



## **PRELIMINARY STATEMENT**

**Georgetown, 4 March 2020**

### **Competitive and well-organised elections in a difficult legal environment, without transparency of political finance**

*This preliminary statement of the EU election observation mission (EU EOM) is delivered before the completion of the entire electoral process. Critical stages remain to be observed, including the tabulation of results and the adjudication of possible post-election petitions. The EU EOM is now only in a position to comment on observation undertaken to date, and will later publish a final report, including full analysis and recommendations for electoral reform. The EU EOM may also make additional statements on election-related matters as and when it considers it appropriate.*

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#### **Summary**

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The 2 March general and regional elections took place in a deeply polarised environment. The elections were competitive, contestants could campaign freely and election day was well managed by the election administration. Unregulated political finance, biased state media, legal uncertainty and lack of transparency in the administration of elections characterised the pre-election context.

- Voting process was well managed and the electors were able to exercise their vote freely. EU observers assessed the process very positively although some procedural safeguards were not consistently applied. Counting was conducted in a transparent manner, but reconciliation procedures were not always followed. In the absence of clear, written instructions, the mission noted inconsistencies in the results transmission and tabulation process.
- The legal framework provides a reasonable basis for competitive elections, but numerous gaps and ambiguities create legal uncertainty and reduce transparency. The laws 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, no guarantee for women's representation in parliament and no possibility to stand as an independent candidate. The right to effective remedy is not ensured as dispute resolution is available only after elections, via courts, with no timelines for rendering decisions.
- The bipartisan political composition of the Guyana Elections Commission (GECOM) has led to strong polarisation, affecting its ability to function as a collegiate body. Transparency of the election administration is undermined by the lack of access to GECOM's key decisions, instructions and essential electoral data. Lack of institutional engagement with the media and stakeholders contributed to most parties being left out and the general public being underinformed. Although the performance of GECOM regional structures was generally viewed as effective and professional, overall confidence in the Commission varied among political parties.
- The voter list includes 660,998 names, well above the estimated resident adult population. High emigration rates account, in part, for this situation. The preparation of the list for the 2020 elections generated fervent controversies, notably around GECOM's decision to conduct a new house-to-house registration, which contributed to a substantial delay in the timing of elections. While the full voter list was available online, essential data on its preparation were not published.

- There are no unreasonable restrictions on the right to stand, except that there is no provision for independent candidates to stand. 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 and two for regional elections only.
- A Partnership for National Unity + Alliance for Change (APNU+AFC) and People’s Progressive Party/Civic (PPP/C) clearly dominated an intense campaign, which polarised Afro-Guyanese and Indo-Guyanese supporters. Other parties were barely visible. All contestants could campaign freely, although some PPP/C events were disrupted by APNU+AFC supporters. The 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.
- EU observers noted 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. 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 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. The campaign demonstrated that APNU+AFC and PPP/C have significant funds at their disposal, unmatched by any other party. With implicit consent of the main contenders, GECOM does not assume its oversight responsibility to monitor campaign finance.
- Media were able to freely cover the campaign. The law requires broadcasters to provide a fair and balanced coverage of national politics, but the oversight broadcasting authority did not conduct a thorough monitoring. State broadcast and state print media showed open bias in favour of the ruling coalition. Clearly misusing state resources, the governmental Department of Public Information extensively promoted the ruling coalition’s campaign activities. Most private media offered a partisan coverage in favour of one of the two main political forces.
- The tone of the online campaign was affected by derogatory messages, including paid ads, targeting one or the other of the two major political camps. Numerous cases of misinformation were noted in the final phase of the campaign, but efforts to curb this issue were lacking.

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*The European Union Election Observation Mission (EU EOM) has been present in Guyana since 25 January 2020 following an invitation from President Granger. The Mission is led by Chief Observer Urmaz Paet, Member of the European Parliament. In total, the EU EOM deployed 55 observers from 25 EU Member States and Norway across the country to assess the whole electoral process against international obligations and commitments for democratic elections as well as the laws of Guyana. On election day, observers visited 201 polling stations in all ten regions of Guyana to observe voting and counting. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations (UN) in October 2005.*

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## Findings

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### I. BACKGROUND

Elections in 2011 and 2015 saw very tight outcomes, leading to one-seat majorities and early elections in both terms. 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 process of holding elections. In June 2019, the Caribbean Court of Justice 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 that general and regional elections would be held on 2 March 2020, 15 months after the no confidence motion. These elections take place against the backdrop of the discovery of large offshore oil and gas reserves and expectations of far-reaching economic transformations.

Since independence in 1966, two ethnicity-based political parties alternated in government, People's Progressive Party (PPP) and People's National Congress (PNC). PNC/Reform is now represented in A Partnership for National Unity (APNU) which forms the outgoing coalition government together with Alliance for Change (AFC). In the general elections, the voters elect 65 representatives to the National Assembly whereby the president is elected indirectly. The elections for ten Regional Democratic Councils are held concurrently. The 2020 general elections were contested by nine political parties, each with a presidential candidate. While voters had a variety of choice, the two main contestants – APNU+AFC as incumbent and PPP/Civic as opposition – clearly dominated the campaign. This was the first time that the EU deployed a full-fledged EOM to Guyana.

### II. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

#### *Numerous gaps and ambiguities in the law result in lack of legal certainty and effective remedy*

Guyana has committed itself to core conventions and declarations pertaining to the conduct of democratic elections, however, no harmonisation of the legal framework with international treaties has been undertaken. Fundamental freedoms necessary for exercising electoral rights are generally respected. No effective protection of human rights is available as any possible enforcement or judicial review of human rights must be addressed through a Human Rights Commission and its respective Tribunal, both legally provided for since 2001, but not yet established.

The legal framework provides a reasonable basis for competitive elections but does not ensure legal certainty and transparency, and it is not easily accessible. It is particularly voluminous, fragmented 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, creating significant inconsistencies. Election laws must also be read in conjunction with court judgements which are not always published or easily available.

Key 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 Guyana Elections Commission (GECOM) orders and notices.<sup>1</sup> Legally, GECOM

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<sup>1</sup> None of the GECOM lower legal instruments below the level of orders and notices are available to stakeholders.

has a right to issue directions and instructions orally and most of its internal regulations are not publicly available, further limiting accessibility and transparency.

Identified shortcomings include unregulated registration and operations of political parties, very limited regulation of campaign finance, lack of provisions prohibiting misuse of state resources, lack of opportunity for prisoners and detainees to vote, no guarantee for women's representation in the National Assembly and no possibility to stand as an independent candidate.

GECOM has not established any formal complaint mechanism and the electoral dispute resolution is available only via judicial dispensation. All election-related disputes must be raised only after the elections by way of election petitions to the court with a possibility of further appeal. There is a reasonable time frame of 28 days after the formal publication of results within which post-election petitions about results and candidate qualifications can be filed. Except for cases related to candidacies, there are no timelines for rendering decisions and therefore the right to effective remedy is not ensured.

The 65 members of the National Assembly are elected using closed-list proportional representation, 25 from ten multi-member geographical constituencies and the remaining 40 from a national top-up list. The presidential nominee of the list receiving the highest number of votes becomes president.

The electoral system was adopted in 2000 to provide for the direct elections of all members of the legislature while maintaining elements of geographical representation through the introduction of constituency lists. The national top-up list component makes up for any distortion resulting from the limited proportionality in small constituencies: the 40 remaining seats are distributed by applying proportional representation in relation to all 65 seats in the legislature. Constituency lists thus have no effect on the overall distribution of seats per party and are just meant to allow for regional representation. Although this would imply greater proximity between elected representatives and their constituents, electors are unaware of whom they are voting for: in Guyana's closed list system, parties have full discretion to select 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.

### **III. ELECTION ADMINISTRATION AND PREPARATIONS**

#### ***Efficiently managed elections, but limited inclusiveness, transparency and engagement with electoral stakeholders undermined confidence in GECOM***

GECOM is vested with broad administrative and regulatory powers to administer voter registration and the elections. It may issue regulations for all matters pertaining to elections and even has authority to amend existing legislation when it deems that difficulties arise in its implementation. The law effectively bars any legal recourse against actions by GECOM other than pertaining to candidacies or election results.

The Commission consists of three members nominated by the president, three by the leader of the opposition and a chairperson agreeable to both. Introduced to assuage discontent ahead of the 1992 elections, this formula has led to strong partisanship, affecting GECOM's ability to function as a collegiate body. Excessive polarisation results in the chairperson having to act as tiebreaker on most decisions. Furthermore, the composition of the Commission reflects the political spectrum of 1992, leaving out smaller parties.

GECOM is supported by a permanent secretariat, led by a chief election officer (CEO), who in practice decided on the appointment of all election officials, including the ten district returning officers (ROs), over 200 deputy returning officers (DROs), and polling staff. There is no avenue for electoral contenders not represented in the Commission to object to the selection of officials at any level. Stakeholders in the regions generally assessed the performance of ROs and DROs as effective and professional. However, the perception of GECOM varies markedly. While APNU+AFC was satisfied with the performance of GECOM, PPP/C representatives expressed strong concerns over the fairness of some key decisions, the ethnic composition of the secretariat and the impartiality of some polling staff. Other political parties view GECOM as a closed institution controlled by partisan commissioners representing the interests of the two major contenders.

Transparency in the work of GECOM is limited. Whereas the full list of electors is published, key regulatory instruments and critical electoral data, notably information pertaining to the revision of the list, are not publicly available. The Commission's statutory meetings are closed to the public and there is no systematic publication of decisions. Furthermore, instructions on critical aspects of the electoral process are only issued verbally. GECOM's lack of official communication with the media results in its messaging being essentially left to individual commissioners providing their own, often conflicting accounts of internal deliberations and decisions. Public confidence in the electoral administration is weakened by the absence of regular, structured engagement with key electoral stakeholders, both at national and regional level. This also contributes to political parties without nominees in the Commission, being left out and underinformed.

Launched in mid-January, GECOM's voter education and information campaign essentially relied on educational videos, radio spots, announcements and infographics disseminated through paid advertisements in print, broadcast and social media. Positively, it provided comprehensive practical information on voting procedures and on broader aspects of the electoral process. While its focus on broadcast and social media appears to have generated sizeable engagement from younger urban voters, its outreach to rural and indigenous communities is questionable. The EOM noted minimal visibility of official voter education activities across the regions. The only grassroots outreach to local communities was implemented through the Guyana National Youth Council's "Ink it up" campaign. Political parties also conducted their own partisan voter information campaigns.

Technical preparations for the poll were conducted efficiently despite inherent logistical challenges. The full list of electors including their personal information was made available on GECOM's website and voters could query the database online to verify their records and assigned polling station. The preparation of the list of proxies involved robust verifications to prevent abuses. Officials for the 2,339 polling stations were selected from among the participants of the 2019 training programme. Refresher trainings observed in the districts were generally assessed as well conducted, despite their brevity. Yet, hastily updated instruction manuals for election officials introduced ambiguities on some critical procedures, notably pertaining to the tabulation of results.

#### **IV. VOTER REGISTRATION**

##### ***Inclusive list of electors despite significant controversies over its preparation and accuracy***

The Constitution guarantees the right to register as elector to every Guyanese, or Commonwealth national residing for at least one year, aged at least 18. There are no unreasonable restrictions on the right to vote, although young citizens who turned 18 between 1 January and 2 March were not included in the official list of electors (OLE). Since 2008, GECOM has periodically updated a national register of all residents aged 14 and above, from which the list of electors is extracted.

The OLE contained 660,998 names, well above the estimated resident adult population of half a million in 2020.<sup>2</sup> There has been concerns over large increases in the number of registered voters between elections.<sup>3</sup> Institutional efforts to improve registration outreach – including better access to birth registration for indigenous communities – as well as insufficient information on death records from concerned agencies have contributed to such rises. However, high emigration is a key factor accounting for an ‘inflated’ list. Pursuant to the latest court rulings, citizens living abroad retain full voting rights. Existing safeguards – notably the use of voter lists with pictures by party agents – mitigated the risk of voter impersonation on election day.

The preparation of the list of electors for the 2020 elections was litigious and complex. A 2019 decision by GECOM to conduct a new house-to-house enumeration to replace the existing register was challenged in court by the opposition and contributed to substantial delay in the elections. GECOM ultimately suspended the enumeration after a court ruling. The court ruled that the enumeration was not unlawful, but also that the names of electors couldn’t be deleted from the existing register on the basis of non-residency at the time of the enumeration exercise. From over 370,000 entries collected, only 16,642 were found to be new registrants and 88,876 registrants made some changes, mostly to addresses. Protracted disputes over the use of these data prevented their timely incorporation into the existing register for the period of claims and objections – and concerns were raised that some of these changes were not reflected in the OLE.

## V. CANDIDATE REGISTRATION

### *High number of contestants despite barriers to participation of smaller parties*

The right to stand for elections is granted to Guyanese citizens who are at least 18 years old, except those with dual citizenship. There are no unreasonable restrictions on the right to stand, with the notable exception of not being able to stand as an independent candidate.

GECOM’s decision to set Nomination Day 20 days ahead of the legal deadline caused concerns among smaller parties with limited resources. The parties had to collect the required number of unique voters’ signatures supporting their national and regional lists within a reduced time frame.<sup>4</sup> Out of 19 parties and coalitions that applied for a party symbol, only 13 submitted lists of candidates. Eleven parties were approved. Nine for both general and regional elections – with a presidential candidate each – and two only for regional elections only. Two lists were not approved due to an insufficient number of valid supporting signatures.<sup>5</sup> 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 fueled by GECOM commissioners, over the validity of their candidacy in relation to alleged dual citizenship.<sup>6</sup> This created unnecessary uncertainty regarding these candidates’ and their lists’ eligibility until early February, affecting the

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<sup>2</sup> Based on *World Population Prospects 2019*, UN Department of Economics and Social Affairs.

<sup>3</sup> The number of voters increased by 20 per cent between 2011 and 2015, and by 1 per cent between 2015 and 2020.

<sup>4</sup> 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.

<sup>5</sup> 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 parties 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.

<sup>6</sup> The Liberty and Justice Party (LJP) presidential candidate reportedly renounced his dual citizenship before nomination day and the United Republican Party (URP) presidential candidate after nomination day. The initial People’s Republic

parties' ability to campaign. Three of the smaller parties formed a joinder of lists.<sup>7</sup> While participating in the elections independently from each other, the parties will accumulate the votes they receive for a possible shared seat arrangement. The joinder is foreseen in law but is a novelty in the electoral process.

## VI. CAMPAIGN ENVIRONMENT

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

The ruling coalition APNU+AFC and the opposition PPP/C dominated the electoral campaign. The APNU+AFC frontrunner was President Granger, supported by a group of ministers. Most visible in the PPP/C campaign were the Leader of the Opposition and former president Bharrat Jagdeo and the presidential candidate Irfaan Ali.

The other political parties were far less visible. 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. Both major camps claimed their electorate has 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.<sup>8</sup>

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 paid advertising on social media. Both key contestants extensively employed negative campaigning by spreading derogatory messages about their political opponents and highlighting failures of the other camp. 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 in Region 10, but also in Regions 2, 4, and 6. The vandalization of campaign material was observed on small scale in Regions 3, 4 and 6. On 19 January, an APNU minister 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. Positively, the Ethnic Relations Commission (ERC) issued a Code of Conduct for political parties which was endorsed by all contestants on 13 February. The 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 results are announced. GECOM invited political parties to sign a code of conduct three days before election day, too late to have a real impact on the campaign.

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Party (PRP) presidential candidate was replaced, later renounced her dual citizenship but remained as parliamentary candidate on the list.

<sup>7</sup> A New and United Guyana (ANUG), LJP, and The New Movement (TNM).

<sup>8</sup> The EOM has observed 52 campaign events across 9 regions: 20 by APNU+AFC, 27 by PPP/C, 3 by Change Guyana (CG), and 2 by LJP.

EOM observations indicated a common misuse of state resources for the campaign. APNU+AFC used the advantages of incumbency to appeal to voters through infrastructure developments, which undermined a level playing field.<sup>9</sup> 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 populations. For example, President Granger was observed delivering governmental donations during the APNU+AFC rally in Sand Creek on 15 February.<sup>10</sup> 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.

## VII. CAMPAIGN FINANCE

### *Lack of transparency, accountability and oversight in political party and campaign finance*

Guyana acceded to the UN Convention against Corruption in 2008, but its legal framework is insufficient to provide for transparency and accountability in political party and campaign finance. 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. The campaign demonstrated that APNU+AFC and PPP/C have significant funds at their disposal, unmatched by any other party. With implicit consent of the two main political contenders, GECOM does 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.<sup>11</sup> Also, the financial sanctions for not disclosing campaign expenditure are too low to be effective.<sup>12</sup> The CEO should publish a summary of the election expenditures in the Gazette. However, GECOM and all parties admitted that the legal provisions for campaign finance have never been implemented. Several political parties speak out for enhancing campaign finance regulations. One new political party, The Citizenship Initiative (TCI) published the amounts of its donations and expenditure on its website.<sup>13</sup>

## VIII. MEDIA

### *State media overtly biased in favour of the ruling coalition, private media mostly partisan*

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. State-

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<sup>9</sup> The government opened a number of new police stations, health centres and local development projects during the campaign period. As examples, Minister of Public Security and APNU+AFC candidate for prime minister Khemraj Ramjattan opened new police stations in Region 3 and 5 within a week before election day. The Bartica Regional Democratic Council started road works, 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/>.

<sup>10</sup> Other examples include APNU 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.

<sup>11</sup> The maximum amount a list of candidates is entitled to spend is 12,480 EUR.

<sup>12</sup> The fine is 140 EUR.

<sup>13</sup> <https://www.citizenship.gy/release-finance-1/>

owned broadcast and print media are not independent from political influence, as both their chairpersons and boards are appointed by the prime minister and have been historically reflecting views of the government. Most TV channels, radio stations and newspapers are concentrated in the capital and in the coastal area. Traditional and online news media disseminate news content also via social platforms, namely Facebook.

The Constitution guarantees freedom of expression and journalists were able to freely cover the election campaign. Nevertheless, at odds with international obligations, defamation can be prosecuted under criminal law. The Broadcasting Act (2011, as amended), sets the legal framework for electronic media and established the Guyana National Broadcasting Authority (GNBA) as the supervisory body. However, the independence of GNBA from political influence is not guaranteed as the chairperson and all board members, except one, are directly appointed by the president. Both print and online news media are not subject to licensing and access to internet is not restricted.

There is no specific regulation for the coverage of the election period by broadcast and print media. Unlike in 2015, no code of conduct for the media was developed nor any election-related media monitoring was conducted. However, the Constitution and legislation prohibit dissemination of racially divisive messages and incitement to violence and hatred. The Broadcasting Act requires broadcasters, *inter alia*, to provide a fair and balanced coverage of matters related to national politics and to distinguish between editorial and paid-for content.

The EU EOM media monitoring observed that limited capacity of broadcast media to produce information and editorial content, along with their political affiliation, contributed to a highly partisan coverage of the election period.<sup>14</sup> The media coverage of the electoral contenders largely focused on the APNU+AFC coalition and PPP/C with other parties receiving a very limited coverage. None of the monitored broadcast media organised talk shows or election debates with representatives from different parties. Broadcast media at national and local level, apart from their newscasts, were generally used as a platform to promote the two main contestants via political advertisements, paid programmes and coverage of campaign events. The paid coverage on both broadcast and print media often fuelled a negative campaign between the two main camps.

The state-owned broadcast media, which benefit from the widest reach in the country, showed an overt bias in favour of the government and ruling coalition. 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.<sup>15</sup>

Private broadcasters also showed a bias in their coverage of the election campaign. Namely, *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 as well as 23 per cent to APNU+AFC.

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<sup>14</sup> The EU EOM monitored from 10 February to 1 March 2020 a sample of media outlets composed of four TV channels monitored daily from 17:00 to 24:00 (Channel 11, Channel 9, Channel 28 and Channel 65); three radio stations monitored daily from 6:00 to 10:00 (Voice of Guyana/102.5 FM, Hits and Jam/94.1 FM and Freedom Radio 91.1 FM); four newspapers (Guyana Chronicle, Stabroek News, Kaieteur News and Guyana Times). Detailed media monitoring results will be included in the EU EOM Final report.

<sup>15</sup> 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.

The state-owned newspaper, *Guyana Chronicle*, provided extensive news coverage of the incumbent president, government and ruling coalition, offering considerable space to letters from readers critical towards PPP/C. Conversely, *Guyana Times* offered wide and positive coverage of PPP/C and substantial negative coverage of the government and ruling coalition. *Stabroek News* and *Kaieteur News* proved to be rather balanced in their news coverage.

## IX. DIGITAL COMMUNICATION AND SOCIAL MEDIA

### *Online campaign dominated by the two main competitors was affected by derogatory messages*

More than half of the population use social networks, above all Facebook, the most influential information-sharing platform for Guyanese. However, access to the internet outside of larger urban areas is limited. Campaigning online is not regulated. APNU+AFC and PPP/C were the two dominant forces campaigning on social platforms. The incumbent benefited from online promotion of governmental activities by DPI. Among others, only CG, TCI and to some extent the three joinder parties, which were at times promoted by a popular social media influencer, conducted a visible online campaign. Three contestants informed the EOM that their online activities were hindered.<sup>16</sup>

APNU+AFC and PPP/C frequently boosted their campaign messages via paid ads on social platforms. The mission also captured paid ads – messages, memes or videos – ridiculing or discrediting one or another of the two major political forces, run from Facebook pages of third parties whose affiliations with contestants were unclear. The harmful messages may have interfered in the formation of voters' electoral opinions. Neither Facebook's Ad Library nor Google's Transparency Report allowed for effective monitoring of the extent or cost expended on the ads by the contestants or third parties. Citizens' private data is not protected by law, but a potential abuse of data for campaign purposes was not identified by mission interlocutors as a concern in these elections.<sup>17</sup>

The mission received credible reports that social network users were employed by campaigns to promote political actors or attack opponents. The EU EOM also found a number of – likely fake – Facebook accounts, which were used as partisan campaign tools, supporting or targeting one or another major political force.<sup>18</sup>

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.<sup>19</sup> Fact-checking initiatives were absent. The mission also identified that messages with racial connotation in the comments section of posts on platforms were common; this is 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 ethnically offensive comments was valuable. There were no other visible efforts to monitor and tackle this issue on social platforms.<sup>20</sup>

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<sup>16</sup> LJP and URP informed the EU EOM that unknown actors were repeatedly reporting their Facebook pages as violating community standards, curbing parties' ability to campaign; TCI reported that its website was repeatedly hacked.

<sup>17</sup> There is no data protection and privacy legislation in Guyana; the Cybercrime law penalises unauthorised access to computers systems to intercept, interfere and acquire electronic data.

<sup>18</sup> The EU EOM downloaded 20 sets of conversations on public Facebook pages, each with 200 – 220 comments. Of the accounts involved 7 per cent were likely fake, 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.

<sup>19</sup> Examples of misinformation included a cloned Facebook page of a media outlet, or a video spot of unknown origin promoting the incumbent party that included the images of the EU EOM.

<sup>20</sup> The initiative Heal Guyana was promoting national cohesion and political dialogue with a series of media spots.

## **X. PARTICIPATION OF WOMEN**

### ***Despite women quota for lists, no legal guarantee of women participation in the legislature***

The Constitution provides that the selection of names from a party list to take up elected seats should take the proportion of women in the electorate into account. 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. 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 for women participation contrary to Guyana's constitutional and international commitments. Positively, women nonetheless held 32 per cent of seats in the outgoing parliament and almost half of seats in the cabinet. Moreover, three out of nine presidential candidates and over 40 per cent of all candidates contesting the general elections were women. Women play a significant role as presiding officers and as polling station staff. GECOM did not provide gender-disaggregated data on the lists of candidates and on the voter list.

## **XI. PARTICIPATION OF PERSONS WITH DISABILITIES**

### ***No special measures ensuring independent voting and the secrecy of the vote***

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 the Guyana Council of Organisations of Persons with Disabilities 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. Against this backdrop, Guyana has not yet fulfilled its commitments under the UN Convention for the Rights of Persons with Disabilities, which obliges states parties to guarantee that persons with disabilities can exercise their political rights on an equal basis with others.

Positively, GECOM voter education ads on TV made use of sign language. The majority of campaign events observed by the EU EOM was seen as accessible for persons with reduced mobility. Seven political parties' campaign manifestos mention disability-specific policies, however, political will has yet to be translated into concrete actions.

## **XII. POLLING, COUNTING AND TABULATION**

### ***High turnout in generally well managed and largely peaceful vote, despite few non-violent incidents and inconsistent application of some procedural safeguards***

Polling was generally well managed and was assessed overwhelmingly positively by EU observers. All observed polling stations opened on time with all essential material. Long queues that had built in the morning in front of many polling places were generally processed in orderly fashion, with no major disruption reported despite isolated non-violent incidents.<sup>21</sup>

Voting procedures were generally followed, and the secrecy of the vote was ensured in virtually all polling stations observed. However, safeguards against potential double voting by members of the

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<sup>21</sup> In Mon Repos (Region 4) and Good Intent (Region 3), accusations of fraud resulted in stand-offs between APNU+AFC and PPP/C.

disciplined forces who had already voted on 21 February were not applied consistently. The names of these voters were not systematically checked against the lists of concerned personnel.<sup>22</sup>

In a large majority of polling locations visited, election officials had to redirect some voters to other polling places. EU observers reported several cases of voters whose change of address, recorded during last year's house-to-house registration, was not reflected in the OLE.

APNU+AFC and PPP/C polling agents were present in virtually all polling stations observed, contributing to the transparency of the process, without interfering or influencing voters. Newer political parties and citizen observers were rarely represented. A large majority of polling station officials and party agents were women.

The counting process was assessed positively by EU observers. While detailed reconciliation procedures were not always followed properly, the vote count was conducted in a transparent manner. In the absence of clear, written instructions, the mission noted concerning levels of inconsistency in the results transmission and tabulation processes, undermining critical safeguards for integrity of the results. The mission observed that significant number of envelopes containing polling station results protocols were not properly sealed or, in some cases, were opened by DROs before being handed over to the ROs. The tabulation process at district level started late on election night and is still ongoing. The level of transparency in the verification and tabulation of polling station results varied among districts.

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An electronic version of this Preliminary Statement is available on the Mission website  
[www.eueomguyana.com](http://www.eueomguyana.com)

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<sup>22</sup> GECOM processed the names of all disciplined forces members who had already voted on 21 February only after printing the official lists of electors for use in each polling station. As a result, this information was only provided to the concerned polling station through supplemental list highlighting the names of these voters.