

# THE CARTER CENTER



## **Submission to the United Nations Universal Periodic Review of Guyana**

### **Third Cycle 35th Session of the UPR July 2019**

*The Carter Center is a not-for-profit, nongovernmental organization that has helped to improve life for people in more than 80 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; and improving mental health care. The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University to advance peace and health worldwide.*

*The Carter Center's Democracy Program works globally to promote democratic elections and governance consistent with human rights. The Center has monitored more than 100 elections in 38 countries since 1989, forging many of the techniques now common to the field. Recognizing that democratic transitions involve much more than elections, the Center also conducts long-term monitoring of political transitions and works to strengthen civil society organizations to support democratic governance. The Democratic Election Standards (DES) initiative aims to build consensus on standards for democratic elections, based on state obligations under public international law.*

#### **Introduction**

1 - During the second UPR Cycle, the Guyanese review put forward a number of recommendations, including recommendations encouraging the harmonization of Guyanese legal frameworks with international treaties; adopting measures that ensure enjoyment of fundamental

freedoms in law and practice; reforming security forces oversight and regulation; prohibiting torture and cruel, inhuman, or degrading treatment; and combating discrimination against women.

2 - Guyana has ratified several treaties that are relevant to these ends including the International Covenant on Civil and Political Rights (ICCPR),<sup>1</sup> the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),<sup>2</sup> and the United Nations Convention Against Corruption.<sup>3</sup> Overall, Guyana is making efforts to ensure human rights since the last UPR Cycle, visible through workshops and conferences conducted, along with legislation passed.

3 - However, there remain areas where improvement could be made. This report addresses the degree to which the recommendations of the last cycle have been implemented, and the degree to which Guyana fulfills its human rights obligations.

4 - The Carter Center's first involvement in Guyana came at the invitation of President Desmond Hoyte in 1990, who invited President Carter to Guyana to discuss whether the Center would consider observing the upcoming elections. Since that visit, which led two years later to the victory of the PPP/C party at the first elections in 28 years accepted by all of Guyana's political parties, the Center has maintained an abiding interest in Guyana's democratic development. The report from the 1992 elections can be found [here](#).

5 - Following the 1992 Guyanese elections, The Carter Center worked for a decade to help strengthen democracy and promote economic development in the country. Between 1994 and 2004, the Center supported the development of a comprehensive, long-term National Development Strategy; supported reforms strengthening the judiciary; worked to enhance civil society's capacity to influence public policy; and assisted civil society's mediation and conciliation efforts during the "crime wave" of 2002–2004, among other initiatives. In addition, the Center observed elections in 2001 and in 2006. The reports from the elections can be found [here](#) and [here](#) respectively.

6 - President Carter visited the country in 2004, and following extensive consultations with government officials, political parties, and a wide cross-section of civil society, called for fundamental changes in Guyana's winner-take-all system of governance. The Center's active involvement in Guyana subsided in the years between 2006 – 2014.

7 - The government of Guyana wrote to The Carter Center on Dec. 4, 2014, appraising it of recent political developments and encouraging the Center to consider an observation mission. The mission was conducted, and the final report can be found [here](#). The no-confidence vote of December 2018 has injected instability into the country and The Carter Center has visited Guyana several times to assess the political dynamics and possible paths toward credible democratic elections. This report is based on evidence collected by the Center between February 2015 and May 2019.

## **Findings for Consideration**

8 - Guyana has experienced a fierce political rivalry between two main ethnically-based parties since their independence from the United Kingdom in 1966. This trend has continued for decades with the People's Progressive Party maintaining dominance for 23 years, since 1992. In 2015, David Granger beat incumbent President Donald Ramotar by a narrow margin with a multi-ethnic coalition between his Partnership for National Unity party and the Alliance for Change party. While he pledged to address issues of corruption, resource waste, and nepotism, his initiatives have, however, been hampered by his coalition's small parliamentary majority.

9 - The current political crisis following the December 2018 vote of no confidence and subsequent legal process is underscored by the importance of the next years for national economic development, as the discovery of oil by Exxon Mobil off Guyana's coast promises to transform the Guyanese economy. The development and implementation of proper regulation and curtailment of corruption is essential to ensuring that oil revenues benefit the population.

### **1. Legal Issues**

10 - The legal framework that the government of Guyana has in place lacks efficacy, preventing accessibility to government promised to the Guyanese people. Reform and regulations must be administered to remedy this current situation.

11 - Currently, regulations related to the administration of elections are fragmented across numerous pieces of legislation, orders, regulations, and judicial decisions. Consolidation of the law in advance of future elections would create greater legal certainty and clarity among stakeholders regarding the rules governing elections in Guyana. When consolidating election legislation, consideration should be given to the areas described in the paragraphs below, with a particular focus on the electoral system.

12 -The Guyanese government should re-evaluate the electoral system, considering systems that would promote support across ethnic lines and better reflect international standards. For example, the present list system allows political parties to allocate seats to members of their choice after the election, meaning that the voter casts his/her ballot for the party, not candidates. In addition, there is no requirement that political parties must allocate seats in the National Assembly to any of the female candidates from within their lists.

13 - Guyana should additionally consider adjustments to its legal framework and electoral system to equalize representation of women in Parliament. This adjustment can come in the form of gender quotas required by the government in decision-making bodies or through voluntary commitments by political parties.

14 - The constitutional rules in Guyana limit all candidature for the office of the presidency and for membership of the National Assembly to those who join party lists. This is an unreasonable limitation on the freedom of association and on the right to run for election, and consideration should be given to allowing independent candidates. In addition, considering the history of ethnic polarization, Guyana might consider ranked-choice voting for president to place an incentive on candidates to appeal to voters across party and communal lines.

15 - To ensure realization of the right and opportunity to be elected, legal reform is necessary to improve campaign finance laws. Legislation should be strengthened to routinely require disclosure of contributions and expenditures. Consideration also should be given to establishing reasonable limits on donations and expenditures to ensure that the free choice of voters is not undermined, or the democratic process distorted by disproportionate expenditures on behalf of any candidate or party. A monitoring and enforcement body with oversight authority for compliance with campaign finance regulations would also be a positive contribution to Guyanese politics.

16 - Guyana's legal framework for elections is silent in the area of registration and operation of political parties. Legislation is needed to establish clear requirements for the registration and operation of political parties that will support the freedom of association and promote broad multiethnic parties that can represent citizen interests in governance.

## **2. Transparency Issues**

17 - In order to build broader support for the government, regardless of the political party in power, the government should increase the transparency of their policies and work to ensure that citizens have faith in those acting for them.

18 - To secure the right to effective remedy, publicly available guidelines should be created regarding a request for recounts, decision-making criteria for the granting of recounts, people or organizations who make decisions regarding recounts, and ways recounts are to be conducted.

19 - Confidence in the voters list is a crucial component of elections. Voter registration processes should promote inclusiveness, ensure that the right to vote is protected, and safeguard against voting by ineligible people. The Guyana Election Commission (GECOM), the Registrar-General, and other departments of the government of Guyana should enhance communication, particularly surrounding the timely removal of the deceased from the voters list. To increase transparency and build confidence, an independent audit of the voters list should be facilitated as well as observation of all aspects of the voter registration process.

20 - While GECOM and its secretariat operated in an open and inclusive manner, representatives of citizen and international observer groups should be granted access to commission meetings where feasible. Minutes of meetings should be published and posted online to promote the

transparent administration of elections and facilitate public understanding of commission deliberations and decisions.

21 - An independent and impartial body charged with implementing elections is an important means of ensuring the integrity of the electoral process. Steps should be taken to re-evaluate the formulation of GECOM to ensure that GECOM advances as a professional and independent election management body that is nonpartisan and reflects international standards. The structure, staffing, recruitment, and training of staff should be closely evaluated.

22 - The process for the counting, tabulation, and transmission of results should be carefully reviewed and revised to increase the transparency of the process, with attention to the relationship between tabulation conducted by returning officers and the central tally. To ensure the integrity of the tabulation process, consideration also should be given to a centralized electronic tabulation system that includes double-blind data entry and clear procedures for the handling of quarantined materials. The process should be transparent, verifiable, and timely.

23 – In order to be more straightforward with the people about electoral tabulation and movement of electoral data, all vehicles used to transport election materials should be clearly marked to indicate that the cargo is the property of GECOM.

### **3. Democratic Legacy Issues**

24 - The Carter Center recommends that Guyana accede to outstanding human rights instruments of the Organization of American States, particularly the American Convention on Human Rights.

25 - The election of 2015 was an important transition of power for Guyana, but the political polarization that has flared as a result has negated such progress. Heightened ethnic rhetoric and the inability to bridge differences has left the government in a political quagmire. Efforts must be renewed to ensure the democratic standards that the Guyanese government has promised through its constitution and international commitments.

26 - To ensure the principle of equal suffrage, constituencies should be drawn so that voters are represented in the legislature on a more equal basis. In Guyana, the magnitude of the geographic constituencies for the 25 regional seats in the Parliament varies, negatively impacting the equality of suffrage. Consideration should be given to establishing clear provisions regarding boundary delimitation, with management by an independent and impartial body, to allow for stakeholder and citizen participation in the process.

27 – Guyana should reconsider systems to enfranchise citizens working on election day, including “Certificates of Employment,” voting by proxy, and advanced voting for the disciplined services. Guyana has utilized a variety of methods to enfranchise those who may be working on election

day away from their polling place such as GECOM staff, members of the disciplined services, political party agents, civil society observers, and members of the media. In the case of members of the disciplined services, advance in-person voting was conducted. In the case of others, proxy voting was allowed or “certificates of employment” were given to enable voting away from one’s assigned polling place. In the 2015 elections, the beneficiaries of these procedures were more limited than in past elections and excluded members of civil society serving as election observers. Systems for enfranchising these categories of people should be re-evaluated to ensure that all citizens have the opportunity to exercise their right to vote. Where applied, procedures for advance voting must be strictly regulated to protect the secrecy of the vote.

28 - Guyana has utilized a variety of methods to enfranchise those who may be working on election day away from their polling place such as GECOM staff, members of the disciplined services, political party agents, civil society observers, and members of the media. In the case of members of the disciplined services, advance in-person voting was conducted. In the case of others, proxy voting was allowed or “certificates of employment” were given to enable voting away from one’s assigned polling place. In the 2015 elections, the beneficiaries of these procedures were more limited than in past elections and excluded members of civil society serving as election observers. Systems for enfranchising these categories of people should be re-evaluated to ensure that all citizens have the opportunity to exercise their right to vote. Where applied, procedures for advance voting must be strictly regulated to protect the secrecy of the vote.

29 - Guyana is obligated to ensure that the right of universal suffrage is fully realized. Guyana should seek to facilitate voting by prisoners, particularly those held in remand who have not yet been convicted of a crime. In advance of future elections, procedural measures should be adopted to avoid unreasonable disenfranchisement of eligible citizens.

#### Notes

1 International Covenant on Civil and Political Rights ratified February 15, 1977

2 Convention on the Elimination of All Forms of Discrimination Against Women ratified July 17, 1980

3 United Nations Convention Against Corruption ratified April 16, 2008