

THE CARTER CENTER



Guyana

NGO Submission to the U.N Committee on the Elimination of All Forms of
Discrimination Against Women Session 73

Concluding Observations

July 2019

The Carter Center

This submission summarizes the findings of The Carter Center's election observation mission to the 2015 elections in Guyana. It is submitted for inclusion in the review of Guyana's state report by the UN CEDAW Committee.

Reporting Organization

1 - A not-for-profit, nongovernmental organization, The Carter Center 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 former First Lady Rosalynn Carter, in partnership with Emory University, to advance peace and health worldwide.

2 - The Carter Center's Democracy Program works globally to promote democratic elections and governance consistent with human rights. The Center has monitored 107 elections in 39 countries since 1989, forging many of the techniques now common in the field. The Democracy Program's Democratic Election Standards (DES) has developed practical tools, including the Election Obligations and Standards (EOS) database and Assessment Manual which make available common criteria for assessing elections based on public international law.

3 - *The Carter Center in Guyana:* 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 Carter 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](#).

4 - Following the 1992 elections, The Carter Center worked for a decade to help strengthen democracy and promote economic development. 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.

5 - 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 government of Guyana wrote to The Carter Center on Dec. 4, 2014, apprising 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](#).

Findings and Recommendations

6 - The equitable participation of women in politics and government is essential to building and sustaining democracy. Democracy cannot truly deliver for all of its citizens if half of the population remains underrepresented in the political arena.

7 - International and regional obligations protect women's rights and ensure their democratic right to participation.¹ Guyana has signatory status on the international convention regarding gender equality, the Convention on the Elimination of all Forms of Discrimination against Women

(CEDAW, July 1980). In addition to this international rights obligations, Guyana's constitution mandates that "Women and men have equal rights and the same status in all spheres of political, economic, and social life," including the right for equal political representation and participation.²

8 - Women can be particularly effective in promoting honest government. Countries where women are supported as leaders and at the ballot box have a correspondingly low level of corruption. Women are strongly committed to peace building, as they often disproportionately suffer the consequences of armed conflict. Studies show that reconstruction and reconciliation efforts take root more quickly and are more sustainable when women are involved. By helping women become participating members of a democracy, one can look to mitigate conflicts or stop conflicts before they begin. Women are also strongly linked to positive developments in education, infrastructure and health standards at the local level. Where rates of gender development and empowerment are higher, human rates of development and standards of living are also higher.

9 – In order to fulfill their international obligations Guyana should consider the following recommendations. First, Guyana 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. Guyana should consider adjustments to its legal framework and electoral system to equalize representation of women in Parliament.

10 - When evaluating the legal framework for elections and the electoral system, consideration should be given to the right of political representation, as set out in the International Covenant on Civil and Political Rights, article 25 (a), that provides that every citizen has the right "to take part in the conduct of public affairs...through freely chosen representatives." When re-evaluating the electoral system, Guyanese should consider 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 voters cast their ballots 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. Guyana should consider adjustments to its legal framework and electoral system to equalize representation of women in Parliament

11 - Another deficiency in the legal framework relates to the rights of women and men to participate equally in democratic governance and democratic processes. Although the constitution requires that electoral law must make provision for a minimum proportion of female candidates in party lists, it fails to specify what that proportion must be, making it difficult to enforce. The Representation of the People Act requires the following two elements of female inclusion within party lists.

12 - First, for the party's national top-up lists, the total number of women on each party's list must be at least one-third of the total number of candidates on that list. Secondly, in the geographical constituencies, the total number of women on any party's lists, taken together, must be at least one-third of the total number of candidates on those lists. In addition, the party must include

women in their lists for at least 80 percent of the geographical constituencies they are contesting.³ There is no requirement, however, that the parties must allocate seats in the National Assembly to any of the female candidates from within their lists. Instead, Section 98 of the Representation of the People Act provides that the representative of the list extract names from the list of candidates for the number of seats won, and they shall be declared to be elected by the chief election officer. Here there is a failure to reflect the spirit of the constitution, which says that the manner of selection of those elected to the National Assembly should take into account the proportion that women form of the electorate. This is a clear instance of dissonance between the spirit of the constitution and electoral law. Adoption of a closed-list system and a requirement that women candidates be “zippered” throughout the list would provide a better means to uphold the rights of women’s participation in politics.

13 - When revising procedures to enable some citizens to vote in a location other than where they are registered, the use of proxy voting should be reconsidered. In general, state practice sources discourage proxy voting due to concerns about the secrecy of the vote and the potential of the practice to be particularly discriminatory to women and minority groups.⁴ If Guyana considers reforms in this area, proxy voting should be strictly regulated to ensure adequate protection for the secrecy of the ballot.

14 - The absence of a mandatory quota for women candidates is a cause for concern. The Representation of the People Act requires that political parties nominate at least one-third women in their lists of election candidates, but there is no legal requirement that any female be selected for membership of the National Assembly. This is despite the fact that women slightly outnumber men in Guyana.⁵ The U.N. Committee on the Elimination of Discrimination Against Women has called on Guyana to use temporary special measures to achieve substantive equality for women, in particular in the areas of political and public life.⁶ The introduction of binding quotas, determining specific outcomes for women, should be considered. One option within the current electoral structure would be the closing and “zippering” of lists, so that the pre-election list would determine the allocation of seats won, with a requirement that every second name within the lists be female.

15 - As polling day in 2015 approached, the Women and Gender Equality Commission, with the support of the International Republican Institute and the United States Agency for International Development, produced radio and television advertisements that encouraged women to cast their votes. The imagery was particularly notable, as representatives of all ethnic groups in Guyana were included. Televised voter education conducted by GECOM utilized sign language to reach the hearing impaired, a positive measure that should be continued in future elections.

16 - While the legal framework indicates that women must comprise at least 30 percent of candidates in all party lists, there is no guarantee that women must be allocated any particular percentage of seats within the National Assembly. Nonetheless, 32 percent of the seats, 21 out of 67, were held by women after the 2011 elections, marking a huge advance over the 18.5 percent of seats held by women in 1992. Guyana was ranked 30th in the world by the Inter-Parliamentary Union after the 2011 elections. Women now occupy 19 seats in the National Assembly, comprised of 10 from the APNU–AFC list and nine from the PPP/C list. The PPP/C candidate for prime minister was a woman, while the presidential candidate of the United Force also was female.

During the last Parliament, political party identity was the strongest determinant for action for all parliamentarians. Efforts to create a women's caucus in Parliament met with little interest, with the strength of party identity clearly outweighing gender identity.

17 - Women were highly visible participants in all aspects of election day. They came out in huge numbers to vote across the country, while they also were very active among those engaged in electoral duties. Women composed 71 percent of polling staff in stations observed by The Carter Center, and 79 percent of presiding officers in stations observed were female. Where party agents from the two major political parties were present in stations observed, about 82 percent of them were women. This effort should be reinforced and continued in the upcoming elections.

Notes

1 United Nations International Covenant on Civil and Political Rights.

2 1980 Constitution, Article 29

3 In Guyana's party list proportional representation system, political parties submit at least two lists during the nomination process: a national top-up list and a geographical constituencies list based on the country's 10 administrative regions.

4 Council of Europe (Venice Commission), Code of Good Practice, Section 1.3.2.

5 2012 Population and Housing Census Preliminary Report, Bureau of Statistics, Section 2.5

6 U.N. Committee on the Elimination of Discrimination Against Women, Concluding Observations of the Committee, Aug. 7, 2012, CEDAW/C/GUY/CO/7-8