



CONVERSATION TREE

Mandatory biometric identification is unconstitutional

By [Ralph Ramkarran](#) January 26, 2025



The Chair of GECOM, Justice Claudette Singh, has decided that biometric identification as the sole, mandatory, means of identification in unconstitutional. Under normal circumstances, it would be expected that this decision should bring an end to the Opposition clamour for biometric identification and that its advocates would reorient their campaign for legal reform. Not so!

<div>-17%</div> <div>\$581.83</div>	<div>-16%</div> <div>\$1,303.21</div>	<div>-13%</div> <div>\$1,179.68</div>	<div>-5%</div> <div>\$620.36</div>	<div>-7%</div> <div>\$1,001.09</div>	<div>-25%</div> <div>\$1,028.11</div>
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biometrics requirement to vote similarly violates articles 59 and 159 of the Constitution. Since it would be a constitutional violation, the only possibility of clearing the way for the use of biometrics is an appropriate constitutional amendment...."

In her recent decision on the issue of biometric identification, the Chair of GECOM is quoted by SN on 23 January as stating: "Introducing a system of biometric Identification of voters digitally as a mandatory, or only, means of identification would impose an additional requirement for voters and would therefore be unconstitutional. It may however, be used as an additional mechanism to aid in the identification of electors where, if a person who is eligible to vote cannot be identified using the digital fingerprint, the other methods can still be used to identify him and allow him to vote. It is my opinion that GECOM could introduce it in that way as another tool to identify persons. However, in this regard legislation will be necessary for the introduction of such tools." Justice Claudette Singh is the leading authority in Guyana on the issues of legality and constitutionality relating to the right to vote, having presided over the Esther Perreira Case which gave the definitive decision on the matter in 2001.

Therefore, legal obstacles placed in the path of voters that obstruct them from voting if they are qualified under articles 59 and 159 of the Constitution, namely, they are Guyanese, over the age of 18 and registered to vote, are unconstitutional. This is the view that has been subsisting since 2001 and is known to those who are advocating for biometric voting, that is, the use of digitised fingerprints as the sole means of identification to enable a person to vote. Yet, some are not convinced,

✓ Vincent Alexander, a member of the Elections C

foundation to move forward on this matter has not been answered by those advocating biometric voting, in the face of dissent by the leading authority on the subject, Justice Claudette Singh, when is it going to be answered by the advocates?

In a long letter to the KN by Mr. Roysdale Forde S.C., on 24 January, responding to the decision of Justice Singh, the Chair of GECOM, Mr. Forde ignored the issue completely. Instead, he treated us to a long explanation as to why biometric voting is necessary to secure our electoral integrity. He was critical of GECOM, the electoral system and of the alleged pervasive electoral malpractices of the PPP. But on the crucial question of the constitutionality of biometric voting, Mr Forde was silent although he has to be familiar with the Esther Perreira Case. Mr. Forde studiously avoids addressing this issue, the resolution of which is a pre-condition for a decision on the implementation of biometric voting. In view of Justice Singh's decision, now GECOM's, Mr. Forde needs to chart a way forward, if he can find one, by which the obstacle of unconstitutionality of biometric voting is overcome.

In a statement by the AFC published in yesterday's SN, Mr. David Patterson, the Chairman, called on the Government, or reiterated a call on GECOM by Leader Nigel Hughes, I'm not sure which, to immediately send to the Government a suite of amendments to relevant laws required to facilitate the use of this "proven voter verification method to prevent individual multi-voting." If this "suite" includes constitutional reform, I do not believe that any government on the face of the earth will plunge a nation into constitutional reform to facilitate a partisan political demand on the basis of no, or no credible, evidence of multiple voting.

After the elections, which the PPP won, the PNC, in the case of Esther Perreira, challenged the constitutionality of the law. The Judge ruled in favour of the PNC and ruled that the PPP was not entitled to remain in office, two years of its term remaining. Who will convince the PPP to change laws on identity of voters, which are already adequate, having regard to this historical perfidy?

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