



Office for Democratic Institutions and Human Rights

DENMARK

EARLY GENERAL ELECTIONS

1 November 2022

ODIHR NEEDS ASSESSMENT MISSION REPORT

12 - 14 October 2022



Warsaw
24 October 2022

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ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an invitation from the Danish authorities to observe the 1 November 2022 early general elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 12 to 14 October. The NAM included Meaghan Fitzgerald, ODIHR Head of Election Department and Goran Petrov, ODIHR Election Adviser.

The purpose of the NAM was to assess the pre-electoral environment and preparations for the elections. Based on this assessment, the NAM recommends whether to deploy an ODIHR observation activity for the forthcoming elections and, if so, what type of activity best meets the identified needs. Meetings were held with officials from state and local institutions and representatives of political parties, media, civil society, and the resident international community. A full list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs for their assistance and cooperation in organising the NAM. ODIHR would also like to thank its interlocutors for taking the time to meet with the NAM and for sharing their views.

II. EXECUTIVE SUMMARY

In line with her constitutional powers, on 5 October, the Prime Minister called early general elections for 1 November. The elections follow a period of political crisis and requests for new elections by several political parties. The unicameral parliament comprises 175 deputies elected from Denmark and two each from the Faroe Islands and Greenland, constituent countries of the Kingdom of Denmark. In Denmark, 135 seats are distributed across ten multi-member constituencies. The remaining 40 compensatory seats are distributed to parties to increase the proportionality of the nationwide share of votes received.

Since the previous general elections, a few changes have been introduced in the electoral legal framework. Changes introduced in 2021 forbid financial incentives for obtaining, preventing or revoking voter support declarations for parties as well as independent candidates. All ODIHR NAM interlocutors expressed confidence that the legal framework is conducive to holding democratic elections, but some noted it could be further developed in relation to regulation of the campaign, in particular campaign finance.

The election administration is highly decentralised. The Ministry of the Interior and Housing (MoIH) serves a national coordination role by issuing regulations, developing policies and providing guidance to municipalities, who organise elections at the local level. All ODIHR NAM interlocutors expressed a very high level of trust and confidence in the professionalism and integrity of the election administration at all levels. The ODIHR NAM interlocutors highlighted the various measures in place to facilitate independent voting for persons with disabilities but noted that more efforts are needed to ensure the full equal political participation, by making campaign venues and campaign materials and voter information accessible for voters and prospective and registered candidates with disabilities.

Interlocutors also noted that the voter information campaign on the national level related to voting rights procedures is limited.

Citizens over 18 years of age who permanently reside in Denmark are eligible to vote. A number of ODIHR NAM interlocutors noted that Denmark has a significant number of residents without citizenship and therefore without the right to vote in the parliamentary elections. Voter registration is automatic, and voter registers are extracted from the national civil register, continuously updated by the municipalities. All voters may choose to vote in advance at any municipality in the country. None of the ODIHR NAM interlocutors raised concerns related to the voter registration process or the accuracy of the voter register. The electoral register is not available for scrutiny by election stakeholders. Voters receive voter cards indicating the location of their polling station and can look up online the polling station assigned to their street address. In accordance with the constitution and a recent European Court of Human Rights ruling, persons under guardianship who have been fully deprived of their legal capacity are disenfranchised.

Any eligible voter can stand as a candidate nominated either by a political party or running independently. Parliamentary parties are automatically eligible to nominate candidates, and other parties must gather 20,182 voter support declarations to be included on the ballot. Independent candidates must submit a minimum of 150 and a maximum of 200 declarations. Contrary to international good practice, voters can sign in support of only one party and one independent candidate. Still, most ODIHR NAM interlocutors described the candidate registration as inclusive. A total of 14 parties that met the eligibility requirements are running in the elections. Most parties explained to the ODIHR NAM that they do not have specific policies for promoting equal representation of women on candidate lists. Approximately 40 per cent of all candidates standing in these elections are women.

The official campaign period started with the call for elections on 5 October and campaigning is allowed through election day, except in the polling stations. While the official campaign period is only 27 days, ODIHR NAM political party interlocutors said it provides sufficient possibilities to reach out to voters and noted that the campaign actually began months ago. Several ODIHR NAM interlocutors expressed concerns about instances of discriminatory language and hate speech in online comments, especially those targeting minorities, persons with disabilities and women, including candidates standing in elections.

Many ODIHR NAM interlocutors expressed the view that party and campaign financing is under-regulated and non-transparent. There have been no changes to the campaign finance legal framework since the last general elections. The law does not establish limits to either donations or expenditures. Further, there is no limitation on who can donate, including those from abroad. Political parties must report the identities of all donors who donate more than 20,200 DKK (approx. 2,716 EUR), but without a requirement to disclose the actual value of the donation. Interlocutors also described loopholes in the law to circumvent the disclosure of donors' identities. The law provides for minimum financial reporting requirements for political parties on an annual basis submitted up to a year later, which is considered by many ODIHR NAM interlocutors as damaging to transparency and accountability.

The media environment is open and diverse, enabling a vibrant political atmosphere. Coverage of the campaign by the media is largely unregulated by law and left to internal policies of the media outlets. Political advertising in broadcast media is prohibited but permitted in print and online media. During the campaign, national broadcast media are organising extensive coverage of the election campaign and facilitating debates with the leaders of all fourteen parties contesting the elections. Some ODIHR

NAM interlocutors criticised the Freedom of Information Act stipulations which allow institutions to withhold information of public interest and interpret the law restrictively.

The election law provides limited legal remedies for the handling of election disputes. Election-related complaints may only be filed after election day when an election committee is established by the parliament to review electoral complaints before making a recommendation to the parliament regarding the validity of the elections. While election stakeholders generally consider this remedy to be sufficient and have confidence that municipal election authorities will effectively address any issues that arise during the entire election period, there is no possibility of appealing administrative decisions before election day.

All ODIHR NAM interlocutors expressed a high level of confidence in the integrity of the electoral process and the ability of the election administration to organise elections professionally and transparently. Some interlocutors pointed to potential areas of improvement to the regulatory framework for campaign financing, and several raised concerns related to harsh and intolerant rhetoric on social networks. Therefore, based on the assessments noted in this report, the ODIHR NAM recommends deploying an Election Expert Team (EET) for the 2022 early general elections to assess the regulation of the campaign, its conduct, including the participation of marginalized groups, and the regulatory framework for the campaign and party finance.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

The Kingdom of Denmark is a constitutional monarchy with a parliamentary system of government. The Folketing (parliament) is a unicameral body comprising 179 deputies from the three constituent countries of the Kingdom of Denmark, including 175 elected from Denmark and two each from the Faroe Islands and Greenland, constituent countries of the Kingdom of Denmark.

The 2019 general elections resulted in ten parties and alliances winning seats of 175 MPs elected in Denmark. The Social Democrats (*Socialdemokraterne*) gained the largest number of seats (48) and formed a minority government with the parliamentary support of the Social Liberal Party (*Det Radikale Venstre*; 16), the Socialist People's Party (*Socialistisk Folkeparti*; 14) and the Red-Green Alliance (*Enhedslisten – De Rød-Grønne*; 13). The opposition parties included The Liberal Party (*Venstre*, 43), the Danish People's Party (*Dansk Folkeparti*; 16), the Conservative People's Party (*Det Konservative Folkeparti*; 12), the Alternative (*Alternativet*, 5), the New Right (*Nye Borgerlige*; 4) and the Liberal Alliance (*Liberal Alliance*; 4). After the elections, due to party splits and other political reconsolidations, 22 MPs either joined another party or became unaffiliated with any political group (6 MPs), resulting in some additional fragmentation in the parliament.¹

In June 2022, following a period of political crisis, the Social Liberal Party publicly requested the prime minister to call early elections or face a withdrawal of its support in the government and a vote of no confidence.² In line with her constitutional powers, on 5 October, the Prime Minister called early general elections for 1 November.³

¹ See the [current list](#) of the political groups in the parliament maintained on the parliament's website.

² The crisis resulted largely from the official inquiry and the criticism of the prime minister's cabinet related to the legality of a decision to order the culling of millions of minks in November 2020, as a measure to fight coronavirus and its further spread.

³ Elections on Faroe Island will be held on 31 October, due to the official Day of Remembrance on 1 November.

Seventy of 179 MPs of the outgoing parliament are women (39 per cent). Women are underrepresented in the government cabinet, holding 6 out of 20 positions, including the Prime Minister. According to Statistics Denmark, 50.2 and 35.9 per cent of all elected regional and municipal councillors are women.⁴ On review by international bodies, Denmark is regularly commended for its efforts to uphold human rights and protect fundamental freedoms.⁵

The ODIHR has not previously observed elections in Denmark, although it deployed a NAM before the 2011, 2015 and 2019 general elections and visited the country in the context of the assessment of the 2009 European Parliament elections.⁶

B. LEGAL FRAMEWORK

Parliamentary elections are primarily regulated by the 1953 Constitution, the 1987 Parliamentary Election Act (election law, last amended in 2021), as well as the 2006 Grants to Political Parties Act (last amended in 2017), the 2017 Private Contributions to Political Parties and Publication of Political Parties Accounts Act (last amended in 2019), the 1998 Media Liability Act (last amended in 2014), complemented by regulations of the Ministry of Interior and Housing (MoIH).⁷ While several aspects of the election process remain without detailed regulation, such as the conduct and financing of the campaign, election dispute resolution and media coverage of elections, most ODIHR NAM interlocutors expressed confidence that the legal framework is conducive to holding democratic elections. Some interlocutors noted legislation could be further developed in relation to regulation of the campaign, in particular campaign finance.

Since the 2019 general elections, a few amendments have been introduced to the election law in 2020 and 2021, which in 2020 were mainly of a technical nature. The 2021 amendments provided detailed rules on renaming registered political parties and expressly forbid financial incentives for obtaining, preventing or revoking voter support declarations for parties as well as independent candidates. No significant recent changes were made to other election-related legislation.

Contrary to paragraph 8 of the 1990 OSCE Copenhagen Document, there are no explicit provisions for citizen or international observation, however, the law allows for members of the public to be present during voting and counting. If ODIHR undertakes an election observation activity for these elections, the authorities assured the ODIHR NAM that ODIHR observers would have access to observe the proceedings.

C. ELECTORAL SYSTEM

For electoral purposes, the country is divided into three regions, Metropolitan Copenhagen, Sealand-Southern Denmark, and Northern and Central Jutland. Further, it is subdivided into ten multi-member constituencies (MMCs) and further into 92 nomination districts.⁸ The nomination districts do not play a role in seat allocation but are relevant for determining which candidates from the party lists get elected. Of the 175 seats in the parliament, 135 constituency seats are allocated to 10 MMCs,

⁴ See Statistic Denmark's [gender breakdown tables](#) for various elected offices.

⁵ The UN Human Rights Council's [2016 Universal Periodic Review, second cycle](#), notes that "Denmark continuously aims to exercise its responsibility to protect and secure high human rights standards in policy and law-making."

⁶ See the previous [ODIHR election reports on Denmark](#).

⁷ Elections in the Faroe Islands and Greenland are administered under separate legislation

⁸ Constituencies include from 2 to 13 districts each, depending on the size.

and the remaining 40 seats are compensatory seats distributed among the three electoral regions.⁹ A valid vote can be cast for a particular candidate or a party or indicate both a candidate and the party that this candidate stands for.

The constituency seats are distributed among parties and individual candidates in each MMC using the d'Hondt method, and no set threshold to participate in the distribution (i.e., natural thresholds apply). To be eligible to participate in the distribution of compensatory seats, parties must either win at least two per cent of all valid votes nationwide, win at least one constituency seat in any MMC, or obtain in two out of the three provinces the number of votes that corresponds to at least the vote per seat ratio (excluding compensatory seats). Some ODIHR NAM interlocutors described such thresholds as conducive to relatively small political parties gaining parliamentary representation and resulting in many parties in the parliament.

To distribute compensatory seats among eligible parties, an overall proportional representation is determined using the largest remainder method.¹⁰ After that, further calculations are used to determine in which regions and, subsequently, in which MMC each eligible party won one or more compensatory seats.

Political parties forming lists of candidates for the nomination districts can choose to nominate a candidate as 'standing in the district.' In that case, a leading candidate's name is placed first in the section of this party, and all the votes cast for that party in the district, are attributed to this candidate during the seat allocation process. Alternatively, all candidates on the party list can stand 'in parallel' with their names listed in a pre-determined order, whereas the party votes are distributed among them in proportion to the personal votes they received.¹¹ The manner in which the party votes are distributed to individual candidates, therefore, depends on the type of party list that the party chooses during the nomination process. Some ODIHR NAM interlocutors described the election system as complex, which may lead to many voters not understanding how their votes are translated into seats.¹²

D. ELECTION ADMINISTRATION

The election administration is highly decentralised. At the national level, the election section at the MoIH serves a coordination role, including issuing regulations to supplement the election law, developing policies and providing legal and technical guidance to municipalities. The MoIH informed ODIHR NAM that there had been no changes in the election procedures since the previous general elections. The MoIH may propose amendments to electoral legislation and also serves as a secretariat for the Election Board on the national level.¹³ The Election Board is tasked with registering political parties, maintaining a list of approved party names, and deciding on the eligibility of voters who reside and wish to vote abroad (*see Voter Registration*). All ODIHR NAM interlocutors expressed a very high level of trust and confidence in the professionalism and integrity of the election administration at all levels.

⁹ The allocation of constituency seats per MMC and of compensatory seats per region are reapportioned every five years, last time in 2020, to reflect changes both in the population figures and in the number of registered voters in the most recent general elections.

¹⁰ The number of compensatory seats per party is a difference between the total seats that the party would win if the country were one constituency, and the number of constituency seats won in all MMCs by that party.

¹¹ If the party does not disclose the ordering preference, the candidates are listed alphabetically.

¹² Including from among national minorities, or persons with sensory or intellectual disabilities.

¹³ The Election Board is established by the MoIH and answers to the Parliament. It comprises judges and constitutional law specialists.

Elections are primarily administered by municipalities, the 92 temporary district election committees (DECs) formed by the municipalities, and 1,347 polling station election bodies.¹⁴ The MoIH election section or other institutions do not maintain gender statistics of lower-level election management bodies.

DECs comprise between five and nine members elected by the municipal councils, proportionally to the political representation in the councils; mayors serve as DEC chairpersons *ex officio*. DECs are responsible for the procurement of ballots, collecting and reporting provisional results and organising the second (redundant) vote count of votes per party and the count of preferential votes for all candidates.¹⁵ Polling station election bodies, who administer elections on election day, are composed of 5-9 party nominees (on a proportional representation basis) who are assisted by several additional volunteers selected by the municipality, often young voters (students, etc.). The training of polling staff is under the responsibility of municipal administration.

The ODIHR NAM interlocutors described several measures to facilitate voting for persons with disabilities, including having most polling stations accessible and the availability of specialised equipment, including special lights and pens, wider voting booths, magnifying glasses and electronic magnifiers. Voters with disabilities have the right to apply to vote at a polling station of their choice, but some municipal authorities also plan to set up voting outside (in a tent). Each polling station also permits curbside voting.¹⁶ However, voters with visual impairments may experience difficulty voting independently due to the complexity and variability of ballot papers, leading to a lack of braille stencils and no other equipment currently available. By law, voters may opt to vote assisted by the person of their choice; however, as this is a relatively new provision, in some previous polls, not all polling staff and voters were familiar with it.¹⁷

Due to very tight deadlines and less than a month from calling elections until election day, the municipalities must prepare a significant portion of their tasks in advance.¹⁸ According to the MoIH, no municipalities are facing significant issues, although some experienced difficulties in identifying a sufficient number of polling staff. Municipal representatives informed the ODIHR NAM that they have good communication with and received sufficient guidance from the ministry.

There are limited voter information campaigns on the national level and no voter information campaigns in the media.¹⁹ There are no requirements for election information materials or ballots to be produced in any minority languages.

E. VOTER REGISTRATION

Danish citizens who have permanent residence in Denmark and are at least 18 years of age are entitled to vote. Only certain citizens who temporarily reside abroad remain eligible to vote.²⁰ By law, persons

¹⁴ The DECs correspond to the 92 nomination districts. In case a district spans more than one municipality, the election law determines how many DEC members are appointed per municipality.

¹⁵ Statistics Denmark aggregates and disseminates detailed election results and other relevant electoral statistics and facilitates the process of seat allocation.

¹⁶ Voters may apply to vote at another polling station until one week ahead of elections.

¹⁷ Until 2017, the law mandated that the voters in need of assistance are assisted by two polling staff.

¹⁸ The Copenhagen municipality described to the ODIHR NAM that the most difficult challenge is to prepare and print the ballot papers in time to be disseminated for voting.

¹⁹ The Parliament maintains an informative website that includes accessibility options.

²⁰ This includes state employees working abroad, employees of Danish companies working abroad, those working in international and aid relief organizations, students studying abroad, those abroad for health reasons and all citizens who intend to reside abroad for no longer than two years. Voters who return to Denmark from abroad and register with the local registration office up to seven days before elections will be added to the voter register in the country.

under guardianship who have been fully deprived of their legal capacity are disenfranchised.²¹ A number of ODIHR NAM interlocutors noted that Denmark has a significant number of residents without citizenship and therefore without the right to vote in the parliamentary elections.²²

Voter registration is automatic, and voter registers are extracted from the national civil register, continuously updated by the municipalities.²³ Voters who move to another municipality less than 15 days before general elections remain on the electoral register of the municipality of their prior registration. If any errors are found in the register, they can be corrected at any time, including on election day.²⁴

All voters may choose to vote in advance at any municipality in the country, starting from 11 October through 28 October.²⁵ Advance voting is also organised at diplomatic missions (for those eligible to vote), military bases, hospitals, prisons, retirement homes, housing facilities for people with disabilities, etc. Persons with disabilities may also apply to vote at home by 20 October.

None of the ODIHR NAM interlocutors raised concerns related to the voter registration process or the accuracy of the voter register. The electoral register is not available for scrutiny by election stakeholders. Five days before elections, at the latest, all voters should receive mailed polling cards which include their voter registration information and the address of their polling station. These cards are scanned during voter identification at the time of polling.²⁶ Voters can also look up online the polling station assigned to their street address.

F. CANDIDATE REGISTRATION

Any eligible voter can stand as a candidate nominated either by a political party or running independently. Political parties represented in the outgoing parliament are automatically eligible to nominate candidates. Non-parliamentary parties can participate in these elections if they gather 20,182 voter declarations of support.²⁷ The received voter declarations are valid for 18 months, and most declarations are submitted digitally, simplifying the process. However, by law, voters must validate their support one week after submitting their declarations, which some ODIHR NAM interlocutors see as an unnecessary obstacle. Individual candidates registering at the level of a nomination district must submit a minimum of 150 and maximum of 200 declarations. Contrary to international good practice, voters can sign in support of only one party and one independent candidate.²⁸ Despite that, most ODIHR NAM interlocutors described the candidate registration as inclusive.

A total of 15 parties are eligible to be included in the ballot, and 14 declared they would run in these early general elections.²⁹ There are no gender quota requirements for candidate lists and only one

²¹ Article 29 of the Constitution disenfranchises those declared incapable of conducting their “own affairs”. The Guardianship act differentiates between different forms of guardianship and whether a person should be fully deprived of legal capacity is decided by a local court. The [recent case](#) before the European Court of the Human Rights concluded that this arrangement is in line with the European Convention on Human Rights.

²² An [estimated](#) 10 per cent of the population in Denmark does not have Danish citizenship.

²³ Some 4.3 million voters are registered for these elections.

²⁴ Voters could request corrections from municipalities at any time. Voters may also formally complain, and such complaints are considered after the elections, by the Parliament.

²⁵ According to the MoIH, some eight to ten per cent of voters typically vote in advance.

²⁶ If a voter misplaces their voting card, a new one may be printed.

²⁷ By law, German minority parties who wish to participate in elections are exempt from collecting declarations.

²⁸ Paragraph 96 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation, Second Edition](#), recommends that “[i]t should be possible to support the registration of more than one party, and legislation should not limit a citizen or other individual to signing a supporting list for only one party”.

²⁹ By law, the MoIH published the list of eligible parties 14 days before election day (18 October).

party stated to the ODIHR NAM that it has a specific policy for equal representation of women candidates.³⁰ Some parties noted they list candidates from among national minorities but do not have any policies in this respect.

Parties have from the calling of elections on 5 October until 21 October to submit their candidate lists. The lists are submitted to the National Social Appeals Board (NSAB), an agency under the Ministry of Social Affairs and the Elderly, which determines the eligibility of all candidates and forwards the lists to the appropriate DEC as soon as possible.³¹ If the NSAB identifies any errors, the parties are given 12 hours to correct the lists.

There are no mechanisms for appealing the decisions of the ministry in terms of eligibility of parties or of the NSAB for denying approval of specific lists of candidates, except by submitting a complaint to the parliament after the elections were concluded (*see Complaints and Appeals*).

G. ELECTION CAMPAIGN

The official campaign period starts at the moment the elections are called and campaigning is allowed on election day, except in the polling stations. The law does not stipulate any regulations except for requirements on the format and posting of outdoor campaign posters and the prohibition of paid political advertising on broadcast media.³² While the campaign is relatively short, the political party representatives met by the ODIHR NAM did not see it as a problem, noting that it is sufficient to reach out to voters but also that all parties started campaigning much earlier, in anticipation of elections being announced. Overall, parties that the ODIHR NAM met with asserted their ability to reach voters and campaign freely.

The campaign has focused and is expected to continue to focus on issues such as health, immigration and treatment of asylum seekers, climate, economy and energy stability, and foreign and defense policies. The ODIHR NAM interlocutors described a vibrant campaign with frequent meetings with voters and many campaign activities online, especially on various social networks. While TV advertising in Denmark is prohibited, most candidates produce and publish a large amount of information online, including sponsored content. Several ODIHR NAM interlocutors noted that this disparity makes the prohibition of TV advertising increasingly ineffective.

All ODIHR NAM interlocutors noted that disinformation on social networks is almost completely absent during these elections, including from abroad. Several ODIHR NAM interlocutors noted with concern that the tone of online campaigning is more negative compared to other media or during in person campaign activities and that there are some instances of discriminatory language and hate speech in online comments, including those targeting minorities, persons with disabilities and women, including as candidates.

A number of ODIHR NAM interlocutors also expressed the opinion that more efforts are needed to ensure the full equal political participation of persons with disabilities, by making campaign venues and campaign materials and voter information accessible for voters and prospective and registered candidates with disabilities.

³⁰ According to research by the Danish Institute for Human Rights, some 40 per cent of all candidates standing in these elections are women.

³¹ This body has no other duties related to elections.

³² Posters of a maximum size of 0.8 square meters may be displayed without seeking prior permission starting from 8 October.

H. POLITICAL AND CAMPAIGN FINANCING

The legal framework for the finance of political parties includes the Grants to Political Parties Act and the Private Contributions to Political Parties and Publication of Political Parties Accounts Act. No changes to political party financing have been introduced since the last general elections in 2019, and several aspects are yet to be addressed to meet the prior recommendations issued by the Council of Europe's Group of States against Corruption (GRECO).³³ Many ODIHR NAM interlocutors expressed the view that the party and campaign financing is under-regulated and non-transparent.

The law does not establish limits to either donations or expenditures. There is no limitation on who can donate, including those from abroad. Parties and independent candidates that received at least 1,000 votes in the last general elections are eligible for public funding for political activities.³⁴ Some ODIHR NAM interlocutors consider this threshold for public funding rather low.³⁵

Political parties must report the identities of all donors that cumulatively donate more than 20,200 DKK (approx. 2,688 EUR), but it does not require disclosing the actual value of the donation. Several ODIHR NAM interlocutors also described ways to circumvent this transparency requirement by a single donor apportioning the donation through multiple separate subjects (e.g., a company providing separate donations through separately registered branches).³⁶ Further, they also described a mechanism by which several donors can group and occlude their individual identities (e.g., through organising into clubs, whereas only the club is identified in the financial reports).

The law does not establish any campaign expenditure limits and provides only minimum financial reporting requirements by political parties. Parties must submit their annual financial reports to the parliament within 12 months after the end of the reporting year, which some ODIHR NAM interlocutors consider being very late and failing to ensure accountability and transparency.³⁷ Despite a prior GRECO recommendation, no institution is responsible for party and campaign finance oversight. The law only requires that the parties' financial reports are audited by a certified independent auditor selected by the party.

I. MEDIA

The media environment is open and diverse, enabling a vibrant political atmosphere and providing numerous sources of information. Broadcast media is dominated by the public Danish Broadcasting Corporation (DR) and commercial TV2, both airing a number of national and regional TV and radio channels.

The coverage of the campaign by the media is largely unregulated by law and left to the internal policies of the media outlets. There are no legal requirements for equal or equitable media coverage; however, many ODIHR NAM interlocutors have taken the view that the media generally strives to

³³ In its [2022 Second Addendum to the Second Compliance Report on Denmark](#), GRECO noted that of its nine recommendations on transparency of political party funding, four of its prior recommendations were implemented or dealt with, two were partially implemented, and three are yet to be implemented.

³⁴ The annual subsidy in 2022 for each vote received is DKK 34.75 (approx. 4.67 EUR). Parties also receive subsidies from local governments in relation to votes won in local elections.

³⁵ According to the MoIH, a parliamentary committee recommended the ministry to write amendments to the Grants to Political Parties Act which would stipulate the allocation of public subsidies only to contestants who win a substantial number of votes closer to the amount needed to obtain a seat.

³⁶ The law permits an unlimited number of anonymous donations below the legal threshold.

³⁷ The report must contain the total amounts received by type of donations: public funding, membership fees, donations from private individuals, donations from all organizations (including companies, trade unions, etc), and income from interests.

achieve meaningful, impartial and comprehensive coverage of the campaign. The Radio and Television Broadcasting Act bans political advertisement or sponsorship in news and current affairs programmes. A range of public associations, including political parties, are prohibited from advertising. In addition, advertising by anyone of any ‘political messages’ on television is banned from the call of elections until the closing of the polls.

The ODIHR NAM was informed that DR and TV2 are organising extensive coverage of the election campaign and are facilitating two debates among the leaders of all fourteen parties contesting the elections, and a one-on-one debate between the candidates for the prime minister of the three main parties, in formats determined by these TV stations. The election TV programs are largely accessible for persons with hearing disabilities, although at times with a delay.³⁸ In general, ODIHR NAM interlocutors expressed confidence in the independence and professionalism of the public broadcaster and other media.

The print media forms an important part of the media landscape.³⁹ In contrast to broadcast media, political advertisement in newspapers and online media is unregulated and fully permitted. Most candidates also engage in considerable campaign messaging through online media, including social networks (*see Election Campaign*).

All media are regulated by the 1998 Media Liability Act (as amended in 2018), which establishes that the content and conduct of mass media shall conform with ‘sound press ethics’.⁴⁰ This provision is overseen by the independent Press Council, which adjudicates media-related complaints whose decisions are final and binding.⁴¹ Membership in the Council is mandatory for media that receive public funding; licensed broadcast media and print media that publish at least two articles a year also fall under the scope of review of the Press Council.⁴² According to the Media Liability Act, the Press Council may also act *ex officio*, but this clause is generally not used. According to the ODIHR NAM interlocutors, no public institution performs media monitoring, but a number of media outlets employ some form of self-monitoring, including fact-checking.

According to the ODIHR NAM interlocutors, the media laws provide an appropriate framework for protecting the freedom of speech and the press. However, some interlocutors criticised the 2014 Freedom of Information Act, which allows institutions to withhold information of public interest and interpret the law restrictively.

J. COMPLAINTS AND APPEALS

The election law contains a limited number of provisions that regulate electoral dispute resolution. Immediately after the elections, a temporary election committee is established by the parliament to adjudicate electoral complaints and scrutinise the election material as needed before making a recommendation to the parliament regarding the validity of the elections as a whole and for each individual MP.⁴³

³⁸ Notably, DR is contractually committed to covering with the sign language all elections programs, including party presentations and election coverage.

³⁹ This includes eight national daily newspapers, including *Berlingske Tidende*, *Morgenavisen Jyllands-Posten* and *Politiken*.

⁴⁰ Section 34 of the Media Liability Act.

⁴¹ The Press Council informed the ODIHR NAM that no election-related complaints had been received by the time of the NAM visit. In total, in 2021, the Press Council received 163 complaints.

⁴² Internet-based media, including online editions of newspapers or broadcasters, may voluntarily register with the Council.

⁴³ After the new parliament is inaugurated, a permanent election committee is established to approve MP substitutes.

While election stakeholders generally consider this remedy to be sufficient and have confidence that municipal election authorities will effectively address any issues that arise during the entire election period, there is no possibility of appealing administrative decisions before election day. Formal complaints may be submitted within one week after the election day, and the MoIH then forwards any received complaints, along with draft recommendations, to the parliament for consideration by the election committee. The law also does not provide a judicial review of election-related administrative decisions as part of the election dispute resolution process, at odds with OSCE commitments. The elections committee of the parliament informed that in recent elections, it received and considered only a limited number of complaints that did not have an impact on election results.

IV. CONCLUSIONS AND RECOMMENDATIONS

All ODIHR NAM interlocutors expressed a high level of confidence in the integrity of the electoral process and the ability of the election administration to organise elections professionally and transparently. While all ODIHR NAM interlocutors noted that international observers are welcome, several interlocutors expressed an opinion that an observation activity would be unnecessary. Nonetheless, some interlocutors pointed to potential areas of improvement to the regulatory framework for campaign financing, and several raised concerns related to harsh and intolerant rhetoric on social networks. Therefore, based on the assessments noted in this report, the ODIHR NAM recommends deploying an Election Expert Team (EET) for the 1 November 2022 early general elections to assess the regulation of the campaign, its conduct, including the participation of marginalized groups, and the regulatory framework for the campaign and party finance.

ANNEX: LIST OF MEETINGS

Institutions

Ministry of Foreign Affairs

Henrik Winther, Head of Department for European Neighbourhood
Andreas Fabricius Riis, Head of Section, Department for European Neighbourhood

Ministry of the Interior and Housing

Christine Boeskov, Chief Election Officer
Søren Stauning, Special Adviser

Statistics Denmark

Annemette Lindhardt Olsen, Senior Advisor

***Folketing* Scrutineers' Committee**

Peter Juel Jensen, MP, Deputy Chairperson
Birgit Thostrup Christensen, Head of Office, Legal Services Office of the *Folketing*
Karen Jørgensen, Chief Adviser, Legal Services Office and the Scrutineer's Committee Secretary
Anton Høj Jakobsen, Chief Adviser, Legal Services Office of the *Folketing*

Municipality of Copenhagen

Anette Lund Hansen, Head of Department, Department of Culture and Leisure Administration
Jesper Hyldal, Head of Office, Weddings, Elections and Sustainability

Political Party Representatives

Peter Juel Jensen, MP, Liberal Party (*Venstre*)
Søren Søndergaard, MP, Red-Green Alliance (*Enhedslisten – De Rød-Grønne*)
Lisbeth Bæk Nielsen, MP, Socialist People's Party (*Socialistisk Folkeparti*)
Katarina Ammitzbøll, MP, Conservative People's Party (*Det Konservative Folkeparti*)
Lars Beer Nielsen, Secretary General, Social Liberal Party (*Det Radikale Venstre*)

Media Representatives

Press Council

Lisbeth Feldvoss, Director of the Secretariat
Latifa Mahdaoni, Legal Officer

DR

Thomas Falbe, Head of News

***Berlingske* Newspaper**

Mette Østergard, Editor in Chief
Kasper Krogh, Internal Affairs Editor
Chris Kjær Jessen, Political Editor

Civil Society Representatives

Danish Institute for Human Rights

Nikolaj Nielsen, Department Director, Equal Treatment
Katrine Wamsler, Special Adviser

Disabled People's Organizations Denmark

Sif Holst, Deputy Chairperson

Monica Løland, Senior Adviser, Department for Politics and Analysis

Transparency International Denmark

Jesper Olsen, Chairperson of the Board

International Community⁴⁴

Representatives of diplomatic missions of Cyprus, the Czech Republic, Germany, Ireland, Latvia, Portugal, Turkey and the United Kingdom.

⁴⁴ The ODIHR NAM extended an invitation to representations of all OSCE participating States resident in Denmark