



**AFRICAN UNION**

**AFRICAN UNION ELECTION OBSERVATION MISSION TO GHANA 7  
DECEMBER 2020 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS**



**FINAL REPORT**

**MARCH 2021**

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## **ABBREVIATIONS**

ACDEG	African Charter on Democracy, Elections and Governance
ACHPR	African Charter on Human and Peoples' Rights
ACHPR-PW	African Charter on Human & Peoples' Rights/Rights of Women in Africa
AU	African Union
AUC	African Union Commission
AUEOM	African Union Election Observation Mission
BFA	Beijing Platform for Action
BVDs	Biometric Voter Devices
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CI	Constitutional Instrument
CFI	Civic Forum Initiative
CSO	Civil Society Organization
CODEO	Coalition of Domestic Election Observers
CDD	Center for Democratic Development - Ghana
EC	Election Commission
EISA	Electoral Institute for Sustainable Democracy in Africa
EMB	Electoral Management Body
ICCPR	International Covenant on Civil and Political Rights
IDEG	Institute for Democratic Governance
IT	Information and Technology
MFWA	Media Foundation for West Africa
MPs	Members of Parliament
NCA	National Communication Authority
NCCs	National Collation Centers

NCCE	National Commission for Civic Education
NDC	National Democratic Congress
NPC	National Peace Council
NPP	New Patriotic Party
PAP	People's Action Party/ Pan-African Parliament
PRC	Permanent Representatives Committee
PWDs	Persons with Disabilities
RCCs	Regional Collation Centers
STO	Short Term Observer
UDHR	Universal Declaration on Human Rights
UFP	United Front Party
UPP	United Progressive Party

## **ACKNOWLEDGEMENT**

The African Union Election Observation Mission (AUEOM) to the Republic of Ghana expresses its appreciation to the various stakeholders and institutions whose support and cooperation contributed to the success of the Mission.

The AUEOM is particularly grateful to the Government of the Republic of Ghana and the Electoral Commission (EC) for their assistance throughout the Mission.

The AUEOM values the exceptional leadership provided by His Excellency Mr. Kgalema Petrus Motlanthe, former President of South Africa, and Her Excellency Ambassador Minata Samate Cessouma, the African Union Commissioner for Political Affairs. Further, the Mission appreciates the dedication of the technical support team from the African Union Commission and the Electoral Institute for Sustainable Democracy in Africa (EISA) as well as the commitment of its observers, who diligently reported on the electoral process which was crucial to the success of the Mission.

## **EXECUTIVE SUMMARY**

Ghanaians went to the polls on 7 December 2020 to elect a President and Members of Parliament. These were the eighth consecutive elections under the Fourth Republic since returning to civilian rule and the re-introduction of multiparty politics in 1992. The elections were held within the context of the COVID-19 pandemic which required the Electoral Commission (EC) to put in place unprecedented preparatory measures.

In spite of the challenges posed by the COVID-19 pandemic, Ghana managed to conduct all aspects of the electoral process to further consolidate its democracy in line with its Constitutional provisions. The country has an enviable track record of consistently conducting credible and peaceful elections since 1992, which has helped deepen its democracy. The 7 December 2020 polls solidified its position as a beacon of democracy in the West Africa sub-region.

Following an invitation from the EC and Government of the Republic of Ghana, and as part of its mandate to promote peaceful and credible electoral processes in Africa, the African Union Commission (AUC) deployed a short-term election observation mission to Ghana on 1 December 2020. The Mission was led by His Excellency Kgalema Petrus Motlanthe, former President of South Africa, and assisted by Her Excellency Minata Samate Cessouma, African Union (AU) Commissioner for Political Affairs. The objective was to make an independent and impartial assessment of the conduct of the elections and offer recommendations for improvement of future elections in Ghana.

The Mission's assessment of the 2020 Ghanaian elections was based on consultations held with diverse stakeholders and direct observation of some aspects of the electoral process. This report presents the Mission's overall findings and final assessment of the conduct of the 7 December 2020 elections.

### **Overview of Key Findings**

The AUEOM found the 7 December 2020 elections were generally orderly and peaceful and conducted in accordance with Ghana's legal framework and international obligations for democratic elections. The EC conducted all aspects of the electoral process in a transparent, professional and competent manner despite the challenges posed by the COVID-19 pandemic. The EC undertook a number of administrative and policy changes that contributed to the credibility of the electoral process. Some of the changes made include the provision of the final voters'

register to political parties 21 days before elections, the extension of the period of notice for the voter registration exercise from 14 to 21 days, the reduction of the number of voters per polling station, the use of (Biometric Voting Devices (BVDs) for the exhibition of the provisional register and the implementation of continuous voter registration.

Ghana's Constitution provides for and guarantees fundamental human rights and freedoms, including the right to political participation and freedoms of expression, association and assembly. The Mission notes that fundamental rights and freedoms were largely respected and protected throughout the electoral process. It notes also that legal amendments introduced prior to the elections, such as the amendment on Constitutional Instrument (CI) 127, which allow the presence of the agents of political parties and candidates to observe the counting and tabulation process at the regional and national levels, enhance the quality of the voters' register and promoted transparency in the electoral process. However, the absence of a law explicitly prohibiting the use of public resources and limiting the amount of money used in political campaign activities was a serious gap in the legal framework that could lead to an abuse of state resources and corruption in the electoral process. It also has the potential to skew the electoral contest in favour of the dominant political parties.

The EC's decision to compile a new voters' register ahead of the 7 December 2020 elections generated a high degree of controversy, mutual suspicion and mistrust, especially between the ruling and opposition political parties. The disagreement was mainly about the timing of the exercise and the documentary requirements for new registrants. Although the EC proceeded to compile the voters' register and the process was reported as generally peaceful, inclusive and credible, with over seventeen million certified voters in it, the exercise laid the basis for the main opposition party – the National Democratic Congress (NDC)'s constant doubt and questioning of the EC's impartiality.

Campaign activities by political parties were largely free from violence (with only a few instances of violence noted), issue-based (were mainly education, unemployment, corruption and the economy), and highly competitive. The Mission notes the reports from local observer groups and other stakeholders that political parties and candidates were allowed to campaign freely in all parts of the country without hindrance. However, the campaigns were reportedly dominated by the two main political parties – the ruling National Patriotic Party (NPP) and main opposition NDC, with little visibility observed by the others. Electronic and social media were the preferred means of reaching out to voters due to COVID-19 pandemic restrictions. This, however, reportedly gave rise to increased misinformation on social media platforms.

While women constituted the highest number of registered voters (about 51.7%) in the 2020 elections, their representation in elective positions was disappointingly

low. For instance, of the 914 candidates nominated for parliamentary seats, only 125 were women and only 40 were subsequently elected. The low representation of women in leadership positions within political parties in the 2020 elections was attributed to a number of factors such as internal party policies and practices, the traditional conception of gender roles, with politics generally perceived as the competence of men, increase in the cost of running for political office, and women's insufficient financial means to vigorously compete against their male counterparts. The Mission notes, however, there were three (3) female presidential candidates – an increase of one from the 2016 elections – and another as running mate for the presidential candidate of the main opposition party.

The media in Ghana is diverse and largely accessible. However, reports received by the Mission indicate that the state-owned media did not grant equal access to especially 'smaller' parties. The Mission notes the misuse of social media platforms in propagating misinformation about the electoral process which has negative implications for the country's democracy, peace and stability.

The main opposition party complained about insufficient consultations in the appointment of electoral commissioners and during the Inter-Party Advisory Committee (IPAC) deliberations on the election preparations. While the Mission could not confirm the veracity of these claims, it notes that the lack of effective consultation with key stakeholders on election-related matters could undermine trust and confidence in the process, and also erode the relevance of IPAC as a dialogue and consensus-building mechanism that has immensely contributed to Ghana's democratic development.

Voting took place in a peaceful and orderly environment. Except for a few places, all observed polling stations opened and closed on time, and electoral officers demonstrated sufficient knowledge of the procedures. Security personnel were present at all polling stations observed and conducted themselves professionally. In all of the polling stations observed, the Biometric Voting Devices (BVDs) worked well.

The EC announced the final results of the presidential election on 9 December 2020. The results announced showed the incumbent President Nana Akufo-Addo won with 51.6%, while the main opposition candidate John Dramani Mahama got 47.4% of the votes. However, the main opposition leader challenged the validity of the outcome and subsequently filed a petition to the Supreme Court on 30 December 2020. In his petition, he alleges fraud and serious violations of the Constitution by the EC and sought the Supreme Court to declare the announced presidential results as null and void. After deliberations, the Supreme Court unanimously dismissed the petition due to a lack of credible evidence presented in the petitioner's claim.



The post-election violence between opposition party supporters and security personnel in which at least five people were killed and many more injured mars otherwise generally peaceful elections. The violence was contrary to the spirit and letter of the Peace Pledge signed by key political figures ahead of the elections and cast a shadow over the country's stable democracy.

Based on its findings, the Mission offers a number of recommendations to support efforts to bring elections in line with Ghana's national legal framework and international commitments and obligations for democratic elections. Accordingly, the Mission recommends the consistent use of consultative mechanisms to address electoral matters; increasing women's political participation and representation (elected and appointed), including through the adoption of temporary special measures, such as quotas, where relevant; adopting legal reforms and other administrative measures to regulate campaign finance and prevent the abuse of public resources during electoral processes; further clarification and agreement on the requirements for registering new voters; and respect for the impartiality of the EC and recognition of its legal authority to announce election results.

## I. INTRODUCTION

Following an invitation from the Government and Electoral Commission (EC) of Ghana to observe the 7 December 2020 presidential and parliamentary elections and in accordance with its mandate of promoting democratic elections in Africa, the African Union Commission (AUC) deployed a Short-Term Election Observation (STO) Mission to Ghana from 1 to 12 December 2020. The Mission was led by His Excellency Kgalema Motlanthe, former President of South Africa, and included Her Excellency Minata Samate Cessouma, the AU Commissioner for Political Affairs who assisted the Mission leader, four (4) electoral experts, twenty-one (21) Short-Term Observers (STOs) and technical support team from the AU and the Electoral Institute for Sustainable Democracy in Africa (EISA)<sup>1</sup>.

The purpose of the Mission was to provide an independent, impartial and objective assessment of the preparations and conduct of the 7 December 2020 elections to determine its compliance with Ghana's national legal framework and international obligations for democratic elections. Based on this, the Mission proffers recommendations for improvement of the conduct of future electoral processes in Ghana.

To achieve its objectives, the Mission undertook several activities, including organizing a one-day briefing program for its observers on 2 December 2020 and consultations with several stakeholders including the President of the Republic of Ghana, the Chairperson and members of the Electoral Commission, the executive leaders of the two main political parties, the National Peace Council, security agencies, civil society organisations, and local and international observer groups, amongst others. These consultations provided a good opportunity for the leadership and observers of the AUEOM to gain a full understanding of the political context, the electoral preparations and other pertinent issues surrounding the 7 December 2020 elections. On election day, the Mission deployed observers in teams of two, who witnessed the opening, voting and closing and counting procedures in 78 polling stations in 4 of the 16 regions in Ghana.

The Mission conducted its observation activities in accordance with Ghana's national legislation as well as AU and international standards for democratic elections, such as the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights, the 1982 African Charter on Human and People's Rights, the 2002 OAU/AU Declaration on the Principles Governing Democratic Elections in Africa, the 2002 African Union Guidelines for

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<sup>1</sup> See Annex 1 for a list of the Mission's delegation.

Election Observation and Monitoring Missions, the 2005 Declaration of Principles for International Election Observation, and the 2007 African Charter on Democracy, Elections and Governance.

The Mission's findings, conclusions and recommendations are based on consultations held with key stakeholders during the immediate period before the elections, a review of Ghana's legal framework for elections, and direct observation of the opening, voting and counting processes in polling stations.

## II. PRE-ELECTION FINDINGS

### A. Political Context

The 7 December 2020 presidential and parliamentary elections were the eighth consecutive democratic elections held since the re-introduction of multiparty politics in 1992. As has been the case since 1992, the elections were keenly contested by the NPP and NDC. These two parties have dominated political power and peacefully alternated the presidency between them. In addition to the mostly two-party contest, the elections saw for the first time that a sitting president, Nana Akuffo-Addo of the NPP contesting against a former president, John Dramani Mahama of the NDC. It was also the third time in a row that the two candidates have pitted against each other. Hence, the extremely high stakes of the 2020 elections.

Ghana has a good track record of conducting transparent, inclusive and credible elections. Its strong institutions, particularly its vibrant civil society organisations, professional media and independent judiciary, and high level of political tolerance have laid the basis for inclusive democratic governance over the years. Despite this, the country's elections have always been plagued with the threat and/or actual use of violence. The 2020 elections were no exception. In the run-up to and immediately after the elections, there were reports of instances of violence, with the two most notable incidents being the January 2019 Ayawaso West Wuogon by-election and the 9 December 2020 clashes between opposition supporters and security forces. In both incidents, several people reportedly suffered injuries and/or died.

The perennial source of electoral violence in the country has been attributed mainly to political vigilantism<sup>2</sup>, which was reportedly perpetrated by the two leading political parties – the NPP and NDC. Information gathered from stakeholders revealed that the parties have justified raising vigilante groups due to the perceived bias of the national security forces towards the ruling party. Despite efforts to ban political vigilantism and ensure election security by, for instance, passing the Vigilantism and Related Offenses Act in August 2019 and Signing of a Peace Pledge by leaders of political parties on 4 December 2020, political violence still occurred in the 2020 elections.

The AUEOM notes that the high-level use of political rhetoric, controversy over the integrity of the voters' register, weak implementation and enforcement of applicable laws on violence and the waning influence of conflict prevention and mitigation mechanisms such as the IPAC and National Peace Council were contributing factors for the tense political situation during the 2020 elections. It further notes that

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<sup>2</sup> A type of private security comprising macho men for tops political officials.

the use of violence during elections threatens democratic participation and makes Ghana's democracy fragile.

## **B. Legal Framework**

Ghana's legal framework for elections consists of the 1992 Constitution, the 2002 Political Parties Act, the 1992 Representation of the People's Law, case laws based on Supreme Court opinions of previous election-related petitions, and regulations formulated by the EC and approved by Parliament. Constitutional provisions related to the conduct of elections are operationalized through the formulation of Constitutional Instruments (CIs) called Public Education Regulations. During intervals of the electoral cycle, the EC also develops subsidiary laws including administrative guidelines and policies.

The legal framework provides a basis for the conduct of genuinely democratic elections. For instance, the Constitution provides for and guarantees fundamental human rights and freedoms, including the right to political participation and freedoms of expression, association and assembly.

Legal amendments introduced prior to the 2020 elections, such as amendment on CI 127, which allow the presence of political parties and candidates' agents to observe the counting and tabulation process at regional and national level enhanced transparency in the electoral process and ensured timely announcement of results at both regional and national level.

Concerns were however raised by some stakeholders in relation to the absence of a law explicitly prohibiting the use of public resources and limiting the amount of money used in political campaign activities as a serious gap in the legal framework that could lead to an abuse of state resources and corruption in the electoral process. The absence of a law prohibiting the abuse of state resources and limiting campaign finance has the potential to skew the electoral contest in favour of the incumbent and dominant political parties.

## **C. Electoral System**

Ghana practises both the majoritarian and First-Past-the-Post electoral systems. In presidential elections, the winner is the candidate who earns a majority percentage of the valid votes cast, that is, fifty percent plus one. A second-round election is conducted for the candidates who obtained the two highest numbers of votes if no candidate earns a majority in the first round. In Parliamentary elections, however, this majoritarian clause does not apply, and a candidate is declared the winner by simple majority, that is, if the candidate earns more votes than any other candidate

The electoral system in Ghana has encouraged the emergence of the two-party system in which the two major parties – the NPP and NDC – consistently dominate the political landscape and making it extremely difficult for any other party attempting

to achieve electoral success – be it at presidential and parliamentary level – under any banner other than those of the two dominant parties.

#### **D. Election Administration**

The EC is a permanent body established under the 1992 Constitution for the overall conduct of public elections in Ghana. It is composed of seven members<sup>3</sup> – a Chairperson, two Deputy Chairpersons and four others, all appointed by the president in consultation with the Council of State. Both the Chairperson and the two deputies have permanent tenure of office and enjoy the same terms and conditions of service as justice of the superior courts in Ghana. The EC's functional independence is constitutionally guaranteed. Its funding is as provided for in the Consolidated Fund.

The 2020 elections were conducted under the leadership of Mrs. Jean Mensa, who was appointed in 2018. This followed the dismissal of former Chairperson Ms. Charlotte Osei alongside her two deputies. The AUEOM was informed of divided opinion on the dismissal of the former Chairperson and the appointment of new EC members without consultation with the opposition.

Despite this, the EC conducted all aspects of the 2020 electoral process in a transparent, professional and competent manner. In a positive step, it undertook a number of administrative and policy changes that contributed to the credibility of the electoral process. Some of the changes implemented include providing the final voters register to political parties 21 days before elections, the extension of the period of notice for the voter registration exercise from 14 to 21 days, the reduction of the number of voters per polling station, the use of BVDs for the exhibition of the provisional register and the implementation of continuous voter registration. It also put in place communication mechanisms for the effective dissemination of electoral information to the public. Additional measures were put in place to ensure adherence to COVID-19 health and safety protocols during the entire electoral process.

The AUEOM notes that the fallout in the dismissal of the former Chairperson and the appointment of new EC members as well as the controversy surrounding the conduct of the voter registration diminished the main opposition party's trust and confidence in the neutrality and impartiality of the current leadership of the EC. The main opposition party also complained about insufficient consultations by the EC during the Inter-Party Advisory Committee (IPAC)'s deliberations on election preparations

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<sup>3</sup> These are Mrs. Jean Mensa (Chairperson), Mr. Samuel Tettey (Deputy Chairperson in charge of Operations), Dr. Bossman Eric Asare (Deputy Chairperson in charge of Corporate Affairs), Mr. Ebenezer Aggrey-Fynn (Commission Member), Mrs. Rebecca Kabukie Adjalo (Commission Member), Mrs. Hajia Sa-Adatu Maida (Commission Member) and Ms. Adwoa Asuama Abrefa (Commission Member).

## **E. Voter Registration**

A credible and inclusive voter register is essential for the conduct of democratic elections. A complete voter registration exercise was conducted by the EC from 30 June 2020 to 6 August 2020, in which a total of 17,027,641 voters were registered. This process was conducted at the height of the COVID-19 pandemic. In addition to the finger verification used in the previous register that was last updated in 2012, the EC registered voters through an updated biometric system that required facial recognition. This was in an effort to rectify the challenges noted in the previous system.

A nation-wide exhibition of the Provisional Voter Register was carried out by the EC from 18 to 27 September 2020. Despite reports of some instances of missing names noted during the exhibition exercise, stakeholders informed the AUEOM that the voter registration was successful with a very impressive turn-out figure. The quality of the voter register was enhanced by the presence of party and candidates' agents who scrutinised the registration exercise throughout.

However, the conduct of the biometric voter registration exercise was one of the most contentious issues in the 2020 elections. The NDC, in particular, raised concerns about the timing of the exercise, which was held during the COVID-19 pandemic and its impact on turnout as well as the documentary requirements for new registrants. Although the EC proceeded to compile the voters' register and the process was reported as generally peaceful, inclusive and credible, with over seventeen million certified voters in it, the exercise laid the basis for the NDC's constant doubt and questioning of the EC's impartiality.

## **F. Candidate Registration and Nomination**

The EC invited presidential, parliamentary and independent candidates to file their nomination forms from 5 to 9 October 2020. The filing fee was set at one hundred thousand Ghanaian cedis (GH¢100,000) and for presidential candidates and ten thousand cedis (GH¢10,000) for parliamentary candidates. Out of the 17 nomination forms received from presidential candidates, only 12 were approved after vetting. Of these one contested as an independent candidate and three were women. In general, the candidate registration process was deemed to be inclusive despite concerns about the high fees for nomination.

Securing party nominations is as fiercely contested and expensive as the parliamentary election itself. The NPP held party primaries in June 2020, during which a total of 42 out of the 169 sitting Members of Parliament (MPs) lost their seats. Stakeholders informed the Mission of the association between party primaries and delegate vote-buying. In the case of NPP, it was the efforts by the losing candidates to retrieve their cash and material gifts that exposed the practice of vote-buying. The NDC, through a press release, expelled 18 of its members who

lost at the party primaries but opted to vie as independent parliamentary candidates. Of the 18, three were sitting MPs. The numerous fallouts during party nominations are reflective of the lack of trust in internal party democratic processes.

### **G. Election Campaign**

The 2020 electoral campaign was conducted within the context of the COVID-19 pandemic, which means some measures of control such as a ban on public gatherings and political rallies were instituted to prevent the spread of the disease. In view of this, political parties resorted to using radio, TV and social media to reach out to voters. The demise of former President Jerry Rawlings on 12 November 2020 further muted election campaigns as parties paused for seven days in honour of his death.

Despite this, the elections were highly competitive, with the campaigns largely dominated by the two leading parties – NPP and NDC – and little visibility observed by the others. Political parties and candidates were allowed to campaign freely in all parts of the country without hindrance. The main issues discussed during the campaigns included education, health, unemployment, corruption scandals, and the economy.

The campaign rhetoric was at times antagonistic, with a few instances of violence reported during campaigns. The use of electronic and social media gave rise to increased misinformation on social media platforms.

### **H. Campaign Finance**

Article 55 of the 1992 Constitution and the Political Parties Act (Act 574) provides for the establishment and regulation of political parties, including their sources of funding. The allowable sources of funding for political parties include membership dues and contributions, nomination fees, donations from citizens in the diaspora and sales from party paraphernalia.

The AUEOM noted the implications of gaps in political party financing such as the absence of public funding and the lack of a law explicitly prohibiting the use of public funds or resources for campaign purposes. This creates an environment for the potential abuse of state resources and the use of opaque money to influence of the outcome of elections.

Political campaigns form the highest expenditure for both parties and candidates. Findings from research undertaken by CSOs contend that candidates who belong to parties that have a greater chance of winning more votes at the national and local level tend to spend more than those from smaller parties. Consequently, other parties and independent candidates do not compete on the same level as the NPP and NDC.



## I. Participation of Women

Ghana's Constitution included guarantees of equal participation of men and women in the electoral process. Ghana is also a signatory to several regional and international treaties that prohibit discrimination and encourage the equal participation of women and men in public affairs.<sup>4</sup>

The Mission notes that, in general, Ghana's legal framework is quite conducive for the participation of women in electoral and political processes. It also notes that a majority of members of the EC (4 out of 7 commissioners) are women and that women constituted the highest number of registered voters in the 2020 elections (about 51.7%). Three (3) of the twelve (12) presidential candidates were also women – an increase of one from the previous elections and, for the first time ever, a woman was nominated as presidential running mate by one of the two main political parties in the country.

Despite this positive step, the AUEOM found women's representation in elective positions in Ghana disappointingly low. For instance, of the 914 candidates nominated for parliamentary seats, only 126 were women and only 40 were subsequently elected. A similar low representation was noted in the previous (2016) elections where only 38 of 275 parliamentary seats were won by women<sup>5</sup>.

The low representation of women in leadership positions in the 2020 elections, especially within political parties, was attributed to a number of factors such as internal party policies and practices, the nature of the electoral system, the traditional conception of gender roles with politics generally perceived as the competence of men, and insufficient financial means for women to vigorously compete against their male counterparts. In addition, there is a lack of political will by the state to take temporary special measures, such as affirmative action, to achieve de facto equality for women.

## J. Media

Freedom of expression and the media is protected by the Ghanaian Constitution. Article 21 states that "all persons shall have the right to freedom of speech and expression, which shall include freedom of the press and other media". Overall, this right was reported to have been respected during the 2020 electoral process.

Ghana enjoys an independent, vibrant and pluralistic media that allows access to information to a variety of stakeholders and viewpoints. Reports received by the

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<sup>4</sup> For instance, Ghana is a signatory to the 1979 UN Convention on the Elimination of All Forms of Discrimination Against Women (UN CEDAW); the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (better known as the 'Maputo Protocol'); the 2007 African Charter on Democracy, Elections and Governance; among others.

<sup>5</sup> See report by the Nordic African Institute titled "A step forward but no guarantee of gender-friendly policies": <https://nai.uu.se/news-and-events/news/2020-12-03-a-step-forward-but-no-guarantee-of-gender-friendly-policies-female-candidates-spark-hope-in-the-2020-ghanaian-elections.html>.

Mission indicate that the media played a major role in the 2020 electoral process. For instance, in disseminating electoral information to voters and covering campaign activities of political parties. The public broadcaster, Ghana Broadcasting Corporation (GBC) and private media granted access to all political parties and candidates during the electoral process, although the media was dominated by the NPP and NDC.

Despite the positive role played by media outlets, some stakeholders voiced concerns about the affiliation with political parties, especially the main political parties, resulting in a compromise in their editorial independence and uneven access for smaller parties and independent candidates. In addition, the Mission notes reports of the misuse of social media platforms in propagating misinformation about the electoral process, which has negative implications for the country's democracy, peace and stability

### **K. Civic and Voter Education**

Effective voter education efforts are crucial to ensuring that all potential voters not only have the necessary information to effectively exercise their right to vote but also to have confidence in the entire electoral process.

Cognisant of the importance of inclusive and effective civic and voter education, Ghana established the National Commission for Civic Education (NCCE) and the EC to lead efforts in ensuring an informed electorate. Their efforts were complemented by political parties, civil society organisations and religious bodies.

The AUEOM observed a strong presence of some of these institutions on social media providing timely and factual information to the public and countering misinformation and fake news. For instance, the EC maintained a strong presence on social media and ran a vibrant campaign dubbed *#LetTheCitizenKnow*.

### **L. Role of Civil Society Organisations**

Ghana has diverse and vibrant civil society organisations (CSOs). In the 2020 elections, they played a significant role in monitoring and ensuring credible electoral process, disseminating electoral information to voters, mobilising political actors to commit to peaceful elections, mapping hotspots and electoral risks, and promoting peace messages, among others.

The AUEOM notes and applauds the immense contributions of Ghana's CSOs in the development and consolidation of democracy and prevention of political and electoral violence in the country through research, advocacy, civil and voter education, and monitoring and observation. In particular, the Mission noted the outstanding efforts of the Coalition of Domestic Election Observers (CODEO), the Centre for Democratic Development (CDD-Ghana), the Institute for Democratic Governance (IDEG), West African Network for Peacebuilding (WANEP-Ghana), the National Peace Council (NPC), among others.

### **M. Proxy Voting**

Regulation 23 (CI) provides for Voting by Proxy. This provision enables a registered voter who, because of ill-health or absence from his constituency, or unable to present himself to vote on polling day in the constituency where he is registered, to apply to the returning officer of the constituency where he is registered or to any representative of the Commission for his name to be entered on the proxy list. The Mission did not witness or observe any proxy voting but commends Ghana for having this provision reduces the disenfranchisement of voters who cannot present themselves on polling day.

### **III. ELECTION DAY OBSERVATION**

Voting in the 2020 elections was conducted at two separate times – on 1 and 7 December 2020. Voters with special duties on election day such as security agencies, media, health (ambulance) workers, domestic election observers and staff of the EC were allowed to vote earlier on 1 December, while the rest voted on 7 December.

#### **a. Special Voting**

Special voting took place on 1 December 2020 for registered voters with special duties on election day on 7 December such as security personnel, health workers, media, domestic observers and election officials<sup>6</sup>. A total of 109,577 registered voters were approved to cast their ballots during the special voting exercise. The exercise took place at 311 EC designated voting centres in all 275 constituencies. Each constituency conducted special voting at one polling centre only, which allows for centralisation and protection of the ballots. Special voters are only allowed to vote in the constituency in which they will be working on election day. Ballots cast during the Special Voting were not immediately counted. They were collated, kept under security in a police station and only counted as part of the results for the general elections. At the end of the exercise, the EC announced that it recorded an impressive 87.8% turnout.

Although the AUEOM did not directly observe the special voting exercise, reports from stakeholders indicated that the exercise was peaceful and well done. All election materials arrived well ahead of time and the biometric voting devices (BVDs) worked to satisfaction. The Mission noted the inclusion of accredited media personnel and election observers were part of the electoral reform recommendations adopted and implemented by the EC.

#### **b. Election Day**

The AUEOM observed all aspects of election day operations. It observed the opening and closing and counting process in 7 polling stations and the voting process in 78 polling stations across four (4) regions.

##### ***Opening Process***

The AUEOM observed the opening of the polls in 07 polling stations which were all located in urban areas. Four (4) of these opened on time. Delays in the other three (3) ranged from 1 to 30 minutes. The reason for the late opening was due to poor preparations by polling personnel. There were sufficient election materials at all polling stations where the opening was observed. Ballot boxes were properly sealed, and the polling stations were set up in a way that ensured the smooth processing of voters.

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<sup>6</sup> The 2020 Special Voting was the 7<sup>th</sup> time the EC has conducted the exercise, which began in 1996.

At all polling stations observed there were sufficient EC personnel – about five (5) per station. An average of two (2) to three (3) polling staff were women. A Covid-19 Ambassador was also present in all the polling stations visited and the COVID measures were generally adhered to. However, in some polling stations, measures such as physical distancing in queues and wiping of the BVDs before the next voter were not strictly followed. All the polling stations observed were accessible to people with disabilities and elderly voters. Further, the AUEOM observed the presence of party agents, mainly from the NPP and the NDC, as well as observers. Security officers were present, and their role was generally discreet and professional.

Overall, the opening was peaceful, polling officers adhered to the opening procedures and party agents were knowledgeable about their roles and responsibilities. However, in Greater Accra in Korle Klottey Constituency, Accra Polytechnic 3 polling centre and at the 8 Ringway Estate Constituency, Ridge Church School polling centre, the presiding officers had challenges in directing voters to their correct polling station.

### ***Voting Process***

The AUEOM observed voting procedures in 78 polling stations in 4 regions. Of these, 55 were located in urban areas and 23 in rural areas. The layout in all the polling stations visited during voting was adequate for the easy flow of voters. The ballot boxes were appropriately sealed, and secrecy of the vote guaranteed. A Covid-19 Ambassador was present in all the polling stations visited and most of the COVID-19 measures were observed. However, as observed during the opening, physical distancing in the queues and wiping off the BVDs was not adhered to in some polling stations.

The atmosphere in and around polling stations was generally peaceful and orderly. Security personnel were present at all stations, and their presence was professional and discreet. Most of the polling stations visited (88.5%) were accessible to persons with disabilities. The inaccessible stations were either in facilities with very rough surfaces or were located upstairs. Priority was given to persons with disabilities, the elderly, nursing mothers and other persons requiring assistance.

The presence of women at polling stations as voters, polling officials and citizen observers was noteworthy. On average, 60% of polling officials were women while only 24% of the party agents in all polling stations visited were women. AU observer teams noted an average of 5 party agents per polling station who were able to monitor all phases of the process during voting. International and domestic observers were granted unrestricted access to the polling stations and were allowed to conduct their duties without interference.

The AUEOM teams rated the voting process and the competence of polling station staff as mostly very good. Overall, the voting process was organised in a transparent manner. The transparency was enhanced by an extensive presence of party representatives and citizen observers.

### ***Closing and Counting Process***

The AUEOM observed closing in seven (7) polling stations. The Mission teams reported that all polling stations closed on time and voters in the queues at the time of closing were allowed to vote before the counting process begun. The counting took place in the polling stations immediately after the conclusion of voting and closing procedures. Closing and counting procedures were largely followed. Polling station results sheets were publicly displayed, and party agents received copies.

Overall, election day operations generally proceeded in an orderly and peaceful manner, with election observers, party agents and security personnel all displayed a high sense of professionalism.

## **IV. POST-ELECTION DEVELOPMENTS**

### **a. Transmission, Tabulation and Announcement of Results**

The transmission of results from polling stations to constituency collation centres took place immediately after the close of the counting process. Due to the immediate withdrawal of its observers, the AUEOM was unable to witness the collation of results at the constituency level. However, the Mission's core team members observed the tabulation process at the regional Collation Centre in Greater Accra Region and reported the procedure for receiving and validating results was done in a transparent manner – in the full presence of party agents and observers. The Regional Collation Centres were a new layer introduced by Regulations 127(CI) as a way to increase transparency and accountability.

Ahead of election day, the EC promised to announce final results within twenty-four hours after closing of polls but failed to achieve this owing to delays in transmission of results from all the levels (polling stations, Constituency Collation Centres and Regional Collation Centres). The EC announced the official results on 9 December 2020 – that is, forty-eight hours from the time polls closed, thus missing its own set deadline. The final results announced showed the incumbent President Nana Akufo-Addo won with 51.6%, while the main opposition candidate John Dramani Mahama got 47.4% of the votes. The parliamentary results show a tie in the parliamentary race, with the NPP getting 137 seats, the NDC with 136 seats and an Independent MP holding the balance of power. However, the main opposition leader challenged the validity of the outcome of the presidential election and subsequently filed a petition to the Supreme Court on 30 December 2020.

Despite the NDC's claim of fraud in the elections, the validity of the results announced by the EC was confirmed by the biggest local observer group, the Coalition of Domestic Election Observers, (CODEO), which declared that the results announced were in line with its Parallel Voter Tabulation (PVT) tallies.

## **b. Political Development**

Instances of violence and tension were reported in some parts of the country immediately the final results started to trickle in. There were claims and counterclaims of election fraud and victory by representatives of the two major parties. Unauthorised demonstrations by supporters of the NDC in Greater Accra led to scuffles with security personnel, which unfortunately resulted in the loss of lives. This prompted the heads of the AU and the Economic Community of West African States (ECOWAS) election observation missions to Ghana and the Special Representative of the UN Secretary-General for West African and the Sahel (UNWAS) to issue a joint public statement on 8 December 2020 urging all political parties and their followers to refrain from any conduct that may undermine the successful conclusion of the electoral process.

Aside from the violence that took place between opposition party supports and security forces following the announcement of final results by the EC, chaos also broke out in parliament on 6 January 2021 between lawmakers from the ruling and

opposition parties during the vote for a speaker. The ensuing clash lasted several hours until the army moved in and quelled the situation.

The post-election violence mars otherwise generally peaceful elections. The violence was contrary to the spirit and letter of the Peace Pledge signed by key political figures ahead of the elections and cast a shadow over the country's stable democracy.

### **c. Electoral Complaints and Appeals**

In his petition to the Supreme Court against the results of the presidential elections, the NDC presidential candidate, John Dramani Mahama, alleges fraud and serious violations of the Constitution by the EC and sought the Court to declare the announced presidential results as null and void. After careful deliberations that lasted over two months, the Supreme Court unanimously dismissed the petition on grounds of lack of credible evidence of the petitioner's claim. Mahama, however, was unconvinced with the Supreme Court's decision to reject his challenge to the 7 December 2020 presidential election, calling the trial process a worrying precedent that failed to properly and transparently account to the Ghanaian people. Despite this, he peacefully accepted the judgment and admitted defeat.



## **V. CONCLUSION AND RECOMMENDATIONS**

### **a. Conclusion**

Based on its findings, the AUEOM concludes that the 7 December 2020 presidential and parliamentary elections were well managed, transparent and credible and in general accordance with Ghana's legal framework and its international obligations for democratic elections. The Mission commended the people of Ghana for their generally peaceful conduct and impressive participation in the 2020 elections despite the challenging context of the COVID-19 pandemic.

### **b. Recommendations**

The Mission offers the following recommendations with a view to enhance the conduct of future elections in Ghana:

#### ***Priority Recommendations***

- To achieve gender equality as envisaged in the 1992 Constitution and ensure a more inclusive democracy, political parties should undertake special measures to enhance women's political participation and representation in senior elective positions within party structures.
- Consideration should be given to adopting legal reforms and other administrative measures to regulate campaign finance and prevent the abuse of public resources during election campaigns.
- Consideration should be given to the consistent use of consultative mechanisms to address electoral matters, including in the appointment of electoral commissioners.

#### **Other Recommendations**

##### ***Government:***

- Consideration should be given to building a national consensus on the criteria for and conduct of voter registration to avoid mutual suspicion and mistrust among electoral stakeholders that could undermine the credibility of the electoral process.
- In line with its regional and international obligations to promote women's participation and effective representation in all levels of decision-making, the Government should consider undertaking measures that will ensure gender-inclusive governance.
- Ensure strong, unbiased implementation and enforcement of the 2019 Vigilantism and Related Offences Act and applicable laws to curb politically motivated violence in the country.
- Support the strengthening of conflict prevention and mitigation mechanisms such as the IPAC and National Peace Council to reduce tension among political parties during elections.

***Electoral Commission:***

- Should continue to conduct credible and transparent elections in accordance with Ghana's national legal framework and international commitment for democratic elections.
- Ensure the effective use of the consultative mechanism provided by the Inter-Party Advisory Committee (IPAC).
- Ensure the timely dissemination of information to all electoral stakeholders, particularly on contentious issues, to enhance citizen's trust and confidence in the electoral process.

***Political Parties:***

- Political parties and their supporters must eschew violence before, during and after elections. All parties must show zero-tolerance of violence by upholding the tenets of the Peace Pledge and other applicable regulations for peaceful elections.
- Political parties should refrain from the premature public declaration of election results and should recognise the EC's legal authority to announce election results.
- Support the strengthening of conflict prevention and mitigation mechanisms such as the IPAC and National Peace Council to reduce tension among political parties during elections.

***Media:***

- To guarantee equitable coverage and access for all political contestants, the state broadcaster – Ghana Broadcasting Corporation – should ensure balance in their news and current affairs reporting in the pre-election and campaign period, as required by the law.

***Civil Society Organisations:***

- Should continue to promote peace through civic education and providing evidence-based reports on all aspects of the electoral process.
- Support the strengthening of conflict prevention and mitigation mechanisms such as the IPAC and National Peace Council to reduce tension among political parties during elections.

## ANNEX 2: DEPLOYMENT PLAN

Region	STO No.	Observer name and Local Contact Number	Location	Recommended Hotel
Accra	#1	Martha Luleka (Tanzania) Local Number: 0542427620  Helen Sabwa Local Number:0242954741	Accra	Movenpick Hotel
Volta	#2	Roumba Workya (Burkina Faso) Local Number: 0242955072  Kalombo Djilio Kumbi (South Africa) Local Number:0542427925	Ho	Serene and Chances hotel all in Ho  Vic Charles, Skyplus hotel also Ho
Eastern	#3	Zainab Tunkara Clarkson (Sierra Leone)	Koforidua	Capital view, Macdic

		Local Number: 0242954985  Jude Njomo (Kenya) Local Number: 0242954449	Aburi	Koforidua  Or Aruba hotel Aburi
Ashanti	#4	Emmily Nassungsa Modi Koiti (South Sudan) Local Number: 0542428923  Tekle Tesema Baramo (Ethopia) Local Number: 0552829172	Kumasi	Yegola hotel Kumasi
<b>CORE TEAM</b>				Movenpick Hotel
Idrissa Kamara – Mission Coordinator Local Number:0548440784				
Ellen Dingani – Election Analyst & Team Leader Local Number: 0242955102				
Oscar Bloh – Legal Analyst Local Number: 0242955369				
Faith Adu – Political Analyst Local Number:0594674774				

<p>Muhamad Sabahy – Media and Gender Analyst</p> <p>Local Number:0242955211</p> <p>Lenny Taabu - Technical Support EISA</p> <p>Local Number:0546733775</p> <p>Justin Doua - Technical Support EISA</p> <p>Local Number:0557745412</p>	
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### ANNEX 3: OBSERVER BRIEFING AND ORIENTATION PROGRAMME

DAY ONE: 3<sup>rd</sup> December 2020

<i>Time</i>	<i>Activity</i>	<i>Responsibility</i>
14:00 – 14:15	Introduction and Welcome Remarks	AU Coordination Team Head of AU EOM
14:15 – 15:15	Election observation rationale and methodology <ul style="list-style-type: none"> <li>• <i>Electoral cycle and Observation rationale</i></li> <li>• <i>Observation Vs Monitoring</i></li> <li>• <i>Observation principles</i></li> </ul> <i>AU election assessment methodology</i>	EISA
15:15 – 16:15	Benchmarks for credible elections <ul style="list-style-type: none"> <li>• <i>International and AU instruments</i></li> <li>• <i>Principles for democratic elections</i></li> </ul> Election Day observation	EISA
16:15 – 16:30	Coffee/Tea break	
16:30 – 17:30	Political context of the elections <ul style="list-style-type: none"> <li>• <i>Political background</i></li> <li>• <i>Key issues in the 2020 process</i></li> </ul>	Political analyst

17:30 – 18:15	Legal framework for the 2020 elections  <ul style="list-style-type: none"> <li>• <i>The constitution</i></li> <li>• <i>Electoral Act</i></li> <li>• <i>Electoral system</i></li> </ul> <i>Issues to note about the legal framework</i>	Legal analyst
18:15 – 18:30	Code of Conduct for Observers  Discussions	AUEOM Coordinator
Close of Day 1		

DAY TWO: 4<sup>th</sup> December 2020

<i>Time</i>	<i>Activity</i>	<i>Responsibility</i>
09:00 – 11:00	Perspectives of civil society on the 2020 elections  <ul style="list-style-type: none"> <li>• Civic and voter education</li> <li>• Elections campaigns</li> <li>• Women's / youth/ Minority groups representation and participation in the elections</li> <li>• Citizen observation</li> </ul>	Center for Democratic Development (CDD-Ghana)  CODEO  Pick up from Hotel 0815hrs
12:00 – 13:30	Briefing by the Electoral Commission  <ul style="list-style-type: none"> <li>• Overview of the Commission's mandate</li> <li>• The Commission's interaction with stakeholders and involvement of stakeholders in the electoral process (political parties and civil society)</li> <li>• Preparedness for the elections (procurement, personnel recruitment and training, logistics and operations)</li> <li>• Others</li> </ul>	Electoral Commission
13:30 – 15:00	Lunch break	

15:00 – 16:30	Introduction on the use of Popola (ODK system)	EISA
16:30	Tea break and close of Day 2	

DAY THREE: 5th December 2020

09:00 – 10:15	Simulation of the use of the Popola (ODK system on tablets)	EISA
10:15 – 10:30	Tea break	
10:30 –11:30	Deployment briefing and guidelines for election day observation	AUEOM Coordinator and EISA
11:30 –12:30	Distribution of deployment kits, supplies and tablets	AUEOM secretariat and EISA
12:30 –	Close of Day 3 and end the briefing DEPARTURE TO REGIONS	

ANNEX 4: JOINT STATEMENT OF AFRICAN UNION, ECOWAS AND UNOWAS  
ON THE POST-ELECTION VIOLENCE



ANNEX 5; MAP OF GHANA SHOWING REGIONS



**African Union Commission (AUC)**

**PAPS Digital Repository**

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Democracy, Elections & Constitutionalism

Election Observation Mission (AUEOM)

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2021-03

# African Union Election Observation Mission to Ghana 7 December 2020 Presidential and Parliamentary Elections.

Department of Political Affairs

African Union Commission

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