



Office for Democratic Institutions and Human Rights

FEDERAL REPUBLIC OF GERMANY
ELECTIONS TO THE FEDERAL PARLIAMENT
(BUNDESTAG)
26 September 2021

ODIHR Election Expert Team
Final Report



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**FEDERAL REPUBLIC OF GERMANY
PARLIAMENTARY ELECTIONS
26 September 2021**

ODIHR Election Expert Team Final Report¹

I. EXECUTIVE SUMMARY

Following an invitation from the Permanent Mission of the Federal Republic of Germany to observe the 26 September 2021 elections to the Federal Parliament (*Bundestag*), and based on the conclusions of the Needs Assessment Mission (NAM) undertaken between 2 and 5 June 2021, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Expert Team (EET). The ODIHR EET, based in Berlin, was deployed between 14 and 30 September 2021 and consisted of four experts drawn from three OSCE participating States.

On 20 December 2020, the Federal President called for the elections to the *Bundestag* to be held on 26 September 2021. A total of 47 parties and 197 independent candidates contested the elections. Members of the *Bundestag* are elected for a four-year term through a mixed electoral system with seats allocated through a combination of majoritarian and proportional contests. Overhang mandates (*Überhangmandate*) are allocated if a party wins more direct mandates through the majoritarian system in a federal state than it would be entitled to according to the proportional votes in this federal state. Since this in practice tends to render more seats to bigger parties, an additional new system of compensatory mandates (*Ausgleichsmandate*) was introduced ahead of the 2013 elections to increase the representation of smaller parties. In the new parliament, 137 seats were allocated through these methods, an increase from the previous term by 26 seats. The Federal Electoral Act (FEA) has been amended to reduce the number of constituencies with an aim to limit the continuous increase of parliamentary seats, this will take effect ahead of the next *Bundestag* elections,

These elections were the first in which the outgoing chancellor, Angela Merkel, did not participate since she was elected to the role in 2005. The COVID-19 pandemic and its social and economic consequences were the dominant themes in public debates ahead of the elections.

The legal framework is robust and constitutes a solid basis for the conduct of genuine democratic elections. The FEA was amended before these elections to permit citizens under custodianship to vote, to reduce the signature requirements for the registration of candidate lists and to modify the method for distributing additional parliamentary seats.

The elections are administered by a four-tiered structure, composed of the Federal Electoral Committee (FEC), 16 *Länder* Electoral Committees (LECs), 299 single-mandate Constituency Electoral Committees (CECs) and some 88,000 Election Boards (EBs). LECs and CECs are chaired by returning officers and EBs are chaired by electoral officers. Tabulation and transmission of results are conducted in accordance with information security protocols established by the election administration and the system was tested prior to the elections. The election was generally well organized, and the election administration enjoyed stakeholder confidence notwithstanding the procedural issues reported and observed in Berlin.

More than 47 per cent of voters cast their ballots by mail, an increase from 28.7 per cent in 2017. In order to be counted, postal ballots were required to have arrived to the respective municipality by the end of election day. Overall, the postal voting system contains sufficient safeguards against fraud, and enjoys confidence among the majority of the ODIHR EET interlocutors, with most parties having encouraged their voters to use this method of voting.

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

The campaign was vibrant and competitive overall. In response to the pandemic, political parties relied, in part, on digital campaigning to reach out to the electorate. Several parties invested significant resources in countering instances of manipulative information and harmful speech online. Some contestants, often women, were singled out for especially virulent attacks on social networks online. In addition to the defacement of campaign materials and isolated incidents that affected some contestants, some parties' events were countered by protests that, in several instances, curtailed their ability to address their audiences.

Regulations that affect the campaign are decentralized. Broad guidance that ensures access to fundamental freedoms and equality of opportunity for contestants emerges from the Basic Law and ordinary legislation. Specific provisions are further elaborated on the *Länder* and municipal levels. Considerable variation in ordinances governing the conduct of campaigns at the municipal level made it challenging for some smaller political parties to fully comply with the range of complex requirements across different municipalities.

The law assigns the role of political party finance oversight to the President of *Bundestag*, providing for a relatively limited mandate conferring the responsibility to scrutinize financial reports in relation to their accuracy and publish them on the website of the *Bundestag*. The regulation, reporting requirements, and oversight of political party finance do not provide for sufficient transparency, and were raised as concerns by many ODIHR EET interlocutors. Late reporting deadlines do not allow for meaningful scrutiny of party financing in election years and the format of reporting is inadequate to inform voters about the finances at the disposal of political parties. Only donations above 50,000 EUR must be immediately disclosed to the public, all other aspects of political finance remain effectively undisclosed for at least a year. Third-party campaigning, income from sponsorship, loans to political parties and campaign expenditures are neither legally defined nor adequately reported, thus detracting from transparency in these aspects of political finance.

The election legislation states that polling shall be public and grants the public access to all stages of the process. However, it makes no specific provision for the presence of observers; which contravenes the commitments made in paragraph 8 of the 1990 OSCE Copenhagen Document.

The ODIHR EET, in line with the recommendations of the NAM, did not conduct systematic election day monitoring, visiting only a few polling stations and observing a limited number of counts. However, the ODIHR EET took note of the reported instances of procedural issues during election day in the capital city Berlin and the subsequent resignation of the *Land* Returning officer.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Permanent Mission of the Federal Republic of Germany to the OSCE to observe the 26 September 2021 elections to the Federal Parliament (*Bundestag*), in accordance with its mandate and the conclusions of the Needs Assessment Mission (NAM) undertaken between 2 and 5 June, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Expert Team (EET). The ODIHR EET, based in Berlin, was deployed between 14 and 30 September and consisted of four experts drawn from three OSCE participating States.

The ODIHR EET assessed preparations for and the process of postal voting, the campaign environment, the regulation of campaigns and the regulation and oversight of campaign finance. Correspondingly, this report is limited in scope and does not offer a broad assessment of the electoral process. Specific areas under review were assessed for their compliance with OSCE commitments and other international obligations and standards for democratic elections, as well as with national legislation. In line with ODIHR methodology, the EET did not undertake a systematic observation of the election-day

procedures, but visited a limited number of polling stations. The July 2021 ODIHR NAM report and previous ODIHR reports on elections in the Federal Republic of Germany provide additional details and context for this report.²

The ODIHR EET 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 EET also expresses its appreciation to the office of the Federal Returning Officer (FRO), the Federal Ministry of Interior, the President of the *Bundestag*, the Federal Office for Information Security (BSI), 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 rests in the Federal Parliament (*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 69 members.³ 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. On 20 December 2020, the Federal President called the *Bundestag* elections for 26 September 2021.⁴

Following the 24 September 2017 elections, seven political parties obtained seats in the *Bundestag*. 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) formed a governing coalition with the Social Democratic Party (*Sozialdemokratische Partei Deutschlands*; SPD). The parliamentary opposition included the Alternative for Germany (*Alternative für Deutschland*; AfD), Free Democratic Party (*Freie Demokratische Partei*; FDP), The Left (*Die Linke*) and Alliance 90/The Greens (*Bündnis 90/Die Grünen*).⁵ A total of 218 women were elected in 2017, representing 31 per cent of the legislators.

The 2021 elections were the first since 1949 in which an incumbent federal chancellor did not stand as candidate. The COVID-19 pandemic and its social and economic consequences were the dominant themes in public debates ahead of the elections. Other important topics included climate change, which was made more pressing by recent severe floods in western and southern Germany, and the military withdrawal from Afghanistan. The election itself was a campaign topic for some parties that questioned the integrity of the postal vote. However, this did not seem to negatively impact public perceptions of the integrity of the elections. Other election related issues included the impact of manipulative content and the increasing role of social networks and online media in election campaigns.

An ODIHR EET was deployed for the previous parliamentary elections in 2017, with a particular focus on the legal framework, campaign finance and the campaign environment. The EET found the legal framework as constituting a solid basis for democratic elections and recommended the regulation of third-party campaigning, the timely disclosure of party financial reports and the lowering of thresholds

² See [all previous ODIHR reports on the Federal Republic of Germany](#).

³ Article 50 of the Basic Law states prescribes that the *Länder* shall participate through the *Bundesrat* in the legislation and administration of the Federation and in matters concerning the European Union.

⁴ *Bundestag* elections must take place no earlier than 46 and no later than 48 months after the start of the sitting parliament.

⁵ The total of 709 seats were allocated as follows: CDU (200), CSU (46), SPD (153), AfD (94), FDP (80), *Die Linke* (69) - and Alliance 90/The Greens (67).

for immediate disclosure of donations, as well as the establishment of independent oversight for campaign financing and reasonable deadlines for the resolution of post-election complaints.

IV. LEGAL FRAMEWORK

Elections for the *Bundestag* are governed by the 1949 Basic Law, the 1956 Federal Electoral Act (FEA), the 2002 Federal Electoral Regulations (FER), and the 2012 Law on the Scrutiny of Elections, as well as by relevant Federal Constitutional Court (FCC) rulings. Relevant provisions of the 1994 Political Parties Act, the 1999 Law on Election Statistics, and the 2002 Civil and 1998 Criminal Codes are also applicable for the conduct of federal elections.

Following the last parliamentary elections, legislation was amended to permit citizens under custodianship to vote.⁶ Amendments to the method for distributing additional seats in order to maintain proportionality were also introduced on 19 November 2020. Introducing these changes ten months ahead of the 2021 elections goes against international good practice which holds that fundamental elements of electoral law, in particular the electoral system should not be amended less than one year before an election.⁷ Three opposition parties (Greens, FDP, and *Die Linke*) lodged a lawsuit with the FCC in the beginning of 2021 attempting to overturn the applicability of the new seat distribution principles to these elections. The FCC turned this request down, but accepted to examine it on broader grounds that the additional seat distribution is too complex and favours bigger parties. The FEA was also amended by the *Bundestag* to reduce the number of required signatures for the registration of party lists to one quarter of number required in the law in response to the COVID-19 pandemic.

In addition, amendments to the FEA envision a further reform by mandating the creation of a Reform Commission tasked ahead of a 30 June 2023 deadline, with proposing *inter alia* the reduction of the voting age (from current 18 to 16), proposing means to modernize parliamentary work and to achieve equal representation of women and men in the *Bundestag*.

The *Bundestag* Committee for the Scrutiny of Elections accepts election related complaints from citizens, returning officers at all levels in their official capacity and the President of *Bundestag*, within a timeframe of two months following election day.⁸ The Committee then scrutinizes these complaints to ascertain whether the validity of the *Bundestag* elections has been affected or any rights have been violated during the preparations or conduct of elections. The Committee has the right to investigate and request additional information; it makes decisions through a majority vote and then forwards its decisions for a vote in the *Bundestag*. On 19 November 2021 the Federal Returning Officer (FRO) announced that he had lodged an objection with the German *Bundestag* contesting the validity of the election in 6 constituencies in Berlin. The FRO cited temporary closures of some polling stations due to wrong ballot papers and other organizational reasons that resulted in long queuing times denying many voters the chance to cast their ballot.⁹

⁶ Custodianship refers to an appointment of a guardian for an adult, either by the court of protection or through the granting of the power of attorney by the person concerned. The law prevented an estimated 85,000 people with disabilities from voting.

⁷ See The Venice Commission [Code of good practice in electoral matters](#) (2005), and [Interpretative declaration on the stability of electoral law](#) (2002).

⁸ The *Bundestag* Committee for the Scrutiny of Elections received more than 2,100 formal complaints related to the elections. The majority of the complaints referred to incidents which took place in Berlin.

⁹ See the [press release by the FRO](#). By February 2022 a vote on the proposal had yet to be scheduled in the *Bundestag*.

V. ELECTORAL SYSTEM

Members of the *Bundestag* are elected through a mixed electoral system combining proportional representation and majoritarian systems. Voters are entitled to cast two votes each with the possibility of different political party preferences. Candidates compete in 299 single-seat electoral districts under a first-past-the-post system, and closed party lists in 16 multi-seat *Länder* constituencies. Parties that surpass the 5 per cent threshold of second votes at the national level or win seats in at least three single-seat constituencies are eligible to participate in the allocation of parliamentary seats. Parties representing recognized national minorities (Danes, Frisians, Swabians and Roma) are exempt from the 5 per cent threshold.

Seats in the *Bundestag* are allocated according to the number of seats won in the single mandate constituencies and to the proportion of the seats at *Länder* level. Overhang mandates are allocated if a party wins more direct mandates through first votes (majoritarian) in a federal state than it would be entitled to according to the second vote (proportional) results in the respective federal state. The final number of seats for each party is increased to reflect the voters' preferences in the first vote. Mandates granted through this system are referred to, in practice and by the election administration, as *Überhangmandate*. In the outgoing *Bundestag*, 46 such mandates were allocated: 36 to CDU, 7 to CSU and 3 to SPD. Since the *Überhangmandate* benefit mainly the larger parties, an additional system of compensatory mandates (*Ausgleichsmandate*) was introduced before the 2013 *Bundestag* elections by amendments to the FEA. In the outgoing parliament 65 compensatory mandates were allocated: 11 to AfD, 15 to FDP, 10 to Alliance 90/The Greens, 10 to Die Linke, 19 to SPD.

As these arrangements could potentially continue to increase number of *Bundestag* members indefinitely, on 14 November 2020, the *Bundestag* passed amendments to the FEA setting the limit on the number of constituencies at 280 (instead of the current 299).¹⁰ These limits will take effect from 1 January 2024, and apply to the next *Bundestag* elections.

A permanent Constituency Commission reviews electoral district boundaries on the basis of population changes, subject to approval by the *Bundestag*. In accordance with the FEA, the Commission is composed of seven members and is appointed by the Federal President. The number of voters in each constituency should not deviate from the average by more than 15 per cent and, if the deviation is greater than 25 per cent, the boundaries must be redrawn. For the 2021 elections, the boundaries of 17 constituencies were redrawn.¹¹

VI. PARTY AND CANDIDATE REGISTRATION

Eligible voters can register to stand independently or as party candidates. There is no system of official political party registration. However, all parties and associations wishing to field candidates were required to notify the FEC of their intention to do so by sending their party program and other documentation by June (or July, in cases of parties represented in *Bundestag* or regional parliaments) 2021, which were assessed for their eligibility on formal grounds by the Federal Electoral Committee (FEC). Where the FEC deems a political party is ineligible, the party has the right to appeal to the FCC no later than 75 days before elections. The FCC has 16 days to decide on the appeal. The process for fielding party lists is open and inclusive with no undue restrictions to participation.

¹⁰ In 2013, 33 mandates were allocated through this mechanism, 111 in 2017, and 137 in 2021.

¹¹ Brandenburg: Brandenburg an der Havel – Potsdam-Mittelmark I – Havelland III – Teltow-Fläming I, Potsdam – Potsdam-Mittelmark II – Teltow-Fläming II. Nordrhein-Westfalen - Lippe I, Höxter – Gütersloh III – Lippe II, Paderborn. Bayern: Landshut, Rottal-Inn, Regensburg, Schwandorf, Erlangen, Fürth, Augsburg-Land, Donau-Ries.

In total, 96 political parties applied to contest the 2021 parliamentary elections and 54 parties passed the formal criteria for participation. The applications of 43 parties were not accepted on formal grounds, of which 13 appealed to the FCC. The FCC granted participation to one party. In total, 47 parties took part in *Bundestag* elections: 40 with national lists and 7 only in some constituencies for the majoritarian vote. In total 6,211 candidates, including 2,024 women (32.5 per cent) contested these elections.¹²

Decisions on the registration of candidates and party lists are taken by the Constituency Electoral Committee (CEC) and *Länder* Election Committees (LECs), respectively. The Federal Officer (FRO) informed the ODIHR EET that 11 parties lodged appeals against decisions of *Länder* or constituency election committees which rejected party lists for formal reasons. The FEC decided in favour of the appellants in three cases. Parties currently represented by at least five members in either the *Bundestag* or *Länder* parliaments are not required to provide supporting signatures when presenting their nominations to the respective constituency Returning Officers. Other parties' nominations for single-seat constituencies need to be accompanied by supporting signatures of at least 200 voters. Lists of parties not represented in the *Bundestag* must be submitted to the respective *Länder* Returning officer and need to be supported by signatures corresponding to 1 per each 1,000 eligible voters in the *Länder*, though not more than 2,000 in total.

VII. ELECTION ADMINISTRATION

Elections are administered by a four-tiered structure including the FEC, 16 LECs, 299 single-mandate CECs and for this election approximately 88,000 Election Boards (EBs); 60,000 for regular voting and 28,000 for the counting of postal ballots, amounting to an almost twofold increase from 2017.¹³ The election was generally well organized, and the election administration enjoyed stakeholder confidence notwithstanding procedural issues which marred the process in six constituencies in Berlin.

By law, due consideration should be given to political parties represented in a respective district when nominating members of the election bodies at different levels. In addition, local authorities request nominations from various federal and local public bodies and institutions to staff the election boards. While work on election board is considered voluntary, the FEA stipulates that every person with an active voting right is obliged to accept this position if offered. Sanctions for refusing to perform the work of election board member are contained in the FEA, though they were not imposed for these elections. In total, approximately 650,000 people were recruited to administer the federal elections. To encourage participation in the context of the COVID-19 pandemic, an incentive was given to the prospective EB members through the possibility to move up in the vaccination sequence.¹⁴

LECs and CECs are chaired by returning officers and EBs are chaired by electoral officers. The FRO and the deputy are appointed by the Federal Ministry of Interior for an unlimited period of time.¹⁵ The FEC is composed of 11 members: the FRO, supported by eight 'qualified' voters appointed by the FRO, as well as two judges of the Federal Administrative Court. The Returning Officers of *Länder* and constituencies are appointed by the *Länder* authorities. Following public criticism regarding procedural shortcomings during election day in Berlin, the respective *Land* Returning Officer resigned on 29 September. 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.

¹² A total of 1,284 candidates ran in single-member constituencies and 2,851 ran exclusively on *Länder* lists, 2,076 individuals ran on both in a single-member constituencies and on the *Länder* lists.

¹³ In 2017 there similarly were 88,000 polling stations in total, but of those 73,500 for regular voting and 14,500 for counting of postal ballots.

¹⁴ See the 14 August 2021 [interview](#) with the FRO referencing moving volunteers up the vaccination list.

¹⁵ Traditionally, the head of the President of the Federal Statistics Office has been appointed as the Returning Officer.

Tabulation and transmission of results are conducted in accordance with information security protocols established by the election administration and the system was tested prior to elections. The ODIHR EET was informed that cyber security trainings for 2,000 election administration officials were conducted, early tests of the transfer of results and tabulation system helped to detect mistakes and address them. The final results are confirmed and released based on paper documentation.

Voter lists are automatically extracted from the civil registry and all eligible voters receive notifications by post, approximately six weeks before the election (but no later than 21 days before election day), indicating their polling station and providing a documentation package for the application to vote by mail. The ODIHR EET was informed that many voters customarily carry these notifications to polling stations for expedient identification, but it is also possible to vote without them.

VIII. POSTAL VOTING

Every citizen over 18 years of age by election day, domiciled in Germany or holding permanent residency for at least three months, is eligible to vote. All voters are entitled to cast a postal ballot should they request to do so.¹⁶ Requests for postal ballots can be submitted by post, electronically or can be handed in at the respective municipality. Requests for postal ballots were automatically reflected in the voter register and indicated on the voter lists, as such those who received a postal ballot were not able to cast their ballot in-person.

The established timeframe for postal voting provided the opportunity to request a postal ballot up to two days before the elections.¹⁷ For these elections, 47,3 per cent of all eligible voters requested to vote by mail, an increase from 28,7 per cent in 2017 likely due to concerns related to the COVID-19 pandemic.¹⁸

Postal ballots are sent to locations designated by municipalities and then transferred to the postal ballot counting centers. By law, each constituency should have at least one postal ballot counting center. The address of these locations is pre-printed on the envelope that, along with a pre-designed postal ballot request, is included in the initial election notification letter. All postal ballots were required to arrive by 6 pm on 26 September to be counted. Counting of postal ballots was conducted at approximately 28,000 specifically designated centers. Overall, the postal voting system contains sufficient safeguards against fraud.

In the run-up to elections, representatives of the AfD characterized postal voting as "undemocratic and unconstitutional" and called into question the integrity of mail voting.¹⁹ However, the postal voting process enjoyed the trust and confidence of most ODIHR EET interlocutors from political parties and civil society, with most parties having encouraged their voters to use this method of voting. Out-of-country-voting for citizens abroad is conducted exclusively through postal voting. Citizens without residence in Germany are required to prove that they are entitled to be included in the voters list. A few

¹⁶ Mail-in voting was introduced in Germany in 1957, and until 2008 those wishing to post their ballots had to apply for permission and provide a reason why they would not vote in person. The FCC in 1967 and 1981 ruled that the advantages of postal voting, such as higher turnout and increased general participation, should be considered as more important than the potential disadvantages, such as questions over secrecy of the vote.

¹⁷ The deadline for postal ballot request was 24 September 2021.

¹⁸ In 2017, in accordance to final official results of 71.2 per cent of the population who voted, 28.7 per cent used the postal ballot option; 95 per cent of those who had requested postal ballot mailed it in. The use of postal ballots has been increasing steadily since 2009 with 19 per cent of ballots cast having been through the post in 2005, 21 per cent in 2009, and 24 per cent in 2013.

¹⁹ See DW [reporting](#) on concerns voiced by political parties with regards to postal voting.

instances of late receipt of postal votes by citizens living abroad were brought to the attention of the ODIHR EET.

To instill further confidence in the postal voting and to reassure voters that their vote is counted, consideration could be given to developing a system indicating the receipt of the postal ballots by the relevant authorities.

The FRO invoked the provision of the FEC which prohibits the publication of exit polls conducted at polling stations before polls close in relation to postal voting. The FRO argued that in the case in which a high number of postal votes were mailed before election day, the publication of opinion polls amounts to exit polling. The FRO's decision to prohibit such publication was appealed in the weeks before the election and the Wiesbaden Administrative court ruled that FRO's ban on publication of opinion polls was not applicable.

IX. CAMPAIGN AND CAMPAIGN ENVIRONMENT

Election campaigning is regulated by federal, *Länder* and municipal laws and ordinances. At the federal level, the freedoms of expression, association and peaceful assembly are guaranteed by the Basic Law.²⁰ The Law on Assemblies and Parades regulates the organization of outdoor assemblies and stipulates notification procedures to the competent authorities. The Political Parties Act (PPA) mandates equal treatment of all political parties by public authorities and establishes the principle of 'graduated equality of opportunity' according to the results obtained in previous parliamentary elections.²¹ Municipal regulations can differ significantly, even within a single *Land*.²² Regulation further arises from the jurisprudence of the FCC and the Federal Administrative Court, which award special consideration to campaign activities conducted closer to election day.²³

While campaign periods and timeframes are not officially stipulated and parties can campaign freely at any time, relevant laws and regulations at all levels provide for the display of materials, conduct of meetings with voters, as well as advertising in the media up to two months before election day. Some ODIHR EET political party interlocutors expressed concerns about an increased number of municipalities restricting the display of campaign materials in terms of both time and location.²⁴ Several stakeholders also told the ODIHR EET that compliance with regulations across different municipalities can be laborious for small political parties. Some also complained that information about applicable rules is not always easily accessible.

To ensure the election contestants enjoy legal certainty, municipal regulations of the campaign should be clearly defined and easily accessible for the contestants.

The campaigns were highly visible and vibrant. Parties reported that they had traditional billboards and posters in high number across cities and alongside main roads. The ODIHR EET was informed that

²⁰ 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.

²¹ For example, the public broadcaster may give some parties more airtime than others, based on factors such as the results of past elections, how long the party has existed and whether it regularly stands for elections, as well as public opinion polling. Parties may be grouped into categories, and all parties within a category must be accorded equal treatment.

²² For instance, communes may establish when and where election related ads may be placed within their jurisdiction.

²³ For example, the FCC referenced a 'hot phase' of the election in a [27 February 2018 judgment](#) on the violation of the AfD's right to equal participation in political competition following a 2015 press release by a Federal Ministry criticising the party. The courts have generally defined the 'hot phase' as four to six weeks before election day.

²⁴ In the reported cases, most limitations aim at protecting the landscape against visual pollution.

contestants also campaigned door-to-door, through assemblies and party stands, the distribution of leaflets, advertising in traditional and online media, as well as on social networks. Topics that dominated the campaign included the COVID-19 pandemic and the associated preventive measures, economic recovery from the pandemic, climate change, social issues, welfare, housing and taxation.

Although the concept of so-called third-party participation does not exist in the law, groups without visible connection to specific parties or candidates played an active role in the campaign by disseminating political messages that reflected some contestants' platforms. Third-party actors advocated debates on themes such as climate change and the pandemic, with some highlighting that voters who do not comply with virus transmission mitigating measures may not have been permitted to cast their ballots. The ODIHR EET was informed by political party representatives, members of civil society organizations and journalists that they had participated in various ways in elaborating proposals that would address such campaigns in the law but eventually these initiatives were not introduced in parliament because of the lack of inter-party consensus.

Freedom of assembly was respected, with the *Länders* empowered to restrict gatherings only when compliance with mitigating measures was in question. The ODIHR EET received a report of one municipal authority prohibiting a campaign event because of the risk of non-compliance with COVID-19 protective measures, which was ultimately overturned by a court. Parties that reported difficulties accessing premises for holding campaign events were generally satisfied with the legal remedies available to them, although some noted that they were not able to restore their loss.

Some ODIHR EET interlocutors described the tone of the campaign as aggressive or noted the proliferation of manipulative information, however, most expressed satisfaction with the level of information available to voters.²⁵ Both public and private media organized debates among political parties. The lead candidates of the three parties that topped the opinion polls were invited to debates hosted by different TV channels.²⁶ The format was criticized by some stakeholders as providing the largest parties with a disproportionate opportunity to present their platforms. Some of the smallest parties further dismissed the compensatory debates that included only the parties represented in the *Bundestag* as unfair. All contestants were provided with free airtime on the public broadcasters and the opportunity to purchase airtime at special rates on private channels.²⁷ According to the guidelines issued by the Media Authorities (*Medienanstalten*), contestants may use the free airtime to present their candidatures, but not demean their opponents.²⁸ Defamation remains a criminal offense.²⁹

²⁵ Civil society organisations noted several organized efforts to spread disinformation. For instance, false allegations that the Alliance 90/The Greens party is planning on introducing a general prohibition on keeping house pets proliferated widely on social networks in the run up to the elections.

²⁶ In the past, the two candidates from the largest political parties, i.e. those with the highest chance of becoming federal chancellors, participated in a debate organised jointly by several outlets. In these elections, the top three candidates (including the chancellor candidates nominated by CDU/CSU, SPD and Alliance 90/The Greens) were invited to participate in a series of four debates organised by several public and private broadcasters (*Westdeutsches Fernsehen* WDR on 20 May; RTL and n-tv on 29 August; ARD and ZDF on 12 September; and *ProSieben*, Sat. 1 and *Kabel Eins* on 19 September). A closing round that included *Spitzenkandidaten* of all parties represented in the *Bundestag* was held on 23 September.

²⁷ Parties were also free to buy additional airtime on equitable conditions.

²⁸ *Die Medienanstalten* is the umbrella organisation of the 14 *Länder* media authorities and is responsible for the licensing and supervision of electronic broadcasters, including with reference to compliance with advertising regulations.

²⁹ The criminal code includes offences such as insult, defamation, slander and defamation of a person in public life, with penalties that include monetary fines and imprisonment for up to five years. In a 2017 report, the OSCE Representative on Freedom of the Media noted that criminal defamation laws continue to be applied with some regularity in Germany, including against the media. According to Paragraph 47 of the 2011 [CCPR General Comment No. 34](#) to the ICCPR “States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty”. The courts have generally allowed a wider margin of appreciation during election campaigns.

To fully guarantee the freedom of expression, provisions that foresee criminal liability for defamation should be removed.

Several parties complained about the destruction of posters and billboards, as well as verbal and isolated physical attacks on party offices or campaign stands.³⁰ Of concern, the AfD reported experiencing several arson attacks on its campaign and members' private vehicles.³¹ The party also cited having regularly faced organized groups of protestors at its events, which in some cases prevented speakers from addressing the audience. Although law enforcement ensured the speakers' safety, measures did not always enable them to present their platforms. Several parties reported difficulties renting indoor premises to hold party congresses or campaign events.³² According to several ODIHR EET interlocutors and media or civil society organization reports, some parties were the subject of vilification, particularly from competitors representing viewpoints outside the mainstream.³³ A Munich district court banned posters for The Third Path (*Der III. Weg*) party which bore the slogan 'Hang the Greens'.³⁴

Allegations of foreign interference, including through online media outlets, were raised by several ODIHR EET interlocutors and proliferated in public debates. Several online campaign monitoring organizations reported that Alliance 90/The Greens and its candidate for chancellor were the targets of a disproportionate share of disinformation campaigns in social networks and online media.³⁵ Several interlocutors also contended that these negative portrayals were reproduced in some traditional media outlets.³⁶

Digital campaigning is largely unregulated and many contestants campaigned online. Existing limitations on free speech also apply online. The country's Network Enforcement Act mandates platforms to remove illegal or harmful content. Although opinions vary on the law's effectiveness in reining in harmful speech online, some ODIHR EET interlocutors noted that it has served to stymie political debate by allowing users to report content with the intent of temporarily suspending accounts. Other interlocutors noted that political communication, especially among younger voters, has moved to less open platforms, including private messaging groups. Most parties met by the ODIHR EET reported having to invest increasing resources to manage their online presence, including to delete harmful content and/or respond to negative comments. Although most parties admit to targeting categories of voters online, several committed to not using bots in their campaigns.

X. PARTY AND CAMPAIGN FINANCE

Political party financing is regulated by the PPA which requires equal treatment of all parties by public authorities. The PPA sets rules for public financing and private contributions to political parties,

³⁰ As reported in the media and to the ODIHR EET by *Die Linke, dieBasis, AfD* and *Volt*.

³¹ On the eve of the elections, [news outlets](#) reported that more than 4,000 criminal offenses were recorded in connection with the elections (based on data from the Criminal Police Offices in the *Länder*). Two-thirds of the offenses could not be attributed to any specific segment of the political spectrum, the rest were distributed between the extreme left and right. The Federal Criminal Police Office reported that the figure includes 42 cases of physical violence.

³² For instance, the AfD reported facing problems renting premises to hold a party congress in Berlin, a requirement in order to fulfil eligibility criteria to register a party list.

³³ According to several ODIHR EET interlocutors, Alliance 90/The Greens were especially affected. See also topical reports by [Institute for Strategic Dialogue](#) and the [German Marshall Fund of the United States](#).

³⁴ The District Court in Munich [ruled](#) (17 September 2021 in case Az. 25 0 12449/21) to ban the posters countrywide. Earlier, a court in Chemnitz decided that the posters did not constitute direct incitement.

³⁵ For instance, the [Tagesspiegel](#) reported on a campaign vilifying the CDU chancellor candidate Armin Laschet on Twitter.

³⁶ The CDU/CSU and to a much lesser extent SPD candidates were also targeted.

provides for political finance oversight, reporting and sanctions. The Basic Law also contains a provision that political parties must account publicly for their assets, the origin of their income, as well as their use.

The current system of party finance is shaped by FCC rulings in 1966 and 1992 defining parties as groups that compete freely and act on their own and are independent from the state.³⁷ The state provides parties with partial public funding but imposes a cap which is equal to the total amount that the party independently generates. The calculation of public funding for each political party is based on previous election results and on income from membership fees and donations from individuals of up to 3,300 EUR.³⁸ To receive public funding, political parties must pass a threshold of valid votes in previous elections.³⁹ Political parties also receive free airtime on public service broadcasters for their election campaigns as indirect public funding.

A. FUNDING SOURCES

Along with the public financing, sources of income to political parties include membership fees, contributions by elected office holders and donations from private citizens and legal entities (companies).⁴⁰ Although 197 independent candidates also contested these elections, sources of their campaign funding were unknown and undisclosed to the public. Foreign donations are permitted from EU citizens and enterprises headquartered in an EU country.⁴¹ There are no limits on the amounts of donations originating in Germany or the EU.⁴² ODIHR EET interlocutors expressed concerns regarding large donations in these elections from German and foreign individuals and corporations which may lead to undue political influence and pressure on political party policymaking.⁴³

Consideration could be given to establishing a limit on donations to parties by individuals and legal entities.

Some ODIHR EET interlocutors expressed concerns about the practice of political parties receiving income from corporations for sponsorship during party events and advertising in party publications.⁴⁴ Political party annual reports indicate that sponsorship contracts are a significant source of income for political parties and often generate higher revenues than donations from legal entities.⁴⁵ The 2021 report

³⁷ [1966 Federal Constitutional Court ruling](#) and [1992 Constitutional Court ruling](#).

³⁸ Donations from legal entities are excluded from calculations of public funding.

³⁹ Parties who have received 0.5 per cent of the valid votes in the last Federal or European elections and 1 per cent of valid votes in a *Länder* Parliament election are entitled for public funding.

⁴⁰ In 2019 the most recent year for which political finance data is publicly available, the reported income of the two largest parties in the *Bundestag* was CDU- 152,633,159 EUR (35.9 per cent of which was public funding) and SPD – 169, 211,710 EUR (32.93 percent of which was public funding)

⁴¹ Individuals from outside the EU can donate up to 1,000 EUR.

⁴² Article 3 of [Recommendation Rec\(2003\)4 of the Council of Europe's Committee of Ministers to member states](#) on common rules against corruption in the funding of political parties and electoral campaigns stipulates that "States should consider the possibility of introducing rules limiting the value of donations to political parties."

⁴³ According to a Lobby Control [report](#) the total amount of large donations of more than 50,000 EUR between January and September in the years in which elections to the *Bundestag* take place has increased drastically since 2013 and reached more than 11,6 million euros in 2021.

⁴⁴ In practical terms, a company pays for the opportunity to present a corporate stand during political party events or have advertisement in party journals.

⁴⁵ For the period from 2016 to 2019, political parties represented in the *Bundestag* reported the following "Revenues from events, sales of publications and other income generating activities" as a percentage share of total revenue: CDU 52,287,000 EUR (8.69 per cent), CSU 24,786,000 EUR (14.11 per cent), SPD 42,965,000 EUR (6.47 per cent), AfD 395,000 EUR (0.45 per cent), FDP 5,481,000 EUR (3.92 per cent), Left 918,000 EUR (0.71 per cent), Alliance 90/The Greens 3,433,000 EUR (1.77 per cent). For the same period, they reported revenues from "Donations from Legal Persons" CDU 31,954,000 EUR (5.31 per cent), CSU 15,580,000 EUR (8.87 per cent), SPD 9,012,000 EUR (1.36 per cent), AfD 546,000 EUR (0.62 per cent), FDP 10,305,000 EUR (7.38 per cent), Left 8,000 EUR (0.01 per cent), Alliance 90/The Greens 3,043,000 EUR (1.57 per cent).

by the President of *Bundestag* in his political finance oversight capacity, noted among other concerns, the “transparency deficit” of sponsorship income. ODIHR EET interlocutors underlined that income from sponsorship comes from selling exhibition space at party events and advertising space in party journals significantly above the market price.⁴⁶

The PPA does not sufficiently regulate sponsorships provided to political parties and the parties’ reporting on the sponsorships received. Income from sponsorship is reported under the broad heading “revenue from events, publications and income generating activities” and listed as a single lump sum. In general, corporations may benefit more from sponsorship than from traditional corporate donations as these expenses are tax deductible.⁴⁷ In addition, political parties that by law are allowed to own corporations, can receive income from sponsorship indirectly through these corporations and, in such cases report this as income from business activities or investments. Some ODIHR EET interlocutors defined this as a “grey” area of political party income and stressed the need to regulate income from sponsorship and require detailed disclosure.

The legal framework should be amended to clearly define sponsorship and require unambiguous reporting of its origin and amounts.

There are no legal restrictions on the entities from which parties are able to accept a loan which leaves an important potential source of financing inadequately regulated.⁴⁸ Further, limitations on the value of loans do not exist, which may lead to excessive economic dependence on their creditors and political pressure. The PPA only outlines that loans should be reported in two broad sections of the party annual reports as cumulative liabilities to either financial institutions or other creditors.⁴⁹ The lack of transparency of political party loans limits voters’ ability to be informed about the contestants and was a concern raised by some ODIHR EET interlocutors, including the President of *Bundestag* in the 2021 report on party financing.⁵⁰

Consideration should be given to introducing detailed rules regulating loans for political parties including provisions on their disclosure and reporting.

B. EXPENDITURES

There are no limits on campaign expenditures for parties and no requirements to report such expenditures in a detailed, itemized or timely manner. Political party annual financial reports are only accessible to the public at least a year after expenditures are incurred, which is especially problematic during election years.⁵¹

There is no legal differentiation between regular political party expenditures and campaign expenditures. The absence of a legally defined concept of campaign finance prevents the ability to scrutinize the various entities engaging in campaign spending (such as political parties, individual candidates, and third-parties). The lack of an officially defined campaign period, and the absence of

⁴⁶ The 2021 report by the President of the *Bundestag* also indicates that income from sponsorship is mainly generated by selling exhibition space at party events and advertising in party newspapers significantly above the market price. The report also contends that this practice could partially amount to covert donations. See also for instance [DW reporting](#) on the sources of political finance.

⁴⁷ SPD and the Green’s voluntarily disclose their income from sponsorship on their websites.

⁴⁸ For example, individuals or foreign citizens, which due to their unverifiable origin might be considered a corruption risk.

⁴⁹ The PPA provides for only two lines of reporting on loans in the political party reports 1) to financial institutions and 2) liabilities to others.

⁵⁰ The PPA outlines that loans should be reported as lumps sums in two sections of the party reports.

⁵¹ Campaign expenditures for independent candidates also remained undeclared and undisclosed to the public.

detailed, itemized disclosure of campaign expenditures also result in an inability to analyse spending on campaigns. This leaves this crucial components of political party activity without proper institutional oversight and deprives civil society and media of tools for scrutiny. Digital ad libraries show that Alliance 90/The Greens, CDU and the SPD were the most active political party advertisers on the main social network platforms.⁵²

The law does not include provisions on so-called third-party campaign spending. The ODIHR EET observed several cases of large-scale third-party campaigning in these elections, for instance with a focus on climate change and social issues.⁵³ Concerns about the lack of transparency and regulation for such campaign activities were regularly brought to ODIHR EET's attention. In the 2021 report, the President of *Bundestag* describes third-party campaigning as an area with serious transparency concerns, particularly in recent years.

To increase transparency and accountability in campaign finance, the involvement of third-parties in campaigning should be regulated in the law.

C. REPORTING AND OVERSIGHT

Political parties are obliged to submit one consolidated annual financial report to the President of *Bundestag*. The report should be audited by a certified auditor prior the submission. The PPA obliges political parties to submit an annual financial report for the preceding year by 30 September and the deadline can be extended up to three months. The financial reports for these elections will be published by the end of 2022, at the earliest. ODIHR EET interlocutors, including political parties explained the long timeframe for financial reporting is a result of difficult and time-consuming consolidation of numerous reports from local party branches. Although between 30 to 40 per cent of political party income comes from public financing, the current political finance reporting is inadequate and does not provide for timely public accountability.

While income from donations over 50,000 EUR should be immediately reported and published by the President of *Bundestag*, for donations over 10,000 EUR political parties are required to disclose the source and the total amount only in the annual financial reports.⁵⁴ The threshold for immediate disclosure of donations is too high to provide sufficient transparency of the sources of party funding.⁵⁵

In line with international good practice, consideration should be given to requiring more timely disclosure of party and campaign finances, including before election day. To allow for proper oversight of campaign finances, reports should include itemized disclosure of campaign expenditures. The limit of the donations for immediate disclosure should be lowered.

⁵² See [Facebook](#) and [Google](#) ad libraries.

⁵³ Some examples include, a negative billboard campaign with anonymous funding against the Green Party in August 2021, NGO Campact campaign spending 300,000 EUR for social media adds against selected candidates of AfD and CDU and "The family entrepreneurs" against the wealth tax in September 2021.

⁵⁴ Records of all donations over 50,000 EUR are available on the [Bundestag](#) website. Ahead of the 2021 elections donations above 50,000 euros by 23 September 2021 totalled 12,298,766.32 EUR through over 70 individual donations.

⁵⁵ The 2009 Council of Europe Group of States against Corruption (GRECO) [report](#) on the transparency of party funding in Germany, recommended that the country: "i) should introduce a system for the publication of election campaign accounts at the federal level, which would make the information available shortly after election campaigns; ii) to lower the 50,000 Euro threshold for the immediate reporting and disclosure; iii) to consider reducing significantly the threshold for the disclosure of donations and donors; iv) to ensure that the body to which the supervision of party financing is attributed, enjoys a sufficient degree of independence and is equipped with proper means of control, adequate staffing and appropriate expertise."

The law assigns political party finance oversight to the President of *Bundestag* providing for a relatively limited mandate with the responsibility to scrutinize financial reports for formal and content correctness and publish them on the website of the *Bundestag*. The President of *Bundestag*, acting through an administrative unit, can inquire about particular issues in the financial reports and request additional clarifications and documentation from political parties. If the statement of the party does not provide sufficient clarification, the President of *Bundestag*, in agreement with the party, can commission an independent audit. This provision has never been applied.

While, the President of the *Bundestag* can impose sanctions for non-compliance with the provisions of the PPA on donation requirements and reporting,⁵⁶ the office has no investigative authority and the responsible administrative unit is insufficiently equipped and staffed for such task.⁵⁷ The prosecutor can be involved where there are serious suspicions of malfeasance. The administrative unit informed the ODIHR EET that the President of the *Bundestag* has never initiated such an investigation. The unit, however, cooperates with the prosecutor if asked for assistance in cases initiated by Prosecutor's Office. Political parties informed the ODIHR EET that the work of the oversight body, is limited to arithmetical inaccuracies and calculations. Various ODIHR EET interlocutors emphasised the necessity for an independent oversight institution, which would operate with effective mandate and clear rules of procedures.

Consideration could be given to amending the legal framework to establish an independent political finance monitoring and oversight body with a clear and effective mandate.

XI. ELECTION OBSERVATION

The election legislation states that polling shall be public, granting the public access to all stages of the process, but makes no specific provision for observation, which is contrary to paragraph 8 of the 1990 OSCE Copenhagen Document. One political party publicly claimed that fraud could occur unless there are observers and called on to people to observe elections to ensure that fraud is prevented.⁵⁸

Consideration should be given to amending the legislation to provide for the presence of observers, to fully meet the commitments made in paragraph 8 of the 1990 OSCE Copenhagen Document.

XII. 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 international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that remain to be addressed⁵⁹. The OSCE/ODIHR

⁵⁶ Failure to submit a financial report or the submission of an inaccurate report may cause administrative or criminal sanctions; a fine amounting to double the amount incorrectly stated can be imposed and a party can lose its legal status if it does not submit financial reports for six years. Parties can be financially sanctioned triple the amount of the donation if they accept illegal donations.

⁵⁷ The unit consists of four lawyers including the head of the unit, a deputy head, two clerks, two office clerks, and an assistant.

⁵⁸ See the AfD [campaign spot](#).

⁵⁹ 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". None of the five recommendations made in the ODIHR EET Final Report to the 2017 *Bundestag* Elections have been implemented. See also the ODIHR [electoral recommendations database](#).

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.

1. To instill further confidence in the postal voting and to reassure voters that their vote is counted, consideration could be given to developing a system indicating the receipt of the postal ballots by the relevant authorities.
2. To ensure the election contestants enjoy legal certainty, municipal regulations of the campaign should be clearly defined and easily accessible for the contestants.
3. To fully guarantee the freedom of expression, provisions that foresee criminal liability for defamation should be removed.
4. Consideration could be given to establishing a limit on donations to parties by individuals and legal entities.
5. The legal framework should be amended to clearly define sponsorship and require unambiguous reporting of its origin and amounts.
6. Consideration should be given to introducing detailed rules regulating loans for political parties including provisions on their disclosure and reporting.
7. To increase transparency and accountability in campaign finance, the involvement of third-parties in campaigning should be regulated in the law.
8. In line with international good practice, consideration should be given to requiring more timely disclosure of party and campaign finances, including before election day. To allow for proper oversight of campaign finances, reports should include itemized disclosure of campaign expenditures. The limit of the donations for immediate disclosure should be lowered.
9. Consideration could be given to amending the legal framework to establish an independent political finance monitoring and oversight body with a clear and effective mandate.
10. Consideration should be given to amending the legislation to provide for the presence of observers, to fully meet the commitments made in paragraph 8 of the 1990 OSCE Copenhagen Document.

ANNEX: FINAL RESULTS

	1 st vote		2 nd vote		
	Number of votes	Per cent	Number of votes	Per cent	
Eligible voters	61.181.072	-	61.181.072	-	
Turnout	46.854.508	76,6	46.854.508	76,6	
Invalid	492.495	1,1	412.485	0,9	
Valid	46.362.013	98,9	46.442.023	99,1	
Distribution of votes					
	1 st vote		2 nd vote		No. of Seats in <i>Bundestag</i> *
	Number of votes	Per cent	Number of votes	Per cent	
CDU (Christian Democratic Union)	10.451.524	22,5	8.775.471	18,9	152
SPD (Social Democratic Party)	12.234.690	26,4	11.955.434	25,7	206
AfD (Alternative for Germany)	4.695.611	10,1	4.803.902	10,3	83
FDP (Free Democratic Party)	4.042.951	8,7	5.319.952	11,5	92
DIE LINKE (The Left)	2.307.536	5,0	2.270.906	4,9	39
GRÜNE (Alliance '90/the Greens)	6.469.081	14,0	6.852.206	14,8	118
CSU (Christian Social Union of Bavaria)	2.788.048	6,0	2.402.827	5,2	45
SSW (Südschleswigscher Wählerverband)	35.027	0,1	55.578	0,1	1

* Of the 736 members elected to the *Bundestag*, 480 (65 per cent) are male and 255 female (35per cent); 37 more women than in 2017.

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).