[DE] Potsdam Administrative Court upholds regulatory measures against AfD election advert

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In its judgment of 12 October 2026, the Administrative Court (*Verwaltungsgericht* – VG) of Potsdam dismissed a claim brought by the Brandenburg regional branch of the Alternative for Germany party (AfD Brandenburg) against regulatory measures imposed by the Berlin-Brandenburg media authority (*Medienanstalt Berlin-Brandenburg* – mabb) in relation to an election campaign advert. The court agreed with the media regulator's assessment that the advert, by exploiting racist stereotypes and portraying people from migrant backgrounds in threatening situations, could impair the development of children and young people into independent, socially responsible individuals and should therefore be prohibited.

The legal dispute is particularly interesting because it centres on an AI-generated video. The AfD Brandenburg had distributed this video in 2024, in the run-up to the state elections in Brandenburg, via various social media channels such as TikTok, Facebook and Instagram. The advert addressed various issues which, in the party's view, needed to be tackled in Brandenburg, including drug-related crime, the general sense of insecurity and the overall impact of migration. Among other things, the advert stated: "You decide whether your town centre keeps its weekly market or ends up with a drug market […]. You decide whether parents can send their children to school in the morning with a clear conscience, or whether the fear of violence in the school playground causes sleepless nights; whether Brandenburg still offers any prospects at all, or whether it means a loss of prosperity and foreign infiltration". The text was accompanied by AI-generated images and videos showing people with dark skin or dark hair in threatening situations, for example in connection with the words "drug market" and "violence". When the words "foreign infiltration" appeared on screen, for example, several people in burkas were shown marching down a street in a menacing atmosphere. The Commission for the Protection of Minors in the Media (*Kommission für Jugendmedienschutz*), which regulates online media on behalf of the media regulatory authorities, deemed the advert detrimental to the development of children and young people under the age of 16. It perpetuated racist stereotypes and thereby fuelled prejudice, encouraged prejudgement and stigmatised groups of people with a migrant background. This was likely to instil or reinforce a fundamental mistrust among children and young people. On this basis, in January 2025, the mabb formally objected to and prohibited the dissemination of the video, unless the AfD Brandenburg could ensure that

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children and young people under the age of 16 would not normally be exposed to it.

The action brought by AfD Brandenburg in response – like a previous application for interim relief – was unsuccessful. The Potsdam Administrative Court upheld the regulator's assessment of the advert and had no doubts as to its classification as detrimental to young people's development. It rejected AfD Brandenburg's argument that the advert was comparable to television news and current affairs programmes and therefore fell under the so-called "reporting privilege". Taking into account the political party privilege, the fundamental right to freedom of expression and artistic freedom, the decision taken by the media authority in favour of the protection of minors had been proportionate. In particular, AfD Brandenburg could no longer benefit from the special protection afforded to election campaign broadcasts, as the mabb's order had been issued only four months after the state election. The advert was now to be regarded as nothing other than party advertising. Nor did the court accept the objection that the party lacked the technical means to enforce age restrictions on social media platforms for individual posts, arguing that such restrictions could only be implemented by the platforms themselves. This did not prevent the application of regulations designed to protect minors.

Pressemitteilung VG Potsdam 04/2026

https://verwaltungsgerichtsbarkeit.brandenburg.de/vg/de/presse/pressemitteilungen/~13-10-2026-afd-medienanstalt

Potsdam Administrative Court press release 04/2026

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