



European Union
Election Observation Mission

GUYANA 2020

Final Report



General and Regional Elections

2 March 2020



**EU EOM GUYANA
GENERAL AND REGIONAL ELECTIONS
2 MARCH 2020**

FINAL REPORT

TABLE OF CONTENTS

I.	SUMMARY	4
II.	INTRODUCTION	8
III.	POLITICAL CONTEXT	8
IV.	LEGAL FRAMEWORK AND ELECTORAL SYSTEM	10
V.	ELECTION ADMINISTRATION	12
VI.	VOTER REGISTRATION	15
VII.	REGISTRATION OF CANDIDATES	17
VIII.	CAMPAIGN ENVIRONMENT	19
IX.	MEDIA	21
X.	DIGITAL COMMUNICATION AND SOCIAL PLATFORMS	25
XI.	PARTICIPATION OF WOMEN	27
XII.	PARTICIPATION OF NATIONAL MINORITIES	28
XIII.	PARTICIPATION OF PERSONS WITH DISABILITIES	29
XIV.	POLLING, COUNTING AND TABULATION OF RESULTS	30
XV.	RESULTS AND POST-ELECTION ENVIRONMENT	34
XVI.	CIVIL SOCIETY AND OBSERVATION	36
XVII.	ELECTORAL DISPUTES	37
XVIII.	RECOMMENDATIONS	40
XIX.	ANNEXES	57

This report contains the findings of the EU Election Observation Mission (EOM) on the 2020 General and Regional Elections. The EU EOM is independent from European Union institutions, and therefore this report does not represent the official position of the European Union.

LIST OF ABBREVIATIONS

AFC	Alliance for Change
AmCham	American Chamber of Commerce
ANUG	A New and United Guyana
APNU	A Partnership for National Unity
CARICOM	Caribbean Community
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEO	Chief Election Officer
CERD	Convention on the Elimination of Racial Discrimination
CG	Change Guyana
CRPD	Convention on the Rights of Persons with Disabilities
DPI	Department of Public Information
DRO	Deputy Returning Officer
EOM	Election Observation Mission
ERC	Ethnic Relations Commission
EU	European Union
EUR	Euro
FDA	Fixed Date Application
FEDUP	Federal United Party
GECOM	Guyana Elections Commission
GNBA	Guyana National Broadcasting Authority
GPA	Guyana Press Association
GPSU	Guyana Public Service Union
IACAC	Inter-American Convention against Corruption
ICCPR	International Covenant on Civil and Political Rights
ICRMW	International Convention on the Rights of All Migrant Workers and their Families
LJP	Liberty and Justice Party
NCD	National Commission on Disability
OAS	Organization of American States
OLE	official list of electors
OVP	Organisation for the Victory of the People
PLE	preliminary list of electors
PNC/R	People's National Congress/Reform
PPP/C	People's Progressive Party/Civic
PRP	People's Republic Party
PSC	Private Sector Commission
PwD	persons with disabilities
RLE	revised list of electors
RO	Returning Officer
SOP	Statement of Poll
TCI	The Citizenship Initiative
TNM	The New Movement
UNCAC	United Nations Convention against Corruption
URP	United Republican Party
YCG	Youth Challenge Guyana

I. SUMMARY

The 2 March general and regional elections took place in a deeply polarised environment. Legal uncertainty, unregulated political finance, biased state media and lack of transparency in the administration of elections characterised the pre-election context, but overall the elections were competitive and contestants could campaign freely. Voting, counting and the tabulation of results in nine of Guyana's ten regions were generally well managed. However, the integrity of the entire electoral process was seriously compromised by the non-transparent and non-credible tabulation of results in the largest and decisive Region 4 by senior Guyana Elections Commission officials, acting in blatant violation of the law and High Court orders issued in this regard. The European Union Election Observation Mission was able to observe and report on all aspects of the election process until 20 March 2020 when, in light of the Covid-19 pandemic, it was repatriated to Europe.

- In the **general elections**, voters were electing 65 representatives to the National Assembly whereby the President is elected indirectly. The election of 205 councillors in ten Regional Democratic Councils was held concurrently. While voters had a variety of choice, two historical, largely ethnicity-based opponents dominated the electoral race, polarising the Afro-Guyanese and Indo-Guyanese electorate. The two previous elections had very tight outcomes, leading to one-seat majorities and early elections in both terms. Since then the stakes were raised by the discovery of large offshore oil reserves and expectations of far-reaching economic transformations.
- A successful **vote of no confidence** in the government in December 2018 resulted in a series of legal challenges and appeals which significantly delayed the elections. In June 2019, the Caribbean Court of Justice upheld the vote of no confidence. The Court characterised the president and government as caretaker and invoked in its judgement the constitutional timeline of three months, implying that elections were to be held by September 2019 at the latest. However, this new deadline was not respected and the president announced on 1 October 2019 that the general and regional elections would be held on 2 March 2020, 15 months after the no confidence motion.
- The **legal framework** provides a reasonable basis for competitive elections, but numerous gaps and ambiguities create legal uncertainty and reduce transparency. The electoral laws are fragmented and unconsolidated, and court decisions are not easily accessible. Key shortcomings include unregulated registration and operations of political parties, mostly unregulated campaign finance, lack of provisions prohibiting misuse of state resources, full discretion of parties to select their parliamentarians after the elections, no guarantee for women's representation in parliament and lack of transparency in the publication of the results.
- With confidence in the **Guyana Elections Commission** (GECOM) already undermined by limited inclusiveness and transparency, post-election developments exposed a dysfunctional commission unable to control its own secretariat. The commission's deliberations, decisions, instructions and essential electoral data were not accessible to the public. The lack of institutional engagement with election stakeholders contributed to most political parties being left out and the general public being underinformed. The bipartisan composition of the commission resulted in excessive polarisation, affecting its ability to function as a collegiate body, and at times to function at all. Inability to reach common ground and take timely decisions gave its secretariat disproportionate discretion over the administration of the elections. By failing to take decisive action as the electoral process derailed into chaos and illegality, GECOM abdicated its constitutional duty to take all actions necessary to ensure compliance with the law by any of its officials, despite unequivocal powers to remove and exercise disciplinary control over them.

- Election **preparations** were conducted efficiently, and electoral stakeholders generally assessed the performance of GECOM's regional structures positively. Training of polling staff appeared to be well conducted despite its brevity, but hastily assembled manuals introduced ambiguities on critical procedures for the transmission and tabulation of results. Positively, the **voter education** campaign provided fairly comprehensive practical information on voting procedures and broader aspects of the electoral process. Essentially focused on broadcast and social media, it generated sizeable engagement from urban youth, but had limited reach in rural and indigenous communities.
- The **list of electors** was generally inclusive, despite fervent controversies over its preparation and accuracy. A total of 660,998 voters were registered for the 2020 elections, well above the estimated resident adult population, in part due to high emigration rates. A disputed decision by GECOM to conduct a new house-to-house enumeration contributed to substantial delays in the elections. The enumeration however indicated the limited ability of continuous registration to maintain an up-to-date register. Protracted litigations and disputes over the validity of data garnered during the truncated exercise prevented their integration into the existing register in time for the period of claims and objections, and concerns were raised that some changes were not reflected in the final list.
- There are no unreasonable restrictions on the right to stand, except that there is no provision for independent candidates. The procedures for submitting lists of **candidates** favoured the two main contestants and revealed barriers to participation of smaller parties. Out of 19 parties that applied for a party symbol, only 13 submitted lists of candidates. Eleven parties were approved – nine for both general and regional elections, each with a presidential candidate, and two for regional elections only.
- The incumbent ruling coalition, A Partnership for National Unity + Alliance for Change (APNU+AFC) representing predominantly the Afro-Guyanese population, and the opposition, People's Progressive Party/Civic (PPP/C) representing predominantly the Indo-Guyanese population, clearly dominated an intense **campaign**. Other parties were barely visible. All contestants could campaign freely, although some PPP/C events were disrupted by APNU+AFC supporters. Both key contestants made extensive use of negative campaigning. In a largely unregulated environment, GECOM invited all parties to sign a code of conduct three days before election day, too late to have a real impact on the campaign.
- The European Union Election Observation Mission (EU EOM) observed the **misuse of state resources** by the ruling coalition. APNU+AFC used the advantages of incumbency to appeal to voters through development programmes. The mission saw governmental donations provided in the context of APNU+AFC campaign events in particular in Region 9, where the majority of voters are from the indigenous population. To a lesser extent, PPP/C was also observed using state resources at regional level. In-kind vote buying in indigenous communities was a widely reported practice of both APNU+AFC and PPP/C.
- The legal framework did not sufficiently provide for transparency, accountability and oversight in political party and **campaign finance**, contributing to an unlevel playing field. Parties and candidates raised funds from private sources in-country and abroad, without any limitations regarding the source or amount of donation, and with limited obligations to disclose sources of funding or report on expenditure. The campaign demonstrated that APNU+AFC and PPP/C had significant funds at their disposal, unmatched by any other party. With consent of the main contenders, GECOM did not assume its oversight responsibility to monitor campaign finance. Several parties spoke out for enhancing finance regulations, underlining the need for reforms in this field.

- The Constitution guarantees freedom of expression, and **media** were generally able to freely cover the electoral process. The media environment is highly politicised, with very few independent outlets. The law does not provide sufficient safeguards to ensure the political independence of state-owned media and the broadcast media supervisory body, which failed to exercise its oversight role. The EU EOM media monitoring showed that state media were largely biased in favour of the ruling coalition, and most private media provided highly partisan electoral coverage in favour of one of the two main political forces. While there was an extensive use of paid promotional content, there were no political debates. All this negatively affected voters' ability to make an informed choice.
- Online and **social media** were important information-sharing platforms that increased the diversity of views during the campaign and fostered transparency of the process, particularly in the post-election day period. Campaigning online is not regulated in the law. The legal framework pertaining to online environment is overall rudimentary, and there is no specific data protection and privacy legislation. While used as key campaign vehicles by political actors, social platforms also channeled massive amounts of derogatory messages, false narratives and racially heated comments contributing to confusion and division among Guyanese. Overall, the use of paid advertising on social platforms lacked transparency and accountability.
- Positively, three out of nine presidential candidates and over 40 per cent of all candidates contesting the general elections were **women**. Women also held about a third of seats in the outgoing parliament and almost half of cabinet seats. However, while the law requires that at least a third of all candidates are women, there is no obligation on a party or coalition to actually select women to take up elected seats. This lack of guarantee for women participation is not in line with Guyana's Constitution and international commitments.
- **Indigenous people** represent around 11 per cent of Guyana's population. Most members of indigenous communities were reportedly registered to vote. Guyana has a history of having indigenous representatives in the legislature and the executive. Both main contestants had four elected members from indigenous communities in the last parliament, had indigenous candidates on their lists, and undertook efforts to reach out to indigenous voters. One smaller party nominated a presidential candidate from an indigenous community. The EU EOM did not observe any voter education specifically targeting indigenous people. Furthermore, the indigenous population was largely absent from the election administration.
- Guyana has not yet fulfilled its commitments under the UN Convention on the Rights of Persons with Disabilities to facilitate voting for **persons with disabilities** on an equal basis with others. The foreseen options in the law – voting by proxy and assisted voting – do not sufficiently protect the secrecy of the ballot. On election day, access to and layout of up to one third of all polling stations observed were unsuitable for voters with reduced mobility. GECOM did not take up civil society recommendations to provide simple aids, such as ramps to buildings and stencils for visually impaired, resulting in some persons with disabilities not being able to vote independently.
- Electoral **dispute resolution** mechanisms are available mainly through judicial dispensation. Once the date of elections is officially announced, all election-related disputes, except for challenges related to voter and candidate registration, should be raised only after the elections by way of election petitions. The right to an effective remedy is not ensured as there are no deadlines for rendering decisions on electoral disputes. Both the High Court and Court of Appeal should be commended for the way they dealt with the two critical post-election legal challenges related to the tabulation and recount process. Despite the lack of legal time limits and operational restrictions

put in place due to the Covid-19 pandemic, both cases were adjudicated expeditiously, and the rulings facilitated further steps to restore the legality of the election process.

- **Voting** on 2 March was well managed and largely peaceful. Polling procedures were properly followed, despite the inconsistent application of some procedural safeguards. The secrecy of the vote was ensured in all polling stations observed, allowing voters to exercise their franchise freely. **Counting** was conducted in a transparent manner, but reconciliation procedures were not always followed, leading to some minor difficulties in the preparation of results protocols. Well prepared agents of the two main contenders in almost all polling stations contributed to transparency.
- After a transparent, largely uncontested **tabulation** was completed in most regions, the process abruptly derailed into chaos and confusion amidst obstruction tactics by election officials in decisive Region 4. On 5 March, the Returning Officer (RO) declared results without having tabulated them in the presence of party agents and observers as required by law. After these results were annulled by the Chief Justice as unlawful, GECOM still allowed the same RO to rush through the rest of the tabulation without any transparency in blatant violation of the law and explicit court orders, and to make a second declaration of unverified results on 13 March.
- The **results** declared by the RO on 13 March are not credible. These results gave APNU+AFC and PPP/C 136,057 and 77,231 votes respectively for the general elections in Region 4, enough for the ruling coalition to overcome the opposition's advantage in the other regions and take the lead nationally. Supported by the online publication of almost all Region 4 polling station results protocols, PPP/C's parallel tabulation suggested the opposite outcome. It gave the ruling coalition and the opposition 114,416 and 80,150 votes respectively in the region, thus placing PPP/C ahead nationally.
- After limited presence on election day, **citizen observers** played an important role in observing the tabulation in some regions, and particularly in Region 4. Joining forces in order to share collected polling station results, they contributed to increased scrutiny on the flawed tabulation process. Furthermore, a number of citizen observers remained mobilised for many weeks after the elections in view of an expected national recount.

The EU EOM has 26 recommendations for improving elections in Guyana. They include the following eight priority recommendations:

1. *Review and consolidate the fragmented election legislation to strengthen legal clarity and certainty.*
2. *Launch a national consultation process to overhaul the composition and functioning of the Elections Commission, notably to ensure a more inclusive representation of the various components of the Guyanese society and political spectrum.*
3. *Develop, in a consultative process, effective legislation to regulate political finance, taking the principles of equality, transparency and accountability into account. Such legislation could provide transparency in campaign incomes and establish reasonable limits for campaign expenditure as well as disclosure and reporting requirements and effective sanctions. Consideration may also be given to the establishment of an independent oversight body.*
4. *Introduce a legal and regulatory system that transforms the state-owned media into a genuine public service broadcaster. This includes provisions granting editorial independence, financial*

autonomy, clear separation from any government institution, and an open and competitive selection process of its board members.

5. *To foster transparency and accountability in online and offline campaigning, policymakers could consider introducing detailed reporting requirements for those who paid for sponsored materials as well as for those who received payments. In order to enable voters to easily distinguish between paid advertising and other information, any sponsored campaign-related material should be clearly labelled to indicate who paid for it.*
6. *Adopt clear written procedures for the transmission and tabulation of election results, notably to ensure consistency of the process in all regions, adequate traceability of handed over electoral documents, and possibility for all authorised stakeholders to examine SOPs as required by law.*
7. *Incorporate into law the obligation to accompany any declaration of results by simultaneous publication of detailed polling station results and digital copies of all SOPs. In addition to the number of valid votes cast for each candidate list, these detailed results should also include all elements of electoral accounting to allow control of their coherence, such as number of registered voters; voters who voted; rejected ballots; spoiled ballots; etc.*
8. *Establish comprehensive election dispute resolution system to ensure effective and timely remedies throughout all stages of the electoral process.*

II. INTRODUCTION

Following an invitation by the President of Guyana, the European Union (EU) deployed the first-ever fully-fledged Election Observation Mission (EOM) to Guyana between 25 January and 20 March 2020 to observe the general and regional elections. In light of the Covid-19 pandemic it was decided to repatriate the EU EOM to Europe on 20 March, 11 days earlier than planned.

The mission was led by Mr Urmas Paet, a Member of the European Parliament from Estonia. The EOM comprised a team of 9 core team analysts based in Georgetown as well as 14 long term-observers and 20 short-term observers deployed across Guyana. The EOM was also reinforced by locally recruited short-term observers from EU Delegation and EU member states' diplomatic missions accredited to Guyana. In total, the mission comprised 55 observers from 25 EU member states and Norway on election day.

The mission's mandate was to assess the whole electoral process against international obligations and commitments for democratic elections as well as the laws of Guyana. The EU EOM was independent in its findings and conclusions and adhered to the Declaration of Principles for International Election Observation commemorated at the United Nations in October 2005.

At the time of departure of the EU EOM, essential parts of the election process were not concluded, namely the nationwide recount, which commenced on 6 May, and the declaration of the election results. This report includes developments observed by the mission up to 20 March 2020.

III. POLITICAL CONTEXT

In the general elections, the voters were electing 65 representatives to the National Assembly whereby the president is elected indirectly. The elections for ten Regional Democratic Councils with a total of

205 councillors were held concurrently. The 2020 general elections were contested by nine political parties, each with a presidential candidate. Two additional parties contested only the regional elections. Two historical opponents contested all constituencies in both the general and regional elections and dominated the electoral race.¹

Since independence in 1966, two largely ethnicity-based political parties had alternated in government, the People's National Congress (PNC) and the People's Progressive Party (PPP), representing the Afro-Guyanese and the Indo-Guyanese population respectively.² The PNC had governed from 1964 until 1992. The elections of 1992 had shifted power to the PPP/Civic, which stayed in government until 2015. PNC/Reform became the leading party in A Partnership for National Unity (APNU) which formed the incumbent coalition government together with the Alliance for Change (AFC) to overcome its numerical disadvantage.³

Elections in 2011 and 2015 had seen very tight outcomes, leading to one-seat majorities and early elections in both terms. A successful vote of no confidence in the APNU+AFC government in December 2018 resulted in a series of legal challenges and appeals which significantly delayed the process of holding new elections. In June 2019, the Caribbean Court of Justice, as the supreme regional judicial authority, upheld the vote of no confidence and characterised the president and government as caretaker. The judgement emphasised that elections were to be held within the constitutional timeframe of three months. However, the president announced on 1 October 2019 that general and regional elections would be held on 2 March 2020, 15 months after the no confidence motion.

While voters had a variety of choice, the two main contestants – APNU+AFC as incumbent and PPP/C as opposition – clearly dominated the elections. The APNU+AFC frontrunner was President David Granger, who ran for a second term supported by a group of key ministers who were also visible in the campaign. Most prominent in the PPP/C campaign was Leader of the Opposition and former president Bharrat Jagdeo, constitutionally barred from running for a third term.⁴ The party's presidential candidate was Mr. Irfaan Ali, a Minister in the previous PPP/C government.⁵

The elections took place against the backdrop of the recent discovery of large offshore oil reserves and expectations of far-reaching economic transformations. Oil exports started in January 2020. On 3 February, the NGO Global Witness released a report about the government's deal with Exxon, suggesting that Guyana would lose up to 50.7 billion EUR following negotiations by inexperienced government officials, which contributed to an intense campaign.⁶ In response, the government advertised "truths and facts" highlighting the benefits of the agreement and its economic prospects.

¹ See Annex 1 for an overview of all lists contesting the 2020 general and regional elections.

² According to the [2012 census](#), Guyana's population includes approximately 40 per cent Indo-Guyanese, 29 per cent Afro-Guyanese, 11 per cent indigenous and 20 per cent mixed population.

³ Founded in 2005, the AFC was the first successful attempt to form a third party based on a mixed electorate. APNU and AFC formed a coalition in parliament after the 2011 elections, but stood together as joint list for the 2015 elections. They renewed their coalition agreement on 24 December 2019 with an altered allocation of cabinet and parliament seats, 70 per cent for APNU and 30 per cent for AFC. In 2015 it had been 60 per cent for APNU and 40 per cent for AFC.

⁴ Mr Jagdeo was President of Guyana between 1999 and 2011.

⁵ Mr Ali's selection was a controversial topic in the campaign, as he had been charged with several counts of conspiracy and fraud by Guyana's Special Organised Crime Unit (SOCU). His academic qualifications have also been questioned before court.

⁶ [Global Witness Report February 2020](#)

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Adequate legal framework for holding competitive elections, but requiring reforms to address long-standing legislative gaps and legal uncertainties.

International Principles and Commitments

Guyana has committed itself to a broad range of international obligations pertaining to the conduct of democratic elections and is a state party to key international treaties, including the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of Racial Discrimination (CERD), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of Persons with Disabilities (CRPD), International Convention on the Rights of All Migrant Workers and their Families (ICRMW) and the UN Convention Against Corruption (UNCAC).

In addition to these universal obligations, regionally Guyana is a member of the Organization of American States (OAS) and the Caribbean Community (CARICOM), thus subject to the human rights obligations in the founding instruments and subsequent declarations of these organisations.⁷ Although Guyana has not ratified most of the human rights instruments of the OAS, notably the American Convention on Human Rights and has not accepted the jurisdiction of the Inter-American Court of Human Rights, it is a state party to Inter-American Convention Against Corruption (IACAC) and the Caribbean Court of Justice.

In Guyana, the legislature needs to translate ratified international treaties into national laws to enable them to have domestic effect. However, except for incorporating just seven international conventions into the Constitution and thus creating an unequal status of rights⁸, no harmonisation of the legal framework with international treaties has been undertaken. Consequently, there are important gaps in the law and implementation mechanisms for adequate protection of international treaty obligations. Most notably this applies to protecting electoral rights of women, persons with disabilities, migrant workers and in ensuring financial accountability and preventing corruption.

Recommendation: Review and harmonise the legal protection of electoral and human rights especially by incorporating and enacting ratified international law treaties, such as CRPD, ICRMW, UNCAC and IACAC into the national legal framework.

Electoral Legislation

Overall, the national legal framework provides a reasonable basis for competitive elections, but does not ensure legal certainty and transparency, and is not easily accessible. It is particularly voluminous, fragmented, repetitive and unclear. The detailed provisions in the Constitution are expanded by several electoral laws with multiple amendments that reference and amend each other without being consolidated. This creates significant inconsistencies and legal uncertainty where some key institutions use multiple versions of outdated laws. Since obtaining the latest version of laws can be rather difficult, applicable electoral legislation is not sufficiently accessible to the public. Legally, GECOM has a right to issue directions and instructions orally and most of its internal regulations are not publicly available,

⁷ Most pertinent of them are the American Declaration of the Rights and Duties of Man, Inter-American Democratic Charter and CARICOM Charter of Civil Society. In addition, Guyana as the member of The Commonwealth is also bound by the Charter of the Commonwealth and its subsequent declarations.

⁸ They are contained in Schedule Four of the Constitution and include only the Convention on the Rights of the Child, CEDAW, ICERD, Convention Against Torture and Other Inhuman and Degrading Treatment or Punishment, Covenant on Social, Economic and Cultural Rights, ICCPR and Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. However, Guyana has ratified a much larger number of international treaties bearing on human rights and elections.

further limiting accessibility and transparency. Additionally, election laws must also be read in conjunction with Guyana's courts and Caribbean Court of Justice's judgements, the former being not always published or easily available.

Key electoral legislation includes the Constitution (1980, as amended) as well as the Representation of the People Act (1964, as amended), the National Registration Act (1967, as amended) and the Elections Laws Act (1996). These three acts are amended by the Election Laws (Amendment) No. 15 (2000) and by the Local Democratic Organs Act (1980, as amended). The framework is further supplemented by other acts, most notably the National Assembly (Validity of Elections) Act (1964, as amended) and the GECOM orders and notices.

Main identified shortcomings in the legal framework include unregulated registration and operations of political parties, very limited regulation of campaign finance, lack of provisions prohibiting misuse of state resources, lack of written procedures for tabulation of results, lack of transparency in the results publication, full discretion of parties to select their parliamentarians after the elections and no guarantee for women's representation in the National Assembly.

Priority recommendation: Review and consolidate the fragmented election legislation to strengthen legal clarity and certainty.

Election System and Constituency Delimitation

The 65 members of the National Assembly are elected using closed-list proportional representation,⁹ 25 from ten multi-member constituencies and 40 from a national "top-up" list. Political parties formally identify one of their parliamentary candidates as their presidential candidate. The nominee of the party or coalition receiving a plurality of the votes becomes president and assumes the supreme executive authority.

The electoral system was adopted in 2000 to provide for the direct election of all members of the legislature while maintaining elements of geographical representation through the introduction of constituency lists.¹⁰ The national top-up list component makes up for any distortion resulting from the limited proportionality in small constituencies,¹¹ as it determines the overall number of seats each party receives in the legislature by applying proportional representation in relation to all 65 seats.¹² The seats secured by each party at constituency level are then deducted from the calculation. Constituency lists thus have no effect on the overall distribution of seats per party – except for the fact that parties cannot receive votes for their national top-up list in regions where they have no list competing at constituency level – and are just meant to allow for regional representation. Although this should imply greater proximity between elected representatives and their constituents, electors are in reality kept unaware of whom they are voting for: in Guyana's closed list system, parties have full discretion to select – after the poll – any candidates from the list to fill their number of seats won. This is inconsistent with constitutional provisions that the manner of preparing lists shall allow voters to know

⁹ Seats are allocated using the Hare quota/largest remainder method.

¹⁰ Previously, 53 of the 65 members of the National Assembly were directly elected, the remaining 12 were indirectly elected from among Regional Councils members.

¹¹ Proportional representation is barely viable in most of the constituencies: seven of them have no more than two seats, and the system in effect translates into first-past-the-post in the two regions with only one seat. Also, the number of seats per region (ranging from 1 to 7) was last legislated in 2001 and was not amended since, to take account of population figures from the 2012 census. Hence, the number of registered voters per seat in Region 4 is more than six times higher than in Region 8. In practice, however, these distortions are compensated by the national top-up list.

¹² Except in case overhang seats are awarded. In case a party receives a disproportionate number of seats at constituency level (e.g. above its share of the 65 seats as determined by the national top-up list), the total number of seats in the legislature shall be increased to accommodate the surplus (e.g. if a party receives 1 seat in a constituency but fails to receive any seat nationally, then the National Assembly shall count 66 seats).

which candidate they are electing.¹³ It also undermines provisions for the representation of women (see section XI).

Recommendation: Ensure that, under the existing closed list system, parties are required to present and are bound by ranked lists to allow voters to know which candidates they are electing, as required by the Constitution.

General and regional elections are held concurrently. Between 12 and 36 councillors are elected to ten Regional Democratic Councils, also through closed-list proportional representation. Voters receive one ballot paper with two parts: the top part for the National Assembly elections, and the bottom part for the regional elections. Voters make a single mark in the National Assembly part of the ballot which counts for both the party constituency list and the national top-up list.

V. ELECTION ADMINISTRATION

With confidence in GECOM already undermined by limited inclusiveness and transparency, the post-election crisis exposed a dysfunctional commission unable to control its administration.

Since 1992 elections are organised by an independent constitutional body, the Guyana Elections Commission (GECOM), made permanent by constitutional amendment in 2000. GECOM is vested with broad administrative and regulatory powers to administer the registration of voters and all national, regional and local elections. It may issue regulations for all matters pertaining to elections and even has authority to amend existing legislation via orders when it deems that difficulties arise in its implementation.¹⁴ Since 2015, the law provides for constitutional bodies to receive a lump sum upon parliamentary approval of their budget, hence removing discretionary powers of the executive.

Pursuant to the Constitution, GECOM consists of three members nominated by the president, three by the leader of the opposition and a chairperson agreeable to both. The chairperson shall be appointed by the president from a list of six nominees acceptable to him, submitted by the leader of the opposition after consultation with non-governmental political parties represented in the National Assembly. There is no time limit on the mandate of the chairperson and commissioners. The current chairperson, Justice (retired) Claudette Singh, was sworn in on 29 July 2019, after a month-long negotiation between President Granger and Leader of the Opposition Jagdeo. Her predecessor, Justice Patterson, had been appointed in October 2017 by unilateral decision of the president, who had ignored all the names then put forward by the leader of the opposition during a six-month back-and-forth.¹⁵ Justice Patterson ultimately resigned on 25 June 2019 after the Caribbean Court of Justice ruled his appointment as unconstitutional.

Introduced to assuage discontent ahead of the 1992 elections, the bipartisan composition of the commission has resulted in excessive polarisation, affecting GECOM's ability to function as a collegiate body, and at times to function at all. Overt partisanship and mistrust among commissioners have placed the chairperson in the untenable position to frequently defer decisions in search of improbable common

¹³ Constitution Article 160(3)(a)(ii): “[The manner in which lists of candidates shall be prepared] shall allow voters to be sure which individuals they are electing to the National Assembly.”

¹⁴ Subject to ‘negative resolution’ by the National Assembly, whereby GECOM-issued secondary legislation automatically passes into law unless it is expressly annulled by resolution of the National Assembly.

¹⁵ The leader of the opposition had consecutively put forward three lists of six names only to see all of them rejected by the president.

ground or act as tiebreaker – which highlights the fundamental importance of ensuring the independence of the chairperson. GECOM’s inability to reach timely decisions has given its secretariat excessive discretion over the administration of the elections. Besides, this composition still reflects the political spectrum of 1992, leaving out other political parties as well as other components of the Guyanese society.

Priority recommendation: Launch a national consultation process to overhaul the composition and functioning of the Elections Commission, notably to ensure a more inclusive representation of the various components of the Guyanese society and political spectrum.

GECOM is supported by a permanent secretariat, led by a chief election officer (CEO), to implement policy decisions. GECOM is responsible for the efficient functioning of its secretariat and has authority over the appointment and removal of electoral officials at all levels. In practice, all recruitments and appointments were decided upon by the CEO, including the ten district returning officers (ROs), over 200 deputy returning officers (DROs), and polling staff. Whereas the oversight exercised by the commission over these recruitments is unclear, the mission noted the absence of any avenue for electoral contenders without nominees in GECOM to object to the selection of election officials at any level. In the run-up to the elections, stakeholders generally assessed the performance of the election administration’s regional structures as effective and professional. However, the perception of GECOM as an institution varied markedly among parties. While APNU+AFC representatives were generally satisfied with the overall performance of GECOM, PPP/C representatives expressed strong concerns over the fairness of some key decisions, the absence of ethnic diversity in the composition of the secretariat,¹⁶ and the impartiality of some polling staff. Other parties viewed GECOM as a closed institution, controlled by partisan members acting in the sole interests of the two major contenders.

Recommendation: Provide avenues for electoral contenders to challenge the selection of election officials, either through administrative review or effective oversight by an inclusive Elections Commission.

Even before the post-election crisis unfolded, public confidence in the election administration was undermined by limited transparency. The commission’s statutory meetings are closed to the public and there is no systematic publication of adopted decisions, issued instructions and critical electoral data.¹⁷ GECOM’s lack of official communication and engagement with the media resulted in its messaging being essentially left to individual commissioners providing their own, often conflicting accounts of internal deliberations and decisions. Key regulatory instruments were often not accessible, and instructions on some critical aspects of the electoral process were only issued verbally. There was no regular, structured engagement with key stakeholders at national and regional level. This has left political parties without nominees in the commission out of the process and generally underinformed.

Recommendation: Incorporate into law the mandatory publication of all GECOM decisions, regulatory instruments and instructions, as well as all relevant data pertaining to the electoral process.

¹⁶ In Guyana’s polarised context, critics complained that ethnic diversity had ended under the tenure of the previous GECOM chairperson. Notably, the controversy that surrounded the appointment of the Deputy CEO in March 2019 added to speculations that the government was trying to ensure an electoral administration favourable to it. An experienced Indo-Guyanese candidate was allegedly overlooked in favour of a less qualified Afro-Guyanese candidate. See: Ethnic Relations Commission, “Final Report into the Investigation of Employment Practices at GECOM and the Appointment of Roxane Meyers to the post of Deputy Chief Election Officer, 2019”.

¹⁷ Whereas the full list of electors was published, no statistics were made available on the operations involved in the revision of the list (see Section VI. Voter Registration).

Recommendation: Engage regularly with all electoral contenders, both at national and regional level, through all phases of the electoral process.

The post-election crisis further exacerbated the above-mentioned issues and exposed a dysfunctional commission unable to control its administration. The most striking example was GECOM's inability to intervene and prevent the RO for Region 4 from unlawfully declaring on 5 March results that have not been tabulated based on the Statements of Poll (SOPs) in the presence of party agents and observers as required by law. Even more concerning was the fact that the RO was allowed during the restarted tabulation process to continue acting in blatant violation of the law despite explicit court orders (see section XIV). By failing to act decisively at crucial times, GECOM abdicated its constitutional duty to take all actions necessary to ensure compliance with the law by any election official¹⁸ despite having unequivocal power to remove and exercise disciplinary control over them.¹⁹ While the ROs have legal authority to publicly declare the results of their region, they were seen on multiple occasions taking instructions from the secretariat whose discretion increased with the commission's inability to take timely decisions. It took GECOM and the secretariat 29 days to agree and decide on operational modalities and time frame for the national recount after the Court of Appeal on 5 April finally cleared the way to proceed with the recount.

Election Preparations

Technical and operational preparations for the elections were generally conducted efficiently despite inherent logistical challenges. Following GECOM's validation of a list of 2,339 polling stations at the end of January, extracts of the list of electors were later posted at polling locations. Electors could also query the database online to check their records and assigned polling station.²⁰ However, less than two weeks before the elections, the GECOM secretariat decided to reduce the number of polling stations located in private premises with no prior consultation with political parties about such a politically sensitive issue. PPP/C denounced this decision as discriminatory and particularly heavy-handed in its strongholds. A compromise was ultimately reached, just days before the poll.

The designation of polling station officials was carried out during the first half of February from among the participants of a nationwide training programme conducted in 2019. Refresher training sessions observed by the mission in the regions were generally assessed as well conducted, despite their brevity and at times the absence of pedagogical support. Yet, instruction manuals for election officials were hastily assembled from older versions and introduced ambiguities in key procedures pertaining to the tabulation of results.²¹ Repeated calls by stakeholders for GECOM to issue a clear written tabulation procedures were dismissed by the CEO who insisted on issuing verbal instructions.

On 21 February, GECOM conducted advance voting for 10,226 members of the disciplined forces (military, police and prison personnel representing 1.5 per cent of the total electorate) in 68 polling stations across the country. The mission assessed advance voting in polling stations observed as well managed. So was the secure transfer of the ballots cast by these voters to their regions of residence where they were mixed and counted with other ballots on election day. However, delays in processing

¹⁸ Constitution, art. 162. (1)(b): “[GECOM] shall issue such instructions and take such action as appear to it necessary or expedient to ensure impartiality, fairness and compliance with the provisions of this Constitution or of any Act of Parliament on the part of persons exercising powers or performing duties connected with or relating to [elections].”

¹⁹ Constitution, art. 161A. (1): “[GECOM] shall (...) have the power to remove and to exercise disciplinary control over such staff.”

²⁰ Via a ‘Find my polling station’ feature on GECOM’s website: <https://www.gecom.org.gy/home/ole>

²¹ Contradicting the officially stated plans, the manual expressly instructed DROs to conduct an intermediate consolidation of results of all PSs under their responsibility, with the risk that some would unseal envelopes containing the Statements of Poll, as observed on election day.

the lists of those who had already voted on 21 February undermined safeguards against potential double voting on 2 March.²² By contrast, the preparation of lists of persons authorised to vote by proxy appeared to involve robust verifications by ROs prior to the elections, including visits to the applicants, to mitigate the risk of abuse.

Voter Education

Launched in mid-January, GECOM's voter education and information campaign essentially relied on educational videos, radio announcements and infographics disseminated through paid advertisements in print, broadcast and social media. All voter information and voter education resources were also made available on GECOM's website.²³ Positively, the campaign provided comprehensive practical information on voting procedures as well as on broader aspects of the electoral process. While its focus on broadcast and social media appeared to have generated sizeable engagement from younger urban voters, its reach to rural and indigenous communities was limited. The mission noted minimal visibility of GECOM voter education activities across the regions. Election officials at regional and local levels confessed their involvement was limited, in the best case, to the distribution of a few hundred flyers. In the absence of a functioning voter education department within GECOM, all voter education activities did rest with a single official, also in charge of public relations. The only grassroots outreach to local communities was implemented through the Guyana National Youth Council's *Ink it up!* campaign, which used a branded bus to bring a mock polling station to marketplaces. Political parties also conducted their own partisan voter information campaigns.

Recommendation: Extend the reach of voter education across the country, notably in rural and indigenous communities, with a field operation mobilising local election officials and CSOs.

VI. VOTER REGISTRATION

Inclusive list of electors despite fervent controversies over its preparation and accuracy.

The Constitution guarantees the right to register as elector to every Guyanese, or Commonwealth national residing in country for at least one year, aged at least 18. The courts have ruled that once registered, no longer being a resident is not a ground for being removed from the official list of electors (OLE).²⁴ There are no unreasonable legal restrictions on the right to vote, although young citizens who turned 18 between 1 January and 2 March 2020 were not included in the OLE,²⁵ and no arrangements were made for eligible detainees and prisoners to exercise their franchise.

Guyana instituted a continuous voter registration system in 2008. GECOM then conducted a house-to-house biometric registration drive to compile a national register of all residents aged 14 and above. Since then, this register has been periodically updated, with new applications and requests for modifications being received at GECOM's registration offices twice a year, and information on deaths processed on a regular basis. In preparation for elections, a preliminary list of electors (PLE) containing the names of all eligible persons aged 18 and above at a qualifying date, generally set close to the date of the poll, is extracted from the register. The PLE is then posted for a period of claims and objections, after which a revised list of electors (RLE) is posted for another period of scrutiny, allowing for the correction of any processing error. The OLE is then certified for use on election day.

²² As a result, their names were not struck off the lists of electors used on 2 March, but instead listed on distinct lists that were not consistently used for verification by polling officials on election day.

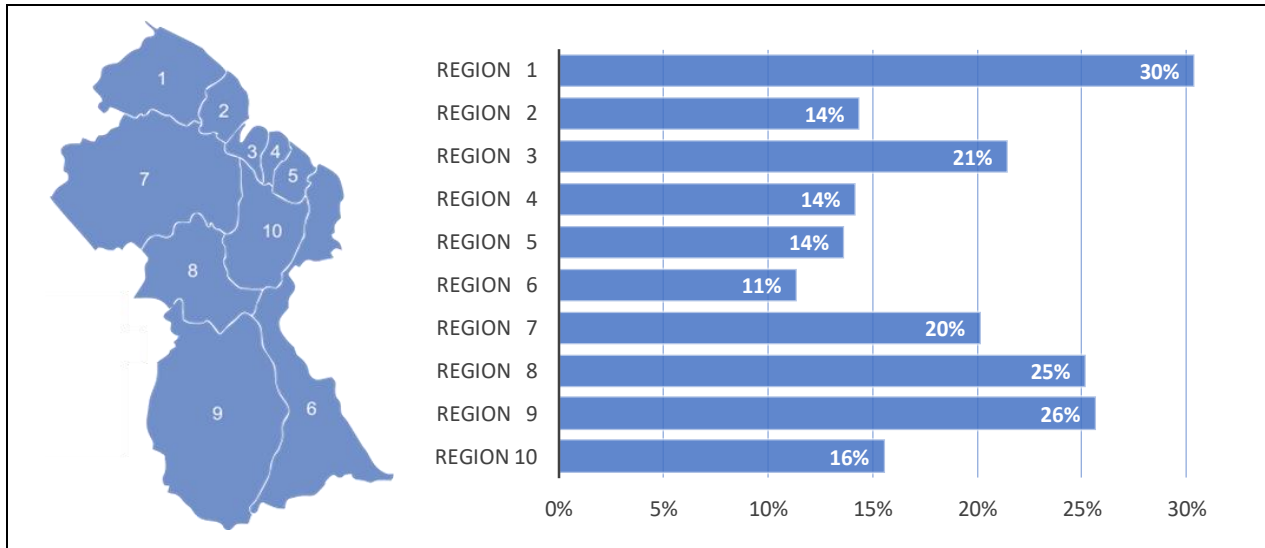
²³ <https://www.gecom.org.gy/home/gre2020>

²⁴ Court of Appeal's ruling in *Civil Appeal No.175 of 2019 Attorney General vs. Christopher Ram, CEO & GECOM*.

²⁵ The qualifying date for inclusion in the OLE was set to 31 December 2019, earlier before election day than in the past.

The 2020 OLE contained 660,998 names, well above the estimated resident adult population of half a million.²⁶ It represents a 15.8 percent rise since 2015 with sizeable regional variations (see Chart 1), the significance of which is difficult to assess in the absence of demographic projections following the 2012 census.²⁷

Chart 1. Change in the number of registered voters per region from 2015 to 2020



Over the years, there had been concerns about the large increases in the number of registered voters between elections. Institutional efforts to improve voter registration outreach, including better access to birth registration for indigenous communities had contributed to such rises, and proper cleaning of the register had been hampered by lack of sufficient information on death records from concerned agencies. However, Guyana’s high emigration rate may be the most significant factor accounting for an ‘inflated’ list. Indeed, pursuant to the latest court rulings, citizens who moved abroad after registering retain full voting rights. Overall, existing safeguards – notably the use of voter lists with ID pictures by polling staff and party agents – were robust enough to prevent the risk of voter impersonation on election day.

The preparation of the list of electors for the 2020 elections proved particularly litigious and complex. A 2019 decision by GECOM to conduct a new house-to-house registration drive to replace the existing register was challenged in court by the opposition and contributed to substantial delay in the elections. The opposition refused to designate scrutineers to monitor the process and encouraged its supporters to boycott the enumeration. Following the High Court ruling that the house-to-house registration was not unlawful, but also that the names of electors could not be deleted from the existing register on the basis that they were not found to be resident during the enumeration, GECOM ultimately suspended the exercise. From over 370,000 entries garnered, only 16,642 were found to be new registrants while 88,876 entries pertained to modifications to the records of already registered voters, mostly changes of addresses. The fact that such changes were recorded for almost a quarter of all enumerated persons hints at clear limitations in the ability of the existing ‘continuous’ registration system to maintain an up-to-date, accurate register.²⁸ Protracted disputes over the validity and use of the data garnered during the truncated enumeration prevented their incorporation into the existing register in time for the period

²⁶ Based on *World Population Prospects 2019*, UN Department of Economics and Social Affairs.

²⁷ Guyana’s Bureau of Statistics does not have the capacity to produce demographic projections per region.

²⁸ This ratio appears disproportionately high considering that registrants are given the opportunity to register changes in their status twice every year. While the current periodic registration system allows for the registration of new applicants, there appears to be insufficient incentive for registrants to update their records.

of claims and objections, and concerns were raised that some of these changes were not reflected in the OLE.²⁹

Recommendation: Undertake a thorough update of the decade-old register well ahead of the next election cycle, based on inclusive consultations and political consensus. At the same time ensure greater effectiveness of the ‘continuous’ registration system by improving access – both in terms of geographical spread of registration offices and duration of the registration periods.

The full PLE, RLE and OLE were made available on GECOM’s website and voters were given the opportunity to query the database online for their own records.³⁰ Transparency however was limited as no statistics were made available on the operations involved in the revision of the list, such as deduplications, transfers, objections, removals of the deceased, corrections, etc.

VII. REGISTRATION OF CANDIDATES

High number of contestants despite barriers to participation of smaller parties.

Registration of Candidates

The right to stand for elections is granted to Guyanese citizens who are at least 18 years old, except those with dual citizenship. A presidential candidate must be in addition a citizen by birth or parentage and a resident of Guyana for at least seven years prior to the nomination. There are no unreasonable restrictions on the right to stand, with the notable exception of not being able to stand as an independent candidate.

Requirements for the submission of candidate lists are established in the Representation of the People Act. GECOM is required to set the nomination day and publish it in the Gazette not later than 32 days before the elections. On this day political parties and coalitions must submit their lists of candidates. This is also the last day when a party can make an application for allocation of a party symbol which features on the ballot paper. Parties which choose not to register as a legal entity use this procedure to be ‘formally’ recognised as a party.

For the National Assembly elections, the national top-up list must include at least 42 candidates and two more candidates than the number of seats allocated to the constituency for the regional lists. A list of eligible candidates may be submitted by 300-330 nominators for single national constituency, and by 150-175 nominators for each regional constituency. All nominators have to be registered voters and they can only support one party. To qualify, political parties must contest a minimum of six regional constituencies with the cumulative total number of seats contested being at least 13.

For regional elections, political parties may contest any of the ten regional democratic council elections. Depending on the region, they must present a list of 12-36 candidates registered as voters in the respective region, supported by 150-175 nominators also registered to vote. Party lists for both general and regional elections must contain at least one third of women candidates.

On 30 November GECOM announced that nomination day would be 10 January, i.e. 52 days before elections and 20 days ahead of the legal deadline, and that the applications for party symbols must be

²⁹ See Section XVI. Polling, counting and tabulation of results.

³⁰ https://www.gecom.org.gy/home/ole_list

submitted by 13 December 2019.³¹ The announced earlier nomination day caused concerns among smaller parties with limited resources as they had to collect the required number of unique voters' signatures supporting their general and regional election lists within a reduced time frame. The required number of nominators also represented a challenge since 5 of the 10 regions are very sparsely populated.

Out of 19 parties and coalitions that applied for a party symbol, only 13 submitted lists of candidates. Eleven parties were approved (see Annex 1). Nine for both general and regional elections – with a presidential candidate each – and two for regional elections only. Two lists were not approved due to an insufficient number of valid supporting signatures.³² The total number of candidates contesting National Assembly and Regional Democratic Council elections and their gender make-up was not published by GECOM.³³ Overall, the procedures for submitting lists of candidates favoured the two main contestants and revealed barriers to participation of smaller parties.

Three presidential candidates were part of a controversy over the validity of their candidacy in relation to alleged dual citizenship.³⁴ This created unnecessary uncertainty regarding these candidates' and their lists' eligibility until early February, affecting the parties' ability to campaign.

Three of the smaller parties – A New and United Guyana (ANUG), Liberty and Justice Party (LJP), and The New Movement (TNM) – formed a joinder of lists. While they participated in the elections independently from each other, the parties combined their votes received for seat allocation process. The joinder is foreseen in the law, but was a novelty in the electoral process and raises questions about its practical implementation, namely seat allocation.

Registration of Political Parties

The right to form political parties is guaranteed by the Constitution yet Guyana's legal framework for elections is absolutely silent on registration and operation, including financing and internal management, of political parties. As a result, political parties are established under different rules. The 'older' political parties are usually registered as trusts, thus in effect benefiting from a legal shelter preventing any public access to their internal rules and finances. Some political parties are registered as not-for-profit associations or exist without any formal legal status, thus lacking legal protection. This substantial legal gap contributes to an unlevel playing field. Previous recommendations by observation missions to address this rule of law issue were not implemented.

³¹ A notice for the date was published in local newspapers on 30 November, whereas the announcement in the Gazette was published on 2 January, only eight days before the 10 January nomination day.

³² Some smaller parties reportedly camped outside the venue prior to nomination day in order to avoid the negative consequences of the first come first served system whereby a supporting signature of a voter was rejected if the same voter had also supported another list submitted earlier. Yet, the two main contenders were allowed to submit their lists first. The parties had only one day to replace rejected signatures and the two parties were unable to do so.

³³ Individual lists were published but without indicating the gender of candidates. Due to possible duplications between regional and national lists, same names and non/multi-gender names, the EU EOM was unable to precisely determine the total number of contesting candidates and their gender breakdown.

³⁴ GECOM statutory meeting on 21 January deliberated on the information regarding candidates with alleged dual citizenship. Some commissioners gave interviews stating that several candidates were disqualified because of holding dual citizenship. On 22 January GECOM sent a letter to three parties – LJP, United Republican Party (URP) and People's Republic Party (PRP) – inviting them to show cause why the names of their presidential candidates should remain on the party lists by 31 January. However, on 5 February all three candidates received a letter from GECOM confirming that their names remain on the approved party lists. The LJP presidential candidate reportedly renounced his dual citizenship before nomination day and the URP presidential candidate after nomination day. The initial PRP presidential candidate was replaced, later renounced her dual citizenship but remained as parliamentary candidate on the list. Should any of these parties win seat(s), qualifications of these candidates can still be challenged.

Recommendation: Harmonise the legal status, under which political parties operate, to ensure equal protection and accountability of political stakeholders.

VIII. CAMPAIGN ENVIRONMENT

The Election Campaign

Two historical, largely ethnicity-based opponents dominated an unregulated, intense electoral contest marked by negative campaigning, the misuse of state resources, and an unlevel playing field.

The ruling coalition APNU+AFC and the opposition PPP/C dominated the electoral campaign. Following the dissolution of parliament on 30 December 2019, both camps launched their election campaigns in early January 2020, before their lists were approved to contest the elections on nomination day 10 January.

All parties enjoyed equal rights to the freedoms of assembly, expression and movement, but only the two key contestants had sufficient resources to mount an effective campaign in all ten regions. The other political parties were far less visible and did not have the outreach capacity to compete with the two historical opponents, resulting in an unlevel playing field. Both major camps claimed their electorate had become more diverse, but EU observers witnessed that APNU+AFC events were attended primarily by Afro-Guyanese and PPP/C events by Indo-Guyanese supporters. Two-thirds of all campaign events observed by the EU EOM had specific messages for the youth, as around half of the population is below the age of 30.³⁵

The campaign, during which most political parties presented a manifesto, was practically unregulated and without an official timeframe. It was characterised by the holding of rallies and public meetings, display of posters and flags, placing of TV, radio and newspaper advertisements, and extensive use of social media. Only few parties had a dedicated campaign manager and focal points in the regions. Both key contestants extensively employed negative campaigning by spreading derogatory messages about their political opponents and highlighting historical failures of the other camp, including through newspaper ads. The opposition criticised APNU+AFC in particular for failing to negotiate a better oil deal with international companies, while the incumbent criticised PPP/C for corruption and deteriorating security during its time in government. Anonymous posters with negative messages regarding the outgoing government were on display in Georgetown since the first week of February.

All contestants campaigned freely, however some PPP/C events were disrupted by APNU+AFC supporters, primarily in Region 10. Vandalisation of campaign material was observed on small scale in Regions 3, 4 and 6. On 19 January, the PNC/R Chairperson and APNU+AFC Minister of Public Health called on their supporters to remain around polling stations during the counting of votes to “protect the ballots” on election day. This caused concerns among other parties, as there had been orchestrated post-electoral violence around polling stations in the past.³⁶ Positively, the Ethnic Relations Commission (ERC) issued a code of conduct for political parties which was endorsed by all contestants on 13 February.³⁷ This code of conduct committed the parties to oppose and reject the use of violence and intimidation during the campaign, on election day, and after the announcement of results. GECOM

³⁵ The EOM observed 52 campaign events across 9 regions: 20 by APNU+AFC, 27 by PPP/C, 3 by Change Guyana (CG), and 2 by LJP.

³⁶ Electoral violence in 1992, 1997 and 2001 was primarily associated with the PNC/R.

³⁷ Media coverage around the signing ceremony provided unprecedented publicity for smaller political parties.

invited political parties to sign another code of conduct three days before election day, too late to have a real impact on the campaign.³⁸

EOM observations indicated common misuse of state resources for the campaign. APNU+AFC used the advantages of incumbency to appeal to voters through infrastructure developments, which further undermined a level playing field.³⁹ In an open letter to the members of the disciplined services⁴⁰ dated 15 February, President Granger asked for their vote and promised increases in salaries and allowances.⁴¹ The EU observers saw governmental donations provided in the context of APNU+AFC campaign events in particular in Region 9 where the majority of voters are from the indigenous population. For example, President Granger was observed delivering governmental donations during the APNU+AFC rally in Sand Creek on 15 February.⁴² Several APNU+AFC ministers actively campaigned using state resources in their capacity as ministers. To a smaller degree, also PPP/C used regional democratic council resources, namely vehicles, for campaign in Region 5. In-kind vote buying by distributing food and various goods, in particular in indigenous communities, was a widely reported practice of both APNU+AFC and PPP/C.

Recommendation: Prohibit the use of state resources for political campaigning to create a more level playing field. To support this measure, regulate the conduct and timeframe of the campaign based on consultations with all relevant stakeholders.

Campaign Finance

Lack of transparency, accountability and oversight in political party and campaign finance contributed to an unlevel playing field.

Guyana acceded to the UN Convention against Corruption (UNCAC) in 2008, but its legal framework does not sufficiently provide for transparency and accountability in political party and campaign finance. This is a recurring theme in Guyana's electoral process.⁴³ There is no system of public financing for political parties or election campaigns. Parties and candidates raise funds from private sources abroad and in-country, without any limitations regarding the source or amount of donation, and with limited obligations to disclose sources of funding or report on expenditure. With consent of the two main political contenders, GECOM did not assume its oversight responsibility to monitor campaign finance.

According to the law, within 35 days of the declaration of election results, each contesting party must submit a financial declaration to the CEO. Campaign spending limits exist but are outdated and too low to be applicable.⁴⁴ The financial sanctions for not disclosing campaign expenditure are too low to

³⁸ The code of conduct prepared by GECOM, which had no enforcement mechanism, was identical to that of 2015.

³⁹ The government opened a number of new police stations, health centres and local development projects during the campaign period. For example, Minister of Public Security and APNU+AFC candidate for prime minister Khemraj Ramjattan commissioned several new police stations within a week before election day. The Bartica Regional Democratic Council started road works and launched electricity and water supplies in the indigenous community of Dogg Point in Region 7 two weeks before election day. More examples can be found on the websites of the Department of Public Information (DPI), <https://dpi.gov.gy/> and <https://www.facebook.com/dpiguyana/>.

⁴⁰ Armed forces, police, and prison services.

⁴¹ The letter was published on 16 February in all newspapers.

⁴² Other examples include Minister of Social Protection Amna Ally donating bicycles under the governmental '5 B initiative' in St. Ignatius in Region 9 on 7 February and Minister of Public Health Volda Lawrence donating an emergency service boat to Santa Mission in Region 3 on 20 February 2020.

⁴³ The APNU+AFC coalition had campaigned in 2015 to enhance political and campaign finance regulations during the next term, but subsequently did not reform the legal framework.

⁴⁴ The maximum amount a list of candidates is entitled to spend is 12,480 EUR.

be effective.⁴⁵ The CEO is required to publish a summary of the election expenditures in the Gazette. However, GECOM and all parties acknowledged that the legal provisions for campaign finance were disregarded and had never been implemented.⁴⁶

The campaign demonstrated that APNU+AFC and PPP/C had significant funds at their disposal, unmatched by any other political party.⁴⁷ Their sources of income were usually not disclosed, resulting in a lack of transparency and accountability. Most parties met by the EOM confirmed that they actively sought and received funding from Guyanese donors both in-country and abroad. In some cases, parties made arrangements about what portion should be raised by candidates and what portion should be raised by the party. Several parties including PPP/C, ANUG, and TNM reportedly undertook internal accountability measures, with confirmations of payment provided to their donors, and spoke out for enhancing campaign finance regulations to some degree. A new political party, The Citizenship Initiative (TCI), published the amounts of donations and expenditure on its website.⁴⁸ Most parties, however, argued that it would be too sensitive to disclose their sources of income publicly, as there could be a backlash against their donors as individuals and/or as businesses. Several parties called for an independent body, other than GECOM, to monitor campaign spending.

Priority recommendation: Develop, in a consultative process, effective legislation to regulate political finance, taking the principles of equality, transparency and accountability into account. Such legislation could provide transparency in campaign incomes and establish reasonable limits for campaign expenditure as well as disclosure and reporting requirements and effective sanctions. Consideration may also be given to the establishment of an independent oversight body.

IX. MEDIA

Largely biased state media, highly partisan private media, extensive use of paid promotional content, absence of political debates, and a lack of oversight by the regulatory body negatively affected voters' ability to make an informed choice.

Media Environment

Guyana, considering its limited population, benefits from a considerable number of media outlets. The media environment includes some twenty TV channels, thirty radio stations, four daily newspapers and about ten popular online news media. All of them disseminate news content also via Facebook.⁴⁹ Most media outlets are concentrated in the capital and in the coastal area. Only the state-owned TV channel and radio stations have a nearly nationwide coverage, while private broadcasters cover the most populated areas or a specific region. However, the broadcasters that are distributed also via cable are accessible throughout the country.

The media environment is highly politicised, with very few independent media and the majority of media outlets being either directly affiliated or leaning to one of the two main political camps. Moreover, the financial viability of broadcast media is affected by a limited advertising market, which results in broadcast media producing a limited quantity of editorial programmes and having to sell most

⁴⁵ The fine is 140 EUR.

⁴⁶ The 35-day timeframe for the financial declaration was not foreseen in GECOM's workplan. GECOM personnel received oral instructions that the respective provisions in the law can be disregarded.

⁴⁷ EU EOM observers saw more high-cost events organised by APNU+AFC than by PPP/C. Travel costs to campaign in remote areas constituted a considerable campaign expense.

⁴⁸ <https://www.citizenship.gy/release-finance-1/>

⁴⁹ There are no data available on TV and radio audience rates, or on newspapers' circulation. In addition to FM/AM radio, there are some online radio stations. The four daily newspapers have online editions, which are reportedly quite popular.

of their airtime to a variety of third parties, and to rebroadcast programmes from international broadcast media. This challenge affects print media as well. The government and state agencies constitute important advertisers, enjoying a leverage on private newspapers, which was reportedly used in the past to exercise pressure.

State-owned media which include one TV channel, eleven radio stations, and a daily newspaper historically reflect the views of the ruling party, rather than serving the public interest. The chairpersons and board members of state-owned media are directly appointed by the prime minister, who holds the portfolio of the Ministry of Information, and there is no specific legislation regulating the selection process of the board members and state-owned media funding.⁵⁰ In the last few years, some steps were taken to further increase the influence of the government over the media. For instance, by imposing on private broadcasters an obligation to air daily and for free up to 60 minutes of widely defined public service programmes as required by the government⁵¹, or by launching new local state radio stations to reach out to remote communities⁵².

Priority recommendation: Introduce a legal and regulatory system that transforms the state-owned media into a genuine public service broadcaster. This includes provisions granting editorial independence, financial autonomy, clear separation from any government institution, and an open and competitive selection process of its board members.

The Guyana Press Association (GPA), the only representative body of media workers in the country, and some media representatives reported that media professionalism and preparedness to cover certain topics, including elections, was a matter of concern. In this regard, a two-days training for journalists on election coverage was conducted by GPA and endorsed by GECOM.⁵³ Media interlocutors complained about limited information on the electoral process provided by GECOM Chairperson and Secretariat officials, leaving them to rely on partial and at times contradictory information gathered from GECOM's commissioners nominated by the two main political forces. Journalists were generally able to freely cover the election campaign, however, they faced some challenges during the post-election period. In two different post-election press statements the GPA denounced cases of journalists being subject to intimidation via social networks, direct intimidation and attempted physical assaults by party supporters while covering the tabulation process and legal proceedings.⁵⁴ GPA also complained about the lack of effective measures by security forces and GECOM to ensure media workers' safety.

Legal Framework for the Media

The Constitution guarantees freedom of expression. Nevertheless, at odds with international obligations and in addition to civil law, defamation is prosecuted also by criminal laws with sentences up to two years of imprisonment.⁵⁵ While there were no ongoing criminal lawsuits or cases of journalists being detained or convicted, the mere existence of criminal liability for defamation constitutes a threat which may lead to possible self-censorship by media professionals.

⁵⁰ The National Communications Network Inc. (NCN - television and radio stations) and the Guyana National Newspapers Limited (Guyana Chronicle - daily newspaper) are state-owned companies managed by the government controlled National Industrial & Commercial Investments Ltd. (N.I.C.I.L) under the Companies Act 1990.

⁵¹ Since it came into force, this provision which was introduced with the Broadcasting Act Amendment Bill 2017 amidst protests of media and civil society representatives was neither applied, nor did broadcasters complain about it.

⁵² Since 2015, the APNU+AFC government launched seven regional radio stations. The latest, *Radio Essequibo*, was inaugurated by the president and the prime minister on 29 January 2020.

⁵³ The training was conducted on 25 and 26 January 2020. It was funded by the US Embassy through the American Chamber of Commerce in Guyana.

⁵⁴ GPA's press statements issued on 9 and 14 March 2020.

⁵⁵ Defamatory libel is a criminal offence under Articles 107-113 of the Criminal Law (Offences) Act.

Recommendation: Decriminalise defamation, in line with international obligations regarding freedom of expression.

The Broadcasting Act 2011, as amended in 2017, set the legal framework for electronic media and established the Guyana National Broadcasting Authority (GNBA), the supervisory body responsible for issuing licenses, developing further regulations and monitoring the respect of relevant legislation by broadcasters. Nevertheless, the law does not provide sufficient safeguards to guarantee independence of GNBA from political influence as its chairperson and all board members, except one, are appointed directly by the president. Over its history GNBA had been accused of partisan conduct, such as selective allocation of frequencies. Positively, both print and online news media are not subject to licensing.⁵⁶

Recommendation: Strengthen the independence of the broadcasting authority from political influence by amending the selection and appointment process of the chairperson and board members.

There is no specific regulation for the coverage of the election period by broadcast and print media.⁵⁷ Unlike in 2015, no election-related code of conduct for the media was developed nor any *ad hoc* media monitoring was conducted.⁵⁸ However, the Broadcasting Act and secondary legislation require broadcasters to provide, *inter alia*, a fair and balanced coverage of matters related to national politics, thus including the election campaign. The law allows political advertising spots as well as political sponsored programmes without any ceiling on time purchased and expenditure, and without requiring to indicate who paid for it. The regulation only requires all broadcasters to clearly identify as promotional political content any kind of programme, paid or unpaid, endorsing political parties. Although GNBA was equipped with a permanent media monitoring unit, it informed the EU EOM that it did not have enough capacity to conduct a thorough monitoring of the election coverage. For instance, it was not able to assess if broadcasters provided access and balanced coverage to electoral contestants or if promotional political content was labelled as such.⁵⁹ Therefore, GNBA failed to fulfil its role as the supervisory body.

Recommendation: Strengthen the oversight of existing media law by the supervisory authority developing further guidelines on broadcast media electoral coverage, as well as reinforcing its media monitoring capacity.

Media Monitoring Findings

The EU EOM media monitoring showed that broadcast media produced limited editorial content.⁶⁰ The information provided to the public was limited to newscasts and very few current affairs programmes, while none of the monitored broadcast media organised political talk shows or election de-

⁵⁶ The Newspaper and Publication Act, lastly amended in 1997, requires newspapers to get registered but not to be licensed.

⁵⁷ The only specific reference to election coverage is Article 13(p) of Broadcasting Act 2011, which requires broadcasters to coordinate with political parties and GECOM in order to grant some airtime to the electoral contestants.

⁵⁸ In 2015, most broadcast and print media agreed on a code of conduct and GECOM established a media monitoring unit, which made detected violations public. While the initiative lacked a sanctioning mechanism, media interlocutors informed the EU EOM that it played a positive role and regretted that it was not replicated for 2020 elections.

⁵⁹ On 19 February, GNBA issued a press release informing that through its media monitoring it detected some breaches such as “vulgar language, inaccuracy and lack of impartiality, fairness and balance” or “lack of professionalism in the conduct of live call-in programmes”, and called on the broadcasters to abide by the law. However, GNBA did not publicly provide any further details on these breaches.

⁶⁰ The EU EOM monitored from 10 February to 1 March 2020 a sample of media outlets composed of four TV channels (*Channel 11, Channel 9, Channel 28 and Channel 65*); three radio stations (*Voice of Guyana/102.5 FM, Hits and Jam/94.1 FM and Freedom Radio/91.1 FM*); and four newspapers (*Guyana Chronicle, Stabroek News, Kaieteur News and Guyana Times*). See Annex 3 for detailed media monitoring findings.

bates with representatives from different parties, thus reducing the ability of voters to make an informed choice. Moreover, the clear political affiliation of most broadcast media contributed to a highly partisan news coverage of the election campaign, which generally focused on the APNU+AFC coalition or PPP/C, with other parties receiving minimal coverage.

The state-owned broadcast media showed an overt bias in favour of the government and ruling coalition. Namely, the state-owned TV *Channel 11* devoted a total of 60 per cent of its news coverage to the government and the president, and 25 per cent to APNU+AFC. In addition, clearly misusing state resources, the Department of Public Information (DPI), a governmental agency, was extensively used to promote the ruling coalition's campaign activities.⁶¹ Private TV channels showed a bias in their coverage of the election campaign as well. *Channel 28* and the PPP/C affiliated TV *Channel 65* devoted to this party 58 per cent and 77 per cent of their news coverage, respectively. By contrast, *Channel 9* devoted a total of 57 per cent of its news to the president and the government, along with 23 per cent to APNU+AFC.

The state-owned newspaper, *Guyana Chronicle*, devoted 83 per cent of its news coverage to the incumbent president, government and ruling coalition and at the same time offered considerable space to letters from readers critical towards PPP/C. *Guyana Times* offered 47 per cent of its news coverage to PPP/C, and 22 and 29 per cent to the government and ruling coalition respectively. The coverage of the government and ruling coalition was mostly negative. *Stabroek News* and *Kaieteur News* proved to be rather balanced in their news coverage.

Besides the limited news coverage, broadcast media, at national and local level, were largely used as a platform to promote the two main contestants via political advertisements, paid programmes and coverage of campaign events.⁶² At times, programmes' hosts were also candidates.⁶³ The EU EOM observed several instances of paid political programmes not being properly labelled as such, in breach of the law. The paid coverage in both broadcast and print media often fuelled a negative campaign between the two main camps. The absence of information on who paid for the advertising, namely for negative advertising in print media, undermined transparency and citizens' right to information. Besides negative campaigning, the monitored broadcast media did not generally made use of inflammatory language or hate speech.

During the post-election period, broadcast and print media positively refrained from disseminating unverified partial results and offered extensive coverage of the tabulation process and subsequent legal proceedings. *News Room Guyana*, in particular, offered after election day an up-to-date live coverage of all main developments on cable TV as well as via Facebook live streaming, which became a valuable online source of information.⁶⁴

⁶¹ This was done, for instance, through articles and videos published on its website and Facebook page, as well as via free publications distributed at regional level.

⁶² For instance, the TV *Channel 65* affiliated to PPP/C informed the EU EOM that the only editorial program of the TV channel was the newscast "News Update". All political programmes were paid-for. In violation of the law, these paid programmes as well as political advertisements that were promoting PPP/C, were often not labelled as paid material.

⁶³ For instance, the host of a popular daily morning show on the state-owned radio station, *Voice of Guyana*, was a candidate for the ruling coalition. On 27 January 2020, the Editor-in-chief of the state broadcaster *NCN* was sent on administrative leave following a physical altercation that he had with the Head of the Department of Public Information. The altercation reportedly originated in his request to not allow this host/candidate to announce the news within her show in the weeks ahead of the elections.

⁶⁴ *News Room Guyana* is a newscast distributed on E-Networks' DreamTV Satellite and DreamTV Mobile services, on three regional TV channels as well as via its Facebook page.

X. DIGITAL COMMUNICATION AND SOCIAL PLATFORMS

Campaign in an unregulated online environment was dominated by the two main competitors and affected by derogatory messages

Online Environment and its Legal Framework

More than half of the population regularly use Internet and social platforms. While in the densely populated coastal areas social platforms are an essential communication channel, access to and the use of online information is limited in the hinterland.

According to global figures, there are over 400,000 Facebook accounts in Guyana.⁶⁵ It is by far the most influential information-sharing platform for Guyanese, heavily used also by the media houses and political parties to distribute news or updates. Instagram, the second most popular platform, has some 110,000 users. The number of YouTube accounts is unknown, however, there are hundreds of popular accounts associated with Guyanese users, including political ones. Among messaging platforms, WhatsApp is by far the most used one, including by political actors.

The importance of social platforms was demonstrated throughout the campaign period and perhaps even more so after election day. Media and social influencers, supplementing traditional media by offering live or up-to-the-minute online updates in the post e-day period, have significantly increased their followership; there was a substantial spike in the use of Facebook in this period. Numerous videos recorded and shared by various actors present in the national and Region 4 tabulation centre in Georgetown during tabulation increased transparency of the process and accountability of stakeholders involved.

Campaigning online is not regulated in the law. The legal framework pertaining to online environment is overall rudimentary, and there is no specific data protection and privacy legislation. However, the 2018 Cyber-Crimes Act criminalises computer-use-related offenses including unauthorised use of computers and the data thereon or transmitted, identity-related offenses, or cyber bullying. The Act imposes severe punishments of up to five years in prison. Its vaguely formulated provisions on accessing and sharing electronic data stored on computer system could discourage potential whistleblowing.⁶⁶

In general, public awareness about potential abuse of personal data appears to be rather low although this issue was to some extent present in the public discourse in relation to banking or health sectors. When it comes to the use of sensitive personal information that could be potentially abused, for instance the numbers of citizens' national identity cards were included in the publicly available OLE.⁶⁷ Mission interlocutors did not recognise potential abuse of personal data for campaign purposes as a concern in these elections.

Recommendation: Adopt data protection law as well as other mechanisms to guarantee citizens the right to privacy of their personal data, both online and offline.

⁶⁵ We are social, Digital in 2020: <https://datareportal.com/reports/digital-2020-guyana>

⁶⁶ Whistleblowing is provided for in the 2018 Protected Disclosures (Whistleblower) Act.

⁶⁷ The ID cards are used for verifying identity and specifically for the purposes of voting and transacting business.

Analyses of social platforms⁶⁸

Overall, APNU+AFC and PPP/C were actively campaigning online weeks prior to e-day using well-established accounts – especially PPP/C – on various social platforms.⁶⁹ The ruling coalition benefited additionally from promotion of governmental activities by the DPI, which on its official accounts was clearly blurring the distinction between official and partisan lines. The two leading forces frequently boosted their campaign messages via advertising on social platforms.

Most smaller parties lamented their limited access to traditional media to reach out to voters, stressing the importance of social network platforms as a key campaign vehicle. Overall, CG, TCI and the three joinder parties that were promoted by a popular social media influencer conducted a visible online campaign,⁷⁰ and succeeded in significantly increasing their online following.⁷¹ LJP and URP informed the EU EOM that unknown actors were repeatedly reporting their Facebook pages as violating community standards, curbing the parties' ability to campaign. TCI reported that its website was repeatedly hacked.

The mission captured dozens of messages, memes or videos ridiculing or discrediting one or another of the two major political forces. Many of them were sponsored and reached large segments of internet users. They were run from Facebook pages of third parties whose affiliations with contestants were unclear. Such messages with unclear origin may have influenced voters' electoral opinions. The mission enquired with Facebook representatives about these pages and other campaign related issues, but no response was provided. Between 17 February and 2 March, the EOM found eleven such pages, of which five were created in the final week of the election campaign by unknown actors.

None of the Big Tech companies have put in place for the 2020 elections in Guyana complete archives of political/election related ads – the transparency measures provided by these major companies in selected countries prior to recent elections.⁷² Therefore neither Facebook's Ad Library nor Google's Transparency Report allowed for effective monitoring of the extent and cost expended on the ads by the contestants or third parties. As contestants in practice do not report their campaign expenditures, there is effectively no, or only very limited, transparency and accountability in the increasingly important online campaigning segment.

Priority recommendation: To foster transparency and accountability in online and offline campaigning, policymakers could consider introducing detailed reporting requirements for those who paid for sponsored materials as well as for those who received payments. In order to enable voters to easily distinguish between paid advertising and other information, any sponsored campaign-related material should be clearly labelled to indicate who paid for it.

⁶⁸ The EU EOM was analysing digital communication issues and monitoring a sample of public pages and posts of key political as well as other relevant actors regarding the election-related issues. The mission also monitored instances of inflammatory language and false narratives in the election context, distributed online. A sample of 143 FACEBOOK pages were regularly monitored. They included 11 official party pages, 38 pages of politicians including presidential candidates, 73 pages of key influencers, 21 pages belonging to media houses and personalities. There were also 57 YouTube channels under review; 27 of these were directly operated by the political parties and 30 channels were operated by media and influencers. Many other sources were checked sporadically for relevant content.

⁶⁹ Both camps were publishing on average 10 posts per day.

⁷⁰ Guyanese Critic [endorsed](#) a joinder of three parties: ANUG, LJP and TNM.

⁷¹ The EOM monitored the number of 'likes' at contestants' Facebook pages. At the start of the period the PPP/C, with some 56,000 likes, had almost twice as many likes as the APNU+AFC which had the second highest number of almost 29,000 likes. By the final week of the campaign the PPP/C (61,250 likes) and APNU+AFC (38,300 likes) maintained the clear lead, but other parties saw significant percentage increases. Notably, the TNM (1,500 likes) and ANUG (almost 4,000 likes) recorded the two highest percentage increases of 55% and 40%, respectively.

⁷² So far, the [Facebook Ad Library](#) and [Google Transparency Report](#) are fully operational only in the EU member states, UK, US, and few other countries.

The mission received credible reports that social network users were employed by campaign teams to promote political actors or attack opponents. The EU EOM also found a number of – likely fake – Facebook accounts,⁷³ which were used as partisan campaign tools, supporting or targeting one or another major political force.⁷⁴

The EU EOM came across numerous cases of election-related misinformation of unknown origin circulating on social and messaging platforms, such as WhatsApp, that grew in number and intensity during the final week of the campaign and culminated on election day. Examples of misinformation included a cloned Facebook page of a media outlet, video spot of unknown origin promoting the incumbent party that included the images of the EU EOM, false exit polls or false election results. Fact-checking initiatives were absent, though institutions affected by the false messages tended to promptly react.

The mission also assessed that messages with racial connotation in the comments section of posts on platforms were common. Checking the Facebook pages of parties - in total they included over 100,000 text posts and comments in the campaign period - the EOM found that about 2 per cent of them contained hateful language, while 0.5 per cent of comments contained inciteful words/terms. Election day and post-election period saw significant increases in the posts, comments, and other social media activities including increased amount of hateful and potentially dangerous comments and comments with racial connotation. This was a risk factor given the history of electoral violence. In this respect the ERC's monitoring of the Facebook pages of main media outlets for racially offensive comments was valuable.⁷⁵ With one exception, there were however no other visible efforts to monitor and tackle this issue on social platforms.⁷⁶

XI. PARTICIPATION OF WOMEN

Women well represented in the government and electoral process. However, despite women quota for lists, no legal guarantee of women participation in the legislature.

Women were somewhat under-represented in the election administration. The seven-member GECOM included two women, one of whom was the chairperson. Two out of ten returning officers were women, and women played a significant role as presiding officers and as polling station staff on election day. The outgoing parliament included 32 per cent of women. Women were also well represented in the last government, with ten out of twenty-two ministers. Remarkably, three out of nine presidential candidates⁷⁷, two of the declared candidates for prime minister, and over 40 per cent of all candidates contesting the general elections were women.

⁷³ The EU EOM downloaded prior to and after e-day 30 sets of conversations on public Facebook pages, each with 200 – 220 comments. Of the accounts involved, between 7 to 12 per cent were likely fake accounts (Facebook user account of a fictitious person) as they included some of the following features: issues with profile picture or bio info, little or shared content only, expressive posts, lack of interactions, or accounts established recently.

⁷⁴ Almost 90 per cent of potentially fake accounts discovered were either for or against one or the other of the two main political parties. The remaining 10 per cent seemed to be managed by individuals venting their frustration at both main political camps. False accounts were generally used to: push propaganda and promote political messages, engage in discussion on political issues, disseminate false narratives and derogatory statements degrading or discrediting political actors, engage or incite a negative reaction by posting offensive words or memes.

⁷⁵ The ERC monitoring unit was alerting administrators of media outlets Facebook accounts about racially offensive comments found on their pages.

⁷⁶ The initiative Heal Guyana was promoting national cohesion and political dialogue with a series of media spots.

⁷⁷ Nominated by the PRP, TCI, and TNM respectively.

The Constitution provides that the selection of names from a list to take up elected seats should take the proportion of women in the electorate into account.⁷⁸ The law requires that women constitute at least a third of the total number of candidates a party or coalition puts forward on its lists.⁷⁹ All political parties and coalitions contesting the general elections met these requirements.⁸⁰ However, there is no obligation on a party to select women to actually take up elected seats in the National Assembly, which results in a lack of guarantees of women participation, contrary to Guyana's constitutional and international commitments. There are also no provisions to guarantee the inclusion of women in the cabinet. The lack of such guarantees contravenes CEDAW Article 7 which stipulates that states shall ensure that women have equal rights with men "to hold public office and perform all public functions at all levels of government".⁸¹

Recommendation: Establish legal guarantees for women participation in the legislature in line with the Constitution.

GECOM did not provide gender-disaggregated data for registered voters on the OLE and for approved candidates on the lists, making it difficult to verify whether the legal requirements were fulfilled.

Recommendation: GECOM to provide gender disaggregated data on the voter list and lists of candidates.

XII. PARTICIPATION OF NATIONAL MINORITIES

Indigenous people well represented in parliament and cabinet but under-represented in the election administration.

Guyana is ethnically mixed, with approximately 40 per cent Indo-Guyanese, 29 per cent Afro-Guyanese, 20 per cent mixed and 11 per cent indigenous people. The indigenous population comprises nine native language groups⁸², however, most speak Creole English. According to the Ministry of Indigenous Affairs, Guyana is home to around 80,000 indigenous people. The Ministry is responsible for some 215 villages in the ten administrative regions; settlements below 150 persons are usually not recognised as a village.

Guyana is party to the International Convention on the Elimination of All Forms of Racial Discrimination and has ratified the United Nations Declaration on the Rights of Indigenous Peoples, which is not legally binding, but critical for indigenous communities to advocate for their collective rights.⁸³ The 2006 Amerindian Act established a system of local governance, with the position of *toshao* as village leader and the National Toshao Council led by a chairman. The standard of living of Guyana's

⁷⁸ Constitution of the Co-operative Republic of Guyana, Chapter 1:01, Article 160, 3(a)(v). Only a fifth of the lists for geographical constituencies contested by a party can remain without female candidates.

⁷⁹ Representation of the People Act, Chapter 1:03, Part II, Section 11B, 5 to 8.

⁸⁰ PRP, TCI and TNM each assembled over 50% women on their lists.

⁸¹ Guyana has ratified CEDAW in 1980. As part of its review of Guyana in 2019, CEDAW noted with concern the lack of measures taken to achieve equal representation of women and men in political and public life. This includes (a) the existing quota for electoral lists, which does not guarantee a de facto 30 per cent representation of women among elected officials; (b) the limited representation of women in ministerial positions, local government, regional democratic councils, the armed forces, police and ambassadorial posts; and (c) the lack of information on awareness-raising initiatives conducted on the need for temporary special measures for the realization of women's rights.

⁸² Arawak, Carib, Warrau, Akawaio, Arecuna, Patamona, Macushi, Wapishana, and Wai Wai.

⁸³ Most of the indigenous communities in Guyana now have legal title to their collectively held lands, which make up around 13% of the national territory.

indigenous people is lower than that of most other citizens. Many continue to operate outside the cash economy and are dependent on a subsistence way of life.⁸⁴

Guyana has a history of indigenous persons in the legislature and the executive. During the last term, both the government coalition and the opposition had four elected members of indigenous background in the National Assembly. The four APNU+AFC members were also promoted to the cabinet, with one of them as Minister for Indigenous Affairs.

Most of the adult indigenous population is registered to vote, however, a variety of reasons could result in them not being included in the OLE.⁸⁵ There are some communities in the borderlands whose way of life reportedly defies any registration. Although 90 per cent of Guyana's population live along the coast, it was a widely held belief that the elections could be decided in the hinterland. This term refers to the sparsely populated areas of regions 1, 2, 7, 8, 9, and 10 where the majority of the indigenous population resides.⁸⁶

Not many political parties had the means to travel to remote areas during the campaign. Both APNU+AFC and PPP/C had indigenous candidates on their lists, and both undertook efforts to reach out to indigenous voters, as well as LJP whose presidential candidate⁸⁷ originated from an indigenous community (see chapter IX. Campaign Environment). The EU EOM did not observe and was not made aware of any voter education specifically targeting indigenous communities. Furthermore, the indigenous people were strikingly absent from the election administration.

Recommendation: Include representatives of indigenous communities in all levels of the election administration including GECOM.

XIII. PARTICIPATION OF PERSONS WITH DISABILITIES

Guyana's international commitments not yet integrated into electoral law and practice, resulting in lack of special measures to ensure independent voting and secrecy of the vote for persons with disabilities.

CRPD obliges states parties to guarantee that persons with disabilities can exercise their political rights on an equal basis with others. According to the Guyana Council of Organisations of Persons with Disabilities (GCPD), there are about 52,000 persons with disabilities (PwD) in the country.⁸⁸ The National Commission on Disability (NCD) had prior to elections collected information for five out of ten regions. GECOM did not make use of the available data. Seven political parties' campaign manifestos mentioned disability-specific policies, however, political will has yet to be translated into concrete actions.

⁸⁴ <https://minorityrights.org/minorities/indigenous-peoples-3/>

⁸⁵ Including lack of birth registration and non-participation or non-inclusion in regular voter list updates.

⁸⁶ All ten administrative regions host indigenous communities, but in regions 1, 7, 8, and 9 they constitute the majority. In the coastal regions 3, 4, 5, and 6, there are few remote indigenous settlements. The EOM's capacities to observe the electoral process among indigenous communities directly were limited *inter alia* due to a lack of provisions for travel by boat to more remote areas.

⁸⁷ Mr. Lenox Shuman

⁸⁸ The 2012 census enumerated around 30,000 PwD, disaggregated in eight categories of disability. This information is available from the Bureau of Statistics.

The Constitution denies the right to stand to persons with intellectual or mental disabilities.⁸⁹ The legal framework includes further limitations on the right to stand as a candidate related to disability. The EOM did not observe this for the general and regional elections, however, it found discriminatory regulations infringing political rights in the law for local government elections.⁹⁰

The legal framework foresees three options for persons with disabilities to vote: voting in person, providing that polling stations are physically accessible; voting by proxy; and assisted voting with an assistant of the voter's choice. The last two options do not ensure the secrecy of the vote and were reportedly misused in the past. Despite clear and timely recommendations by GCPD to GECOM, no special measures, such as ramps to buildings or stencils for visually impaired voters were put in place. On election day, access and layout of up to one third of all polling stations observed were unsuitable for voters with reduced mobility. Positively, GECOM voter education ads on TV made use of sign language. These materials were also available on the GECOM website.

Recommendation: Integrate the Convention on the Rights of Persons with Disabilities fully in the electoral legal framework, for example by making polling places accessible and adequately prepared for persons with reduced mobility, and providing special measures, such as stencils, to protect the secrecy of the vote. GECOM could draw on existing information about voters with disabilities from other state institutions.

XIV. POLLING, COUNTING AND TABULATION OF RESULTS

Overview of Voting and Counting

Well managed and largely peaceful vote, despite few isolated tensions.

On 2 March, the voting process was well managed and largely peaceful, allowing voters to exercise their franchise freely. The EU EOM deployed 55 observers to observe the opening, polling, counting and tabulation processes in all ten regions. They visited 201 polling stations and assessed the polling process very positively with the exception that some procedural safeguards were not consistently applied.

Efficient logistical preparations allowed all observed polling stations to open on time with all essential material available. Long queues that had built in the morning in front of many polling places were generally processed in an orderly fashion, with no major disruption reported despite isolated tensions. Polling procedures were properly followed, and the secrecy of the vote was ensured in all polling stations observed. However, safeguards against potential double voting by members of the disciplined forces who had already voted on 21 February were not applied consistently. The names of incoming voters were not systematically checked against the lists of concerned disciplined forces personnel.

⁸⁹ Constitution, Article 155: “(1) No person shall be qualified for election as a member of the National Assembly who – (b) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in Guyana”. Certifications regarding such disabilities are usually provided by psychiatric clinics and individualised judgements are provided by courts. NCD and GCPD are not aware of any cases where this procedure has been used with regard to electoral participation.

⁹⁰ Mr. Hilton Morris was denied the right to stand as candidate in the 2018 local government elections based on the 2012 Local Authorities (Elections) Act, Section 40 (2): “No person shall be qualified to be elected as a councillor, or if so elected to hold or continue in office as a councillor if he - (c) has within twelve months before election day or since his election received any assistance under the Poor Relief Act.” Mr. Morris is bound to a wheelchair and has received public assistance under this act due to his medical condition.

In a large majority of polling locations visited, election officials had to redirect some voters to other polling places. At times, the two main parties were operating their own information desks assisting supporters to identify their polling stations. EU observers reported several cases of voters whose change of address, recorded during the 2019 house-to-house registration, was not reflected in the OLE.

Both APNU+AFC and PPP/C agents were present in nearly all polling stations observed by the mission. They seemed generally well prepared and equipped, contributing to the transparency of the process without exerting undue influence on voters. Newer political parties and citizen observers were rarely represented. A large majority of polling station officials and party agents were women.

Counting was conducted in a transparent manner, but verification and reconciliation procedures were not always followed, leading to some difficulties in completing the Statements of Poll (SOPs).

Transmission and Tabulation of Results

After a transparent and largely consensual tabulation process was completed in most regions, it abruptly stalled in the decisive Region 4 before being rushed through in a deliberately non-transparent manner.

In the absence of clear, written GECOM instructions, the mission noted inconsistencies in the transmission of results from polling stations to the tabulation centres at regional level. A significant number of envelopes containing the SOPs and sensitive election material were not properly sealed or, in some cases, were unsealed by Deputy Returning Officers (DROs) for verification before being handed over to the ROs. However, the fact that both major parties had access to copies of the SOPs from almost all polling stations mitigated the risk of any tampering with sensitive material to go unnoticed.

In all electoral districts except for Region 4, the tabulation process and verification thereof were conducted in a transparent and consensual manner despite some inconsistencies in the procedures. In cases where a spreadsheet summary had been prepared in advance for use in the proceedings,⁹¹ political party agents and observers were systematically offered the opportunity to cross-check the results of each polling station against the SOPs in their possession before agreeing to the pronouncement of results. Numbers generally matched, with only few minor mistakes being corrected with the consent of political party agents present.⁹² Throughout the proceeding and despite some setbacks at the onset,⁹³ the ROs acted in an open and transparent manner, cooperating with party agents and observers alike. By noon on 4 March, the results of both the general and regional elections had been announced in all these nine districts. Against this backdrop, simultaneous requests for general recount were filed on 4 March by APNU+AFC in all regions won by PPP/C. These requests were largely perceived as coordinated, and complainants struggled to justify their requests and, at times, withdrew the requests based on received instructions.⁹⁴

⁹¹ Notably in Regions 3, 6 and 7.

⁹² Except for Region 10 where these corrections were made by RO office personnel without adequate transparency, even though they were not related to the number of valid votes per candidate list.

⁹³ In Region 7, the tabulation was initially conducted in the absence of party agents, which prompted objections by PPP/C. The RO subsequently conducted a full verification process in the presence and to the satisfaction of all parties.

⁹⁴ APNU+AFC requested a general recount in Regions 2, 3, 5 and 6, and a recount of the entire Upper Mazaruni area in Region 7. In Region 2, the request made vague reference to a correlation between an increased number of registered voters in the OLE and the increase of votes for PPP/C between 2015 and 2020. In Region 3, APNU+AFC agents had expressly accepted the results of the tabulation except for one single polling station, but nevertheless submitted a request for a general recount. In Region 5, although the tabulation process had allowed a transparent verification process of every single SOP, the request for recount made broad allegations that SOPs were not signed and did not record APNU+AFC votes without producing a single piece of evidence. Granted on 5 March, the recount started on 6 March, but was suspended shortly

Until 3 March evening, the tabulation process in Region 4 followed a similar pattern, with the RO verifying the results of each SOP received by his office against the ones in possession of party agents and observers before tabulating them. Except for some minor issues that were promptly resolved, the tabulation process was initially conducted in a smooth and cooperative fashion. A large part of the results for Georgetown had been tabulated when the process was suspended on 3 March evening.

The process started derailing on 4 March, while the results of all other regions were being announced and the country was anxiously awaiting the results from the most densely populated region to determine the outcome of the general elections. As stakeholders reconvened to resume proceedings, a disturbing series of staffing issues and other disruptions stalled any further progress.⁹⁵ Compounding confusion and mistrust, the CEO intervened to impose the use of a spreadsheet containing results that did not match the SOPs in the possession of party agents.⁹⁶

On 5 March the situation culminated with the RO unlawfully declaring unverified results. Tensions soared in the morning when due to an alleged bomb threat, armed police forced the temporary evacuation of the tabulation centre which PPP/C-nominated commissioners and other stakeholders resisted, wary of potential tampering with the electoral material. Following two days of confusion and incessant interruptions, political party agents erupted in loud protest when the RO started unlawfully pronouncing election results for the region without having completed the tabulation in their presence as mandated by law.⁹⁷ A copy of the official results form for the general elections in Region 4 circulated on social media shortly thereafter, giving APNU+AFC enough edge over PPP/C in the region to take the lead at national level.⁹⁸ During the purported pronouncement by the RO, an emergency meeting of GECOM's board convened but ended inconclusively, displaying a broken commission unable to control unfolding events. By failing to act decisively, GECOM abdicated its constitutional duty to take all actions necessary to ensure compliance with the law and oversee a proper tabulation process. PPP/C obtained a High Court injunction restraining GECOM and the RO from declaring results until the tabulation for Region 4 was completed in compliance with the law.⁹⁹ Chaos and confusion ensued, with tensions at times degenerating into brawls between party agents, while rumours and disinformation rapidly spread on social media.¹⁰⁰

On 11 March, the acting Chief Justice annulled the results of Region 4, confirmed the above-mentioned injunction and ordered the RO to resume the tabulation process accordingly by 12 March. The ruling stressed that Section 84(1) of the Representation of the People Act required the RO to ascertain the total votes cast per candidate list by use of the SOPs in the presence of party agents.

thereafter by the CEO on security grounds. When it resumed on 15 March, the APNU+AFC agent retracted her request. In Region 9, APNU+AFC had already obtained a partial recount for 4 polling stations on 3 March. In two instances, APNU+AFC representatives stated to the mission that they were following instructions when asked for information about their requests.

⁹⁵ Amidst other unexplained delays and suspensions, the RO felt unwell and was taken to hospital; hours passed before the CEO designated replacements, who subsequently also felt unwell, prompting another adjournment. Other controversies included: the use of a flash-drive and a spreadsheet of unknown origin for polling station results; unexplained changes in the tabulation sequence as the CEO instructed to start with the East Bank instead of completing Georgetown; and the Minister of Foreign Affairs threatening to revoke the accreditation of international observers.

⁹⁶ The results of 20 polling stations were called before the process was again suspended. For only 3 of them, the results matched the figures of the party agents' SOPs, and there were significant discrepancies for the other 17 ones.

⁹⁷ Section 84(1) of the Representation of the People Act requires RO to ascertain the total votes cast in favour of each list by adding up the votes recorded in favour of the list in accordance with the SOPs in the presence of party agents,

⁹⁸ Signed by the RO and also by the APNU+AFC agent, this form F24 displayed the following results: 135,458 votes for APNU+AFC and 77,329 for PPP/C. Forms F24 for all regions were subsequently published on 8 March.

⁹⁹ For hours, court marshals attempted in vain to serve the court order on the GECOM chairperson, CEO and RO, none of whom were reachable, thus it could not be delivered to respondents on that day.

¹⁰⁰ Rumours such as that the incumbent president had already been sworn in; that the Parliament was on fire; etc.

Throughout the rest of the process, however, the RO and GECOM staff deployed all possible effort to make sure no stakeholder would ever be able to examine the SOPs. First, when the tabulation resumed on 12 March, the RO maintained that he would read results from a spreadsheet in blatant defiance of the Chief Justice's explicit call for transparency and the use of SOPs. Sustained objections from party agents and observers forced the intervention of the Chairperson and yet another adjournment.¹⁰¹

When the process resumed on 13 March morning, results were hastily read out from purported SOPs that were not visible to anyone present. The mission noted a large number of cases when the announced numbers of votes cast for APNU+AFC were higher than those on the SOPs in the possession of party agents, and PPP/C numbers reduced.¹⁰² Despite such blatant discrepancies, requests for reviewing the SOPs were all dismissed as pertaining to recount requests or post-election petitions. Given that to date a 2015 election petition is still pending, this fuelled suspicions that the CEO and the RO were actively pursuing a strategy of *fait accompli* to impose fabricated results with no prospect for timely legal remedy. After the Chief Justice on that day expressly demanded that SOPs be displayed in plain view of agents and observers,¹⁰³ the RO ultimately had no choice but to arrange for their projection. However, the process that ensued did not provide for any transparency. Instead of a live projection of the SOPs, blurred and cropped images of the scanned documents were briefly projected on an undulating bedsheet, which made it impossible to scrutinise their contents.¹⁰⁴ Once again, GECOM failed to act decisively to ensure a proper tabulation process. After repeated unsuccessful requests for adjustments, party agents and observers present ultimately resigned and only stayed to witness the process brought to completion. The RO again declared unverified results for the general and regional elections in Region 4 on late night of 13 March.

Priority recommendation: Adopt clear written procedures for the transmission and tabulation of election results, notably to ensure consistency of the process in all regions, adequate traceability of handed over electoral documents, and possibility for all authorised stakeholders to examine SOPs as required by law.

Priority recommendation: Incorporate into law the obligation to accompany any declaration of results by simultaneous publication of detailed polling station results and digital copies of all SOPs. In addition to the number of valid votes cast for each candidate list, these detailed results should also include all elements of electoral accounting to allow control of their coherence, such as number of registered voters; voters who voted; rejected ballots; spoiled ballots; etc.

¹⁰¹ The Chairperson claimed she would only be able to provide further guidance once in possession of the full Chief Justice's ruling.

¹⁰² As also documented in an analysis produced by the American Chamber of Commerce (AmCham): out of a sample of 179 SOPs in their possession they were able to cross-check with the results read out by GECOM, the numbers did not match for 84 of them.

¹⁰³ This clarification was provided by the Chief Justice during a public hearing held on a contempt of court case filed by PPP/C against the RO and GECOM. She also clarified that the tabulation process is not the time for parties to object to possible discrepancies as the law allows for recount request which shall be granted. Both the RO and GECOM Chairperson were present and Chairperson agreed that the SOPs will be projected.

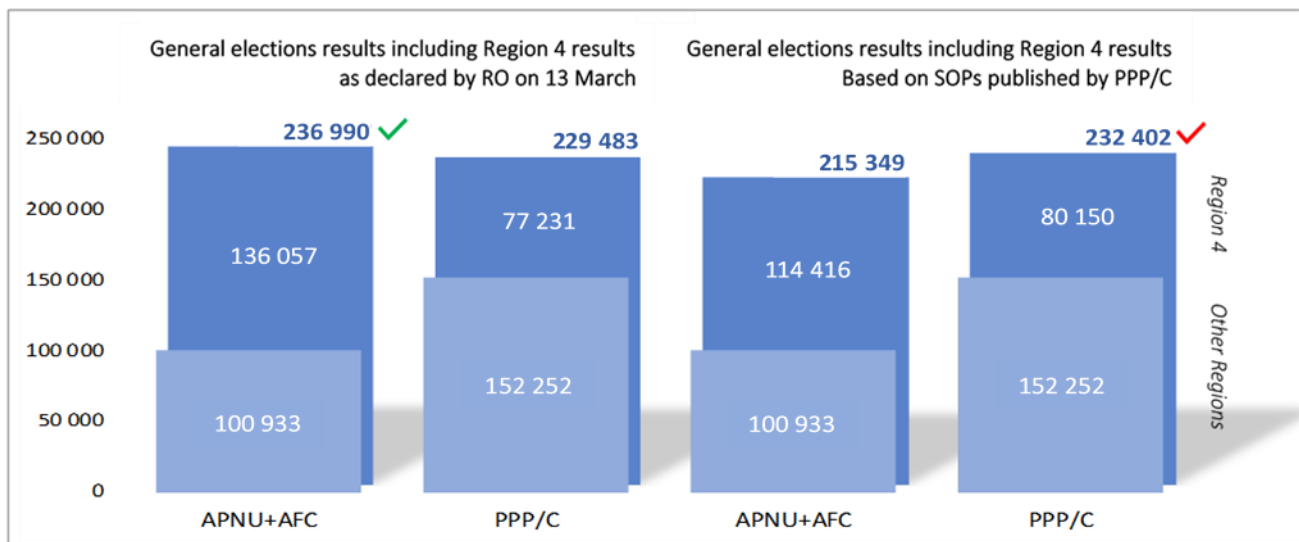
¹⁰⁴ Whereas a media centre with all required equipment to comply with the Chief Justice's demand was available in the same premises as the tabulation centre, the decision was taken to resume the tabulation in the backyard of GECOM HQ, obviously less suited for the process. It was impossible to read the projections of the scanned SOPs. A cropped image briefly displayed the SOP serial number, followed by a projection of the full document in reduced size, blurred and too bright to be read. From a closer distance it appeared that several SOPs had corrections made to the first line of the results (APNU+AFC). It also appeared that not all projected SOPs had signatures on them, and on others the signatures appeared to be the same. However, it was not possible to examine the SOPs systematically, and it was impossible to identify any security features on the SOPs. At the same time, the results were read out quickly, making it difficult to follow the details.

XV. RESULTS AND POST-ELECTION ENVIRONMENT

Challenged by PPP/C’s parallel tabulation, blatantly flawed results in Region 4 prompted outrage and calls for a recount of ballots amidst strong negative international reactions.

As formally declared by the RO on 13 March, the results of the general elections in Region 4 gave APNU+AFC and PPP/C 136,057 and 77,231 votes respectively. This was enough for the ruling coalition to overcome the opposition party’s 51,319 votes advantage in the other regions and take the lead nationally. Numbers published earlier by PPP/C had suggested the opposite outcome. On 5 March, after the ruling coalition had started claiming victory while the tabulation was stalled in Region 4, the opposition party posted online the scanned copies of 867 out of the region’s total of 879 SOPs and a spreadsheet containing detailed results.¹⁰⁵ According to this parallel tabulation, APNU+AFC and PPP/C had received 114,416 and 80,150 votes respectively in the general elections in Region 4, and the opposition party was thus leading by 17,053 votes nationally (see Annex 2).

Chart 2. Conflicting general elections results including Region 4



The results declared by the RO on 13 March are not credible. Among many other oddities suggesting that they have been grossly tampered with, without enough attention given to overall coherence,¹⁰⁶ these results imply that the total number of electors who cast a ballot – valid or invalid – differed by 6,123 between the general and the regional elections. This is technically impossible since electors mark their choice for both elections on a single piece of ballot paper, two parts of which are detached only during the count. Following a tabulation process that was rushed through in deliberate opacity, there were consistent efforts to conceal other sources of verification of the declared results: not a single SOP in the possession of the RO, the CEO and APNU+AFC was made available to public scrutiny; the computerised processing of SOPs received by the CEO and initialed by GECOM commissioners was shut down in the immediate aftermath of the forced evacuation of the tabulation center on 5 March morning and the server with stored SOP data was never accounted for; on the same day, citizen observer groups and some political parties noted that most copies of SOPs that were posted outside the polling stations after the count had been removed; and requests for access to SOPs the EU EOM sent to the two main political parties were only answered by PPP/C.

¹⁰⁵ <https://region4sopsinformation.com/>

¹⁰⁶ With no credible explanation, numbers differed by sizeable margins between the results declared by the RO on 5 March (according to the official forms F24 circulated that day and formally published on 8 March) and on 13 March: the total number of voters decreased by 608 for the general elections and by 6,398 for the regional elections; the number of invalid ballots increased by exactly 2,000 for the regional election; etc.

By contrast, PPP/C's 867 scanned SOPs were available online for weeks since 5 March, yet none has been identified by any stakeholder as being tampered with. Random verification performed by the EU EOM lent additional credibility to these results. Firstly, PPP/C granted the mission access to the original paper copies of SOPs in their possession. The mission was hence able to closely scrutinise a randomly selected sample of 47 paper SOPs and compare them with the scanned copies posted online. No difference was identified. Secondly, the mission compared the PPP/C figures with the 58 scanned SOP copies published independently by StabroekNews.com shortly after the count.¹⁰⁷ No difference was found in this case either.¹⁰⁸ PPP/C's SOPs were also corroborated by citizen observers and other political parties who collectively gathered a few hundred copies of SOPs after the count.¹⁰⁹

All parties contesting the general or regional elections in Region 4, except for the ruling coalition, confirmed having filed requests for recount of votes within the required time frame, on 14 March. Not available to officially receive these requests which had to be filed instead with several DROs, the RO summarily rejected all of them on rather questionable formal grounds.¹¹⁰

Political tensions rapidly escalated while the tabulation process descended into crisis. Small crowds of hostile APNU+AFC supporters built up around tabulation premises, intimidating observers.¹¹¹ Disgruntled PPP/C supporters established roadblocks in several locations across the country on 6 March. In an incident in Bath in Region 5, a school bus was attacked and four young students as well as a policewoman were injured. One protestor was shot dead in confrontation with the police and a passer-by suffered injuries after being shot by police in a separate incident. Both key contenders later appeared to strike a balance between claiming victory and calling on their supporters to exercise restraint and maintain peace.

Following largely positive statements on the conduct of the poll on 3 and 4 March, all international election observation missions reacted to the flawed tabulation in Region 4 with statements calling on GECOM to complete the tabulation process in accordance with the law.¹¹² On 13 March, the EU EOM, the Commonwealth and The Carter Center jointly reaffirmed that no election results would be deemed credible unless and until the tabulation process for Region 4 is conducted according to the orders of the Chief Justice.¹¹³ CARICOM, which had sent a delegation of regional leaders to Guyana on 11-12 March to hold consultations and mitigate the political crisis, announced that, as part of an agreement with the leader of the opposition, President Granger had requested CARICOM to field a high-level, independent team to supervise a recount of the ballots in Region 4.¹¹⁴ It was later clarified that the agreement extended to a recount of ballots in all regions, not only in Region 4. The five-member high-

¹⁰⁷ <https://www.stabroeknews.com/2020/03/02/news/guyana/guyana-elections-results-2020-statements-of-poll/>

¹⁰⁸ One minor mistake was found in the data published by *Stabroek* for one polling station (412233 E), where the number of votes for APNU+AFC was recorded as 135, instead of 138. No other discrepancy was identified.

¹⁰⁹ The domestic observers from the American Chamber of Commerce in Guyana (AmCham), for instance, were able to garner 204 SOPs.

¹¹⁰ Claiming for instance that some of the counting agents who submitted the requests had not been designated formally by their parties despite the very same agents having been explicitly authorised by him to act as such throughout the tabulation process. In a similar fashion, the RO also rejected the recount request filed by PPP/C after the initial declaration of Region 4 results on 5 March.

¹¹¹ During most of the tabulation process small crowds of hostile APNU+AFC supporters built up around the two successive tabulation centre locations, at time blocking access. Domestic observers were scared to leave without protection and international observers were verbally assaulted. Police provided no protection for an ERC representative who expressed fear facing the crowd. Also, journalists reported harassment by APNU+AFC supporters. An ANUG party agent was arrested after a physical altercation with an APNU+AFC agent at GECOM HQ and released shortly thereafter.

¹¹² On 6 March, the EU EOM, the Carter Center, the OAS and the Commonwealth issued a joint statement calling for the transparent tabulation of results for Region 4 to resume, stressing that "until this occurs, the results of these elections cannot be credibly declared". The joint statement was later also supported by CARICOM.

¹¹³ The OAS electoral observation mission withdrew from Guyana in response to the ongoing developments.

¹¹⁴ President and leader of the opposition signed an aide memoire in this regard.

level CARICOM team arrived on 15 March and on the same day GECOM adopted a decision to conduct a nationwide recount. However, on 17 March the high-level team left Guyana after an APNU+AFC candidate obtained a High Court injunction blocking the recount.

Prominent members of the civil society and former politicians warned that the legitimacy of a president sworn in under these circumstances would be seriously compromised, while some parties within APNU+AFC coalition joined calls for a recount. Solidarity and determination grew between PPP/C and other parties' representatives to watch and guard the containers with stored ballot boxes. International and regional responses to the electoral process development became increasingly severe, raising the possibility of sanctions and isolation. The Ambassadors and High Commissioners of the US, UK, Canada and EU notably made it clear that "a president sworn in on the basis of those results will not be considered legitimate". Many other key international players followed with similar statements.

XVI. CIVIL SOCIETY AND OBSERVATION

After limited presence on election day, citizen observers joined forces and played an important role in observing tabulation and exposing fraud in Region 4.

All contesting political parties have the right to scrutinise, through their agents, all steps of the voter registration, polling, counting and tabulation of the results at all levels. Yet, GECOM at times used a very restrictive reading of the law to hinder access to some critical processes.¹¹⁵ The two major political contenders managed to conduct robust election monitoring operations and deploy generally well prepared agents in almost all polling stations.¹¹⁶ This enabled PPP/C to publicly challenge almost instantly the veracity of results declared on 5 March by the RO for Region 4, by publishing online the scanned copies of almost all SOPs from Region 4 together with a spreadsheet summary (see section XV). Since GECOM did not publish detailed results per polling stations, smaller parties, observers and the general public couldn't exercise similar level of scrutiny.

The law provides for the possibility of citizen observation but grants GECOM full discretion to set conditions for accreditation and determine what domestic observers have access to. This in practice made citizen observers subject to arbitrary hindrance to their observation.¹¹⁷ Although citizens observers were reportedly well established in the 1990s, most of the prominent groups accredited for the March 2020 elections were professional bodies and interest groups, and counted at most a few dozen observers. Such small numbers did not allow a comprehensive and coordinated citizen observation of the poll.¹¹⁸ Furthermore, there was no long-term citizen observation in the run-up to the elections,¹¹⁹ and some citizen observer groups were perceived as politically biased. However, after limited presence on election day, citizen observer groups joined forces and played an important role in observing the tabulation process in some regions and, particularly, the protracted and controversial tabulation process in Region 4. In addition to PPP/C parallel tabulation, citizen observer groups and smaller political parties shared collected polling station results with the aim to analyse them and provide additional evidence that the declared results for Region 4 were fabricated. The American Chamber of Commerce in Guyana (AmCham) conducted its own independent audit of polling station results read out by

¹¹⁵ That was notably the case when party agents were temporarily prevented from maintaining a permanent surveillance of the containers storing all ballot boxes in view of an expected recount. See '*GECOM PR 26 March – No legal requirement for party agents to watch containers with ballot boxes in the custody of the Commission*'.

¹¹⁶ In particular, PPP/C agents were equipped with a comprehensive set of instructions, logbooks and security seals.

¹¹⁷ They were prevented from participating in the surveillance of containers storing the ballot boxes.

¹¹⁸ The organisations which deployed citizen observers included the AmCham, the Guyana Public Service Union (GPSU), the Private Sector Commission (PSC) and the Youth Challenge Guyana (YCG).

¹¹⁹ Apart from a limited 'pilot project' supported by the International Republican Institute and implemented by YCG.

GECOM staff against the 204 SOPs they had garnered in Region 4. A number of citizen observer groups remained mobilised for many weeks after the elections in view of an expected national recount.

Recommendation: Incorporate into law the right of citizen observers to unhindered access to all electoral processes and essential data at all levels.

The EU and The Carter Center were the only two international organisations which deployed a long-term election observation mission. The Commonwealth, the Organization of American States (OAS) and the Caribbean Community (CARICOM) deployed their respective observation missions closer to election day, in February. All international observation missions issued generally positive statements on the conduct of the poll, before condemning in the strongest terms the obvious violation of national and international norms during the tabulation process in Region 4.

XVII. ELECTORAL DISPUTES

The right to an effective remedy is not ensured as there are no deadlines for rendering decisions on electoral disputes

Electoral dispute resolution mechanisms are available mainly through judicial dispensation and except for challenges related to voter and candidate registration, they are formally established only for post-election petitions. Case-law has established that once the date of elections is officially announced, all election-related disputes should be raised only after the elections by way of election petitions.¹²⁰ By contrast, the challenges on constitutional grounds can be filed at any time and were robustly used ahead of the elections thanks to very liberal standing rules.¹²¹ However, there are no specific electoral time frames for rendering decisions, thus infringing on the right to effective remedy.

The Constitution provides the right to remedy for violation of fundamental rights to every person, with generous rules of legal standing but with no procedures in place.¹²² There is even a possibility of a private prosecution which had been used in the past elections. For constitutional review even persons not directly affected can bring a case alleging violation of fundamental rights to the High Court with possibility of appeal to the Court of Appeal and the Caribbean Court of Justice as the final arbiter.

Although the Constitution of Guyana directly integrated seven key international human rights conventions, including ICCPR and CERD, and provides for redress for even potential violation of rights set out in these conventions, yet such redress should be sought from the Human Rights Commission, which thus far has not been established.¹²³

There is no mechanism for formal complaints to be lodged with GECOM except for as part of the voter registration ‘claims and objections’ period where procedures and timeframes are very clearly

¹²⁰ See *Gladys Petrie v Attorney General* [1968] *West Indian Reports*, 292. The 1997 Norton and 2001 Hamilton cases similarly excluded jurisdiction in injunctive relief. In effect, the question of court’s jurisdiction is practically always under review and thus decided anew in all election-related matters.

¹²¹ In 2018 and 2019 several cases including some stemming from the vote of no confidence were filed either by the Attorney General or interested citizens. Most notably, on 10 February 2019 the Court of Appeal decided that residency is not a requirement to vote.

¹²² Fundamental Rights (Practice and Procedure) Act 1988 purports to operationalise access to this redress. In effect it is yet another legal layer, which mandates the Rules Committee of High Court to create procedures or follow its own. To date no such procedures were established and it is unclear whether the new Civil Procedure Rules apply.

¹²³ The Human Rights Commission is the only constitutional entity listed in 3rd Schedule of the Constitution that has not been established despite several UN treaty committees calling for its creation, including the latest universal periodic review. For instance, the Ethnic Relations Commission has been reinstated in 2018.

established. The EU EOM received substantial number of communications by political parties and domestic observer groups that were legitimate complaints to be addressed by GECOM. Some of these communications, for example regarding reduction or changes to location of polling stations were addressed by GECOM. Some others reporting misconduct or failure to follow procedures by GECOM staff were left unanswered. In principle GECOM's decisions can be reviewed by the High Court either through administrative or constitutional review, however the associated high legal costs can discourage people from using this avenue.

Priority recommendation: Establish comprehensive election dispute resolution system to ensure effective and timely remedies throughout all stages of the electoral process.

If GECOM rejects a submitted list of candidates, the affected political party can appeal to the High Court no later than 26 days before the elections. The court must deliver its ruling not later than 23 days before the elections. This is a rare instance where exact time frames are stipulated, but no such appeal was filed with the court. The law does not afford candidates or voters the opportunity to object to the nomination of individual candidates or to lists as a whole.¹²⁴

There is an extensive catalogue of electoral offenses established by the law, and GECOM produced voter education materials sensitising the public on possible punishments. All offenses require investigation by the police and should be dealt with by Magistrate Courts in accordance with normal criminal procedures. The EU EOM received reports of only a few cases filed with the police. The EU observers noted an unwillingness of parties to file official complaints due to the lack of confidence in the impartiality and professionalism of the police.

The High Court has exclusive jurisdiction to hear disputes about results, recounts and candidate qualification along with all the pre-election matters, but these must be submitted via post-election petitions within 28 days after the results are formally published. The National Assembly (Validity of Elections) Act sets out specific procedures to be followed but again provides no time frame for completing adjudication. The Court of Appeal has exclusive jurisdiction to review qualification and validity of electing the president.

Post-election cases

Guyana's most recent changes to the Civil Procedure Code¹²⁵ shortened legal procedures via the Fixed Date Application (FDA). It was in fact used, in addition to injunctions, as the new legal vehicle for the two significant post-election legal challenges. Both challenges were launched as part of the tabulation and recount controversy that marred the post-election process.

The first challenge was initiated during the Region 4 tabulation process on 5 March by PPP/C securing an injunction preventing GECOM from declaring results because the tabulation procedures established by law were not respected. This injunction was followed by a FDA, heard by the Acting Chief Justice of the High Court who on 8 March ruled that the court has jurisdiction, and on 11 March annulled the illegal declaration of results made on 5 March by the RO for Region 4 and ordered the RO to resume the tabulation process the next morning.¹²⁶ This ruling was not appealed but a contempt of court case

¹²⁴ The only avenue available for an individual is to take a case directly to the High Court by way of post-election petition.

¹²⁵ The new Civil Procedure Rules, of 2016 were brought into force in 2018 to replace those dated back to 1955. A number of mechanisms were adopted to provide speedy hearings and end lengthy civil trials. The FDA is a method being used to fast track and dispose of matters shortly after the filing date.

¹²⁶ The order gave the RO discretion to either restart or continue the process from where it was halted on 5 March. Yet the order was not complied with, and thus on 13 March Chief Justice held a public hearing on PPP/C's contempt of court case filed against the RO and GECOM. The Chief Justice stressed that there was no time for a trial and instead clarified that

stemming from non-compliance by the RO with this ruling is still pending and in principle could still be heard and adjudicated.

The second legal challenge was launched by an APNU+AFC candidate on 17 March.¹²⁷ It stemmed from GECOM's decision of 15 March to conduct a nationwide recount supervised by CARICOM. An injunction preventing GECOM from proceeding with the recount was secured. Again via FDA, a hearing was held on 27 March where a High Court judge ruled that the court has jurisdiction to provide judicial review on whether GECOM can pursue the nationwide recount. This ruling on jurisdiction was appealed to the next level within the High Court, called the Full Court, requiring a panel of at least two High Court judges. On 31 March, the Full Court overturned the initial ruling on jurisdiction and ordered the injunction to be lifted. This was further appealed, and on 5 April the Court of Appeal upheld the Full Court's order vacating the injunction. This decision practically cleared the way for GECOM to proceed with the recount.

Both the High Court and the Court of Appeal should be commended for the way they dealt with these cases. Despite the lack of legal time limits and operational restrictions put in place due to Covid-19 pandemic, both cases were adjudicated expeditiously, and the rulings facilitated further steps to restore the legality of the election process.

her previous order and judgement clearly demanded tabulation to be completed on the basis of the SOPs in plain view of the authorised persons albeit the method of tabulation is left to RO to decide. She clearly demanded that SOPs must be displayed to show the name and number of the polling station in order to allow agents and observers to record and make notes. She also clarified that tabulation is not the time for parties to object to any possible discrepancies as the law allows for recount request that shall be granted. Both the RO and GECOM Chairperson were present. The Chairperson agreed that the SOPs will be projected and gave undertaking to the court that if requested recount will be facilitated.

¹²⁷ The EU EOM left Guyana on 20 March and therefore it did not directly observe the court proceedings related to this case.

XVIII. RECOMMENDATIONS

NO.	CONTEXT (including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT – NATIONAL LEGISLATION (including text of the relevant document quoted)
LEGAL FRAMEWORK					
1	In Guyana it is necessary for the legislature to translate ratified international treaties into national laws to enable them to have domestic effect. Only seven international conventions were incorporated into the Constitution, other ratified human rights treaties are not incorporated in national law, including the Convention on the Rights of Persons with Disabilities (CRPD), International Convention on the Rights of All Migrant Workers and their Families (ICRMW), United Nations Convention against Corruption (UNCAC) and Inter-American Convention against Corruption (IACAC). (FR page 10).	Review and harmonise the legal protection of electoral and human rights, especially by incorporating and enacting ratified international law treaties, such as CRPD, ICRMW, UNCAC and ICAC into the national legal framework.	Fourth Schedule of the Constitution and related primary legislation	National Assembly	<p>Rule of law</p> <p>ICCPR, article 2.2: “Where not already provided for by existing legislative or other measures, each State Party...undertakes to take the necessary steps...to adopt such laws or other measures as may be necessary to give effect to the rights recognized by in the ...Covenant.”</p> <p>ICCPR, GC 25, para 9: “the rights and obligations provided for in [ICCPR article 25] paragraph (b) should be guaranteed by law.”</p> <p>UNCAC, article 7(2): “Each State party shall consider adopting appropriate legislative and administrative measures, consistent with the objective of this convention.”</p> <p>CEDAW, GR 23, para. 41: “State Parties should ensure that their constitutions and legislation comply with the principles of the Convention and in particular with articles 7 and 8.”</p> <p>Inter-American Democratic Charter (IADC), article 2: “The effective exercise of representative democracy is the basis for the rule of law and of the constitutional regimes of the member states of the Organization of the American States. Representative democracy is strengthened and deepened by permanent, ethical and responsive participation of citizenry within a legal framework conforming to the respective constitutional order.”</p> <p>IADC, article 3: “Essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms...”</p>
2	The detailed provisions in the Constitution are expanded by several electoral laws with multiple amendments that reference and amend each other without being consolidated. This	Priority recommendation: Review and consolidate the fragmented election legislation to strengthen legal clarity and certainty.	Representation of the People Act (RoPA), National Registration Act,	Government, National Assembly, GECOM	<p>Rule of law</p> <p>ICCPR, article 25 & GC 25 para. 9: “the rights and obligations provided for in [ICCPR article 25] paragraph (b) should be guaranteed by law.”</p> <p>ICCPR, GC 34, para. 25: “A norm to be characterized as a ‘law’,</p>

NO.	CONTEXT (including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT – NATIONAL LEGISLATION (including text of the relevant document quoted)
	creates significant inconsistencies and legal uncertainty. (FR page 10).		Elections Laws Act, Election Laws (Amendment) No. 15 (2000) and Local Democratic Organs Act		<i>must be formulated with sufficient precision to enable an individual to regulate his and her conduct accordingly and it must be made accessible to the public.</i> UN Human Rights Council Resolution 19/36, 2012, para. 16: [Human Rights Council] <i>“calls upon States to make continuous efforts to strengthen the rule of law and promote democracy by: (c) Ensuring that a sufficient degree of legal Certainty and predictability is provided in the application of the law in order to avoid any arbitrariness.”</i>
3	Electors are unaware of whom they are voting for: in Guyana’s closed list system, parties have full discretion to select – after the poll – any candidates from the list to fill their number of seats won. This is inconsistent with constitutional provisions that the manner of preparing lists shall allow voters to know which candidate they are electing. (FR page 11).	Ensure that, under the existing closed list system, parties are required to present and are bound by ranked lists to allow voters to know which candidates they are electing, as required by the Constitution.	RoPA, sections 11 – 11C	National Assembly	<i>Genuine elections that reflect the free expression of the will of the people</i> ICCPR, article 25: <i>“Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives”.</i> Constitution, article 160(3)(a)(ii): <i>“[The manner in which lists of candidates shall be prepared] shall allow voters to be sure which individuals they are electing to the National Assembly.”</i>
ELECTORAL ADMINISTRATION					
4	The bi-partisan composition of the commission has resulted in excessive polarisation, affecting GECOM’s ability to function as a collegiate body, and at times to function at all. Overt partisanship and mistrust have placed the chairperson in the untenable position to frequently defer decisions or act as tiebreaker. This has given GECOM secretariat ex-	Priority recommendation: Launch a national consultation process to overhaul the composition and functioning of the Elections Commission, notably to ensure a more inclusive representation of the various components of the Guyanese society and political spectrum.	Constitution, article 161	National Assembly	<i>Independence of the election management body</i> ICCPR, GC 25, para. 20: <i>“An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant (...)”</i>

NO.	CONTEXT (including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT – NATIONAL LEGISLATION (including text of the relevant document quoted)
	cessive discretion over the administration of the elections. This composition still reflects the political spectrum of 1992, leaving out other political parties as well as other components of the Guyanese society. (FR page 12).				
5	The oversight exercised by the Commission over the staff recruitment is unclear and the mission noted the absence of any avenue for electoral contenders without nominees in GECOM to object to the selection of election officials at any level. (FR page 13).	Provide avenues for electoral contenders to challenge the selection of election officials, either through administrative review or effective oversight by an inclusive Elections Commission.	RoPA, new provisions	National Assembly	<p><i>Independence of the election management body, Transparency and access to information, Right to an effective remedy</i></p> <p>ICCPR, GC 25, para. 20: “An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant (...)”</p> <p>UNCAC, article 7(1): “Each State Party shall...endeavour to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials: (a) That are based on principles of efficiency, transparency and objective criteria such as merit, equity and aptitude; (b) That include adequate procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption and the rotation, where appropriate, of such individuals to other positions (...)”</p> <p>ICCPR, article 2(3)(a): “[Each State Party undertakes:] to ensure that any person whose rights or freedoms as herein in recognized are violated shall have an effective remedy, notwithstanding that the violations has been committed by persons acting in an official capacity.”</p>
6	The Commission’s statutory meetings are closed to the public and there is no systematic	Incorporate into law the mandatory publication of all GECOM decisions, regulatory instruments and instructions, as well as all relevant data pertaining to the electoral process.	RoPA, new provisions	National Assembly	<p><i>Transparency and access to information</i></p> <p>ICCPR, article 19(2): “[The right to freedom of expression] shall include freedom to seek, receive and impart information (...) of</p>

NO.	CONTEXT (including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT – NATIONAL LEGISLATION (including text of the relevant document quoted)
	publication of adopted decisions, issued instructions and critical electoral data (...) Key regulatory instruments were often not accessible, and instructions on some critical aspects of the electoral process were only issued verbally. (FR page 13).				<p><i>all kinds</i>".</p> <p>ICCPR, GC 34, para. 19: "To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information (...)"</p> <p>UNCAC, article 10: "[E]ach State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate (...)"</p>
7	Other parties viewed GECOM as a closed institution, controlled by partisan members acting in the sole interests of the two major contenders. There was no regular, structured engagement with key stakeholders at national and regional level. This has left political parties without nominees in the Commission out of the process and generally underinformed. (FR page 13).	Engage regularly with all electoral contenders, both at national and regional level, through all phases of the electoral process.	No change	GECOM	<p>Transparency and access to information</p> <p>ICCPR, article 19(2): "[The right to freedom of expression] shall include freedom to seek, receive and impart information (...) of all kinds".</p> <p>ICCPR, GC 34, para. 19: "To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information (...)"</p> <p>UNCAC, article 10: "[E]ach State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate (...)"</p>
VOTER EDUCATION					
8	GECOM voter education and information campaign's focus on broadcast and social media appeared to have generated sizeable engagement from younger urban voters, however, its reach	Extend the reach of voter education across the country, notably in rural and indigenous communities with a field operation mobilising local election officials and CSOs.	No change	GECOM	<p>Transparency and access to information</p> <p>ICCPR, article 19(2): "[The right to freedom of expression] shall include freedom to seek, receive and impart information (...) of all kinds".</p> <p>ICCPR, GC 34, para. 19: "To give effect to the right of access</p>

NO.	CONTEXT (including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT – NATIONAL LEGISLATION (including text of the relevant document quoted)
	to rural and indigenous communities was limited. The mission noted minimal visibility of GECOM voter education activities across the regions. (FR page 15).				<i>to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information (...)</i>
VOTER REGISTRATION					
9	From over 370,000 entries garnered, (...) 88,876 entries pertained to modifications to the records of already registered voters, mostly changes of addresses. The fact that such changes were recorded for almost a quarter of all enumerated persons hints at clear limitations in the ability of the existing 'continuous' registration system to maintain an up-to-date, accurate register. (FR page 16).	Undertake a thorough update of the decade-old register well ahead of the next election cycle, based on inclusive consultations and political consensus. At the same time ensure greater effectiveness of the 'continuous' registration system by improving access – both in terms of geographical spread of registration offices and duration of the registration periods.	No change	GECOM	<p><i>Universal and equal suffrage</i></p> <p>ICCPR, article 25(b): “[Every citizen shall have the right] to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors”</p> <p>ICCPR, GC 25, para. 11: “States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. (...) Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed.”</p>
REGISTRATION OF CANDIDATES AND POLITICAL PARTIES					
10	Guyana’s legal framework for elections is silent on registration and operation, including financing and internal management, of political parties. As a result, political parties are established under different rules. The ‘older’ political parties are usually registered as trusts, thus in effect benefiting from a legal shelter preventing any public access to their internal rules and finances.	Harmonise the legal status under which political parties operate, to ensure equal protection and accountability of political stakeholders.	New primary legislation	National Assembly	<p><i>Freedom of association, Transparency and access to information</i></p> <p>ICCPR, GC 25, para. 26: “The right to freedom of association, including the right to form and join organizations and associations., is an essential adjunct to the rights protected by article 25. Political parties and membership in parties play a significant role in the conduct of public affairs and the election process. States should ensure that, in their internal management, political parties respect the applicable provisions of article 25 in order to enable citizens to exercise their rights thereunder.”</p> <p>UNCAC, article 7(3): “Each State Party shall consider taking appropriate legislative and administrative measures, consistent</p>

NO.	CONTEXT (including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT – NATIONAL LEGISLATION (including text of the relevant document quoted)
	Some political parties are registered as not-for-profit associations or exist without any formal legal status thus lacking legal protection. (FR page 18).				<p><i>with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidates for elected public office and where applicable, funding of political parties.”</i></p> <p>American Declaration of the Rights and Duties of Man, article XXII: “Every person has a right to associate with others to promote, exercise and protect his legitimate interest of political, ... or other nature.”</p> <p>IADC, article 5: “The strengthening of political parties and other political organizations is a priority for democracy. Special attention will be paid to the problems associated with the high cost of election campaigns and the establishment of a balanced and transparent system for their financing.”</p>
CAMPAIGN ENVIRONMENT					
11	The campaign period is not regulated by any specific law. The two major contestants launched their campaign before nomination day. Political parties were unsure about the existence of a campaign silence phase. Negative campaigning was extensively used. Codes of conduct for political parties were employed late in the process to introduce elements of regulation, without an enforcement mechanism. No measures to regulate the use of state resources were in place. The abuse of incumbency is a recurring problem in Guyanese elections and contributes to an unlevel playing field. (FR page 19 and 20).	Prohibit the use of state resources for political campaigning to create a more level playing field. To support this measure, regulate the conduct and timeframe of the campaign based on consultations with all relevant stakeholders.	RoPA, new provisions or new primary legislation	National Assembly	<p>Prevention of corruption / Fairness in the election campaign</p> <p>ICCPR, GC 25, para. 19: “Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind.”</p> <p>UNCAC, article 1: “(c) To promote integrity, accountability and proper management of public affairs and public property.”</p> <p>UNCAC, article 19: “Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the abuse of functions or position, that is, the performance of or failure to perform an act, in violation of laws, by a public official in the discharge of his or her functions, for the purpose of obtaining an undue advantage for himself or herself or for another person or entity.”</p> <p>UNCAC, article 17: „Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or</p>

NO.	CONTEXT (including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT – NATIONAL LEGISLATION (including text of the relevant document quoted)
					<p><i>any other thing of value entrusted to the public official by virtue of his or her position.”</i></p> <p>UN A/HRC/20/27/Add.2, SR on the rights to freedom of peaceful assembly and of association, 2012, on Georgia, p.90: <i>“(d) increase efforts to ensure that all political parties, including opposition parties, have genuine, equitable and adequate access to state resources for election campaigning. It is especially crucial that the line between the ruling party and the state be clearly defined in order to create a level playing field.”</i></p> <p>IACAC, article 3: <i>“Standards of conduct for the correct, honorable, and proper fulfillment of public functions. These standards shall be intended to prevent conflicts of interest and mandate the proper conservation and use of resources entrusted to government officials in the performance of their functions. These standards shall also establish measures and systems requiring government officials to report to appropriate authorities acts of corruption in the performance of public functions. Such measures should help preserve the public's confidence in the integrity of public servants and government processes.”</i></p> <p>Good practice</p> <p>European Commission for Democracy through Law (Venice Commission), Code of Good Practice in Electoral Matters, 1.3. Submission of Candidatures: <i>“8. In all cases candidatures must be validated by the start of the election campaign, because late validation places some parties and candidates at a disadvantage in the campaign.”</i></p>
CAMPAIGN FINANCE					
12	The campaign demonstrated that the two key contestants have significant funds at their disposal, while no other party has the capacity to run a nationwide campaign. The legal frame-	Priority recommendation: Develop, in a consultative process, effective legislation to regulate political finance, taking the principles of equality, transparency and accountability into account. Such legislation could provide transparency in campaign incomes and establish reasonable limits for	Amendment to RoPA, sections 103-115, or new primary legislation	National Assembly	<p><i>Prevention of corruption/ Fairness in the election campaign, Transparency and access to information</i></p> <p>ICCPR, article 25: <i>„Every citizen shall have the right ... to have access, on general terms of equality, to public service in his country.“</i></p> <p>ICCPR, GC 12, para. 19: <i>“Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure</i></p>

NO.	CONTEXT (including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT – NATIONAL LEGISLATION (including text of the relevant document quoted)
	work does not provide for transparency and accountability in political party and campaign finance. Parties and candidates raise funds from private sources in-country and abroad, without any limitations regarding the source or amount of donation, and with limited obligations to disclose sources of funding or report on expenditure. With consent of the main contenders, GECOM does not assume its oversight responsibility to monitor campaign finance. (FR page 20 and 21).	campaign expenditure as well as disclosure and reporting requirements and effective sanctions. Consideration may also be given to the establishment of an independent oversight body.			<p><i>that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party.</i> ”</p> <p>UNCAC, article 7(3): “consider taking appropriate legislative and administrative measures ... to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.”</p> <p>IADC, article 5: “The strengthening of political parties and other political organizations is a priority for democracy. Special attention will be paid to the problems associated with the high cost of election campaigns and the establishment of a balanced and transparent system for their financing.”</p>
MEDIA					
13	State-owned media are not independent as their chairpersons and board members are directly appointed by the prime minister. There is no specific legislation regulating the selection process of the board members or state-owned media funding. (FR page 22).	Priority recommendation: Introduce a legal and regulatory system that transforms the state-owned media into a genuine public service broadcaster. This includes provisions granting editorial independence, financial autonomy, clear separation from any government institution, and an open and competitive selection process of its board members.	New primary legislation	National Assembly	<p><i>Freedom of opinion and expression, Transparency and access to information</i></p> <p>ICCPR, article 19.2 “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”</p> <p>ICCPR, GC 34 para. 16: “States parties should ensure that public broadcasting services operate in an independent manner. Actions to ensure independence may include the setting out of the mandate of such broadcasters in law and the provision of legislative guarantees of independence and editorial freedom, as well as the provision of funding in a manner that does not undermine independence.”</p> <p>Broadcasting Act 2011, section 35.3: “The Authority shall, in drawing up or revising the rules under this section, take account of such of the international obligations of Guyana as the</p>

NO.	CONTEXT (including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT – NATIONAL LEGISLATION (including text of the relevant document quoted)
					<i>Minister may notify to it for the purposes of this subsection.”</i>
14	At odds with international obligations, defamation is prosecuted also by criminal laws with sentences up to two years of imprisonment. (FR page 22).	Decriminalise defamation, in line with international obligations regarding freedom of expression.	Criminal Law (Offences) Act, sections 107-113	National Assembly	<p>Freedom of opinion and expression</p> <p>ICCPR, article 19.2: “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”</p> <p>ICCPR, GC 34, para. 47: “States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty.”</p> <p>ICCPR, GC 34, para. 13: “(...) The free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint (...).”</p>
15	The law does not provide sufficient safeguards to guarantee independence of GNBA from political influence as its chairperson and all board members, except one, are appointed directly by the president. (FR page 23).	Strengthen the independence of the broadcasting authority from political influence by amending the selection and appointment process of the chairperson and board members.	Broadcasting Act 2011, section 3.4	National Assembly	<p>Transparency and access to information, Rule of law</p> <p>ICCPR, article 19.2: “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”</p> <p>ICCPR, GC 34, para. 39: “States parties should ensure that legislative and administrative frameworks for the regulation of the mass media are consistent with the provisions of paragraph 3... It is recommended that States parties that have not already done so should establish an independent and public broadcasting licensing authority...”</p> <p>ICCPR, GC 34, para. 3: “Freedom of expression is a necessary condition for the realization of the principles of transparency and accountability that are, in turn, essential for the promotion and protection of human rights.”</p>

NO.	CONTEXT (including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT – NATIONAL LEGISLATION (including text of the relevant document quoted)
					Broadcasting Act 2011, section 35.3: <i>“The Authority shall, in drawing up or revising the rules under this section, take account of such of the international obligations of Guyana as the Minister may notify to it for the purposes of this subsection.”</i>
16	There is no specific regulation for the coverage of the election period by broadcast media. However, the Broadcasting Act 2011 requires broadcasters to provide a fair and balanced coverage of national politics. The Guyana National Broadcasting Authority (GNBA) did not develop further guidelines and did not have enough capacity to conduct a thorough monitoring of the election coverage. (FR page 23).	Strengthen the oversight of existing media law by the supervisory authority developing further guidelines on broadcast media electoral coverage, as well as reinforcing its media monitoring capacity.	New guidelines on broadcast media election coverage	GNBA	<p>Transparency and access to information, Rule of law</p> <p>ICCPR, article 19.2: <i>“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”</i></p> <p>Good practice</p> <p>Venice Commission CGP, para. 2.3: <i>“Equality of opportunity must be guaranteed for parties and candidates alike...”</i></p>
SOCIAL MEDIA					
17	There is no specific data protection and privacy legislation. The legal framework pertaining to online environment is overall rudimentary, however, the 2018 Cyber-Crimes Act criminalises computer-use-related offenses. In general, public awareness about potential abuse of personal data appears to be rather low. (FR page 25).	Adopt data protection law as well as other mechanisms to guarantee citizens the right to privacy of their personal data, both online and offline.	New primary legislation	Government and /or National Assembly	<p>Right to privacy</p> <p>ICCPR, article 17: <i>“No one shall be subjected to arbitrary or unlawful interference with his privacy... Everyone has the right to the protection of the law against such interference or attacks.”</i></p> <p>ICCPR, GC 16, para. 10: <i>“The gathering and holding of personal information on computers, data banks and other devices, whether by public authorities or private individuals or bodies, must be regulated by law.”</i></p>

NO.	CONTEXT (including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT – NATIONAL LEGISLATION (including text of the relevant document quoted)
18	<p>The mission captured numerous messages, memes or videos ridiculing or discrediting one or another of the two major political forces. Such messages, many of which were in fact sponsored and reaching large segments of internet users, were run from Facebook pages of third parties whose affiliations with contestants were unclear and may have influenced voters' electoral opinions. Neither Facebook's Ad Library nor Google's Transparency Report, two most influential companies in Guyana, allowed for effective monitoring of the extent or cost expended on the ads by the contestants or third parties. As contestants in practice do not report their expenditures related to campaigning due to insufficient and ineffective campaign finance regulation in place, there is effectively no, or very limited, transparency and accountability in the growingly important online advertising segment. (FR page 26).</p> <p>The law allows political advertising spots as well as political sponsored programmes (on broadcast media) without any ceiling on time purchased and</p>	<p>Priority recommendation: To foster transparency and accountability in online and offline campaigning, policymakers could consider introducing detailed reporting requirements for those who paid for sponsored materials as well as for those who received payments. In order to enable voters to easily distinguish between paid advertising and other information, any sponsored campaign-related material should be clearly labelled to indicate who paid for it.</p>	New primary legislation	Government, National Assembly	<p>Transparency and access to information, Prevention of corruption / Fairness in the election campaign</p> <p>UNCAC, article 7.4: "Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest."</p> <p>UNCAC, article 7.3: "Each State Party shall also consider taking appropriate legislative and administrative measures, ... to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties."</p> <p>UNCAC, article 12: "Private sector. 1. Each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to prevent corruption involving the private sector, enhance accounting and auditing standards in the private sector and, where appropriate, provide effective, proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with such measures. 3. "In order to prevent corruption, each State Party shall take such measures as may be necessary, in accordance with its domestic laws and regulations regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards... for the purpose of committing any of the offences established in accordance with this Convention."</p> <p>UNCAC, article 13(b) "Each State Party shall... ensure that the public has effective access to information."</p> <p>ICCPR, GC 25, para. 19: "Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind."</p>

NO.	CONTEXT (including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT – NATIONAL LEGISLATION (including text of the relevant document quoted)
	<p>expenditure, and without requiring to indicate who paid for it The regulation only requires all broadcasters to clearly identify as promotional political content any kind of programme, paid or unpaid, endorsing political parties. (FR Page 23).</p> <p>The absence of information on who paid for the advertising, namely for negative advertising in print media, undermined transparency and citizens' right to information. (FR Page 24).</p>				
PARTICIPATION OF WOMEN					
19	<p>Against constitutional and international commitments, and despite legal requirements that at least one third of candidates on party lists have to be women, there is no obligation on a party to select women to actually take up elected seats in the National Assembly. (FR page 27).</p>	<p>Establish legal guarantees for women participation in the legislature in line with the Constitution.</p>	<p>Amendment to RoPA, section 11B, 5-8, or new primary legislation</p>	<p>National Assembly</p>	<p>Women's participation in public affairs</p> <p>ICCPR, article 3: "The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant."</p> <p>CEDAW, article 7: „... take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: ... (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government.“ GR23 paragraph 46 notes "When reporting under article 7, states parties should: ... (d) Include statistical data, disaggregated by sex, showing the percentage of women relative to men who enjoy these rights."</p> <p>Constitution, article 160(3)(v): „Subject to the provisions of this Constitution, Parliament may make provision (...) for the extraction from the lists and declaration of names of the can-</p>
20	<p>GECOM does not provide gender-disaggregated data for registered voters and candidates, making it difficult to verify whether the legal requirements for women participation were fulfilled. (FR page 28).</p>	<p>GECOM to provide gender disaggregated data on the voter list and lists of candidates.</p>	<p>Amendment to existing legislation or new GECOM Regulation</p>	<p>GECOM</p>	

NO.	CONTEXT (including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT – NATIONAL LEGISLATION (including text of the relevant document quoted)
					<i>didates who have been elected, and for such provision for extraction to take into account the proportion that women form of the electorate”.</i>
PARTICIPATION OF PERSONS WITH DISABILITIES					
21	The voting options foreseen in the law for persons with disabilities do not sufficiently ensure the secrecy of the vote. Despite clear and timely recommendations by civil society organisations, no special measures such as ramps to buildings or stencils for visually impaired voters were put in place. On election day, access and layout of up to one third of all polling stations observed were unsuitable for voters with reduced mobility. Information about voters with disabilities is available from the National Commission on Disability and the Bureau of Statistics. (FR page 29).	Integrate the Convention on the Rights of Persons with Disabilities fully in the electoral legal framework, for example by making polling places accessible and adequately prepared for persons with reduced mobility, and providing special measures, such as stencils, to protect the secrecy of the vote. GECOM could draw on existing information about voters with disabilities from other state institutions.	Amendment to RoPA and/or Persons with Disabilities Act, sections 32-33 and/or GECOM Regulation	National Assembly, GECOM	<p>Right and opportunity to vote</p> <p>ICCPR, article 25: “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: ... b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors”.</p> <p>CRPD, article 29: „States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others.“</p> <p>CRPD, article 9: „To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.“</p>
PARTICIPATION OF MINORITIES					
22	Indigenous communities constitute around 11 per cent of Guyana’s population, but are not equally represented in the election administration. (FR page 29).	Include representatives of indigenous communities in all levels of the election administration including GECOM.	Amendment to existing legislation and GECOM Regulations	President, Leader of Opposition, GECOM	<p>Freedom from discrimination, Right and opportunity to participate in public affairs and hold office</p> <p>ICERD, article 5: “In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the follow-</p>

NO.	CONTEXT (including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT – NATIONAL LEGISLATION (including text of the relevant document quoted)
					<i>ing rights: ... (c) Political rights, in particular the right to participate in elections – to vote and to stand for election – on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service” and “(e)(v) the right to education and training”.</i>
ELECTORAL DISPUTES					
23	Guyana’s case-law has established that once the date of elections is officially announced, all election-related disputes should be raised only after the elections by way of election petitions which does not provides time limits for completion of the adjudication. Although pre-election matters can be adjudicating via constitutional challenges these also do not have election specific time frames for rendering decisions. There is no mechanism for formal complaints to be lodged with GECOM except for as part of the voter registration ‘claims and objections’ period. (FR page 37).	Priority recommendation: Establish comprehensive election dispute resolution system to ensure effective and timely remedies throughout all stages of the electoral process.	RoPA, National Assembly (Validity of Elections) Act	National Assembly, GECOM	<p>Right to effective remedy</p> <p>ICCPR, article 2(2): “Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.”</p> <p>ICCPR, article 2(3): “Each State Party undertakes:</p> <p>(a) To ensure that any person who’s rights or freedoms as herein in recognized are violated shall have an effective remedy, notwithstanding that the violations has been committed by persons acting in an official capacity.</p> <p>(b) To ensure that any person claiming such a remedy shall have his rights thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the state, and to develop the possibilities of judicial remedy;</p> <p>(c) To ensure that the competent authorities shall enforce such remedies when granted.”</p> <p>UDHR, article 8: “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”</p> <p>ICCPR, GC 31, para. 15: “States Parties’ establishing appropriate judicial and administrative mechanisms for addressing claims of rights violations</p>

NO.	CONTEXT (including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT – NATIONAL LEGISLATION (including text of the relevant document quoted)
					<p><i>under domestic law... Administrative mechanisms are particularly required to give effect to the general obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies.”</i></p> <p>ICCPR, GC 25, para. 20: <i>“There should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes.”</i></p>
POLLING, COUNTING AND TABULATION					
24	<p>In the absence of clear, written instructions, the mission noted inconsistencies in the transmission of results from polling stations to the tabulation centres at regional level. Significant number of envelopes containing the Statements of Poll (SOPs) and sensitive election material were not properly sealed or, in some cases, were unsealed by Deputy Returning Officers for verification before being handed over to the Returning Officers. In all electoral districts except for Region 4, the tabulation process and verification thereof were conducted in a transparent and consensual manner despite some inconsistencies in the procedures. (FR page 30 and 31).</p>	<p>Priority recommendation: Adopt clear written procedures for the transmission and tabulation of election results, notably to ensure consistency of the process in all regions, adequate traceability of handed over electoral documents, and possibility for all authorised stakeholders to examine SOPs as required by law.</p>	<p>RoPA or new GECOM regulations</p>	<p>GECOM</p>	<p><i>Genuine elections, Transparency and access to information</i></p> <p>ICCPR, article 25 (b): <i>“[Every citizen shall have the right] to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors”</i></p> <p>ICCPR, CG 25, para. 20: <i>“The security of ballot boxes must be guaranteed, and <u>votes should be counted in the presence of the candidates or their agents</u>. There should be <u>independent scrutiny of the voting and counting process</u> and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes.”</i></p> <p>ICCPR, GC 25, para. 19: <i>“The results of genuine elections should be respected and implemented.”</i></p> <p>ICCPR, article 19(2): <i>“[The right to freedom of expression] shall include freedom to seek, receive and impart information (...) of all kinds”.</i></p> <p>ICCPR, GC 34, para. 19: <i>“To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information (...)”</i></p> <p>UNCAC, article 10: <i>“[E]ach State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its</i></p>

NO.	CONTEXT (including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT – NATIONAL LEGISLATION (including text of the relevant document quoted)
					<i>public administration, including with regard to its organization, functioning and decision-making processes, where appropriate (...)</i>
25	The Returning Officer declared results without having tabulated them in the presence of party agents and observers as required by law. When these results were annulled by the Chief Justice, GECOM still allowed the same Returning Officer to rush through the rest of the tabulation without any transparency in blatant violation of law and explicit court orders, and to make a second declaration of results on 13 March. Throughout the rest of the process (...) the Returning Officer and GECOM staff deployed all possible effort to make sure no stakeholder would ever be able to examine the Statements of Poll. The declared results are not credible (FR page 32 and 33).	Priority recommendation: Incorporate into law the obligation to accompany any declaration of results by simultaneous publication of detailed polling station results and digital copies of all Statements of Poll. In addition to the number of valid votes cast for each candidate list, these detailed results should also include all elements of electoral accounting to allow control of their coherence, such as number of registered voters; voters who voted; rejected ballots; spoiled ballots; etc.	RoPA, sections 89, 94 and 96	National Assembly	<p>Genuine elections, Transparency and access to information</p> <p>ICCPR, article 25 (b): “[Every citizen shall have the right] to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors”</p> <p>ICCPR, CG 25, para. 20: “The security of ballot boxes must be guaranteed, and <u>votes should be counted in the presence of the candidates or their agents</u>. There should be <u>independent scrutiny of the voting and counting process</u> and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes.”</p> <p>ICCPR, GC 25, para. 19: “The results of genuine elections should be respected and implemented.”</p> <p>ICCPR, article 19(2): “[The right to freedom of expression] shall include freedom to seek, receive and impart information (...) of all kinds”.</p> <p>ICCPR, GC 34, para. 19: “To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information (...)”</p> <p>UNCAC, article 10: “[E]ach State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate (...)”</p>

NO.	CONTEXT (including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL – REGIONAL PRINCIPLE – COMMITMENT – NATIONAL LEGISLATION (including text of the relevant document quoted)
ELECTION OBSERVATION					
26	The law provides for the possibility of citizen observation but grants GECOM full discretion to set conditions for accreditation and determine what domestic observers have access to. This in practice made citizen observers subject to arbitrary hindrance to their observation. (FR page 36).	Incorporate into law the right of citizen observers to unhindered access to all electoral processes and essential data at all levels.	RoPA, multiple sections	National Assembly	<p><i>Transparency and access to information</i></p> <p>ICCPR, CG 25, para. 20: <i>“There should be independent scrutiny of the voting and counting process (...) so that electors have confidence in the security of the ballot and the counting of the votes (...)”</i></p> <p>ICCPR, article 19(2): <i>“[The right to freedom of expression] shall include freedom to seek, receive and impart information (...) of all kinds”.</i></p> <p>ICCPR, GC 34, para. 19: <i>“To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information (...)”</i></p> <p>UNCAC, article 10: <i>“[E]ach State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate (...)”</i></p>

XIX. ANNEXES

Annex 1 – LISTS CONTESTING THE 2020 GENERAL AND REGIONAL ELECTIONS

	Name	Presidential Candidate	Contested Constituencies GE	Contested Constituencies RE
1	A New and United Guyana (ANUG)	Mr. Ralph Ramkarran	2, 3, 4, 5, 6, 7, 10	---
2	A Partnership for National Unity + Alliance for Change (APNU+AFC) <i>Member Parties of the APNU</i> People's National Congress Reform (PNC/R) Working People's Alliance (WPA) Guyana Action Party (GAP) National Front Alliance (NFA) Justice for All Party (JFAP) <i>Coalition Partner</i> Alliance for Change (AFC)	Mr. David A. Granger (incumbent)	ALL	ALL
3	Change Guyana (CG)	Mr. Robert Badal	2, 3, 4, 5, 6, 7, 10	2, 3, 4, 5, 6, 10
4	Federal United Party (FEDUP)	---	---	6
5	Liberty and Justice Party (LJP)	Mr. Lenox Shuman	1, 2, 4, 7, 8, 9	1, 2, 4, 7, 8, 9
6	Organisation for the Victory of the People (OVP)	---	---	4
7	People's Progressive Party/ Civic (PPP/C)	Mr. Irfaan Ali	ALL	ALL
8	People's Republic Party (PRP)	Ms. Phyllis Jordan	1, 2, 3, 4, 5, 6, 10	3, 4, 5, 6, 10
9	The Citizenship Initiative (TCI)	Ms. Rhonda-Ann Lam	2, 3, 4, 5, 6, 10	---
10	The New Movement (TNM)	Ms. Asha Kissoon	3, 4, 5, 6, 8, 10	---
11	United Republican Party (URP)	Dr. Vishnu Bandhu	1, 2, 3, 4, 5, 6, 7, 9, 10	ALL

= Joinder of Lists, GE= General Elections, RE= Regional Elections

Annex 2 – CALCULATION OF ELECTIONS RESULTS

GENERAL ELECTIONS

Results in all districts except Region 4¹²⁸

District	APNU+AFC	PPP/C	ANUG	TNM	LJP	TCI	CG	PRP	URP	Valid	Rejected	Total Cast ¹²⁹
1	3 905	8 022	-	-	170	-	-	23	8	12 128	333	12 461
2	7 343	18 788	86	-	120	18	149	55	64	26 623	257	26 880
3	23 811	47 855	310	56	-	80	318	135	43	72 608	334	72 942
4												
5	14 497	18 317	87	10	-	22	100	50	19	33 102	358	33 374
6	20 338	43 275	162	17	-	59	367	166	42	64 426	539	64 965
7	4 817	3 720	78	-	879	-	67	-	23	9 584	170	9 754
8	2 148	2 043	-	19	449	-	-	-	-	4 659	128	4 787
9	4 889	7 068	-	-	277	-	-	-	27	12 261	200	12 461
10	19 185	3 164	176	16	-	38	110	46	38	22 773	176	22 949
All but 4	100 933	152 252	899	118	1 895	217	1 111	475	264	258 164	2 495	260 573

General Elections Results – incl. Region 4 based on RO declaration of 5 March

4	136 458	77 329	1 389	131	757	462	913	383	91	217 913	1622	219 535
Total	237 391	229 581	2 288	249	2 652	679	2 024	858	355	476 077	4 117	480 108
		<i>Joinder</i>		<u>5 189</u>								

General Elections Results – incl. Region 4 based on RO declaration of 13 March

4	136 057	77 231	1 387	128	761	463	919	389	90	217 425	1 502	218 927
Total	236 990	229 483	2 286	246	2 656	680	2 030	864	354	475 589	3 997	479 500
		<i>Joinder</i>		<u>5 188</u>								

General Elections Results – incl. Region 4 based on PPP/C parallel tabulation

4	114 416	80 150	1 394	138	870	454	906	609	100	199 037	-	-
Total	215 349	232 402	2 293	256	2 765	671	2 017	1 084	364	457 201	-	-
		<i>Joinder</i>		<u>5 314</u>								

Possible distribution of seats in the National Assembly

Based on RO declaration of 13 March: 33 APNU+AFC, 31 PPP/C, 1 Joinder (taken by LJP)

Based on PPP/C parallel tabulation: 33 PPP/C, 31 APNU+AFC, 1 Joinder (taken by LJP)

¹²⁸ Based on the Result Form 24 produced by the ROs on 4 March 2020, except for Region 8 where the Form 24 published for the General Elections mistakenly reproduces the Regional Elections results. Figures in this table for Region 8 are thus those of the consolidated report prepared by the CEO, dated 14 March 2020.

¹²⁹ All figures are as provided on Forms 24, except for Regions 8 (see above) and 7 where these were missing and are thus calculated (addition of valid and rejected ballots). The total number of votes cast is erroneous in Region 5.

REGIONAL ELECTIONS

Regional Elections Results – all districts except Region 4¹³⁰

District	APNU+AFC	PPP/C	LJP	CG	PRP	URP	OVP	FUP	Valid	Rejected	Total Cast
1	3 839	7 996	145	-	-	77	-	-	12 057	380	12 437
2	7 293	18 752	135	217	-	95	-	-	26 492	387	26 879
3	23 824	47 890	-	388	151	179	-	-	72 432	632	73 064
4											
5	14 475	18 263	-	125	55	60	-	-	32 978	491	33 383
6	20 353	43 404	-	246	168	125	-	147	64 443	696	65 139
7	4 836	3 692	925	-	-	62	-	-	9 515	232	9 747
8	2 086	2 041	460	-	-	39	-	-	4 626	114	4 740
9	4 826	7 064	282	-	-	55	-	-	12 227	232	12 459
10	19 153	3 202	-	187	69	119	-	-	22 730	311	23 041
<i>All but 4</i>	100 685	152 304	1 947	1 163	443	811	0	147	257 500	3 475	260 889

Regional Elections Results – incl. Region 4 based on RO declaration of 5 March

4	136 335	77 258	757	913	383	91	117	-	215 854	3 348	219 202
<i>Total</i>	237 020	229 562	2 704	2 076	826	902	117	147	473 354	6 823	480 091

Regional Elections Results – incl. Region 4 based on RO declaration of 13 March

4	130 289	74 877	752	914	401	98	125	-	207 456	5 348	212 804
<i>Total</i>	230 974	227 181	2 699	2 077	844	909	125	147	464 956	8 823	473 693

¹³⁰ Based on the Result Form 24 produced by the ROs on 4 March 2020.

Annex 3 – MEDIA MONITORING

EU EOM MEDIA MONITORING FINDINGS

GENERAL AND REGIONAL ELECTIONS

2 MARCH 2020

INTRODUCTION

The EU EOM conducted a quantitative and qualitative media monitoring of a sample of broadcast and print media.

The following TV channels were monitored daily from 17:00 to 24:00 hours during the period from 10 February to 1 March 2020:

- ✓ ***Channel 11*** – state-owned
- ✓ ***Channel 9***
- ✓ ***Channel 28***
- ✓ ***Channel 65***

The following radio stations were monitored daily from 6:00 to 10:00 hours during the period from 15 February to 1 March 2020:

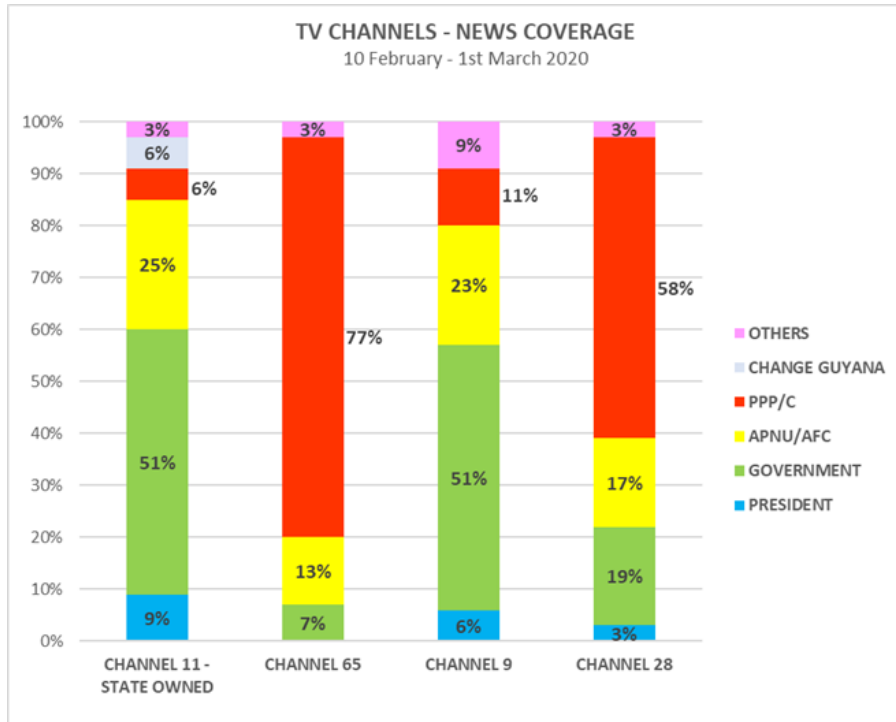
- ✓ ***Voice of Guyana/102.5 FM*** – state-owned
- ✓ ***Hits and Jam/94.1 FM***
- ✓ ***Freedom Radio/91.1 FM***

The following newspapers were monitored daily during the period from 10 February to 1 March 2020:

- ✓ ***Guyana Chronicle*** – state-owned
- ✓ ***Stabroek News***
- ✓ ***Kaieteur News***
- ✓ ***Guyana Times***

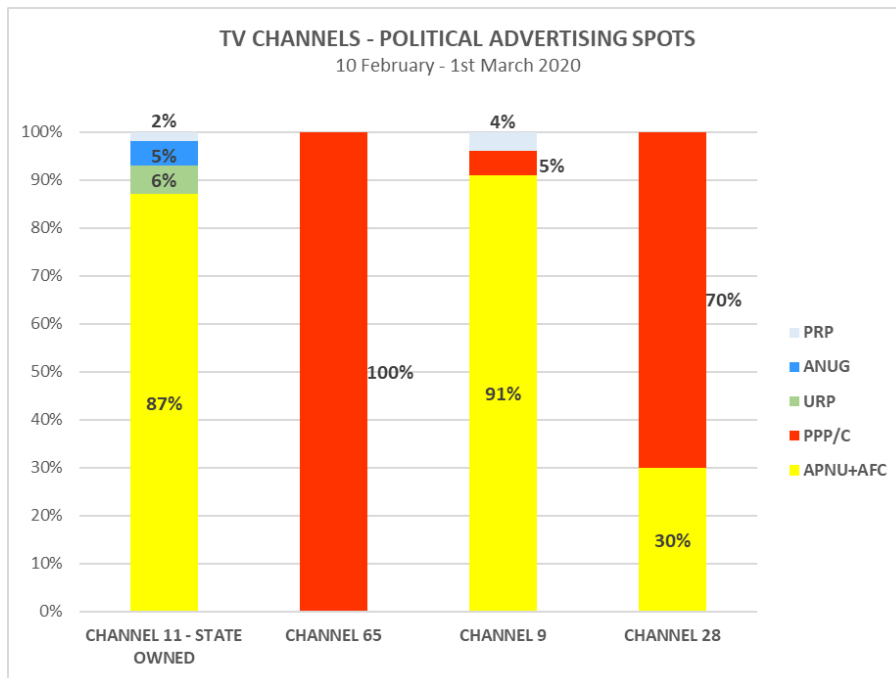
The EU EOM quantitative monitoring measured the seconds (for broadcast media) and square centimetres (for print media) allocated to each subject by the media outlets in the editorial coverage and political advertising. The qualitative monitoring included an assessment of the tone and content used by the media outlet and content of news items.

TV CHANNELS



131

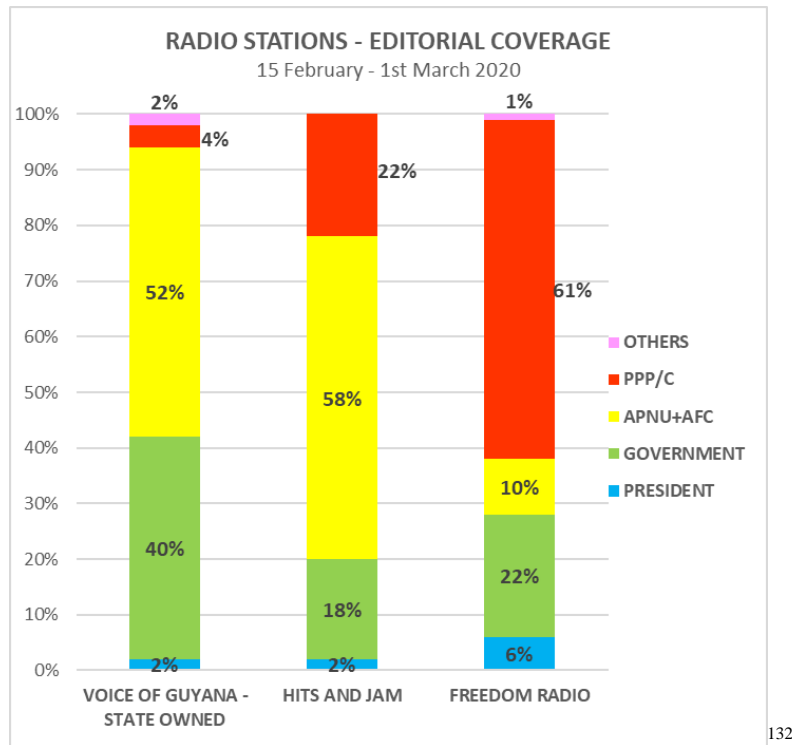
Total news coverage for each TV channel (in seconds)
Channel 11 11,551 sec; *Channel 65* 11,160 sec; *Channel 9* 3,040 sec; *Channel 28* 11,079 sec.



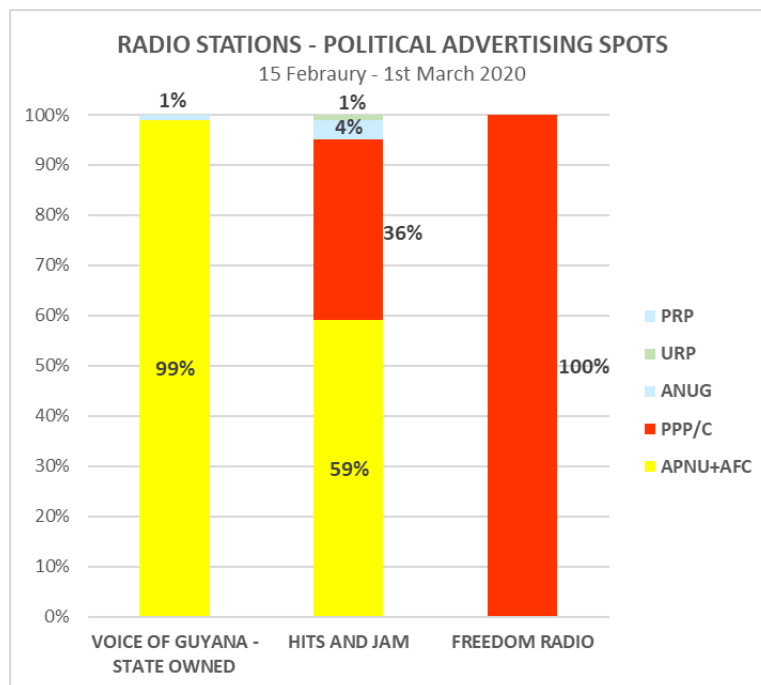
Total political advertising spots for each TV channel (in seconds)
Channel 11 23,855 sec; *Channel 65* 15,223 sec; *Channel 9* 6,607sec; *Channel 28* 15,460 sec.

¹³¹ The tone used by TV channels in their news coverage was generally neutral.

RADIO STATIONS



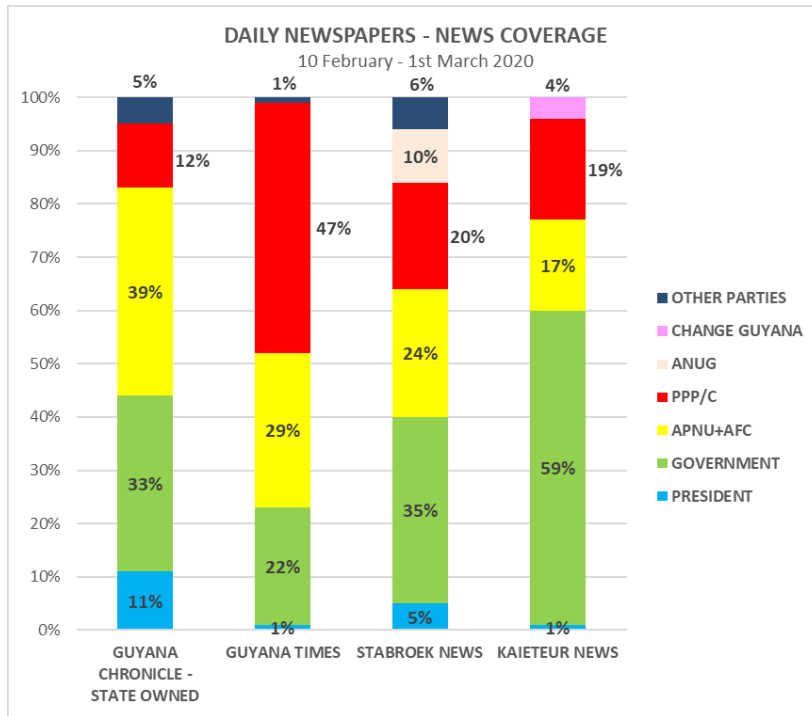
Total editorial coverage for each radio station (in seconds)
Voice of Guyana 4,856 sec; *Hits and Jam* 6,701 sec; *Freedom Radio* 8,745 sec.



Total political advertising spots for each radio station (in seconds)
Voice of Guyana 6,065 sec; *Hits and Jam* 13,138 sec; *Freedom Radio* 7,791 sec.

¹³² The editorial coverage includes news clips, press digests and current affairs programmes/morning shows aired by the radio stations. A considerable amount of *Hits and Jam* coverage of APNU+AFC was positive, while a considerable amount of *Freedom Radio* coverage of APNU+AFC and the government was negative.

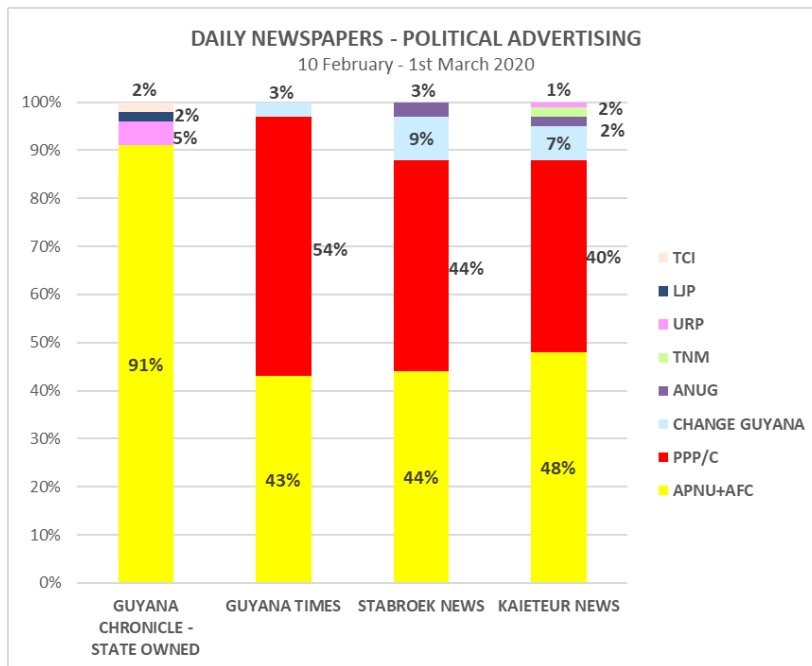
DAILY NEWSPAPERS



133

Total news coverage for each newspaper (in cm²)

Guyana Chronicle 91,984 cm²; *Guyana Times* 50,405 cm²; *Stabroek News* 41,588 cm²; *Kaieteur News* 32,572 cm²



134

Total political advertising for each newspaper (in cm²)

Guyana Chronicle 37,968 cm²; *Guyana Times* 86,540 cm²; *Stabroek News* 71,103 cm²; *Kaieteur News* 77,627 cm²

¹³³ The “News coverage” includes news articles and excludes editorials or letters from readers. The news coverage of *Guyana Chronicle* showed a rather positive tone towards the APNU+AFC and the government, while *Guyana Times* news coverage was quite negative towards these two subjects.

¹³⁴ The findings for the “Political advertising” do not include the political advertising, often negative, for which the source was not clear.