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OSCE/ODIHR GUNNARSÐÓTTIR

Introduction

1.1 About the ODIHR Election Observation Handbook

This handbook sets out the ODIHR's observation methodology and serves as a reference for all ODIHR election observers.¹ It informs the OSCE community at large, including governments of participating States, political parties, candidates, voters, media and civil society, as well as other international organizations, about the basis for the planning, deployment and implementation of and follow-up to an election observation mission (EOM). Further, it elaborates the process by which elections in OSCE participating States are assessed for their compliance with the Organization's election-related commitments, other international standards for democratic elections² and national legislation.

Although ODIHR's methodology has not been altered fundamentally since the first release of the handbook, in 1996, this sixth edition benefits from the knowledge and practical experi-

1 More-detailed and specialized guidance for members of election observation missions is available in a number of other ODIHR publications, including the *Handbook for Long-Term Observers*, *Handbook for Monitoring Women's Participation in Elections*, *Guidelines for Reviewing a Legal Framework for Elections* (a revised version is forthcoming), *Guidelines to Assist National Minority Participation in the Electoral Process*, and the *Handbook on Resolving Election Disputes in the OSCE Area*, as well as *Existing Commitments for Democratic Elections in OSCE Participating States*. All of these publications are available either in hard copy from ODIHR or electronically on the ODIHR website: <<http://www.osce.org/odihr>>. Furthermore, observer handbooks are forthcoming on media monitoring during elections, participation by national minorities in electoral processes, observing registration of voters and electronic voting.

2 For the purpose of this handbook, "other international standards" are defined as election-related universal and regional treaty standards found, for instance, in the International Covenant on Civil and Political Rights, the European Convention on Human Rights and the Convention on the Standards of Democratic Elections, Electoral Rights and Freedom in the Commonwealth of Independent States, as well as non-treaty standards found, for instance, in the Universal Declaration of Human Rights and other political declarations, and general comments by the United Nations Human Rights Committee.

ence accumulated in more than 230 elections that ODIHR has observed to date. ODIHR has a standing commitment to review and refine its methodology in line with relevant OSCE ministerial decisions. This new edition takes into account recent adaptations of mission formats that enable a broader geographic reach for ODIHR election activities, as well as allowing the observation of specific relevant issues. The latest handbook also elaborates on specialized observation issues, such as media monitoring, electronic voting and statistical analysis. Finally, it provides additional guidance on post-election-day observation and follow-up activities.

The release of the sixth edition of the handbook coincides with the 20th anniversaries of the Copenhagen Document and the Charter of Paris. As such, it serves as a reminder of the OSCE's achievements as an organization undertaking credible election observation activities and developing benchmarks or assessing election processes in its participating States.

The handbook's first edition emphasized the fact that an election process is more than a one-day event and reflected ODIHR's enhanced role, according to the Budapest Summit Declaration of 1994, for long-term observation before, during and after election day. Today, following OSCE decisions at Istanbul (1999), Porto (2002), Maastricht (2003), and Brussels (2006), this sixth edition also emphasizes ODIHR's ongoing efforts to further engage OSCE participating States in their commitment to promptly follow up on ODIHR recommendations for improving democratic election processes.

During the decade-and-a-half since the release of the first edition, ODIHR has consistently underlined the importance of long-term engagement and a process-oriented approach. In co-operation with OSCE participating States, ODIHR continues to work towards the common objective of holding democratic elections in line with OSCE election-related commitments.

1.2 How to Use This Handbook

This handbook is structured to provide easy access to specific materials of the most immediate interest to the reader. Chapter 2 describes the background to ODIHR election observation activities, including the fundamental purpose of observation, the broader human rights context and ODIHR's mandate. Chapter 3 gives a brief overview of the OSCE commitments, other international standards for democratic elections, and national legislation against which ODIHR assesses elections in the OSCE region. Chapter 4 presents certain minimum conditions for effective, credible and professional observation. It also explains in detail the role of needs assessment missions. Chapter 5 describes several formats for election-related activities that have been developed to respond appropriately to the needs of participating States and to better assist them in improving their electoral practices and legislation.

The subsequent chapters cover operational aspects of observation missions and are grouped sequentially. Chapter 6 outlines the composition and structure of a standard EOM. Chapter 7 describes, in detail, the methodology for observing the pre-election period. Chapters 8-9 set out the methodology for observing voting and counting procedures, as well as the tabulation of results. Chapters 10-12 focus on the post-election period, including immediate post-election reporting, observing post-election developments, and closing down a mission. The final chapters, 13-15, deal with ODIHR's partnerships with other organizations, the final assessment of an election and options for post-election follow-up.

Finally, the handbook contains four annexes with additional information. Annex A contains all major OSCE election-related commitments found in the 1990 Copenhagen Document and other relevant OSCE documents. Annex B presents a sample questionnaire used by short-term observers (STOs) when visiting polling stations. Annex C provides a bibliography of election-related publications produced by ODIHR. Annex D is a glossary of terms commonly used in EOMs.

Overall, this structure provides a transparent overview of EOMs, their founding principles and their work.

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OSCE/ROBERTO BERNA

Background to International Election Observation

2.1 Why Observe Elections?

As a community of states committed to the respect for human rights, democracy and the rule of law, the OSCE has emphasized democratic elections as a key pillar of long-term security and stability. All OSCE participating States have committed themselves to invite international observers from other OSCE participating States, ODIHR and the OSCE Parliamentary Assembly³ to their elections. As such, the states recognize that election observation can play an important role in promoting transparency and accountability, as well as enhancing public confidence in an electoral process. Deploying observers demonstrably supports democratic processes and can assist OSCE participating States in their stated aim to conduct genuinely democratic elections in line with OSCE commitments. The mere presence of international observers, however, should not be viewed as adding legitimacy or credibility to an electoral process. In general, most electoral processes can benefit from an independent and impartial assessment made by international observers.

Democratic elections are celebrations of fundamental human rights and, more specifically, civil and political rights; election observation, therefore, contributes to their overall promotion and protection. A genuine election is a political competition that takes place in an

³ This commitment was made in the Charter for European Security (Paragraph 25), at the Istanbul Summit 1999, and reconfirmed in OSCE Ministerial Council, Decision No. 19/06 (Paragraph 10), "Strengthening the Effectiveness of the OSCE", Brussels, 6 December 2006.

environment characterized by political pluralism, confidence, transparency and accountability. It provides voters with an informed choice between distinct political alternatives. Such an election presupposes respect for basic fundamental freedoms: expression and information; association, assembly and movement; adherence to the rule of law, including access to effective remedy; the right to freely establish political parties and compete for public office on a level playing field; non-discrimination and equal rights for all citizens, including those belonging to minority groups; freedom from intimidation and pressure; and a range of other fundamental human rights and freedoms that all OSCE participating States have made commitments to protect and promote.

The purpose of an ODIHR election observation activity is to assess the extent to which an electoral process complies with OSCE commitments and other international standards for democratic elections, whether national legislation reflects these commitments, and how it is implemented. The objectives of election observation are to identify areas for improvements and to formulate concrete and operative recommendations that will support the efforts by OSCE participating States to conduct democratic elections in line with OSCE commitments.

2.2 Election Observation in Context

ODIHR's election observation activities have demonstrated the OSCE's commitment to assist participating States in building solid and resilient democratic institutions. Although countries undergoing democratic transition have traditionally been the focus of election observation, other OSCE states also benefit from targeted observation or assessment of their electoral processes. It should be noted that, following the principle of equality of sovereign states, as laid down in Helsinki in 1975, all 56 participating States are equally bound by identical commitments, and they apply equally to all. With this in mind, ODIHR has expanded its election observation activities throughout the OSCE region.

Election observation is a civilian activity. Nevertheless, election observation can take place in post-conflict situations, so long as minimum standards for credible election observation are met. This assumes that an appropriately secure environment exists, allowing for a meaningful election process to be conducted and for free, unimpeded movement for election observers. The value of election observation is essentially negated if security requirements prevent participants in an election observation activity from obtaining information, moving freely throughout a country, or meeting with all election stakeholders. Under these conditions, the credibility of any findings can be questioned.

2.3 ODIHR's Mandate for Election Observation

ODIHR's mandate to observe elections derives from Paragraph 8 of the 1990 Copenhagen Document, confirmed by the 1990 Charter of Paris for a New Europe, the 1993 Document of the Fourth Meeting of the Conference for Security and Co-operation in Europe (CSCE) Council of Ministers (Rome), the 1994 Budapest Summit Document, the 1999 Istanbul Summit Document (Charter for European Security), and the 2006 Decisions of the Fourteenth Ministerial Council (Brussels).

ODIHR was originally established as the Office for Free Elections by a decision taken at the 1990 Paris Summit of the CSCE — the OSCE’s predecessor. The Office’s original mandate was to foster the implementation of OSCE commitments specifically in relation to democratic elections and to facilitate contacts and exchange of information on elections. It began to undertake small-scale election observation activities shortly after its establishment.

The Office was renamed the Office for Democratic Institutions and Human Rights in 1992, when its mandate was broadened to other aspects of the human dimension. In 1993, the CSCE Council meeting in Rome decided on “the enhancement of [ODIHR’s] role in comprehensive election monitoring”.⁴ The following year, in recognition that an election process is more than a one-day event, the Budapest Summit decided that ODIHR should “play an enhanced role in election monitoring before, during and after elections”.⁵ The Budapest Summit also specifically tasked ODIHR with “assessing the conditions for the free and independent functioning of the media” in connection with elections, “to develop a handbook for election monitors”, and to set up a “rolling calendar for upcoming elections”.⁶

In the Charter for European Security, adopted at the OSCE Istanbul Summit in 1999, the participating States specifically committed themselves to invite ODIHR to observe their elections. Recognizing in the same document that observation of elections is not an end in itself but is designed to lead to improved electoral practices, the participating States added another important, new commitment: “We agree to follow up promptly the OSCE/ODIHR’s election assessment and recommendations.”⁷ ODIHR’s election observation mandate was reaffirmed by participating States at the 2006 OSCE Ministerial Council, in Brussels.⁸

2.4 Where, What and When to Observe

ODIHR only observes elections held in OSCE participating States. While the 1990 Copenhagen Document provides for observing “national election proceedings”, the 1999 Charter for European Security and the 2006 Ministerial Council expanded the scope of observation by omitting the word “national”, thus granting ODIHR the mandate to monitor elections at all levels, when invited. While ODIHR has primarily focused on direct elections for state institutions at the national level, such as presidential and parliamentary elections, a limited number of regional and local elections and some referenda have also been observed.

The funding for ODIHR’s election observation comes exclusively from the OSCE unified budget, which is approved by consensus among the OSCE participating States. There are many elections in any given year within the OSCE region, and ODIHR does not have the required human and financial resources to observe them all. Therefore, a careful allocation of available resources is required in order to maximize their use. The decision whether to observe an

4 Document of the Fourth Meeting of the CSCE Council, Rome, 1993, Decisions, Chapter IV, Paragraph 4. Other OSCE documents referred to in this handbook are available on the OSCE website, <<http://www.osce.org/odihr>>. See also *OSCE Human Dimension Commitments: Thematic and Chronological Compilations*, (Warsaw, OSCE/ODIHR, 2005), <http://www.osce.org/odihr/item_11_16237.html>, and <http://www.osce.org/odihr/item_11_16238.html>.

5 OSCE, Concluding Document of Budapest, Decisions, Chapter VIII, Paragraph 12.

6 This calendar is available on the ODIHR website at <<http://www.osce.org/odihr>>.

7 Charter for European Security, *op. cit.*, note 3.

8 OSCE Ministerial Council, Decision No. 19/06, *op. cit.*, note 3.

election is based on the conduct of a needs assessment mission (NAM), which advises on the type, format, duration and scope of a potential election observation activity (see section 4.2 for more details). In cases of early elections, NAMs may not always be possible, due to shortened timeframes.

2.5 Declaration of Principles for International Election Observation

ODIHR's election observation methodology is further supported by the Declaration of Principles for International Election Observation, commemorated at the United Nations in 2005 and endorsed by a broad range of organizations conducting election observation throughout the world.⁹ As one of the initial organizations to endorse the Declaration, ODIHR once more demonstrated its commitment to observing elections in a manner that promotes the integrity and credibility of election observation based on the principles of independence, impartiality and professionalism, as enunciated also by the 2006 OSCE Ministerial Council.¹⁰ The Declaration stresses such principles as the grounding of election observation in international human rights law, the long-term nature of elections, the need to establish minimum conditions for credible observation, and the important role of domestic election observers. At the same time, the Code of Conduct for International Election Observers that accompanies the Declaration reflects the principles of ODIHR's Observer Code of Conduct.

Building on these international efforts, the European Commission for Democracy through Law (Venice Commission) of the Council of Europe has adopted guidelines on an internationally recognized status for election observers, which set forth the rights and duties of election observers, both domestic and international.¹¹

9 Commemorated 27 October 2005 at the U.N., New York (available at <http://www.osce.org/documents/odhr/2005/11/16968_en.pdf>). While not constituting a formal commitment binding states, the Declaration of Principles has been endorsed by almost all international organizations and bodies regularly conducting election observation, and provides a common point of reference and guiding principles for credible and professional international election observation (see <http://cartercenter.org/peace/democracy/des_endorsing_organizations.html>). In his report on strengthening the role of the UN in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization (A/64/304 (2009)), the UN Secretary General encourages others to join the emerging consensus regarding these principles.

10 OSCE MC Decision 19/06 on Strengthening the Effectiveness of the OSCE, Paragraph 13.

11 Venice Commission, Guidelines on an Internationally Recognized Status for Election Observers, CDL-AD(2009)059, Strasbourg, 14 December 2009, <[http://www.venice.coe.int/docs/2009/CDL-AD\(2009\)059-e.asp](http://www.venice.coe.int/docs/2009/CDL-AD(2009)059-e.asp)>.

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OSCE/JENS ESCHENBACHER

OSCE Commitments and Other International Standards for Democratic Elections

Drawing on universal principles, all OSCE participating States have agreed that “the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government.”¹²

ODIHR election missions assess election processes throughout the OSCE region for their compliance with OSCE commitments, as well as with international standards for democratic elections and with national legislation. For example, if a state is a party to UN human rights treaties or other international and regional instruments relevant to elections,¹³ the state’s adherence to these standards will also be taken into account when assessing elections.

3.1 OSCE Commitments

OSCE participating States have committed themselves to a wide array of standards to support, protect and promote democratic governance and human rights. They have recognized that pluralistic democracy and the rule of law are essential for ensuring respect for all human rights and fundamental freedoms. They have, therefore, welcomed the commitment to

¹² CSCE, Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990), Paragraph 6.

¹³ For instance, the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Commonwealth of Independent States.

the ideals of democracy and political pluralism, as well as their common determination “to build democratic societies based on free elections and the rule of law”. They have also expressed “their conviction that full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law are prerequisites for progress in establishing a lasting order of peace, security, justice and co-operation in Europe”.¹⁴

Participating States have reaffirmed that democracy is an inherent element of the rule of law and have recognized the importance of pluralism with regard to political organizations. They have also committed to a clear separation between the state and political parties. In particular, political parties are not to be merged with the state.¹⁵

Most of the basic commitments relating specifically to elections are contained in paragraphs 6-8 of the 1990 Copenhagen Document. However, there are also relevant commitments related to a broad range of civil and political rights, rule of law issues and non-discrimination provisions that are taken into account in all election-related activities. All observers should become familiar with these commitments, the full text of which is included in Annex A. In summary, the commitments require states to:

- › Hold free elections at reasonable intervals;
- › Permit all seats in at least one chamber of the legislature to be popularly elected;
- › Guarantee universal and equal suffrage;
- › Respect the right of citizens to seek office;
- › Respect the right to establish political parties and ensure that parties can compete on the basis of equal treatment before the law and by the authorities;
- › Ensure that political campaigning can be conducted in an open and fair atmosphere without administrative action, violence, intimidation or fear of retribution against candidates, parties or voters;
- › Ensure unimpeded media access on a non-discriminatory basis;
- › Ensure that votes are cast by secret ballot and that they are counted and reported honestly, with the results made public; and
- › Ensure that candidates who receive the number of votes necessary to be elected are duly installed in office and are permitted to remain in office until their term expires.

In addition, Paragraph 8 of the 1990 Copenhagen Document states that the presence of observers, both foreign and domestic, can enhance the integrity of the electoral process. The document includes a standing invitation from all participating States to all other participating States, as well as to appropriate private institutions and organizations, to observe their national election proceedings. As previously noted, participating States also endeavoured in subsequent decisions to facilitate similar access for observers to elections below the national level.

14 See Document of the Copenhagen Meeting, *op. cit.*, Note 12, Preamble. For more detailed information on OSCE commitments pertaining to elections, see *OSCE Human Dimension Commitments, op. cit.*, Note 4 and *Existing Commitments for Democratic Elections in OSCE Participating States*, (Warsaw, OSCE/ODIHR, 2003), < http://www.osce.org/documents/odihr/2003/10/772_en.pdf>.

15 Document of the Copenhagen Meeting, *op. cit.*, paras. 3 and 5.4.

The respect for fundamental freedoms is central to holding democratic elections and occupies a prominent place in OSCE documents. In Copenhagen in 1990, participating States reaffirmed that “everyone will have the right to freedom of expression including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.”¹⁶ In Budapest in 1994, the states reaffirmed that “freedom of expression is a fundamental human right and a basic component of a democratic society. In this respect, independent and pluralistic media are essential to a free and open society and accountable systems of government.” They committed to safeguarding this right.¹⁷ They also declared that “everyone has the right of peaceful assembly and demonstration”¹⁸ and guaranteed the right of association.¹⁹ The Copenhagen Document states that any restrictions that may be placed on the exercise of these fundamental rights will be prescribed by law and consistent with international standards.

Other OSCE documents include additional commitments on elections. The Lisbon Summit Declaration of 1996, for example, cites electoral fraud as a violation of human rights and a regional security issue. It commits all participating States to addressing this problem. The document adopted at the 1999 Istanbul Summit reiterates the commitment of OSCE participating States to “hold free and fair elections” and contains the commitment “to secure the full right of people belonging to minorities to vote and to facilitate the right of refugees to participate in elections held in their countries of origin”. As previously noted, participating States have also committed themselves to promptly follow up on ODHR assessments and recommendations.

In the field of human rights and fundamental freedoms, participating States have made the commitment to act in conformity with the purposes and principles of the UN Charter and with the Universal Declaration of Human Rights. They also committed to fulfilling their obligations as set forth in international declarations and agreements by which they are bound in this field, including the international covenants on human rights.²⁰ Later, they called on all participating States to act in conformity with those international instruments and on those participating States that had not yet done so to consider the possibility of acceding to the covenants.²¹

3.2 Universal Human Rights Instruments

As noted above, all OSCE participating States have committed themselves to act in conformity with the purposes and principles of the UN Charter and the Universal Declaration of Human Rights (UDHR). The Charter is a legally binding international treaty in which states agreed that one of the purposes of the United Nations is “to achieve international co-op-

16 *Op. Cit.*, note 12, Paragraph 9.1

17 Budapest Decision, VIII. The Human Dimension, 1994, Paragraph 36.

18 *Op. Cit.*, note 12, Paragraph 9.2.

19 *Ibid.*, Paragraph 9.3.

20 See the Helsinki Final Act, 1975, Declaration of Principles, Part VII,

21 See the Madrid Document, 1983, Principles.

eration ... in promoting and encouraging respect for human rights and for fundamental freedoms.” The UDHR, which establishes the right to genuine elections, elaborates on the Charter with a compelling political and moral force and is broadly considered to be customary international law.

Article 21 of the UDHR states that, “everyone has the right to take part in the government of his country, directly or through freely chosen representatives.” The same article also establishes free elections as the only basis of governments’ authority: “The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret ballot or by equivalent free voting procedures.” The UDHR also sets out other rights essential to electoral processes, including fundamental freedoms of expression, association and peaceful assembly.

The rights included in the UDHR have been reiterated and expanded in the International Covenant on Civil and Political Rights (ICCPR), a UN human rights treaty ratified by all OSCE participating States. As a treaty, the ICCPR creates legal obligations for states to comply with its provisions. Article 25 of the ICCPR grants every citizen, without discrimination, the right to vote and to compete for public office. The ICCPR expands upon many other civil and political rights enshrined in the UDHR. General Comment No. 25 (1996) issued by the United Nations Human Rights Committee (HRC)²² provides a detailed interpretation of Article 25 of the ICCPR.

Other UN human rights instruments include specific provisions concerning electoral rights, as well as other human rights that may relate to elections. For example, Article 5 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD) guarantees everyone, without distinction or discrimination, “political rights, in particular the rights to participate in elections — to vote and stand for election...”. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) guarantees, in Article 7, women’s right to participate in political life and elections on the same basis as men.

The large majority of OSCE participating States have ratified the CERD and CEDAW and are bound by their provisions. A number of OSCE participating States have also ratified the Convention on the Rights of Persons with Disabilities, in which Article 29 guarantees the right of those with disabilities to “fully participate in political and public life on an equal basis with others...”, including the right to vote and be elected. In addition, the UN Guiding Principles on Internal Displacement state that internally displaced persons have the same rights as all other citizens, including the right to vote and to participate in governmental and public affairs.

3.3 Regional Human Rights Instruments

While OSCE commitments are the primary basis for assessments by ODIHR, other regional standards for democratic elections are also taken into account.

The majority of OSCE participating States are also members of the Council of Europe (CoE) and are, therefore, bound by the European Convention on Human Rights (ECHR) and, follow-

22 The HRC is the treaty body responsible for overseeing the implementation of the ICCPR.

ing their ratification, by its protocols, as well as by other treaties adopted by the CoE that may include election-related obligations.²³ Article 3 of the ECHR's first protocol requires states to "hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature". In OSCE participating States that are CoE members, individuals may also file a complaint with the European Court of Human Rights to redress election violations, after having exhausted domestic remedies. The Court's decisions contribute to the interpretation of election-related provisions including in relevant CoE conventions. The judgments are indicative to all CoE Member States, which are encouraged to take them into consideration. They are only binding, however, on the CoE Member State that is the subject of the judgment.

The European Union has also adopted treaties with provisions related to democratic elections, including the Treaty on the EU and the EU Charter of Fundamental Rights.²⁴ These treaties are only binding upon EU member states.

The Commonwealth of Independent States (CIS) has adopted the Convention on Standards of Democratic Elections, Electoral Rights and Freedoms.²⁵ The Convention creates obligations for those 5 OSCE participating States that belong to the CIS and that have ratified the Convention.

The Organization of American States (OAS) has adopted the American Convention on Human Rights, the provisions of which are legally binding on States that have signed and ratified it.²⁶ The Convention sets forth fundamental rights and freedoms necessary for the holding of democratic elections. The Convention creates obligations for those two OSCE participating States that belong to the OAS and that have ratified the Convention.

3.4 Electoral Good Practices

There are also documents that identify good practice in the holding of genuinely democratic elections in line with regional and international standards. These documents are not binding but can be utilized in election-related activities as a basis for providing guidance to participating States. They provide examples of how international or regional obligations might be carried out by a state. While some of these documents have an international dimension,²⁷ others have a regional one.²⁸

3.5 Practical Implications

The following sections briefly set out some key principles enshrined in OSCE commitments and other international standards to which particular attention should be paid in election-

23 Council of Europe documents are available on its website, at <www.coe.int>.

24 For more details, see <<http://eur-lex.europa.eu/en/treaties/index.htm>>.

25 For more information, see the CIS website, at <<http://www.cis.minsk.by>>.

26 For more information, see the OAS website, at <<http://www.oas.org/en/default.asp>>.

27 For instance, UN General Assembly resolutions on periodic and genuine elections, or general comments by the UN Human Rights Committee or the CEDAW Committee.

28 For instance, recommendations by the Committee of Ministers of the CoE, other election-related documents published by the Venice Commission, and such as the Code of Good Practice in Electoral Matters, and the Inter-Parliamentary Union's Declaration on Criteria for Free and Fair Elections.

related activities. These include the principles of periodic elections that are genuine, free elections and fair elections, based on universal and equal suffrage, with voting by secret ballot and the honest counting and reporting of results. Each state has the primary responsibility to ensure that these commitments are respected.

PERIODIC ELECTIONS Democratic elections should be held at regular intervals, as established by law. Further, the period of time between elections should not be unduly long. Within the OSCE region, seven years is generally viewed as the maximum reasonable period between elections for a chief executive, although most countries have opted for intervals of four or five years. Five years is generally viewed as a maximum reasonable period between elections for lower houses of parliament.

GENUINE ELECTIONS This principle presupposes that the electoral process will take place in an environment where fundamental freedoms are respected and where political pluralism exists. It also requires that elections be conducted in an accountable and transparent manner and provide a real choice between political alternatives for voters, thereby ensuring the overall confidence of the electorate. An election's genuineness can be called into question if fundamental rights and freedoms are not respected, if there is a lack of genuine choice for voters, if there is no credible political competition, or if there is no meaningful prospect for voters to have the power to vote incumbents out of office.

FREE ELECTIONS This requires that all citizens enjoy their fundamental rights of freedom of expression, association, peaceful assembly and movement. Voters should be able to cast their ballots free from intimidation, violence or administrative interference and without fear of retribution. Voters should be able to freely choose their representatives without undue influence or pressure. No obstacle should prevent candidates from freely presenting their views or voters from engaging in campaign activities or learning about these views. Citizens should be free to meet peacefully to discuss or elaborate political viewpoints without undue administrative or bureaucratic hindrance. The media should be able to cover the campaign freely, without interference or unreasonable restrictions imposed by authorities. Domestic observers, including proxies for individual candidates or parties and civil society organizations, should be free to observe all stages of the election process before, during and after election day.

FAIR ELECTIONS Equal conditions should be ensured for all participants in the election process so that they compete on a level playing field. The legal framework should reflect OSCE commitments and other international standards, and election legislation should be implemented fairly and impartially. All election contestants who wish to run for office should be able to do so and to compete on the basis of equal and impartial treatment under the law and by the authorities. Candidates and political parties should have unimpeded access to the media on a non-discriminatory basis, and state or public media should meet their special responsibility for providing sufficient, balanced and impartial information to enable the electorate to make well-informed choices. Campaign finance regulations should not favour or discriminate against any particular party or candidate. There should be a clear separation between state and party, and public resources should not be used unfairly for the benefit of any candidate or parties.

The election administration at all levels should act in a professional, efficient and unbiased manner. The voting, counting and tabulation processes should be free from fraud or manipulation to ensure that the will of voters is reflected through the election results. Candidates, parties and voters should have access to prompt and effective redress, including through an independent judiciary. Those responsible for violations of law should be held accountable in a timely manner. Candidates who receive the required number of votes to be elected should be duly installed in office.

UNIVERSAL SUFFRAGE This principle requires that all eligible citizens should be given the right to vote and to stand for office. The circumstances under which the rights to vote and to stand for office may be limited should be provided by law. Any restriction should be reasonable and clearly be justified by exceptional circumstances. The suspension or deprivation of suffrage rights for a convicted criminal should be imposed by a court and should be proportional to the seriousness and the nature of the underlying crime. There should be an effective, impartial, non-discriminatory, inclusive and accurate voter-registration procedure that ensures all eligible citizens the right to vote. There should be no restrictions on voting by persons belonging to minorities, by women or by other groups of adult citizens. All voters, including the disabled, should have effective and easy access to polling stations or other voting procedures. There should be provisions for voting by internally displaced persons. In line with good international practice, enfranchisement of voters residing abroad could also be considered. Requirements for candidacy should be reasonable and applied in a non-discriminatory fashion. Independent candidates should be guaranteed the right to stand for office, including in systems based on proportional representation.

EQUAL SUFFRAGE This entails that each citizen's vote should have the same value. Under proportional representation systems, the number of representatives in each district should be proportionate to the size of the electorate or population. Under majority voting systems, equal suffrage means that the size of the electorate or population of electoral constituencies should be approximately equal. In addition, each voter should have the same number of votes as per the principle of equal voting rights: "one voter, one vote". In that respect, effective safeguards should be in place so as to protect against multiple voting.

VOTING BY SECRET BALLOT Voters should mark their ballots alone, in the privacy of a voting booth, and in such a way that the marked ballot cannot be seen before it is cast and cannot be later connected with a particular voter. Exceptions can be made only under specified conditions, such as at the request of voters who require assistance, e.g., disabled or illiterate voters. Any voting outside of a voting booth compromises the secrecy of the vote. The presence of more than one person in a voting booth should not be permitted, as it compromises the secrecy of the vote. Open voting or unlawful voting by proxies are violations of the secrecy principle. Arrangements for voting by members of the military and by prisoners should ensure their votes are secret and not subject to coercion.

HONEST COUNTING AND REPORTING OF RESULTS This principle requires that the officials conducting counting and tabulation procedures carry out their tasks impartially, efficiently and accurately. Ballot papers should be deemed valid if the intent of the voter is clear. All aspects of the counting process should be transparent. Posting protocols with results outside of polling stations upon completion of counts, and posting detailed results by polling stations on

the Internet can enhance transparency and confidence in the election results. The tabulation of results should be visible and verifiable from the polling-station level through all of the intermediate levels of election administration and to the national election authority. Results should be publicly reported in a timely manner. Any unreasonable delay in the announcement of results might cause concern about the integrity of the tabulation process and could weaken public confidence.

4



Assessing the Conditions and Needs for Election-Related Activities

ODIHR election-related activities are based on certain minimum conditions for effective, credible and professional observation, and are generally preceded by the conduct of an NAM.

4.1 Conditions for Effective, Credible and Professional Observation

In order to ensure effective, credible and professional observation, the host government needs to facilitate the work of ODIHR so that it is able to carry out its duties in a comprehensive and timely manner. ODIHR should specifically be able to:

- › Decide on a specific type of election-related activity based on the assessment of the needs;
- › Determine the number of observers necessary to provide for broad, balanced geographic coverage in order to conduct comprehensive and meaningful observation before, during and after election day. These numbers are based on an assessment of needs (See section 4.2 on the Needs Assessment Mission);
- › Receive accreditation for all of its observers through a simple and non-discriminatory procedure;
- › Establish a mission within a timeframe that permits long-term observation of all phases of the election process;
- › Obtain all necessary information regarding the electoral process from authorities at all levels in a timely manner;

- › Meet with state and local authorities from the executive, legislative and judiciary branches, with candidates, members of all political parties, representatives of civil society and the media, and with all other individuals and groups of its choice at the central, regional and local levels;
- › Have the freedom to travel in all regions of the country before, during and after the election, without any restriction or prior notification;
- › Have a secure environment in which to operate for a meaningful election process;
- › Have unimpeded access to polling areas, election commissions, and counting and tabulation centres throughout the country;
- › Be able to issue public statements and reports.

Given that the OSCE Copenhagen Document provides for a standing invitation to observe, a formal invitation to observe elections is not needed in principle. However, the practice has been that participating States extend a written invitation to ODIHR in a timely manner to re-affirm their commitments and willingness to receive international observers.

Credible, effective and professional observation is essentially undermined where these basic conditions do not exist and, as a result, an observation mission may not be deployed.

4.2 The Needs Assessment Mission

A needs assessment mission (NAM) is usually deployed several months before a given election to assess the pre-election environment, including preparations for the event, to recommend whether an election-related activity is necessary and, if so, what type of activity best meets the identified needs. Since a NAM is not formally part of an observation process and to ensure timely preparation for a possible observation activity, it can be initiated before a written invitation is received from an OSCE participating State. A NAM is conducted over a period of several days by ODIHR Election Department staff and can include operations, security and other experts, as required. Based on the 1997 Co-operation Agreement between ODIHR and the OSCE Parliamentary Assembly (OSCE PA), ODIHR initiates a NAM in consultation with the OSCE PA. Representatives of the Assembly sometimes join NAMs.

In general, a NAM will meet with election administration officials and officials from government authorities (the Foreign Ministry, other institutions involved in elections, such as the Interior or Local Government Ministries, institutions dealing with minority groups and human rights, etc.), representatives from political parties, the media, civil society organizations and OSCE field operations (where relevant), diplomatic representations from OSCE participating States, and any other relevant international organizations.

When recommending a possible election-related activity, the NAM takes into account a number of criteria:

- › The existence of minimum conditions for effective, credible and professional election observation as outlined above;
- › Political pluralism in the electoral process;
- › Respect for fundamental freedoms;
- › Public confidence in the electoral process;
- › Transparency of the electoral process;

- › A pluralistic media environment;
- › Extent of follow-up to previous ODIHR recommendations; and
- › The added value of a possible ODIHR election observation activity.

Based on these criteria, a NAM may recommend one of a number of specific formats for election-related activity: a full-scale election observation mission, a limited election observation mission, an election assessment mission or the deployment of an expert team (see Chapter 5 for more detailed descriptions of the different formats). The format of an election-related activity is determined by the needs of the participating State under consideration and the expected added value of an ODIHR presence. A NAM has to consider how ODIHR's limited resources can be used most efficiently to provide the best possible assistance to a participating State in improving the conduct of its elections and to maximize the utility of the Office's election-related activities.

When election stakeholders express confidence in the electoral process and there is a past record of genuine elections, where effective democratic institutions exist and there are free, independent media and a vibrant civil society that can address electoral challenges, a NAM might conclude that an ODIHR presence would not add much value to the process, and recommend no election-related activity. There are a number of other circumstances under which a NAM might not recommend any election-related activity. There might, for instance, be a lack of genuine political pluralism and respect for fundamental rights and freedoms that would prevent free and fair competition between election contestants representing distinct political alternatives. A lack of implementation of previous ODIHR recommendations by a participating State might render the establishment of an ODIHR activity meaningless, as its recommendations are likely to be identical to those already made. The security situation or other factors affecting the situation in a participating State may hamper ODIHR's ability to carry out effective, credible and professional election observation and prevent an impartial and independent assessment of elections.

The recommendation of the specific format, scope and scale of an election activity is included in the NAM Report, which is circulated to all participating States and published on the ODIHR website. The report recommends the number of analysts required for a specific mission, as well as the number of long-term observers (LTOs) and STOs that participating States may be requested to second in order to ensure comprehensive election observation. When establishing the optimal number of LTOs and STOs (if any), the NAM may consider several factors. These include the type of election, the number of electoral districts involved, the size of the electorate, the country's geography, the structure of its election administration at the sub-national level, the number of polling stations, the number of observer reports needed for a statistically relevant sample of polling stations, and whether the number of observers in previous ODIHR missions to the country was optimal.

The NAM report should include a preliminary assessment of election preparations, including:

- › The extent to which recommendations from previous ODIHR election observation activities have been implemented;

- › The pre-election environment, including the extent to which human rights and fundamental freedoms, as they relate to the upcoming election, are respected by the state;
- › The legal framework for elections, including any amendments made since the last election (whenever possible or relevant, ODIHR will prepare a separate analysis of election legislation);
- › The composition and structure of the election administration, the status of its preparations for the election and the extent of public and political confidence in its impartiality, independence, efficiency and professionalism;
- › The level of political pluralism and whether the field of candidates and parties expected to contest the elections represents a genuine choice for voters;
- › The status of the media and their expected role in the elections;
- › The existence of effective check and balance mechanisms, such as pluralistic and independent media, access to effective legal remedies, vibrant civil society and domestic observation;
- › Any election-related concerns expressed by election stakeholders and other issues of particular relevance, such as voter registration, the candidate/party registration process, the participation of women, the participation of minorities and domestic observation;
- › The degree to which interlocutors believe that ODIHR election observation activity can serve a useful purpose and add value; and
- › The overall security situation.

5



Responding to the Needs of OSCE Participating States

In recent years, ODIHR has adapted its election observation activities and developed several formats for election-related activities in order to respond effectively to the needs of participating States, to better assist them in improving their electoral practices, to maximize the usefulness of an ODIHR presence, and to assess electoral processes in a broader range of participating States while having at its disposal the similar level of resources.

5.1. The Election Observation Mission

In cases when a NAM determines that there is limited confidence among election stakeholders in the election administration, the long-term process and election-day proceedings, and that the presence of observers could enhance public trust in the process, the deployment of a full-scale election observation mission (including LTOs and STOs) might be recommended. An ODIHR election observation mission is the most comprehensive form of ODIHR observation activity. An EOM assesses the conduct of elections for their compliance with OSCE commitments, other international standards for democratic elections, as well as with national legislation. They also offer concrete recommendations for possible improvements.

A standard EOM is composed of a core team of analysts, and LTOs and STOs. It should be noted that if new developments after the establishment of an EOM make it clear that election-day

observation will not be meaningful or that restrictions on observers make comprehensive and credible observation impossible, ODIHR may decide not to deploy STOs.

An EOM is usually deployed from six to eight weeks before election day and follows all key aspects of an electoral process: the legislative framework, candidate and voter registration, the campaign, the role of the media (including comprehensive media monitoring), the election administration, election dispute resolution, participation of women and national minorities, and the voting, counting and tabulation process on election day, as well as post-election complaints and appeals.

An EOM issues interim reports before election day and a statement of preliminary findings and conclusions immediately after it, usually jointly with partner observer organization(s) with which it forms an international election observation mission. A comprehensive final report is issued approximately two months following the completion of the election process. The final report provides concrete recommendations for improving the process.

The structure of EOMs and the observation methodology for election-day proceedings and post-election developments are described in detail in Chapters 6 to 12.

5.2. The Limited Election Observation Mission

A limited election observation mission (LEOM), without STOs on election day, may be deployed where the NAM determines that serious and widespread problems on election day at the polling-station level are unlikely, but that observation of the entire long-term process throughout the country might still produce useful recommendations. In these instances a high level of public confidence in election-day activities and a lack of systematic election-day concerns will have been expressed to the NAM. In such cases, the value added of an election activity is determined to lie primarily in long-term observation.

Conversely, the decision to deploy an LEOM may be made when the NAM has concluded that conditions have not been established for a meaningful election-day process, primarily due to a lack of genuine political pluralism and distinct choice offered to voters, and that the deployment of STOs will not bring any added value. However, the electoral process may nonetheless benefit from a comprehensive assessment and subsequent recommendations, especially where there is a commensurate political will to engage in a post-election dialogue about recommendations for improving the general conduct of elections.

In such a format a core team of analysts is deployed to the capital of the country where the election is being held, LTOs are sent into its various regions, but no STOs are deployed to monitor election-day proceedings. The duration of an LEOM is similar to that of standard EOMs, so as to allow it to follow all aspects of the long-term election process. Other aspects of an LEOM — such as the composition of the core team, the recruitment, briefing and deployment of LTOs, media monitoring and reporting of the mission's findings — follow the model of a standard EOM.

As an LEOM has a long-term focus, it will assess aspects of the long-term election process for their compliance with OSCE commitments, other international standards and national legis-

lation, but it will not undertake a systematic and comprehensive observation of election-day proceedings.

5.3. Election Assessment Missions

Another initiative taken by ODIHR to fulfil its mandate has been the development of election assessment missions (EAMs). EAMs do not comprehensively observe the whole election process but, instead, follow specific issues identified by NAMs. An EAM will not draw an overall conclusion about an election's compliance with OSCE commitments, other international standards and national legislation, but will assess these specific issues based on these standards. In its final report, the EAM will note possible departures from applicable standards and will also offer relevant recommendations for the improvement of the process.

An EAM is normally deployed in situations where election stakeholders express full confidence in the election process and the impartiality and transparency of the election administration, and where political pluralism, respect for fundamental freedoms, effective democratic institutions, free, independent media and vibrant civil society are noted by a NAM. While there may be no added value in a long-term presence or in the systematic deployment of STOs in such circumstances, issues may nevertheless be identified that ODIHR could examine. Such issues could include the legal framework for elections, the media environment, minority rights, campaign finance, the use of new technologies in voting and counting processes and election dispute resolution, as well as any other specific issues that may warrant some scrutiny.

Conversely, an EAM can also be deployed when there is an interest in maintaining dialogue with election stakeholders in a participating State but where there is a lack of political pluralism offering a genuine choice between competing political alternatives, previous ODIHR priority recommendations have not been implemented, there is a lack of progress in bringing the legal framework for elections closer in line with OSCE commitments, or an observation activity, even of a limited nature, is unlikely to add any significant value.

An EAM generally consists of a team of approximately a dozen analysts, who visit a country and some of its regions for approximately two weeks, including election day. However, the format and the scope of an EAM are issue-driven, so the size, composition and duration may differ from mission to mission. The expertise of EAM members should be specific to the issues that the mission is to follow, but generally should include at least a mission head, deputy head, and legal, election and political analysts. Although EAMs do not generally conduct media monitoring, each mission should include a media analyst to report on the structure, functioning and regulation of media during elections.

Team members are generally deployed in pairs for several days outside the capital to collect information, and to assess election preparations and the conduct of the campaign at the regional level. Team members also visit a few polling stations on election day but do not conduct any systematic and comprehensive election-day observation. An EAM, due to its limited scope and shorter duration, does not attempt to comment on an election process in the same comprehensive manner as an observation mission.

An EAM does not issue interim reports or a public statement immediately following election day, nor does it hold press conferences. An EAM does, however, issue a final report

approximately two months following the completion of the election process. The final report provides concrete recommendations for improving the process.

5.4. Expert Teams

There may be unique circumstances in which the formats outlined above do not respond adequately to the needs identified. In such instances, ODIHR may decide to deploy an expert team. These instances can include situations where the regular ODIHR election observation methodology cannot be applied, such as supra-national elections (2009 elections to the European Parliament). Expert teams can also be deployed in instances in which ODIHR is not observing an election. In the case of parliamentary by-elections, for example, it may deploy an expert team to support an OSCE field operation, upon its request. This is done to enhance the field mission's expertise and reporting capacity for the election in question.

Expert teams are deployed for shorter periods of time than other observation-related activities, usually arriving several days prior to an election and leaving soon after election day. While these teams generally do not issue public reports or make public comments, it may be useful in certain circumstances for the team to issue a public report about its findings, which may also contain concrete recommendations for improvements.²⁹

5.5 Common Features of ODIHR Election-Related Activities

a. Recruitment for ODIHR election-related activities

Members of ODIHR election-related field activities are selected through an open recruitment procedure. Prior to each activity and, generally, following the publication of the NAM report, ODIHR posts a call for applications on its website and contracts core team members from among these applicants, based on the qualifications and experience of the candidates, but also taking into account nationality and gender to ensure diversity in the make-ups of the teams. All applicants are asked to register in the ODIHR roster of experts.³⁰

Observers, both long- and short-term, are seconded to ODIHR by OSCE participating States. For each EOM, ODIHR sends a Note Verbale to all states requesting that they second LTOs and STOs for that particular mission. In order to promote geographic diversity among observers, each participating State may second a maximum of ten per cent of the total number of LTOs or STOs requested. Additionally, some LTOs and STOs are recruited through ODIHR's extra-budgetary fund for the diversification of EOMs, which was established in 2001. The fund has been exceptionally important to ODIHR in its efforts to increase diversity in the composition of EOMs, by guaranteeing the participation of election observers from Eastern Europe, South-Eastern Europe, the South Caucasus and Central Asia.³¹ This permits a wider diversity

²⁹ In 2004, 2005 and 2009, the OSCE Permanent Council tasked ODIHR to deploy Election Support Teams to elections in Afghanistan, an OSCE Partner for Co-operation.

³⁰ ODIHR recommends that interested experts regularly update their information in the ODIHR database of experts to assist it in staffing missions. In some cases, ODIHR may need to recruit directly from the database.

³¹ In 2010, the 17 OSCE participating States eligible for the Fund are as follows: Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Georgia, Kazakhstan, Kyrgyzstan, the former Yugoslav Republic of Macedonia, Moldova, Montenegro, Uzbekistan, Serbia, Tajikistan, Turkmenistan and Ukraine.

of experience within observation missions, often from participating States that do not regularly second observers.

ODIHR election observers must be citizens of OSCE participating States. On occasion, ODIHR has accepted short-term guest observers from OSCE Partners for Co-operation.³² To ensure neutrality, ODIHR's methodology does not allow citizens to observe elections in their own countries. As English is the working language of ODIHR EOMs, all members of an EOM, including LTOs and STOs, must be able to communicate effectively in both spoken and written English. Proficiency in a second language widely used in the area of deployment is an asset.

Specific information on each ODIHR EOM is available on a special webpage created upon deployment of the mission.³³

b. The ODIHR Observer Code of Conduct

The Observer Code of Conduct was developed to ensure that all members of an EOM conduct themselves according to the highest professional and personal standards and behave in a manner consistent with the role of an independent and impartial observer. The role of an observer is limited to observing and reporting. Observers have no authority to instruct, assist or interfere in the voting, counting, tabulation or other aspects of the electoral process. All ODIHR observers are required to sign the Code of Conduct when they receive their accreditation. The Code of Conduct is binding on all ODIHR observers, and any serious infraction of the code will lead to the immediate withdrawal of an observer's accreditation.

CODE OF CONDUCT FOR ODIHR OBSERVERS

- Observers will maintain strict impartiality in the conduct of their duties and will at no time publicly express or exhibit any bias or preference in relation to national authorities, parties or candidates, or with reference to any issues in contention in the election process.
- Observers will undertake their duties in an unobtrusive manner and will not interfere in the electoral process. Observers may raise questions with election officials and bring irregularities to their attention, but they must not give instructions or countermand their decisions.
- Observers will remain on duty throughout election day, including observation of the vote count and, if instructed, the next stage of tabulation.
- Observers will base all conclusions on their personal observations or on clear and convincing facts or evidence.
- Observers will not make any comments to the media on the electoral process or on the substance of their observations, and any unauthorized comment to the media will be limited to general information about the observation mission and the role of the observers.
- Observers will not take any unnecessary or undue risks. Each observer's personal safety overrides all other considerations.
- Observers will carry any prescribed identification issued by the host government or election commission and will identify themselves to any authority upon request.

³² OSCE Permanent Council, Decision No. 233, 11 June 1998, and the OSCE Ministerial Declaration on the OSCE Partners for Co-operation (MC.DOC/1/07), Paragraph 12, Madrid, 2007.

³³ Individual EOM web pages can be found on the ODIHR website, at < <http://www.osce.org/odhr>>.

- Observers will comply with all national laws and regulations.
- Observers will exhibit the highest levels of personal discretion and professional behaviour at all times.
- Observers will attend all required mission briefings and debriefings and adhere to the deployment plan and all other instructions provided by the ODIHR EOM.

As stipulated by the Observer Code of Conduct, all observers are expected to strictly adhere to the deployment plan prepared by the mission and to all security instructions. Observers should also respect the OSCE Code of Conduct and the OSCE instruction on Professional Working Environment Policy against Harassment, Sexual Harassment and Discrimination. These prescribe that staff should conduct themselves in the highest personal and professional level and should act impartially. Staff should be treated equally and with respect, regardless of gender, “race”, religion or belief, nationality, ethnic or social origin, age, sexual orientation, marital status or other aspects of personal status. They strictly prohibit any behaviour that constitutes harassment, sexual harassment or discrimination.

c. Contacts with the Media

Media representatives often approach observers before or on election day for a comment on the election process. The Observer Code of Conduct prohibits observers from making personal comments about their observations to the media. Observers are strictly forbidden from speaking to the media regarding the substance of their observations and findings. According to ODIHR guidelines, only the head of mission or responsible ODIHR officials may make substantive comments to the media. In the event that any observers were to discuss the substance of their findings with the media or offer comments on the election, their respective sending states would be notified, and their observer accreditations could be withdrawn immediately.

If, however, an observer is the subject of an unsolicited media enquiry, in an interview it should be made clear that only some general background information about the observer’s role can be provided and that OSCE observers are not in a position to discuss any substantive issues or individual findings. Observers should also refrain from comparing the election publicly to any other elections they may have observed in the same country or elsewhere. General comments to the media may include:

- › That it would be inappropriate for an observer to comment on personal impressions or findings because each observer witnesses only a very small part of the overall national voting picture; the observer’s reports will be factored in with a great many others, so that the EOM can draw overall conclusions based on a large number of reports;
- › That all OSCE countries are committed to inviting observers, in recognition that observation improves transparency and has the potential to enhance public confidence in the election process;
- › Information on the total number of ODIHR STOs who are observing and the number of different countries from which they come (this information is supplied at the STO briefing);
- › An estimate of how many polling stations they expect to visit;

- › If applicable, the information that a press conference may be held after the elections to announce the EOM's preliminary conclusions and that all media representatives are welcome to attend.

If a media representative persists in requesting information or comments beyond those in the points listed above, they should be referred to the head of mission. An observer who gives any general comments to the media should make a record of who conducted the interview and the media outlet(s) represented.

