil society organizations and media outlets. In response, the civil society launched [a petition](#) calling the CDU/CSU parliamentary group “to immediately end their politically motivated campaign against critical media and civil society organizations”.

⁹ During the February 2025 Munich Security Conference, the US Vice-President JD Vance [denounced](#) European “firewalls” that seek to isolate far-right groups and met with the AfD leading candidate, Alice Weidel.

The 2023 amendments to FEA introduced changes to the electoral system and reduced the number of seats in the *Bundestag* to 630.¹⁰ Several changes were introduced to the FER in 2024, including regarding the allocation of mandates, facilitating registration of out of country voters, and introducing additional data protection safeguards for candidate registration. To allow for the organization of elections in due time, the FMoI issued an ordinance to shorten several deadlines within the electoral process.

The legal framework is robust and conducive to democratic elections and most ODIHR EAM interlocutors did not express concerns regarding its implementation, the timeline for approval of amendments or transparency of the process.¹¹ Nevertheless, most prior ODIHR recommendations remain unaddressed, including those calling for comprehensive campaign finance regulations, effective and timely adjudication of election disputes, decriminalization of defamation, and the adopting of clear procedures for accrediting citizen and international observers.

A comprehensive legislative reform should be undertaken to implement outstanding ODIHR recommendations and further align the legal framework with OSCE commitments, international standards, and good practice. Such a revision should be done through an open consultative procedure in advance of the next elections, providing sufficient time for an effective implementation.

The 2024 amendments to the PPA to enhance transparency of campaign finance addressed some previous ODIHR recommendations. They reduced the threshold for immediate reporting of donations, introduced further regulations for third-party campaigning, and added new provisions requiring separate reporting for sponsorship. While acknowledged as beneficial by most ODIHR EAM interlocutors, several civic organizations advocated for further strengthening of the regulations, in particular by imposing caps on donations and controlling the influence of foreign actors on the German election campaign.¹²

V. ELECTORAL SYSTEM

The members of the *Bundestag* are elected for a four-year term, through a mixed proportional and majoritarian first-past-the-post system. Voters are entitled to cast two votes, one for a district candidate (first vote - *Erststimme*) and one for a closed party list (second vote - *Zweitstimme*), at the *Land* level. Candidates are elected in 299 single-mandate districts, while closed party lists compete in 16 multi-seat *Länder* constituencies. The electoral threshold is 5 per cent of second votes, except for parties that win seats in at least three single-seat districts and political parties of national minorities (Danes, Frisians, Roma and Sinti, and Sorbs).

Initially, the amendments removed the so-called “basic mandate clause” (*Grundmandatsklausel*), which allowed parties below 5 per cent threshold to enter parliament if they won mandates in at least

¹⁰ A parliamentary Commission for the Reform of the Electoral Law and the Modernization of Parliamentary Work, composed of MPs and independent experts, was established in March 2022. Its 2023 [final report](#) recommended changes to the electoral system, and a reduction of the *Bundestag* seats. Other proposals – such as the reduction of the voting age to 16, measures to increase participation of women in the parliament, and extending the parliamentary term to five years – were ultimately not adopted.

¹¹ Germany is party to major international and regional instruments related to holding of democratic elections, including the [1966 International Covenant on Civil and Political Rights](#), [1979 Convention on the Elimination of All Forms of Discrimination Against Women](#), [1965 International Convention on the Elimination of All Forms of Racial Discrimination](#), [2003 Convention against Corruption](#), [2006 Convention on the Rights of Persons with Disabilities](#), and the [1950 European Convention on Human Rights](#).

¹² In March 2025, a coalition of several organizations including Abgeordnetenwatch.de, LobbyControl and Transparency Germany addressed [an open letter](#) to leaders of the CDU/CSU and the SPD.

three single-seat districts. In 2023, several stakeholders appealed the provisions regarding the reformed allocation of seats, the electoral threshold and the elimination of the alternative threshold to the FCC, arguing that imposition of the 5 per cent threshold would have limited the possibilities for smaller and regional parties to enter the *Bundestag*.¹³ The FCC ruled most amendments to be in line with the Constitution, apart from the 5 per cent threshold while the “basic mandate clause” continued to apply for these elections.

Most ODIHR EAM interlocutors positively assessed the current electoral system. However, several criticized the electoral reform for lack of inclusivity.¹⁴ The reform, enacted by the ruling coalition of the SPD, the Greens and the FDP, was criticized mostly by the CSU/CDU and the Left for reducing the importance of the direct vote in districts, weakening smaller or regional parties and reducing political diversity.¹⁵ A number of interlocutors posited further amendments to the electoral system can be expected, following the 2025 elections.¹⁶

The 2023 electoral reform limited the number of mandates to 630, removing the overhang (*Überhangmandate*) and compensatory mandates (*Ausgleichsmandate*), which were increasing the size of the parliament in previous elections.¹⁷ Candidates elected in their districts (first vote) are entitled to a seat if the assignment of such seat is supported by the amount of party list votes (second votes) that their political party received overall. Should a party win more districts according to the national vote, some of those directly elected candidates will not get a seat in parliament.¹⁸ For these elections, 23 candidates who won in their districts did not receive a mandate, out of which 18 are from the CDU and the CSU.¹⁹

Review of electoral district boundaries is done based on population changes by a permanent Constituency Commission, and subject to the *Bundestag* approval. In accordance with the FEA, the Commission comprises seven members appointed by the Federal President. The 2023 amendments to the FEA reduced the possible maximum deviation in the number of voters in newly drawn constituencies from 25 to 15 per cent, bringing the provisions for district delimitation more in line

¹³ See the [FCC ruling of 30 July 2024](#). These were filed by the Government of Bavaria, 195 members of the CDU/CSU parliamentary group, and the CSU; these complainants together with the Left, its parliamentary group and 4,242 voters [supported by Mehr Demokratie organization](#) contested the electoral threshold. Other 212 supporters of the Left contested the removal of the basic mandate clause.

¹⁴ Paragraph 60 of the [2023 ODIHR and Venice Commission Joint Opinion on the Amendments to FEA](#) took note of “the lack of cross-party support. Building broad consensus on the choice and fundamental aspects of an electoral system contributes to the acceptance, legitimacy and the stability of the governing system”.

¹⁵ During the approval process in the *Bundestag*, the CSU/CDU [criticized](#) the removal of the basic clause mandate and the second vote coverage rule, while the Left expressed that the reform strengthens larger parties and reduces political diversity. In 2021, the CSU and the Left received 5.2 per cent and 4.9 per cent of the votes respectively.

¹⁶ The [CDU/CSU and SPD Coalition Agreement](#) from 9 April 2025 includes plans of revising the 2023 electoral reform, especially the distribution of seats to candidates who won majority of first votes, equal representation of women in the parliament, and a possibility of lowering the voting age to 16.

¹⁷ The number of MPs increased from 631 members in 2013, to 709 in 2017 and 736 in 2021. Overhang mandates, which provided benefits mainly to the major parties, were allocated if a party won in a *Land* more district mandates through first votes than it would have been entitled to according to the second vote results. Compensatory mandates were introduced to balance the overhang mandates.

¹⁸ Mandates are allocated as follows: first, the total proportion of seats is calculated nationally (primary distribution), and then seats are allocated per *Land* (secondary distribution). Candidates who won in their districts with the most first votes have priority in the allocation of mandates, followed by those on the lists. The [2023 ODIHR and Venice Commission Joint Opinion on the Amendments to FEA](#) underlined that “the amendment does not go against the principle of equal suffrage, even if it lowers the chance of some candidates to be successfully elected”.

¹⁹ See *Bundestag analysis* of not attributed mandates in these elections.

with international good practice.²⁰ In March 2024, the *Bundestag* approved district changes which affected 16 single-member districts; 14 in Bavaria, Saxony-Anhalt and Brandenburg, due to population changes and 2 in Thuringia due to adjustments of municipal boundaries.²¹ No ODIHR EAM interlocutors raised concerns with the redrawing of constituency boundaries or equality of the vote.

VI. ELECTION ADMINISTRATION

Elections are administered by a four-tiered structure including the Federal Electoral Committee (FEC), 16 *Länder* Electoral Committees (LECs), 299 single-mandate Constituency Electoral Committees (CECs) and some 65,000 Election Boards (EBs).²² In addition, some 25,000 Postal Voting Centres (PVCs) operated in municipalities the last two weeks prior to election day.

The FEC supervises the implementation of the respective legislation, ascertains which parties are eligible to participate in elections, decides on complaints regarding the rejection or approval of a *Land* list and determines the final result of the *Land* list election for the electoral area. The LECs, among other duties, decide on the admission of *Land* lists, adjudicate appeals lodged against the approval or rejection of constituency nominations and establish the final results of the election by *Land* list for the respective *Land*. The CECs decide on the admission of constituency nominations, revise decisions taken by EBs, and establish the election results in the constituency. The EBs, with assistance from municipalities, organize the elections at the local level.

Committees at all levels are chaired by returning officers and EBs by electoral officers. The Federal Returning Officer (FRO) and *Länder* returning officers are appointed by the FMoI and the *Länder* executive authorities, respectively. Constituency returning officers and electoral officers are appointed by the *Länder* executive authorities. In addition to the chair, the FEC consists of two judges of the Federal Administrative Court, and eight persons appointed by the FRO as assessors on the proposal of political parties. Four out of eleven FEC members, including the chairperson, are women. The LECs are composed of nine members, including two judges, while CECs have seven members. EBs have five to nine members appointed from among voters and political parties.

Some 675,000 poll workers were recruited and trained to operate on election day. The legislation does not guarantee a gender-balanced composition of the election management bodies. The FRO does not collect gender disaggregated data on staff engaged in the election administration.²³

To support the development of targeted strategies for enhancing women's participation, disaggregated data on gender representation in the election administration should be collected and published in a comprehensive manner.

²⁰ Paragraph I.2.2.iv of the [Code of Good Practice in Electoral Matters](#) recommends that the “permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances”.

²¹ See [amendments](#) to the FEA adopted on 7 March 2024.

²² Electoral committees for these elections were established in November 2024.

²³ Article 48d of the [CEDAW General Recommendation No. 23](#) recommends that States parties should provide “statistical data, disaggregated by sex, showing the percentage of women relative to men who enjoy those rights”. Paragraph 40.13 of the [1991 OSCE Moscow Document](#) commits participating States to “ensure the collection and analysis of data to assess adequately, monitor and improve the situation of women”. The FRO is to release gender and age disaggregated data on voters’ participation in the elections, based on a nationwide sample.

The training sessions conducted by LECs on election day procedures observed by the ODIHR EAM were comprehensive, well attended and contained interactive elements. For further self-study, the poll workers could also refer to the video materials developed by the FRO.²⁴

Voter education efforts by the returning officers at federal and *Länder* level were inclusive and focused on the applicable procedures for postal voting in-country and abroad and the procedures for correctly filling-in the ballot. The voter education included also information on voting arrangements for voters with visual and physical impairments as well as guides in *Braille* alphabet. Training on postal voting procedures had commenced prior to the arrival of the ODIHR EAM.²⁵ The returning officers for each *Land* produced comprehensive manuals for officials on postal voting and election day procedures.

The FEC held two regular sessions prior to the elections, both public and with minutes as well as a video recording of the sessions made available online. The LECs held up to two sessions each; the ODIHR EAM was informed that LEC sessions were closed in order to abide with the personal data protection rules, as among others, they dealt with the verification of supporting signatures. Minutes of the sessions were not available. *Land* returning officers, however, readily shared non-sensitive information with the ODIHR EAM upon request.

To enhance transparency, the election administration at all levels should hold public sessions, and publish the draft agendas and minutes of relevant sessions, while duly respecting applicable data privacy legislation.

The election administration informed the ODIHR EAM of organizational and logistical challenges imposed by the tight deadlines caused by the early elections. Some *Land* returning officers met by the ODIHR EAM related that they had filed the order for the printing of ballots papers prior to the expiry of the deadline for the ruling on complaints against election participation of some contestants in their areas, thereby taking a calculated risk compelled by the tight deadlines. Several *Land* returning officers expressed their belief that the tight deadlines for collecting the support signatures discouraged some political parties from running in the elections.

A number of provisions to facilitate autonomous access of persons with disabilities to elections were put in place; nevertheless, barriers to their participation on equal terms with other voters remain. Prior to election day, each voter received a notification about their entry into the voter list, the address of their polling station, and a note specifying if the polling station assigned to them was barrier free. Voters with low mobility assigned to a non-barrier free polling station were encouraged to request a postal ballot, which they could either cast in person at a postal voting centre or return by mail. All postal voting centres, usually located in town halls, were accessible to voters for independent voting.

Overall, the election authorities at all levels acted professionally and efficiently in organizing the various stages of the process and undertook comprehensive efforts to mitigate the potential negative effects of the compressed timeline and to make the election inclusive for all voters. All ODIHR EAM interlocutors expressed a high level of trust in the integrity and professionalism of the election administration, including in the conduct of election day.

²⁴ The self-study video material is available on the [FRO webpage](#).

²⁵ The ODIHR EAM attended a special training for members of postal vote counting teams that emphasized the importance of maintaining the secrecy of the vote of voters and that the opening of ballot envelopes was to commence only after 18:00 hrs. i.e. after the closing of polling stations.

VII. VOTER REGISTRATION

Citizens over 18 years old by election day who have either a domicile or permanent residency for at least last three months in Germany are eligible to vote.²⁶ According to the FRO, 60,510,631 were registered to vote for these elections. Positively, since 2019, Germany grants full voting rights to persons with intellectual and psychosocial disabilities under guardianship. Individuals convicted of specific serious crimes by a court are ineligible to vote.

In-country voter registration is passive, and voter lists are extracted from municipal civil registers based on a voter's permanent residence. Although voter lists were available for verification prior to election day, no municipality met by the ODIHR EAM had received complaints regarding omissions or inaccuracies in the voter lists. All ODIHR EAM interlocutors expressed confidence in the accuracy of the voter register and inclusiveness of the voter lists.

All in-country registered voters, as well as those residing temporarily abroad can vote by post without providing any justification. Voters wishing to vote by post or at any other polling station in a given constituency must apply for a polling card. Application for a polling card must be submitted with the municipality of the voters' main place of residence no later than 3:00 p.m. on the Friday before election day.²⁷ Voter registration for citizens permanently residing abroad was available online until 2 February.

Due to a technical mistake, in a few instances noted in five districts in Berlin and two districts in North Rhein-Westphalia, some postal voters received two polling cards prior to election day. The relevant election authorities took adequate measures to exclude a possibility of double voting by invalidating the second polling card.²⁸

Citizens permanently residing abroad are eligible to vote exclusively by post if they have lived in Germany for at least three months without interruption after reaching the age of 14 and this residence was not more than 25 years ago. Alternatively, citizens permanently residing abroad who have never resided in Germany are also eligible to vote if they can demonstrate personal and direct familiarity with the political situation in the country and are affected by it.²⁹

A. POSTAL VOTING

Postal voting has become a widespread form of voting in Germany after the right to request postal voting was granted to all in 2008. Nonetheless, the percentage of voters who cast a postal ballot decreased in comparison with previous elections; 37 per cent of the voters in 2025 elections, as compared to 47.3 per cent in the 2021 elections. The postal voters' share of the total voter turnout varied from 52.2 per cent in Bavaria to 25.6 in Thuringia.³⁰ Given the shortened timelines for postal

²⁶ Germany continues discussing lowering the general voting age to 16 years. It is already endorsed as the voting age in ten *Länder* for the *Landtag* elections and in nine *Länder* for municipal elections.

²⁷ In exceptional cases, for instance due to serious illness, applications on election day are permissible.

²⁸ FRO [reported](#) that in Berlin, ballot papers were sent twice to voters in the Mitte, Friedrichshain-Kreuzberg, Pankow, Steglitz-Zehlendorf, Tempelhof-Schöneberg, and Marzahn-Hellersdorf, and in North Rhine-Westphalia in Duisburg and Heinsberg. Isolated cases of inadvertent multiple mailings of ballot papers were also noted in Schleswig-Holstein, Saxony-Anhalt, Bavaria, and Rhineland-Palatinate.

²⁹ Eligible categories of voters [include](#) for instance German citizens who moved abroad at the age of 12 after being born and attending school in Germany, but regularly visit Germany for less than three months; German pensioners who maintain a vacation home in Germany; those citizens employed as local employees at German diplomatic missions and other institutions, such as political foundations and others.

³⁰ See the [FRO information](#) about postal voting in the 2025 Federal Elections.

voting, some *Land* returning officers suggested mailing of ballots with due advance or casting the mailed-in ballots in person.

An application for a polling card could be submitted via post, email or fax to the competent municipal authority no later than 21 days before election day. The municipal authority sent the polling card to all applicants by mail. The municipalities began sending postal ballots to citizens who requested them as soon as they had received the ballots, and some municipalities began issuing postal ballots even prior to the official opening of postal ballot voting centres (PVCs) on 10 February to facilitate the process.

The condensed deadline for the preparation and conduct of postal voting from 6 weeks in case of a regular election to 14 days in early elections posed an organizational challenge for relevant stakeholders. In the first week of their operation, the long lines to cast the vote at the PVCs made some municipalities open a second postal voting centre in the same location, at times in premises less suited for the purpose.

Due to the tight deadlines for the return of postal ballots, the FRO had instructed municipalities to prioritize preparing and mailing postal ballots to German citizens living abroad. On 21 February, the FRO informed that a total of 213,255 voters abroad had requested a postal ballot.

A voter abroad would return their postal vote either by mail or diplomatic post if the German embassy or consulate in the voter's country of residence offered this service. Politicians, civil society organizations as well as many individuals living abroad considered the deadlines applicable to postal voting in early elections unrealistically short for German citizens living abroad, also given the unreliability of postal services in some countries, and expressed concern that many voters would be disenfranchised. A few instances of late receipt of postal votes by citizens living abroad were brought to the attention of the ODIHR EAM and several interlocutors opined that the mechanism to enfranchise German citizens abroad is in dire need of reform.

Consideration could be given providing voters with the opportunity to return their ballots within timelines that ensure their votes are received and counted.

VIII. PARTY AND CANDIDATE REGISTRATION

Eligible voters can run independently or as party candidates. Parties and associations that intended to field candidates were required to notify the FEC of their intention by sending their party programme and other documentation by 7 January 2025.³¹ The FEC assessed the submitted information for eligibility on formal grounds. A political party deemed ineligible had four days to appeal the FEC decision to the FCC, which had five days to rule on the appeal. A total of 66 parties applied and 41 were registered as contestants.³² One party was denied the status of national minority party for not meeting the formal requirements.³³ Of the 41 registered parties, 29 submitted applications for the registration of their *Land* list and candidates in majoritarian districts. The 16 LECs registered a total

³¹ For political parties represented in the *Bundestag* or with at least five seats in regional parliaments the deadline was 14 January.

³² The 25 organizations were denied registration for not meeting the formal criteria to be considered a political party such as lack of membership list, application done by e-mail rather than mail, application not signed etc.

³³ German national minorities may form political parties, which are exempt from the 5 per cent electoral threshold if they are members of the national minority, work programmatically for their interests and unfold their political activities in the German stronghold of the national minority. The *Sonstigen* Party was recognized as a political party but did not sufficiently fulfil the listed criteria to be recognized as a national minority party.

of 229 electoral lists.³⁴ Several smaller parties informed the ODIHR EAM that organizing the legally required party conventions to select the candidates was challenging due to the shortened deadlines.

Political parties with at least five members in the *Bundestag* or a state parliament (*Landtag*) do not need to collect supporting signatures in order to submit their nominations. All other parties and associations wishing to field candidates as well as individual candidates had to collect at least 200 supporting signatures from eligible voters in the respective district for the district nominations and one signature for each 1,000 eligible voters in a *Land* or no less than 2,000 signatures in support of a party list. The deadlines for collecting the support signatures were shortened from approximately six weeks to less than four weeks for these elections but the overall number of required signatures remained unchanged.

The FEC received 38 complaints against the LECs' rejection of the electoral lists due to insufficient number of supporting signatures.³⁵ Most parties whose electoral lists were rejected on merit informed the ODIHR EAM that they expected that the signatures' requirement would be lowered as had been the case in the 2021 federal elections, with the Ecological Democratic Party (*Ökologisch-Demokratische Partei-ÖDP*) challenging the unchanged provisions with the FCC.³⁶ The FCC ruled that signature quorums serve to ensure only well-established political parties take part in the elections and considered the unchanged requirements justified even under the conditions of shortened deadlines in a case of an early election.³⁷ The number of required signatures in support of candidacy is well below the ceiling of 1 per cent of the electorate, hence in line with international good practice.³⁸

Several political parties without representation in the *Bundestag* informed the ODIHR EAM that the need to obtain certification from the home municipality of each person who signed in support of an electoral list or candidate was an unreasonably cumbersome and costly procedure that could be simplified, for instance by allowing supporters to sign digitally.³⁹ The parties, whose number of support signatures was below the required threshold after the LEC verification process, were not granted an opportunity to supply additional signatures.⁴⁰ Contrary to international good practice, voters can sign in support of only one electoral list and one candidate.⁴¹

³⁴ A candidate can run both in a district and on the party list; according to the [FRO data](#), of 4,506 registered candidates 1,859 (41 per cent) ran in both races.

³⁵ Of these, 1 complaint was satisfied, 1 withdrawn, 9 rejected on procedural grounds and 28 rejected on merit.

³⁶ The signature requirements in support of electoral lists and majoritarian candidates were exceptionally lowered by 75 per cent for the 2021 federal parliamentary elections in recognition of the challenges created by the COVID-19 pandemic restrictions.

³⁷ See the [FCC ruling from 22 January 2025](#).

³⁸ The 2002 Venice Commission [Code of Good Practice in Electoral Matters](#), Guidelines 1.3 section ii. provides that "[t]he law should not require collection of the signatures of more than 1% of voters in the constituency concerned".

³⁹ The ODIHR EAM received an open letter on that matter signed by 13 concerned political parties.

⁴⁰ The Justice Party (*Gerechtigkeit – Team Todenhöfer*) informed the ODIHR EAM that it submitted sufficient number of signatures in support of its electoral list in Baden-Württemberg; however, the respective LEC disqualified four signatures thereby bringing their total number below 2,000. The party was denied registration without having an opportunity to remedy the error. Paragraph 96 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that "[political parties] should also be given the opportunity to submit additional signatures and correct erroneous information, if necessary, before the deadline expires, while online means to do so should be considered".

⁴¹ Paragraph 96 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that "legislation should not limit a citizen or other individual to signing a supporting list for only one party. Any limitation of this right can lead to the disqualification of parties that in good faith believed that they had fulfilled the requirements for sufficient signatures". The citizen signs in support of the principle of a party's right to participate in the elections.

In line with international good practice, law and practice should ensure the meaningful possibility for corrections of omissions of erroneous information in signature collection process.

To further promote pluralism in the electoral process and freedom of association, consideration should be given to removing the restriction against signing in support of more than one electoral list and more than one election candidate.

By the end of the registration period, a total of 4,506 candidates were registered, of which 1,422 were women (31.6 per cent). While women constituted 35 per cent of candidates running on the parties' lists, there was only 27 per cent of them among candidates running at the district level.⁴² Overall, the registration of electoral contestants, both by the FEC and the LECs was efficient and inclusive, notwithstanding some cumbersome procedural steps.

IX. CAMPAIGN

A. LEGAL FRAMEWORK AND REGULATIONS

The election campaign is regulated by federal, *Länder* and municipal laws and ordinances, and provisions for display of campaign materials and holding meetings with voters vary at the municipal level, even within a single *Land*. At the federal level, the freedoms of expression, association and peaceful assembly are guaranteed by the Basic Law.⁴³ The Federal Assembly Act regulates the organization of outdoor assemblies.⁴⁴ The PPA mandates equal treatment of all political parties by public authorities and establishes the principle of "graduated equal opportunity" according to the results obtained in previous parliamentary elections. Further regulations arise from the jurisprudence of the FCC and the Federal Administrative Court, which award special consideration to campaign activities conducted closer to election day.

The activity of online platforms and digital services is regulated by the European Union (EU) Digital Services Act (DSA), which was supplemented in the national legislation by the 2024 national DSA act (*Digitale-Dienste-Gesetz*) to define specific division of tasks and the functioning of oversight institutions, as well as to further detail investigative powers and the right to impose sanctions.⁴⁵ In addition, an independent advisory board was set up to support the Digital Service Co-ordinator (DSC) in its policy making, by formulating recommendations and research questions.⁴⁶ As the

⁴² Among the parliamentary parties, the Greens, the Left and the CDU/CSU fielded the highest number of women candidates on their lists: 56 per cent, 52 per cent and 45 per cent, respectively. At the district level, it was also the Greens that fielded the highest number of women, 48 per cent of their candidates, followed by the SPD, 38 per cent and the Left, 33 per cent. The [FRO](#) provided gender disaggregated information, in accordance with the international commitments. Article 48(d) of the [CEDAW Committee General Recommendation No. 23](#) calls for collection of gender disaggregated data on participation in elections and public referendums.

⁴³ Regulations relevant to the conduct of election campaigns are part of the general body of law governing the exercise of state powers and discharge of state functions that are responsibility of the *Länder*. Political parties and candidates are given privileges that are particularly relevant ahead of elections.

⁴⁴ Since 2006, the legislative competence for the right of assembly has been with the *Landtage*, with some *Länder* adopting state assembly laws and others continuing to apply the federal one.

⁴⁵ Attributions are shared between the Federal Network Agency (*Bundesnetzagentur*), which is the Digital Service Coordinator (DSC), the Federal Agency for Child and Youth Protection in the Media, the Media Authority of North Rhine-Westphalia (co-ordinating the relevant media supervisory bodies) and the Federal Commissioner for Data Protection and Freedom of Information.

⁴⁶ The board is composed of 16 individuals – 8 from civil society and 4 each from academia and business associations, nominated by the *Bundestag* for the duration of a parliamentary mandate. Two candidates proposed by the AfD were rejected on both political and technical grounds.

implementation of the law is in its early stages, some ODIHR EAM interlocutors pointed to limited understanding of the enforcement mechanisms by both the public and stakeholders.⁴⁷ Several ODIHR EAM interlocutors raised concerns about limited access to data from online platforms curtailing transparency. Data protection is regulated according to the 2016 EU General Data Protection Regulation (GDPR) and the 2017 Federal Data Protection Act (last amended in 2024).

B. CAMPAIGN ENVIRONMENT

The campaign was vibrant and competitive, with a wide range of contestants representing different views across the political spectrum. While overall, fundamental freedoms were respected and contestants could compete freely, a number of ODIHR EAM interlocutors raised concerns about deterioration of civic space, in which individuals and groups can meaningfully engage in political, social, economic, and cultural life.⁴⁸

Wintertime affected the campaign strategies with ubiquitous outdoor materials, but limited number of outdoor events. Parties used social networks, door to door campaigning, and party stands, distributed leaflets and other party paraphernalia, as well as advertising in online and print media. Parliamentary parties organized campaigning for the *Land* lists centrally. District candidates relied on co-operation with local party branches in managing their own campaigns.

Migration-related issues and the political firewall (*Brandmauer*) aimed at isolating far-right parties from gaining power resonated as primary topics for several weeks of the campaign.⁴⁹ Other topics included the economy, cost of living, social benefits, and climate. Several ODIHR EAM interlocutors noted that public debate on the war in Gaza was met with immediate backlash when critical tone towards Israel was used and considered this to negatively impact freedom of expression.⁵⁰ District candidates of the SPD, the Greens and the Left were adjusting the content of their campaign messages to their district electorates. The AfD, the SPD, the Greens and the Left district candidates tailored their online messages to the local context, while the CSU and the FDP disseminated centrally prepared campaign messages also at the local level. The ODIHR EAM noted instances of campaign posters of AfD, CDU/CSU, the Greens and the Left being defaced.

The ODIHR EAM was informed about cases of violence, including online, as manifested by disinformation campaigns and use of manipulative content, against both candidates and campaigners from vulnerable groups, in particular women and people of migrant origin.⁵¹ The increasing normalization of divisive and inflammatory speech as well as rising popularity of authoritarian ideas

⁴⁷ Experts [invited by the Bundestag to discuss the draft law](#) in February 2024 mostly supported the draft, but highlighted the need for a strong, independent and transparent DSC, with sufficient budget, adequate resources for investigations by the Federal Criminal Police Office, and requested a clear and effective dispute resolution mechanism.

⁴⁸ The European Commission [2024 Rule of Law Report Country Chapter](#) on Germany has noted that “the overall situation of civic space has seen some deterioration, with certain restrictions related to the right to protest being subject to judicial review”. See also *Media* section.

⁴⁹ The term *Brandmauer* is used with a historic connotation to the political events in Germany preceding the World War II.

⁵⁰ See also *Media* section.

⁵¹ Such instances were also reported in the media. During the pre-electoral period, Gökay Akbulut, MP from the Left was allegedly [attacked](#) based on his race in Baden-Württemberg, while a campaigner for the Left party was attacked in Görlitz. According to the party, in Dortmund some candidates were intimidated to run and considered withdrawing. Karamba Diaby from SPD, the first black African-born politician to enter the *Bundestag*, [resigned](#) in June 2024 for being the target of repeated racist attacks.

impacted the tone of the campaign discourse.⁵² Some political parties depicted the migrant communities as a security threat and several ODIHR EAM interlocutors noted the increasing number of attacks against migrants.⁵³ ODIHR EAM interlocutors reported that the increasing violence towards politically active representatives of vulnerable groups is a deterrence to their candidacy and participation in public life.

Authorities should proactively address all forms of electoral violence and provide effective remedies. Citizens should be informed about their rights and available remedies to curb the electoral violence.

C. ONLINE CAMPAIGN ENVIRONMENT

The election campaign was targeted by disinformation and foreign interference campaigns gaining momentum closer to election day.⁵⁴ Elon Musk, the owner of X and Special Government Employee of the United States administration, vigorously supported the AfD on his X account with its 218 million followers, giving the party an unprecedented prominence.⁵⁵ In January, the European Commission (EC) opened an investigation into the X algorithm for recommending content to users, the so-called recommender system.⁵⁶ On 7 February, X lost a lawsuit at the Berlin Regional Court after the platform refused to provide civil society organizations publicly available data in a systematic manner.⁵⁷

The EC is responsible for the oversight and enforcement of the DSA rules on systemic risks. Once designated as such, very large online platforms (VLOPs) and search engines (VLOSEs) are obliged to submit assessments of the systemic risks on their platforms to the EC and the Digital Services Co-

⁵² The UN Committee on the Elimination of Racial Discrimination, in its [2023 Concluding observations](#) on Germany, noted “the increasing number of extremist organizations and groups, including right-wing extremist political parties, such as Alternative for Germany, whose programme is reportedly based on a national-ethnic concept, leading to a denial of basic legal equality, [as well as] increase in the number of violent racially based incidents...”. The Institute for Strategic Dialogue [study](#) shows how German far-right actors have adopted generative AI with “common narratives including attacks on refugees and immigrants, LGBTI and climate activists, and opposition parties”. According to [Leipzig Authoritarian Studies](#), there was a shift towards authoritarian ideologies among the population, with an increase in far-right attitudes observed in the west of the country.

⁵³ For instance, the AfD [post](#) on Facebook from 20 February states “...Islamists declare war on us and turn our country into a ‘slaughterhouse’ for their sick ideology with the hashtag ‘#LetsSlaughter’. We will implement the large-scale deportation offensive (...) We will protect our borders and turn away migrants without authorization to enter the country at the border...”.

⁵⁴ Two days before election day, the FMOI [warned](#) about the disinformation campaign with online videos alleging manipulations of ballots to the detriment of the AfD, with some of the disinformation attempts attributed to the Russian propagandist group *Storm 1516*. Civil society organization Institute for Strategic Dialogue discovered a co-ordinated [network](#) on X spreading disinformation about German politicians and alleged election-related terror threats. The network of some 50 accounts, with traits to the pro-Russia campaign *Operation Overload*, disseminated false claims through videos designed to look like they come from media outlets, law enforcement agencies and academics. The campaign [Doppelgänger](#) imitating traditional media websites, disclosed to the public in January 2024, was still active for these elections. The ODIHR EAM was also informed about cases of disinformation directed against well-known political figures including the Federal Foreign Minister Annalena Baerbock, CDU leading candidate Friedrich Merz and the Greens leading candidate Robert Habeck.

⁵⁵ Since publicly endorsing the party on 20 December 2024, Elon Musk [interviewed](#) on his X account the AfD leading candidate Alice Weidel and published over 70 posts about the party.

⁵⁶ The EC [requested](#) X to provide internal documentation about its recommender system, to preserve internal documents about the future changes of the recommender algorithms and to allow access to direct fact-finding on content moderation and virality of accounts.

⁵⁷ The organizations that [sued](#) X were Democracy Reporting International (DRI) and the Society for Civil Rights (*Gesellschaft für Freiheitsrechte*, GFF).

ordinators (DSCs) and to put in place risk mitigation measures.⁵⁸ VLOPs and VLOSEs published the risk assessments approximately a year after their finalisation, which does not allow for their timely, independent analysis by civil society organizations and raises questions about the assessments' relevance.⁵⁹ Several ODIHR EAM interlocutors reported difficulties in addressing the instances of manipulative content with the VLOPs.⁶⁰

The national authorities undertook considerable efforts to detect and address disinformation and foreign interference. The authorities formed dedicated task forces operating during the election period composed of the FMoI, Federal Foreign Office, the Chancellery and intelligence agencies, including BfV. In January, German DSC, together with the EC, held a roundtable with VLOPs, national authorities and civil society organizations as well as a stress test to identify and mitigate potential risks to the federal elections.⁶¹ Federal Office for Information Security (*Bundesamt für Sicherheit in der Informationstechnik*; BSI) reached out to all parties represented in the parliament, providing workshops and raising awareness about cyber threats. Smaller parties, not represented in the parliament, received the information via the returning officers. All parliamentary political parties that the ODIHR EAM met with had data protection policies and information security infrastructure in place and assigned a party member as data protection commissioner, with some parties outsourcing these services.

Notwithstanding the introduced efforts, several political parties informed the ODIHR EAM about the lack of resources to address numerous online attacks they were exposed to. Moreover, many election stakeholders, including from political parties and civil society lacked awareness about the relevant legal framework and institutional roles and mechanisms for addressing the manipulative content. The decentralized and extraterritorial nature of social networks platforms left stakeholders unaware of which actions fall under the jurisdiction of the national institutions. While some interlocutors commended the efforts of the German DSC, others noted that further growth of the institution is needed for it to be able to meaningfully fulfil its tasks.⁶²

To raise awareness among relevant stakeholders on available mechanisms and to address disinformation and manipulative content, capacities of Digital Services Co-ordinator should be enhanced.

All political parties campaigned actively on social media.⁶³ In December 2024, the CDU/CSU, the Greens, the FDP, the Left, and the SPD signed a voluntary Fairness Agreement aimed at promoting respectful discourse and minimizing personal attacks during the campaign period. They agreed on

⁵⁸ The assessments of the systemic risks need to be submitted to the DSC of establishment, which for most of the social media platforms (e.g. *Meta, TikTok, X, Microsoft, Google/YouTube*) is the Irish *Coimisiún na Meán* (CnaM).

⁵⁹ The European Ombudsman in its preliminary [views](#) on the EC's refusal to give public access to the risk assessment report of X, posits that applying a general presumption of confidentiality to the reports is not justified.
⁶⁰ According to [HateAid](#) report about the compliance of platforms with user rights under the DSA, only 44 per cent of the reported content internally assessed by lawyers as illegal was removed by the platforms.

⁶¹ The [roundtable](#) took place on 24 January and the [stress test](#) on 31 January 2025. Moreover, new intergovernmental co-ordination body, the Central Office for the Detection of Foreign Information Manipulation (*Zentrale Stelle zur Erkennung ausländischer Informationsmanipulation, ZEAM*) was established in 2024.

⁶² The DSC informed the ODIHR EAM that it operates with less than a third of the planned human resources.

⁶³ Between 12 and 22 February, the ODIHR EAM conducted a quantitative and qualitative analysis of the activities of 65 accounts of contestants and other elections-related stakeholders on Facebook, TikTok and X.

fair digital campaigning and clearly labelled use of AI tools.⁶⁴ Parties used different platforms for conveying their messages; the AfD engaged with voters mostly on X, whereas the Left was most popular on *TikTok*. X proved to be the platform of most vivid discussion on the accounts of the CDU/CSU and the Greens.⁶⁵ The campaign led on TikTok by the Left leading candidate - Heidi Reichinnek - was assessed as a significant factor of party's success in these elections.⁶⁶ Posts on economics and finance, peace and security, and social policies featured most prominently. While no instances of hate speech were observed on the accounts monitored by the ODIHR EAM, negative posts on migrants, political opponents, minority groups, women, and traditional media were subtly composed and spread across all platforms, some with inflammatory and manipulative narratives. Reactions and statements to incidents, such as the car attack on demonstrators in Munich on 13 February, and non-election-related events were predominantly spread via X.⁶⁷ Facebook served predominantly as the platform for dissemination of campaign materials.

X. ELECTORAL PARTICIPATION OF WOMEN

Women are generally underrepresented in public and political life and the authorities and political parties made insufficient efforts to promote women's political participation in these elections. There are 204 women in the newly elected 630 seats *Bundestag*, which constitutes 32.4 per cent, and is a decrease in comparison with the 2021 parliament, where women accounted for 35.3 per cent.⁶⁸ Six out of 15 ministers in the outgoing government and 8 out of 15 ministers of the newly appointed government are women. The political participation of women is lower at the local level.⁶⁹

Equality of men and women is enshrined in the Basic Law, obliging the State to promote the implementation of gender equality and eliminate existing disadvantages. Despite the UN CEDAW Committee recommendations to "strengthen its efforts to increase the number of women in elected decision-making bodies at the federal and State levels", the election legislation does not provide any temporary special measures for candidate nominations or party lists.⁷⁰ The provisions promoting women candidates failed to gather sufficient parliamentary support during the 2023 reform of the electoral legal framework.⁷¹

⁶⁴ The AfD was excluded from the Fairness Agreement for the signatories deemed the party's principles incompatible with the Germany's "free democratic basic order" (*freiheitlich-demokratische Grundordnung - FDGO*) enshrined in the Basic Law. The BSW refused to sign the agreement alleging the signatories were spreading false claims about the party.

⁶⁵ Over the monitoring period, 87 per cent of the posts published by AfD on X as well as 76 per cent of the Left posts on TikTok were liked more than 5,000 times. The posts were most frequently commented on X, with the CDU posts most frequently passing the threshold of 500 comments (88 per cent of posts), followed by the CSU (83 per cent), and the Greens (80 per cent).

⁶⁶ Heidi Reichinnek's [speech](#) in the *Bundestag* criticizing the CDU/CSU for collaboration with the AfD went viral, attracting millions of views. Her [TikTok account](#) has been growing exponentially, with 487,000 followers at the beginning of February 2025 and 610,000 at the beginning of March.

⁶⁷ The [13 February Munich attack](#), during which an asylum seeker killed two and injured dozens of people by driving a car into a trade union demonstration, further polarized the debate on migration, which some parties linked with security concerns.

⁶⁸ Following the 2021 federal elections, there were 260 women in the 736 MPs *Bundestag*.

⁶⁹ In the period 2019-2024, only 23.2 per cent of municipal council members and 12.3 per cent of mayors were women. See the Federal Statistical Office [analysis](#) in "WISTA – Economy and Statistics".

⁷⁰ See Paragraph 39 of the [2023 CEDAW Concluding Observations](#) on the ninth reporting period of Germany. The [2024 CEDAW Committee General Recommendation No. 40](#) recommends parity between women and men in decision-making systems. The Council of Europe's recommendation [CM/Rec 2003\(3\)](#) refers to representation of men and women in all decision-making bodies in political or public life not falling below 40 per cent.

⁷¹ The [Final Report](#) of the Commission for Reform of Electoral Law and Modernization of Parliamentary Work outlines different possibilities of legislative measures to support women candidacies to the *Bundestag*.

In 2020, the Constitutional Courts in Brandenburg and Thuringia ruled the *Länder*'s parity laws unconstitutional for impeding the party's freedom to organize and nominate candidates as well as the principle of equality between sexes.⁷² In 2021, the FCC ruled that enforcement of gender equality lies within the mandate of the legislature, which must also take into account such constitutional provisions like the freedom of political parties and electoral law principles of freedom and equality of choice.⁷³ According to some ODIHR EAM interlocutors, the jurisprudence halted other *Länder*'s legislative initiatives related to women participation in public and political life.⁷⁴

In line with international standards and OSCE commitments and to ensure equal representation of women, authorities should consider putting in place effective temporary special measures, such as legislative gender quotas and gender-targeted party funding.

The level of political parties' commitment to supporting women's candidacy varies across the political spectrum, with centre-left parties (the Greens, the Left, and the SPD) having the statutory provisions, alternating male and female candidates on their parties' lists, and the centre-right parties leaving it to the voluntary decision of their territorial branches (the CDU/CSU) or being completely passive in that respect (the FDP). The far-right AfD is outwardly against any affirmative measures supporting women's candidacy.⁷⁵

All parties addressed healthcare issues in their programmes targeting female voters, with abortion rights receiving particular attention. The Greens, the Left, and the SPD highlighted the problem of gender pay gap. The Greens and the SPD advocated for introduction of temporary special measures, such as gender quotas, while the AfD focused on a family support programme instead.

Political parties should consider strengthening their efforts to foster inclusivity, including by adopting binding policies to place women in leading positions on candidate lists and integrating gender considerations into their policy proposals.

Political parties informed the ODIHR EAM that it is easier to nominate women candidates for the party lists rather than for the district races. Consequently, the overall share of women candidates on parties' lists was higher than in the district races, 35 and 27 per cent respectively. The parties cited women's lack of time to commit themselves to the more intense campaign at the district level and the parties' strategies of fielding candidates with the biggest local networks, as the reasons for the prevalence of men. In general, ODIHR EAM interlocutors pointed to structural barriers such as fewer women in political parties' executives, financial constraints, and traditional gender roles leaving

⁷² See the decisions of the Constitutional Courts of [Brandenburg](#) and [Thuringia](#). In both cases the constitutionality of the parity law was appealed by the AfD (in Brandenburg with other far-right parties, while in Thuringia alone). The [CEDAW Committee General recommendation No. 25](#) states that the "adoption by States parties of temporary special measures aimed at accelerating *de facto* equality between men and women shall not be considered discrimination".

⁷³ According to Paragraph 98 of the [2021 FCC decision](#): "when implementing the equality mandate (...) the legislature has a wide scope for action with regard to the measures it takes to enforce gender equality in social reality (...)". Paragraph 99 states that "when carrying out the equality mandate in the right to nominate candidates, the legislature must also take into account other equally important constitutional interests and give them appropriate effect".

⁷⁴ The ODIHR EAM was informed about similar initiatives being put on hold in Berlin and Bremen.

⁷⁵ The Greens and the Left fielded the highest number of women, with 56 and 52 per cent of women candidates in their lists, respectively. The CDU/CSU fielded 45 per cent of women and the share of women on SPD *Länder* lists amounted to 41 per cent. The FDP did not apply any affirmative measures and women constituted 21 per cent of their lists, while the AfD nominated the lowest number of women, 12 per cent.

women with little time for participation in public life as prevailing obstacles to women becoming candidates.⁷⁶

Many ODIHR EAM interlocutors underlined the growing trend of online violence against women politicians as an increasingly relevant deterrent⁷⁷ and opined that politically engaged women fall victims of violence more often than their male colleagues, often facing threats of sexual character.⁷⁸ The online messages targeting women politicians were in general more visual, with derogating and sexualising components.⁷⁹ Cases of artificial intelligence (AI) leveraged with hate speech and used to mock politicians, especially women, were also noted in the campaign.⁸⁰ At the same time, continuous AI development makes it increasingly difficult for an internet user to identify digitally manipulated content. According to ODIHR EAM interlocutors, the most vulnerable to political violence are women of migrant origin and queer persons. Some political parties provided training for their candidates on how to counter cases of violence, both during the campaign events and online, moderated comments on the official social media accounts, and provided support to victims of violence within their party ranks. Only a minority of incidents of digital violence tend to be reported, leaving the perpetrators unaccountable.⁸¹

Consideration should be given to introducing or strengthening existing proactive and preventive measures against political parties and organizations that resort to the use of violence against women in the campaign, including online.

⁷⁶ Article 191c of the [1995 Beijing Declaration and Platform for Action](#) provides that political parties “shall consider incorporating gender issues in their political agenda, taking measures to ensure that women can participate in the leadership of political parties on an equal basis with men”.

⁷⁷ Paragraph 51 of the Council of Europe [Group of Experts on Action against Violence against Women and Domestic Violence \(GREVIO\) 2021 General Recommendation No. 1](#) on the digital dimension of violence against women recommends States Parties to “[c]onsider reviewing any relevant legislation in place and adopt new legislation where needed to prevent, provide protection from and prosecute the digital dimension of violence against women”. Paragraph 55 of the document recommends to “increase capacity-building efforts for criminal justice and law-enforcement professionals to equip them with the necessary expertise and resources on how to use existing legal frameworks to address the digital dimension of violence against women”.

⁷⁸ The Green party and the SPD informed the ODIHR EAM of their women politicians and candidates being targeted with violence. In case of the Greens, the Federal Foreign Minister, Annalena Baerbock and the party’s former co-leader, Ricarda Lang have been among the most frequent targets of hate, misogyny, and sexist comments online. Paragraph 39 of the [2024 CEDAW Committee General Recommendation No. 40](#) recommends to “[a]dopt and enforce comprehensive legislation, including criminal legislation, and implement awareness-raising and educational measures, to prevent and eliminate all forms of gender-based violence against women and girls and provide all necessary services and access to justice for victims”.

⁷⁹ According to the [HateAid study](#), 63 per cent of women politicians in Germany are affected by violence, compared to 53 per cent of men. 68 per cent of affected women report gender-based violence such as sexism and misogyny. Almost a quarter of them have received threats of sexual violence, such as rape threats. Among male respondents, the figure was 3 per cent.

⁸⁰ The Institute for Strategic Dialogue (ISD) [report](#) on how accounts affiliated with the AfD have adopted generative AI to effectively disseminate far-right beliefs online states “[i]n the case of female politicians, the use of AI is particularly discriminatory, as it heavily capitalises on the visual magnification of weight or age-related features”. The report includes examples of AI-generated derogatory content on the former Greens co-leader Ricarda Lang and the SPD Federal Minister of the Interior, Nancy Faeser.

⁸¹ In 2024, Sawsan Chebli, an SPD politician of Palestinian descent, vocal about her struggle against online violence, won [a court case](#) against an individual addressing her with an online hate comment. In 2025, the Greens politician, Renate Künast, won [a lawsuit against Meta](#), obliging Facebook to locate and delete defamatory content, including memes containing misquotes.

XI. PARTY AND CAMPAIGN FINANCE

The main legislative framework regulating party and campaign finance is the 1994 PPA, the 1993 Act on the FCC (last amended in 2024) and the Basic Law, which provides that political parties are required to publicly account for their assets, sources of income, and expenditures. There are no specific regulations regarding campaign finance. In 2023, the Law on the Financing of Political Foundations entered into force following an FCC decision and established that a foundation may receive federal funds if the political party it is associated with has had representatives elected to the *Bundestag* for at least three consecutive legislatures, has not been excluded from state funding, and supports the free democratic order.⁸² The FMOI oversees foundations' eligibility to obtain funds. Previously, the allocation of funds was based on a more general criteria regarding the preparation of the federal budget.

The legal framework was amended in 2024, adding regulations on separate reporting of sponsorship starting with 2025, third party campaigning, and lowering the threshold for immediate donation reporting from EUR 50,000 to EUR 35,000. However, most prior ODIHR and the Council of Europe Group of States against Corruption (GRECO) recommendations regarding political finance, including those on the establishment of an independent oversight body with proper means of control, adequate staffing and appropriate expertise, imposing caps on donations, and on publication of election campaign accounts at federal level remain unaddressed.⁸³

A. INCOME AND EXPENDITURE

Political parties can be funded by state subsidies and private funding including membership fees, loans, donations from natural persons and legal entities, contributions by elected officials or income from assets.⁸⁴ Parties can set up companies or hold shares in them, but this should not represent their main source of income. Independent candidates and parties' candidates who are not members of the *Bundestag* are not obliged to disclose their incomes and expenditures.⁸⁵

The public funding is calculated on the basis of results of previous elections and in proportion to private income from parties' membership, donations of up to EUR 3,300 per person per year from natural persons or elected officials.⁸⁶ The law defines an absolute upper limit of public funding, which is indexed annually (total yearly funding) and a relative one (public funding cannot exceed the value

⁸² Following the AfD [complaint to the FCC](#) that its Desiderius Erasmus Foundation did not receive funding, in February 2023, the FCC decided that the 2019 Federal Budget Act violated the right to equal opportunities in political competition as it provided grants to political foundations "for socio-political and democratic education without this being based on a separate act of Parliament". In February 2025, the FCC [rejected the subsequent complaint](#) of the AfD for retroactive payment of some EUR 900,000 for years 2019-2021.

⁸³ See the 2019 [GRECO's Second Compliance Report](#) on Germany.

⁸⁴ The 1992 FCC [ruling](#) provided partial state funding, with a relative and upper limit. The FCC highlighted that one of the fundamentals of this system is to prevent a dependency of parties from state funding, thereby distorting democratic competition and that parties need to remain rooted in society and continue to seek private funding. In 2023, for all parliamentary parties, except the AfD, membership fees represented the highest portion of private income, ranging from 21 to 30 per cent of the total income. Donations to parties are subject to tax benefits for natural persons. The highest income was declared by the CDU, EUR 172 mil., the SPD, EUR 171 mil. and the Greens, EUR 88 mil.

⁸⁵ Specific reporting regulations are imposed only on the members of the parliament [according to the 1996 Members of the Bundestag Act](#). The ODIHR EAM interlocutors posited donations to individual candidates are not frequent as they are not subject to tax deduction.

⁸⁶ Political parties that received 0.5 per cent of valid votes in the last Federal or European elections or 1 per cent of valid votes in *Landtag* elections are eligible for public funding. Candidates obtaining 10 per cent of the valid votes cast in a district are also eligible.

of self-generated income).⁸⁷ Parties receive a yearly indexable value of 1 EUR per vote for the first four million votes and EUR 0.83 for each next vote, as well as EUR 0.45 for each Euro received from private contributions.⁸⁸ Public authorities provide facilities or access to public services for electoral purposes, including access to venues and free airtime.

There are no overall annual caps for donations, which was criticized by most ODIHR EAM interlocutors.⁸⁹ However, foreign donations are capped to EUR 1,000 unless coming from German citizens living abroad or EU citizens and companies registered in an EU Member State or over 50 per cent owned by German or EU citizens; anonymous donations are allowed up to EUR 500. The law does not define the method of verification of the admissibility of donations and several ODIHR EAM interlocutors noted that the choice of verification procedure is left to the parties' discretion. The authorities initiated a few investigations for potential violations regarding the sources of donations.⁹⁰

Political parties received higher amount of income and large donations prior to these elections. Between November 2024 and the date of elections, parties received donations over EUR 35,000 for a total amount of EUR 24 million.⁹¹ The highest donations received include EUR 999,000, EUR 1.5 million and EUR 2.3 million, all for the AfD, EUR 1.5 million for the SPD and a contribution of EUR 1 million to Volt. Some EUR 10 million were donated by companies, raising concerns of potential risk of undue influence of business over the political decisions.⁹²

As previously recommended, in order to ensure a level playing field, a cap on donations to political parties should be considered.

Parties may not receive funding from political foundations, public bodies, parliamentary groups or public law corporations, non-profit associations, and donations offered with the expectation of political or economic advantage. Several ODIHR EAM interlocutors posited that the activity of the political foundations can indirectly contribute to the promotion of parties' agendas. Additionally,

⁸⁷ According to the 2023 FCC [ruling](#) "[w]hereas the relative upper limit is aimed at ensuring that the respective party is sufficiently rooted in society and at preventing a predominant or exclusive dependence on government grants, the absolute upper limit concerns the party system as a whole and is intended to prevent a lasting loss of acceptance for this system among the population due to the impression of inappropriate self-service from public coffers". In 2018, the PPA was amended to increase the upper limit to EUR 190 mil. In 2023, the FCC [declared](#) the increase unconstitutional, stating that only a drastic change in circumstances justifies an increase, which needs to be properly substantiated. The current law justifies the increase based on increased costs for security, digitalization and participation and set retroactively the upper limit for 2018 to EUR 184 mil.

⁸⁸ In 2024, [the value was indexed](#) to EUR 1.18 per vote for the first four million votes and EUR 0.97 per vote beyond that. *Land* level organizations receive EUR 0.50 per vote for valid votes obtained in state elections. In 2024, 21 eligible parties [were entitled](#) to receive in total at most EUR 219 mil.

⁸⁹ Article 3.b.II of the [Council of Europe Recommendation Rec\(2003\)4](#) provides that "States should consider the possibility of introducing rules limiting the value of donations to political parties". Paragraph 209 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) recommends that "reasonable limits on the total amount of contributions may be imposed and the receipt of donations should be transparent".

⁹⁰ Inadmissible donations accepted by the party, including from unidentified donors or passed on by unnamed third parties are required to be transferred to the President of the *Bundestag*; otherwise, the party may receive a sanction of up to three times the unlawfully obtained amount. An [investigation by the Mühlhausen Prosecutor Office](#) regarding a potential "straw" donor (referring to a donation by a third party) donating EUR 999,990 to the AfD in January 2025 was discontinued for insufficient evidence. A [EUR 2.3 mil. in-kind donation to the AfD](#) made by an Austrian politician in February 2025 is investigated by Austrian authorities for alleged money laundering, and by the Bundestag Administration.

⁹¹ Some 70 per cent of donations were received by the CDU (EUR 7 mil.), the FDP (EUR 5.1 mil.) and the AfD (EUR 4.8 mil.). The donations are published on the [website](#) of the *Bundestag*.

⁹² Companies donated mainly to the CDU, the SPD and the FDP, while the AfD only benefited from private donors. A poll published by [Abgeordnetenwatch](#) in February 2025 illustrated that the majority of respondents consider that large donations have a strong influence on political decisions.

some interlocutors pointed out that donations by some associations can be used to obscure the identity of the contributors, who transferred their funds to the association.⁹³

The PPA regulates the possibility of third parties, natural or legal persons, to contribute through advertising measures. Amendments introduced in 2024 require those who advertise for a party to inform it of the contributions in due time, giving the party a possibility to reject the support.⁹⁴ Advertising done by a third party is considered a donation; there are no regulations requiring written approval or rejection of such contributions. Third parties are not required to register, while their contributions over EUR 35,000 are not marked distinctly when published by the *Bundestag*. While the new provisions were welcomed, some ODIHR EAM interlocutors opined that in some cases the value of the advertisement may be difficult to assess. In January, the President of the *Bundestag* opened an inquiry into whether Elon Musk's endorsement of the AfD should be considered a donation and, therefore could be a breach of the PPA.⁹⁵

Political parties can receive sponsorship from individuals or legal entities to provide promotional opportunities such as advertising stands at party events or advertising in printed materials.⁹⁶ In line with a prior ODIHR recommendation, the 2024 amendments defined sponsorship and introduced the obligation to report it separately in annual reports if the gross annual income exceeds EUR 750 for an individual or EUR 6,000 for several contributions from the same person to the same party branch.⁹⁷ While the reform increased the transparency of sponsorship, the lack of restrictions on sources of sponsorship, similar to those on sources of donations, poses the risk of undue sponsors obtaining leverage on decision-makers.⁹⁸

To further strengthen transparency of political finance, conditions for permissibility of sponsorship should be further defined.

Parties may take loans; the PPA does not impose restrictions regarding their source and upper limits and does not provide disclosure obligations about lenders, which reduces the transparency of party

⁹³ For instance, the Association “For Reason and Justice” (*BSW - Für Vernunft und Gerechtigkeit e.V.*) supported the establishment of the BSW and the “Values Union” party and continued providing donations to the parties (some EUR 1.3 mil. and EUR 200,000 respectively). While the Association was publicly disclosed as a donor, the identities of its contributors were obscured.

⁹⁴ Third party campaigning are also deemed the advertising measures which do not contain the name of a party but, due to their overall appearance, design or content, are to be regarded as advertising for a specific party and of a value exceeding EUR 500. A fine of up to EUR 100,000 may be applied for failure to declare the measure.

⁹⁵ The inquiry was initiated *ex officio* and based on complaints from citizens. The ODIHR EAM was informed that due to the potential violations of the DSA, the inquiry may involve the European Commission.

⁹⁶ Sponsorship is defined as “a contribution to support a political party, with which the sponsor pursues the promotion of its own advertising or public relations objectives in return. The amount must not be disproportionate to the consideration provided by the party”. Parties are required to declare the sponsor's name and address, value of income and type of sponsorship; written sponsorship contracts are not required.

⁹⁷ The Greens voluntarily publish the income from sponsorship on the [party's website](#).

⁹⁸ An investigation by [Abgeordnetenwatch](#) highlighted that sponsorship was previously received from foreign companies. According to the Paragraph 215 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) “[...], it would be good practice to account all sponsorships as contributions, subject to the same limitations or bans as other contributions”. In 2009, during its Third Evaluation Round, GRECO [recommended](#) Germany “to clarify the conditions under which sponsoring for the benefit of political parties is permissible, as well as the applicable legal, accounting and fiscal regime”.

financing.⁹⁹ Loans are reported in the annual report as liabilities towards financial institutions or other creditors.¹⁰⁰

Consideration should be given to introducing detailed rules regulating loans for political parties, including provisions on transparency for the loan's source and conditions.

The same legal provisions apply for campaign and political parties' expenditures, which further limits the transparency of campaign financing. While political parties are required to report on campaign expenditures separately, the form and scope of disclosure are upon internal discretion of the parties.¹⁰¹ According to some ODIHR EAM interlocutors, parties spend a high amount of income on traditional means of promotion, including outdoor campaign materials as well as on social media. Over the three months prior to the elections the main competitors spent an estimated EUR 8 million on Meta paid advertising and EUR 4.5 million on Google.¹⁰²

B. DISCLOSURE AND OVERSIGHT

Political parties are required to submit annual financial reports, audited by a certified auditor, to the President of the *Bundestag* by 30 September, with the possibility of extending the deadline by three months.¹⁰³ Reports are not accompanied by financial documents. The PPA prescribes the content of the report, which needs to comprise both the income and expenditure of local branches and at the national level. The reports are published with delay as the submission deadlines are rather lengthy and reports are made available only after being scrutinized.¹⁰⁴ The current requirements do not provide for timely public scrutiny and accountability, negatively impacting the transparency of political and campaign finance.

⁹⁹ Paragraph 210 of the [2020 ODIHR and Venice Commission Joint Guidelines on Political Party Regulation](#) stipulates the importance "that rules on transparency deal consistently with such resources, as well as with credits and debts, so as to avoid the circumvention of limits on private donations and the ensuing exercise of undue influence".

¹⁰⁰ According to the [2023](#) political parties [reports](#), liabilities to credit institutions of parliamentary parties represented EUR 87 mil., out of which EUR 34 mil. were registered by the SPD, EUR 33 mil. by the FDP and EUR 15 mil. by the CSU. Additionally, parties declared EUR 5 mil. debt to other lenders, out of which EUR 3.4 mil. was declared by the FDP.

¹⁰¹ Parties are required to report under a single line: "electoral campaigns". The 2021 campaign expenditures [reported](#) by the parliamentary parties amounted to EUR 235 mil. and, on average, represented 28 to 48 per cent of parties' annual expenditures; the most was declared by the CDU, EUR 73 mil. followed by the SPD, EUR 55 mil., and the Greens, EUR 42 mil. Paragraph 19 of the [1996 UNHRC General Comment No. 25](#) states that "Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party".

¹⁰² An estimation of political parties' expenditures of Meta Ads by [Who Targets Me](#) shows that the Greens spent EUR 2.8 mil., the FDP EUR 1.3 mil., the SPD EUR 1.1 mil., the CDU EUR 0.78 mil, the Volt EUR 0.5 mil., and the BSW and the AfD EUR 0.3 mil each. In most cases, the main party Facebook account incurred the highest expense. Through [Google ads](#), most of the expenditure was associated with the Greens (EUR 841,000) and the Volt (EUR 508,000).

¹⁰³ Parties with income of less than EUR 5,000 per year can submit an unaudited report.

¹⁰⁴ The most recent reports were [published](#) in February 2025 for the year 2023. Article 7.3 of the [2003 UN Convention Against Corruption](#) states that "each State Party shall also consider taking appropriate legislative and administrative measures [...] to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties". Paragraph 200 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) recommends that "Reports on campaign financing should be turned into proper authorities within a period of no more than 30 days after the elections [...]".

To enhance transparency and enable voters to make a fully informed choice, consideration should be given to establishing periodic, detailed, timely and transparent reporting of campaign contributions and expenditures, including timely publishing of such reports before election day.

Reports must include donations exceeding EUR 10,000 from the same contributor within a single year. The *Bundestag* promptly published donations above EUR 35,000, in line with the 2024 amendments, nonetheless some ODIHR EAM interlocutors mentioned that both donation thresholds should be further lowered as they do not provide sufficient transparency.¹⁰⁵

To increase transparency and ensure voter information, the thresholds of donations for immediate publication should be further reduced.

Oversight is performed by the President of the *Bundestag* through an administrative department, staffed with 10 employees, that scrutinizes the compliance of the annual reports and publishes them on its website, but has no investigative authority.¹⁰⁶ No specific supervision is ensured for the electoral campaign. In case of allegations of inaccuracies in the report, a further audit can be ordered in agreement with the party. The limited capacity of the department and its lack of investigative powers, as well as in regard to its independence from the *Bundestag* do not ensure effective oversight.¹⁰⁷

In line with international standards, the legal framework should be amended to set up an independent campaign finance oversight body, with sufficient human resources, funding and investigative mechanisms.

The *Bundestag* President is required to report on political parties' finance to the *Bundestag* every two years and to prepare an overview of parties' income and expenditure on annual basis. These reports are published with significant delays, reducing access to information. The last report was published in 2021, covering the 2015-2019 period, while ODIHR EAM was informed by the President's Administration that the next report will be presented to the new *Bundestag*.

Fines can be imposed by the President of the *Bundestag* for violations of the PPA, including inaccuracies in the reports, failure to submit annual reports, undeclared incomes from impermissible sources or breach of regulations on advertisement measures.¹⁰⁸ Criminal sanctions can be applied, including for auditors' incorrect reporting or concealing financial information. Parties lose access to public funding in case of failure to submit the financial reports on time, and can be banned by the FCC from state funding for six years if acting against constitutional principles.¹⁰⁹ No sanctions are in place for cash payments over EUR 1,000 or undeclared income over EUR 35,000 subject to immediate publication, which limits the efficiency of legal enforcement.

¹⁰⁵ Article 3 (a) of the [Council of Europe Recommendation Rec\(2003\)4](#) requires that states have to take measures to "ensure transparency of donations and avoid secret donations". See paragraphs 213 and 214 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#). An independent organization, [LobbyControl](#), developed a database containing data on political finance.

¹⁰⁶ While there is no legal mechanism to file complaints, the unit receives information from media and can collaborate with law enforcement or financial investigation institutions.

¹⁰⁷ Article 14 (a) of the [Council of Europe Recommendation Rec\(2003\)4](#) indicates that "a. States should provide for independent monitoring in respect of the funding of political parties and electoral campaigns.". The issue of bias was [previously raised](#) by the President of the *Bundestag* stating that "this problem can seriously affect the acceptance of the legal decisions to be made by both those affected and the public".

¹⁰⁸ For sanctions, the President of the *Bundestag* can issue administrative orders that can be contested in court.

¹⁰⁹ In January 2024, the FCC [ruled](#) to exclude *Die Heimat* party from state funding for six years of anti-constitutional behaviour.

XII. MEDIA

A. MEDIA ENVIRONMENT

Germany has a diverse and pluralistic media environment. Online media, including social media, are the first source of information, followed by television. Regional and local media outlets rely on limited advertising markets, while at the same time facing a strong competition from regional public broadcasters, which share their articles and audio-visual content online.¹¹⁰

According to most ODIHR EAM interlocutors, public broadcasters are the most trusted sources of information, although at times criticized for their alleged political bias. A comprehensive reform of the public media sector is underway, encompassing a reduction in the number of radio and TV services, stronger co-operation with private media, as well as cuts in financing.¹¹¹ Right-wing nationalist groups and the AfD, have been calling for the dismantling of the public broadcasters.¹¹²

The law prescribes transparency of ownership structure and provides for sufficient safeguards against cross-ownership.¹¹³ Yet, the public broadcasters and three media groups together account for some 75 per cent of the audience shares, allowing for significant influence on public opinion.¹¹⁴ During the campaign, several ODIHR EAM interlocutors raised concerns over perceived influence and political affiliation of the owner on some articles released by the daily *Bild* and the weekly *die Welt am Sonntag*, both belonging to the group Axel Springer.¹¹⁵ The so-called protection of tendency (*Tendenzschutz*), provided for in the Basic Law, aims to shield newspapers and magazine publishers from undue interference with their editorial policies, ensuring they can maintain a consistent ideological or political stance or their desired “tendency”.

Hostility towards media is increasing, resulting at times in self-censorship or journalists’ resignations from work.¹¹⁶ Several media houses provide security details or protocols to journalists covering demonstrations of the far-right and the AfD.¹¹⁷ Intimidation of journalists and media is frequent, including strategic lawsuits against public participation (SLAPPs), cyberattacks and the publication

¹¹⁰ Public broadcasters include the Consortium of public broadcasters in Germany (ARD) and *Zweites Deutsches Fernsehen* (ZDF). A nationwide TV channel, nine regional public broadcasters, as well as several digital and international channels operate under the aegis of the ARD.

¹¹¹ On 12 December 2024, the heads of governments of the federal states [adopted](#) the State Treaty on the Reform of Public Service Broadcasting. The increase of the broadcasting fee was postponed until 2027, raising the broadcasters’ concerns over insufficient funding. The broadcasting fee currently amounts to EUR 18.36.

¹¹² The AfD called for dismantling public broadcasters in its party [programme](#) and in a [public statement](#).

¹¹³ The Interstate Media Treaty outlines conditions for licence application, including provisions against dominant position. Detailed information on media ownership is available in commercial registers and on the Commission for Concentration Control in the Media ([KEK](#)) website.

¹¹⁴ This includes public TV ARD, ZDF, and private RTL Group (Bertelsmann), ProSieben, Sat1, and Axel Springer.

¹¹⁵ *Bild* is overall perceived by some interlocutors as supporting the CDU; while the independence of *die Welt am Sonntag* was questioned by most ODIHR EAM interlocutors after it published Elon Musk’s [opinion piece](#) supporting the AfD. The Elon’s Musk article met strong internal criticism among editors, with some 50 *die Welt* journalists asking the editorial leadership not to publish it, citing concerns about its incompatibility with the newspaper’s editorial standards and its potential harm to its reputation. Following the publication of Musk’s piece, the editor of the opinion section of *die Welt* submitted her resignation in protest.

¹¹⁶ According to the latest [study](#) by the European Centre for Press Freedom and Freedom of Expression, there were 69 verified cases of physical attacks on media professionals in 2023, 13 more than in 2022. In 2022, an alliance of journalists, womens’ organizations, media unions and advisory institutions created the voluntary and non-binding [Code of Protection](#) (*Schutzkodex*) to provide legal and psychological support to journalists.

¹¹⁷ Freelance journalists informed the ODIHR EAM not only about challenges to their personal safety but also about being denied access to some AfD events.

of personal information, so-called doxing.¹¹⁸ Several ODIHR EAM interlocutors opined that the risk of doxing, stalking or even physical violence is exacerbated by the easy access to private addresses through the registration authorities.¹¹⁹ The ODIHR EAM was informed that freelancers and journalists in remote areas are disproportionately affected by intimidation attempts. According to many ODIHR EAM interlocutors, police co-operation with media has generally improved, including regarding the protection of journalists during demonstrations, as well as swift and adequate court answers in case of legal intimidation.¹²⁰

Measures should be put in place to deter the abuse of strategic lawsuits against the media. Authorities should reinforce protection of journalists from threats and intimidation, including by strengthening the protection of journalists' personal data.

B. LEGAL FRAMEWORK

Although the legal framework provides for freedom of expression and the media, some provisions remain at odds with international standards.¹²¹ Defamation remains criminalised despite previous ODIHR recommendations, punishable with up to two years of imprisonment.¹²² Defamation targeting “persons from the political arena” is punishable with up to five years imprisonment.¹²³ Politicians frequently file defamation cases, although no prison sentence was imposed recently.¹²⁴

In order to effectively guarantee freedom of expression, legislation should be amended to decriminalize defamation, and review civil sanctions for defamation to ensure a proportionate and reasonable remedy.

The legal framework provides sound guarantees for independent media and oversight. The 2020 Interstate Media Treaty (MStV) set up requirements for public and private broadcasters on, among others, respect for journalistic standards, licensing, advertising, supervisory bodies, and ownership. The legal framework further includes EU, national and state laws, as well as the FCC jurisprudence.¹²⁵

Some ODIHR EAM interlocutors shared their concerns about the overly broad, not legally binding definition of antisemitism adopted by the Federal Government that could potentially classify peaceful protests against policies of the state of Israel and calls to boycott Israeli products as

¹¹⁸ On election day, a cyberattack blocked the *Tageszeitung* website for two hours.

¹¹⁹ The [Federal Registration Act](#) authorises ban on release of private information in case it “may incur a risk to life, health, personal freedom or similar interests worthy of protection,” or to ensure protection “against threats, insults and unauthorised re-enactments”. However, some journalists who have covered extreme-right demonstrations informed the ODIHR EAM that the release by default of their private address and the cumbersome procedures to obtain the ban on it heightened the risks of violence against them based on their work.

¹²⁰ Nonetheless, the ODIHR EAM interlocutors mentioned that training and practices applied on the ground for protection of journalists in demonstrations vary between *Länder* and at times even between police stations.

¹²¹ Freedom of expression is enshrined in the [Basic Law](#), that also guarantees freedom of the press and freedom of reporting, and prohibits censure.

¹²² Paragraph 47 of the [2011 UNHRC General Comment No. 34](#) states that “States parties should consider the decriminalization of defamation in any case, [...] and imprisonment is never an appropriate penalty”.

¹²³ Paragraph 38 of the [2011 UNHRC General Comment No. 34](#) states that “laws should not provide for more severe penalties solely on the basis of the identity of the person that may have been impugned”.

¹²⁴ In the 2021-2025 legislative period, media [reported](#) some 1,500 defamation and threats cases filed by federal ministers. Robert Habeck, then Federal Minister of Economy of the Greens party, [reported](#) over 800 such criminal cases.

¹²⁵ Respectively: General Data Protection Regulation (GDPR), the German DSA, the Interstate Treaty on the Protection of Human Dignity and Minors, state press and broadcasting laws.

antisemitic.¹²⁶ In their opinion, this definition, supplemented by two recent non-binding *Bundestag* resolutions aimed at curbing antisemitism, could prohibit public funding, restrict access to venues, or lead to the termination of employment in educational and scientific institutions for people who engage in such activities, resulting in self-censorship among academical and media workers.¹²⁷

The legislation on access to information of federal authorities is scattered and does not outline specific public documents to be pro-actively disclosed, adversely impacting transparency.¹²⁸ Most ODIHR EAM interlocutors reported lack of homogeneous practices among institutions when requesting information.¹²⁹ The fees requested for the inspection or copy of official documents are at times prohibitive for independent journalists.¹³⁰ Most election-related information was regularly shared in a timely manner by the FRO and the FMOI; nevertheless, the election-dispute resolution decisions are not published in a timely manner, and disclosure of political parties' annual finance reports lacks transparency, contrary to international standards against corruption.¹³¹

To effectively respond to the right of access to information and facilitate voters' informed choice, a revision of legal provisions on timelines for publication of institutional information of public interest and the procedures to request information should be considered. Access to such information should be provided in an easy, prompt, effective and practical manner, facilitating a wide range of inquiries.

Public broadcasters are supervised by their internal broadcasting councils, while 14 independent regional media oversight bodies (*Landesmedienanstalten*) oversee private broadcasters and online media not committed to self-regulation mechanisms.¹³² Although some ODIHR EAM interlocutors reported attempts of political control over public broadcasters, the overall legal framework provides strong safeguards against political interference.¹³³ The Press Council (*Presserat*), the self-regulatory body for print and online media that voluntarily committed to the Press Code, was criticised by some

¹²⁶ The German Federal Government uses the International Holocaust Remembrance Alliance (IHRA) [definition](#) of antisemitism which states that "Antisemitism is a certain perception of Jews who can express themselves as hatred towards Jews. Anti-Semitism is directed in word or deed against Jewish or non-Jewish individuals and/or their property, as well as against Jewish community institutions or religious institutions. Furthermore, the state of Israel, which is understood as a Jewish collective, can also be the target of such attacks".

¹²⁷ See [Bundestag Circular 20/13627](#) "Never again is now – protecting, preserving and strengthening Jewish life in Germany," passed on 7 November 2024; [Bundestag Circular 20/14703](#) "Resolutely Opposing Anti-Semitism and Hostility Towards Israel in Schools and Universities and Securing Free Discourse", passed on 29 January 2025. These resolutions were criticized by national and international human rights defenders and freedom of expression watchdogs as "[restricting the right to expression and protest](#)" of demonstrators, academics, civil society, and artists.

¹²⁸ The freedom of information is recognised by the Freedom of Information Act (FoAI), the Environmental Information Act (UIG), the Consumer Information Act, and other laws. Paragraph 19 of the [2011 UNHRC General Comment No. 34](#) states: "States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information".

¹²⁹ The ODIHR EAM interlocutors noted challenges in accessing information held by the BfV and the Federal Intelligence Service (*Bundesnachrichtendienst* – BND), highlighting issues with transparency in German intelligence agencies.

¹³⁰ The [Information Fees Ordinance](#) (IFGGebV) stipulates that the authorities may apply fees of up to EUR 500 for the requested information or for the exclusion of protected data.

¹³¹ The [2004 UN Convention against Corruption](#), art. 7(3): "Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties".

¹³² These are the *Rundfunkrat* for public broadcasters under the ARD umbrella, and the *Fernsehrat* for ZDF.

¹³³ For instance, in November 2024, the public broadcaster in Berlin Brandenburg (RBB) filed a complaint to the FCC against the new MStV, positing it infringes the freedom to broadcast.

ODIHR EAM interlocutors for not providing timely remedy.¹³⁴ While observance of the Press Code remains high, ODIHR EAM interlocutors noted that the different types of sanctions, including the so-called reprimands (*Rügen*), bore only little effect on clickbait and partisan media.

C. MEDIA COVERAGE OF THE CAMPAIGN

The MStV obliges nationwide broadcasters to ensure diversity of opinions and requires that parties with a candidates' list in at least one *Land* be granted an "appropriate" amount of airtime by all broadcasters. It allows for parties to broadcast their own recorded messages on public and private broadcasters, free of charge.¹³⁵ Pursuant to the FCC decision, the coverage of the campaign by public broadcasters is governed by the principle of graduated equal opportunity (*abgestufte Chancengleichheit*) between parties.¹³⁶ Nationwide commercial TV channels also adhered to the principle. It allowed for voters to receive information on contestants across the political spectrum. Paid political advertising is prohibited on radio and television.

Newspapers, online outlets, as well as public and private broadcasters extensively covered the campaign through various formats, including nine nationwide TV debates, portraits, interviews, talk shows, providing for a meaningful opportunity for voters to form a well-informed opinion. Most debates on nationwide TV channels brought together candidates of the four leading parties: the CDU, the AfD, the SPD, and the Greens, which triggered criticism from uninvited parties. The BSW and the Left won their legal cases against the regional public broadcaster in Baden-Württemberg, arguing that being excluded from a TV debate infringed their equal opportunity to participate.¹³⁷ BSW complaint for not being invited to the ARD townhall debate was dismissed by the FCC.¹³⁸

XIII. ELECTORAL DISPUTE RESOLUTION

Provisions regulating electoral dispute resolution are defined in the Basic Law, the FEA and the Law on Scrutiny of Elections. During the pre-electoral period, complaints on voter registration and refusal to issue ballot papers for early voting may be submitted to the local authorities and those on registration of candidates and party lists can be submitted to CECs and LECs respectively.¹³⁹ The FEC decisions denying registration of parties and associations as contestants to the *Bundestag* elections can be appealed to the FCC within four days. One such complaint was filed to the FCC and rejected on formal grounds.¹⁴⁰ The adjudicating bodies enjoy a high level of public trust.

During election day, EBs can decide on issues such as the validity of the cast votes, procedural issues which occur during the voting process and on disputes in determining the election result at polling station level, while the CECs can review their decisions. Issues which occur during the voting process

¹³⁴ The Complaint Commission of the Press Council meets four times a year only.

¹³⁵ See Media authorities [guidelines](#) on election broadcasting times in nationwide private broadcasters.

¹³⁶ In practice, media houses decide on the airtime of parties based on previous election results and opinion polls. In this manner, nationwide public broadcasters divided political parties in several groups. Parties within each group were granted equivalent airtime, proportional to their political representation and electoral support.

¹³⁷ The Higher Administrative Court of Baden-Württemberg ruled in their favour on 30 January 2025, and the two parties were allowed to participate in the debate.

¹³⁸ See the FCC [decision](#) from 17 February 2025, stating that the party did not demonstrate how the lack of invitation to the townhall infringed its equal opportunities.

¹³⁹ Appeals for voter registration and the issuance of ballots for early voting are submitted to the district returning officers, and decisions of CECs and LECs regarding candidate and list nominations can be appealed to their respective higher-level committees, the LEC and the FEC respectively.

¹⁴⁰ The FCC [rejected](#) on formal grounds the complaint of *Volksstimmen-Partei-Deutschland* against the non-recognition as a party by the FEC and for shortening the deadlines for raising supporting signatures.

are noted in the EB protocols to be processed by the higher-level electoral administration, which can submit complaints to the *Bundestag* or use the information to improve the management of the next elections.¹⁴¹ Complaints regarding breaches of electoral rights, the validity of elections and their administration can be filed up to two months after election day.¹⁴² Complaints are investigated by the parliamentary Committee for the Scrutiny of Elections.¹⁴³ A few ODIHR EAM interlocutors pointed at the potential conflict of interests in parliamentarians deciding upon the validity of their own mandate.

Complaints addressed to the Committee are dealt with by a secretariat composed of four members that can receive additional staff depending on the volume of work¹⁴⁴, while each case is assigned to a rapporteur designated from among the members of the *Bundestag* sitting on the Committee.¹⁴⁵ Decisions are debated in closed meetings, submitted to the *Bundestag* to vote by a simple majority, and subsequently published.¹⁴⁶ The agenda of the meetings was published on the website of the *Bundestag*, while their minutes were not publicly available, limiting transparency.

The decisions of the *Bundestag* can be appealed to the FCC within two months.¹⁴⁷ If the *Bundestag* or the FCC conclude that the composition of the parliament was affected by a breach of electoral rights or an error, a repeat election can be ordered. If there are no such effects, the violations are merely acknowledged with no legal consequences and can be used as grounds for a legal reform.¹⁴⁸ On 10 March, BSW filed a complaint to the FCC, requesting a recount of votes.¹⁴⁹ The FCC found the complaint inadmissible referring the BSW to the Committee for the Scrutiny of Elections; the case was pending at the time of compilation of this report.

There are no deadlines for the resolution of post-election complaints at the *Bundestag* or FCC level. The ODIHR EAM was informed that an investigation could take between six months and one year;

¹⁴¹ Article 2.3 of 1966 [ICCPR](#) enshrines that states must take measures “(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity”. The [1990 OSCE Copenhagen Document](#) states in paragraph 5.10 that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”. Article 13 of the [1950 European Convention on Human Rights](#) (ECHR) highlights that “everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity”.

¹⁴² Elections can be cancelled for certain constituencies if errors impact the allocation of the mandates. *Länder* Returning Officers, the FRO and the President of the *Bundestag* can file a complaint in their official capacities.
¹⁴³ The Committee is composed of nine ordinary members, nine deputies and one permanent advisory member from each parliamentary party not represented by ordinary members.

¹⁴⁴ The ODIHR EAM was informed that shortly after the elections, the Secretariat of the Committee received additional staff and is now composed of six permanent and two seconded additional members.

¹⁴⁵ The Committee can collect additional information pertinent to the complaints from the FMoI, the FRO or *Land* level officials. Complainants are notified about the additional documentation and have right to respond. The ODIHR EAM was informed that although oral hearings are allowed, they rarely take place.

¹⁴⁶ The decisions of the Committee [are also published in batches as they are approved](#). Over the mandate of the former Committee for Scrutiny of Elections only two meetings were public. The Committee meets in the sitting weeks of the *Bundestag*, which can be two weeks per month.

¹⁴⁷ The appeals can be filed by an MP whose seat is disputed, by a voter or group of voters whose objections were rejected by the *Bundestag*, by a parliamentary group or by a minority of at least one tenth of members of the *Bundestag*.

¹⁴⁸ In December 2023, the FCC [declared](#) for the first time that elections were partially invalid, citing electoral errors and ordering repeat elections in 455 out of 2,256 polling districts and the affiliated postal ballot districts; the new elections were held on 11 February 2024. In 2022, the Berlin CC annulled the elections for the *Landtag* and the district assemblies, which were rerun in 2023.

¹⁴⁹ BSW was some 13,400 votes (0.02 per cent) short of passing the 5 per cent threshold.

the FCC would decide upon the appeal by the second year after the complaint was submitted. The lack of clear deadlines does not ensure effective remedy, contrary to international standards.¹⁵⁰

To ensure effective remedies are available during elections, it is recommended to further enhance the election dispute resolution processes. This includes introducing the possibility of judicial review with public hearing at all stages of the electoral process and establishing timely deadlines for filing and adjudicating such appeals.

Pursuant to the DSA, complaints regarding online platforms can be submitted by users, organizations or institutions to the German DSC - the Federal Network Agency (*Bundesnetzagentur*).¹⁵¹ The DSC can initiate investigations, issue administrative orders and apply sanctions; it also acts as the central complaints office with the possibility to redirect a complaint to other institutions designated by law. Users can report illegal content directly to the platforms and an out-of-court settlement procedure is also available if the decisions of the platform's internal compliance systems are contested; users can also use the court system for complaints.¹⁵² A few ODIHR EAM interlocutors noted that the process to submit complaints is not well known to the public and stakeholders, while most complaints on systemic violations are filed by civil society organizations.

Complaints on breaches of personal data and violations of DSA provisions banning the display of profile-based advertising to minors and the display of advertising to adults if special categories of personal data are used can be submitted to the Federal Commissioner for Data Protection and Freedom of Information, which received no election related complaints for these elections. Complaints on online illegal behaviour, including hate motivated crimes or extremist speech can be filed with the Federal Police. Service providers are required to report threats to the life or safety of a person that has been, is being or may be committed to the Federal Criminal Police.¹⁵³

XIV. ELECTION OBSERVATION

The election legislation stipulates that polling shall be public. Members of the public, including non-citizens, are granted access to most stages of the process, except tabulation of results. The returning officers of *Länder* where the ODIHR EAM observed, issued instructions to polling staff on how to deal with election observers. The ODIHR EAM was granted full access to all stages of the electoral

¹⁵⁰ Article 8 of the [Universal Declaration of Human Rights](#) provides that “[e]veryone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law”. See also article 2.3 of 1966 [ICCPR](#) and article 13 of the [ECHR](#). 2002 [Venice Commission Code of Good Practice in Electoral Matters](#) paragraph II. 3.3.g. states that “[t]ime-limits for lodging and deciding appeals must be short (three to five days for each at first instance)”.

¹⁵¹ A Digital Services Coordination Unit was set up for enforcing and monitoring the DSA. Complaints can be submitted [through a centralized](#) portal for issues including difficulties in reporting illegal content to online providers, the failure of providers to perform their role including deleting illegal content or lack of transparency on advertising. In case of providers based in other EU countries, the DSC forwards the complaints to respective DSCs (mostly to Ireland) or to the European Commissions. If providers based in Germany regularly and systematically violate the rules, the DSC can apply fines of up to 6 per cent of their annual turnover; no fines have been applied so far. The DSC cannot delete any content or order its deletion.

¹⁵² In Germany, the DSC authorized User Rights GmbH for out-of-court settlements. However, there are five other bodies [authorized](#) in the EU and users can submit a complaint to any of those.

¹⁵³ During the [approval of the law](#), the Federal Council pointed out that the provision to enforce Article 18 of the DSA is a “regulatory regression” as crimes against public order are not specifically mentioned. Additionally, it stated that “there is no clear, sanction-backed, time-bound statutory obligation for platform operators to delete reported illegal content”.

process. However, neither the legislation nor the FMOI Guidelines make specific provision for international and citizen election observation, contrary to the OSCE commitments.¹⁵⁴

As previously recommended, consideration should be given to amending the legislation to explicitly guarantee the access of citizen and international observers to all stages of the electoral process, in line with international commitments.

There are no specific legal regulations governing the access of media to follow the preparations for the elections, and election-day procedures in polling stations. Returning officers at *Länder* level informed that media have the right to be present at postal voting centres and in polling stations but filming and recording require permission from the district returning officers. Nonetheless, the absence of formal regulation on media access may hamper its ability to cover the elections.¹⁵⁵

XV. ELECTION DAY

In line with the ODIHR methodology, the ODIHR EAM did not conduct a comprehensive and systematic observation of election day proceedings. Mission members observed election day procedures in a limited number of polling stations in Berlin, Oranienburg, and Potsdam.

Voters could cast their vote in some 65,000 polling stations between 08:00 and 18:00 hrs. Voters who for health or other reasons were unable to go and vote in person could request a postal ballot until 15:00 hrs. They were entitled to appoint a person of choice based on the power of attorney to pick up the ballot and return the vote to a postal counting centre. The law provides for the set-up of mobile and special polling stations on election day in places of voters' temporary stay such as hospitals, prisons and detention centres, but these voting methods have now largely been replaced by postal voting.

In polling stations observed by the ODIHR EAM, voting proceeded in an orderly manner without major incidents and voters were aware of the procedures apart from isolated cases of breaches to the secrecy of vote when voters folded their ballot the wrong way around.¹⁵⁶

The Federal Election Regulations issued by the FMOI prescribe a procedure whereby the identity of the voters and their presence on the voter list for the polling station are only checked after the voter has marked the ballot. This procedure was not uniformly followed; while it was applied in polling stations observed in Berlin, in polling stations observed in the *Land* of Brandenburg voters were given a ballot after having been checked to be on the voter list.

The Federal Election Regulation should be amended to instruct electoral boards to check the ID and verify the presence of the voters' name in the voter list prior to issuing them the ballot.

On election day, the ODIHR EAM observed instances of persons with physical disabilities who had been assigned to a polling station labelled as non-accessible for independent access being turned away

¹⁵⁴ Paragraph 8 of the [1990 OSCE Copenhagen Document](#) states that “The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place”.

¹⁵⁵ The [Basic Law](#) provides that “[f]reedom of the press and freedom of reporting by means of broadcasts and films shall be guaranteed”.

¹⁵⁶ The only [registered incident](#) was of an individual in North Rhine Westphalia threatening a polling board with a knife; there were also a few protests.

and redirected to the postal voting counting centre to vote. Voters requiring assistance could ask a fellow voter or the chairperson of the EB to assist them in voting. The provision that entitles the EB chairperson to assist voters requesting assistance may potentially be in breach of the secrecy of the vote and of the best practice since the same person should, as a rule, not assist multiple voters.¹⁵⁷ There is no legal provision for assisted voting in postal voting centres. The Federal Association for the Blind and Visually Impaired produced and made available some 40,000 *Braille* ballot guides to visually impaired voters upon request both in polling stations on election day, and in postal voting centres prior to election day.

Provisions for assisted voting should be reconsidered to exclude that the same person assists multiple voters. The right to assisted voting should be extended to voting in postal voting centres.

The ODIHR EAM observed a dozen PVCs, located in Berlin and Brandenburg. The observed PVCs all had the attributes of regular polling stations including registration tables, screens and booths allowing for secret voting and ballot boxes. Yet, the physical set-up and voting processes in these centres are not regulated in the same detail as in regular polling stations. Hence the applied practices varied. In some PVCs, the municipality assigned an official to supervise compliance with the secrecy of the vote or to control the queue, in others not. While generally noting a well-organized and orderly process, in a few PVCs the ODIHR EAM observed breaches to the secrecy of the vote caused by a problematic set-up of the PVC or voters' lack of understanding of procedures, such as group voting and photo-taking of the vote.¹⁵⁸

The existing regulatory framework and its practical implementation would benefit from further review to ensure the secrecy of vote in postal voting centres.

The ODIHR EAM observed the counting of the postal votes in a counting centre in Berlin-Charlottenburg and the closing and counting of votes in a few polling stations in Berlin where the processes were conducted in an expedient and professional manner, in line with established procedures. Polling station staff had no difficulties in completing the results protocols. The results were transmitted to the constituency returning office by phone.

The FRO promptly released preliminary results on election night. The final results were certified on 14 March and published on the FRO website in full breakdown by *Land* and constituency. However, no disaggregated voting results per polling station were published, detracting from transparency. Final voter turnout was 82.5 per cent; the highest in federal parliamentary elections since Germany's reunification in 1990.

To further enhance transparency and safeguard the integrity of election results, preliminary and final election results should be published disaggregated by polling station.

XVI. RECOMMENDATIONS

These recommendations contained throughout the text are offered with a view to enhancing the conduct of elections in Germany and bringing them fully in line with OSCE commitments and other

¹⁵⁷ According to the Article 29 a. (iii) of the [2006 UN Convention on the Rights of Persons with Disabilities](#) the States Parties shall guarantee “the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice”.

¹⁵⁸ The Explanatory Report to paragraph 4 of the [2002 Venice Commission Code of Good Practice in Electoral Matters](#) provides that “[s]ecrecy must apply to the entire procedure”.

international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that remain to be addressed.¹⁵⁹ The ODIHR stands ready to assist the authorities to further improve the electoral process and in following-up on the recommendations contained in this and previous reports.

A. PRIORITY RECOMMENDATIONS

1. A comprehensive legislative reform should be undertaken to implement outstanding ODIHR recommendations and further align the legal framework with OSCE commitments, international standards, and good practice. Such a revision should be done through an open consultative procedure in advance of the next elections, providing sufficient time for an effective implementation.
2. In line with international standards and OSCE commitments and to ensure equal representation of women, authorities should consider putting in place effective temporary special measures, such as legislative gender quotas and gender-targeted party funding.
3. Authorities should proactively address all forms of electoral violence and provide effective remedies. Citizens should be informed about their rights and available remedies to curb the electoral violence.
4. In order to effectively guarantee freedom of expression, legislation should be amended to decriminalize defamation, and review civil sanctions for defamation to ensure a proportionate and reasonable remedy.
5. To ensure effective remedies are available during elections, it is recommended to further enhance the election dispute resolution processes. This includes introducing the possibility of judicial review with public hearing at all stages of the electoral process and establishing timely deadlines for filing and adjudicating such appeals.
6. In line with international standards, the legal framework should be amended to set up an independent campaign finance oversight body, with sufficient human resources, funding and investigative mechanisms.
7. To enhance transparency and enable voters to make a fully informed choice, consideration should be given to establishing periodic, detailed, timely and transparent reporting of campaign contributions and expenditures, including timely publishing of such reports before election day.
8. To further enhance transparency and safeguard the integrity of election results, preliminary and final election results should be published disaggregated by polling station.

¹⁵⁹ According to paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. The follow-up of prior recommendations is assessed by the ODIHR EETs as follows: recommendation 5 the final report of the [2021 federal elections](#) is fully implemented. Recommendations 1 and 2 from the final report of the [2017 federal elections](#), and recommendations 7 and 8 of the 2021 federal elections are partially implemented. See also the [ODIHR Electoral Recommendations Database](#).

9. As previously recommended, consideration should be given to amending the legislation to explicitly guarantee the access of citizen and international observers to all stages of the electoral process, in line with international commitments.

B. OTHER RECOMMENDATIONS

Election Administration

10. To support the development of targeted strategies for enhancing women's participation, disaggregated data on gender representation in the election administration should be collected and published in a comprehensive manner.
11. To enhance transparency, the election administration at all levels should hold public sessions, and publish the draft agendas and minutes of relevant sessions, while duly respecting applicable data privacy legislation.
12. Consideration could be given to provide voters with the opportunity to return their ballots within timelines that ensure their votes are received and counted.
13. The Federal Election Regulation should be amended to instruct electoral boards to check the ID and verify the presence of the voters' name in the voter list prior to issuing them the ballot.
14. Provisions for assisted voting should be reconsidered to exclude that the same person assists multiple voters. The right to assisted voting should be extended to voting in postal voting centres.
15. The existing regulatory framework and its practical implementation would benefit from further review to ensure the secrecy of vote in postal voting centres.

Party and Candidate Registration

16. In line with international good practice, law and practice should ensure the meaningful possibility for corrections of omissions of erroneous information in signature collection process.
17. To further promote pluralism in the electoral process and freedom of association, consideration should be given to removing the restriction against signing in support of more than one electoral list and more than one election candidate.

Campaign Environment

18. To raise awareness among relevant stakeholders on available mechanisms and to address disinformation and manipulative content, capacities of Digital Services Coordinator should be enhanced.

Electoral participation of women

19. Political parties should consider strengthening their efforts to foster inclusivity, including by adopting binding policies to place women in leading positions on candidate lists and integrating gender considerations into their policy proposals.
20. Consideration should be given to introducing or strengthening existing proactive and preventive measures against political parties and organizations that resort to the use of violence against women in the campaign, including online.

Party and Campaign Finance

21. As previously recommended, in order to ensure a level playing field, a cap on donations to political parties should be considered.
22. To further strengthen transparency of political finance, conditions for permissibility of sponsorship should be further defined.
23. Consideration should be given to introducing detailed rules regulating loans for political parties, including provisions on transparency for the loan's source and conditions.
24. To increase transparency and ensure voter information, the thresholds of donations for immediate publication should be further reduced.

Media

25. Measures should be put in place to deter the abuse of strategic lawsuits against the media. Authorities should reinforce protection of journalists from threats and intimidation, including by strengthening the protection of journalists' personal data.
26. To effectively respond to the right of access to information and facilitate voters' informed choice, a revision of legal provisions on timelines for publication of institutional information of public interest and the procedures to request information should be considered. Access to such information should be provided in an easy, prompt, effective and practical manner, facilitating a wide range of inquiries.

ANNEX: FINAL RESULTS

ELECTION RESULTS

	First vote		Second vote		
	Number of votes	Per cent	Number of votes	Per cent	
Eligible voters	60.510.631		60.510.631		
Turnout	49.928.653	82.5	49.928.653	82.5	
Invalid	423.264	0.8	279.141	0.6	
Valid	49.505.389	99.2	49.649.512	99.4	
Distribution of votes					
	First vote		Second vote		Number of seats in the <i>Bundestag</i> *
	Number of votes	Per cent	Number of votes	Per cent	
CDU (Christian Democratic Union)	12.604.184	25.5	11.196.374	22.6	164
AfD (Alternative for Germany)	10.177.318	20.6	10.328.780	20.8	152
SPD (Social Democratic Party)	9.936.433	20.1	8.149.124	16.4	120
The Greens	5.443.393	11.0	5.762.380	11.6	85
The Left	3.933.297	7.9	4.356.532	8.8	64
CSU (Christian Social Union of Bavaria)	3.272.064	6.6	2.964.028	6.0	44
SSW (South Schleswig Voters' Association)	58.779	0.1	76.138	0.2	1

*) Of the 630 members elected to the *Bundestag*, 426 were men (67.6 per cent) and 204 women (32.4 per cent).¹⁶⁰

ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas, including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance and non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).