



PRELIMINARY STATEMENT

Accra, 9 December 2020

Well-conducted elections but misuse of state resources and unregulated campaign finance persist

This preliminary statement of the EU Election Observation Mission (EU EOM) is delivered before the completion of the entire electoral process. Critical stages remain, including tabulation of results and adjudication of 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.

Summary

The 2020 elections were organised in an efficient and transparent manner, and voters participated freely. The elections were competitive, and contestants could campaign without hindrance. A few isolated violent incidents occurred, and numerous stakeholders expressed deep apprehensions about the possible use of vigilante groups by political parties. Unregulated political finance, misuse of state resources and numerous instances of vote-buying resulted in an unlevel playing field. Ghana's vibrant and diverse media sector provided voters with sufficient information on both major competing parties and their candidates. However, state media favoured the ruling party and its presidential candidate who received extensive coverage at government inaugurations. The main opposition party frequently expressed a lack of confidence in the Electoral Commission, accusing it of partisanship and criticising the timing of the new voter registration exercise, so close to elections and during a pandemic. However, the process was inclusive and resulted in a high number of registered voters, and the quality of the register was positively tested on election day.

- Voting on election day was well managed, voters were able to freely express their will, party agents were present in almost all polling stations and integrity measures for the identification of voters were respected. However, the secrecy of the vote was not always ensured, mainly due to poor layout of polling stations. Counting was transparent although procedures were frequently not followed, and party agents received signed copies of the result forms. Collation was less well organised but key transparency measures were adhered to. Domestic observers contributed to the transparency and credibility of the process.
- Fundamental human rights and freedoms are guaranteed by the Constitution and the legal framework generally provides for credible and competitive elections. However, previously identified gaps in the legal framework remain unaddressed. These include a lack of campaign finance regulation and no deadlines for the adjudication of parliamentary electoral petitions. There are also marked disparities in the size of various constituencies, affecting equal suffrage.
- The EC completed technical preparations for the elections in a timely manner and EU EOM observers assessed the EC's national, regional and district structures as competent, well resourced and transparent. The appointments mechanism, whereby all seven EC members are selected by the President for an indefinite tenure without consultation with the opposition, is not inclusive and does not build confidence.
- There are no unreasonable restrictions on the right to vote, and the principle of universal suffrage is respected. The EC compiled a new biometric voter register shortly before the elections, the timing of which was a source of major controversy, during the COVID-19 pandemic and less than six months before elections. The registration process, scrutinised by party agents and

domestic observers, was inclusive and there were no serious challenges to the number of registered voters nationwide or in the regions. The final voter register, containing 17,029,971 voters, was certified by the EC on 6 November 2020.

- Candidate registration was generally inclusive, but nomination fees are unreasonably high. The exclusion of all active members of the extended public service, including lower ranks, from running for elections unduly limits the right to stand. There was a genuine contest in each constituency.
- Women are significantly underrepresented in political life: the New Patriotic Party (NPP) fielded only 24 female candidates while the NDC ran with just 22 in 275 constituencies. Perceived traditional roles of women, and, often, a lack of financial resources, contribute to the problem. On a positive note, for the first time one of the two main parties' presidential candidates (NDC) chose a woman as running mate.
- The highly competitive and often confrontational campaign was dominated by President Nana Addo Dankwa Akufo-Addo of the NPP and opposition candidate, former president John Dramani Mahama (NDC). Due to COVID-19, large rallies were often replaced by smaller outdoor events and more frequent door-to-door visits. Campaign freedoms were broadly respected, but tensions were heightened over potential election-related violence associated with vigilantism. Misuse of state resources created an uneven playing field. Vote-buying by both the NPP and NDC was reported by civil society to be widespread.
- Constantly increasing costs of and unlimited spending on running election campaigns are a matter of concern. There are no limits on contributions or on spending, resulting in a lack of transparency and accountability around political and campaign funding. The EC did not enforce parties to comply with legal requirements on financial reporting. This further limits public scrutiny and transparency of political and campaign finance.
- The media reported freely on the elections in a polarized environment. State-owned GTV favoured the NPP in its election-related coverage. Furthermore, the ruling party and its presidential candidate benefited from extensive additional coverage on GTV, Uniiq FM and in the *Daily Graphic* through news and live broadcasts of government inaugurations. Various private media analysed by the EU EOM showed biased coverage in favour of the NPP (UTV, *The Chronicle*, *Daily Guide*) or the NDC (Adom FM and Joy FM).
- The two main parties deployed social media teams who posted content in a coordinated manner across a range of platforms to promote their presidential candidate and discredit the rival. Misinformation spread by both sides risked confusing voters and interfering in the formation of electoral opinions. Hate speech was not a feature of the online political discourse.

The European Union Election Observation Mission (EU EOM) has been present in the Ghana since 1 November following an invitation from the Government and the Electoral Commission. The Mission is led by Chief Observer, Javier Nart, Member of the European Parliament (Spain). In total, the EU EOM deployed 81 observers from 26 EU Member States, Canada, Norway and Switzerland across the country to assess the whole electoral process against international obligations and commitments for democratic elections as well as the laws of Ghana. On Election day, observers visited over 329 polling stations in 102 of the 275 electoral constituencies 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 in October 2005.

Findings

I. BACKGROUND

The 7 December 2020 presidential and parliamentary elections are the eighth general elections since the adoption of the 1992 Constitution and the return to multiparty democracy. Ghana has held competitive elections that culminated in three peaceful transitions of power. The two main parties, the New Patriotic Party (NPP) and the National Democratic Congress (NDC), have dominated the political landscape since then.

The political atmosphere was polarised in the months before the elections. Following the replacement of the Electoral Commission (EC) leadership in 2018, the opposition NDC levelled accusations of bias and unprofessionalism against the new EC leadership and declared a lack of confidence in the electoral body. The NDC, along with some civil society groups, strongly opposed the EC's decision to conduct a fresh biometric voter registration, also voicing concern on the high costs. The NDC also claimed that military deployment along the borders during the pandemic and voter registration suppressed participation in the process in opposition strongholds. There were widespread concerns about political vigilantism and its potential to disrupt the poll.

The president of Ghana is elected for four years for a maximum of two terms. The candidate who secures an absolute majority of valid votes wins. If no candidate obtains an absolute majority, a run-off between the two leading candidates is organised within 21 days. This presidential election is a unique contest featuring for the first time, among the 12 candidates, a president and former president. Eleven presidential candidates proposed by political parties and one independent contested. Parliamentary candidates are elected in 275 single-member constituencies based on the first-past-the-post system. A total of 914 parliamentary candidates competed, having been nominated by 11 political parties or standing as independents.

II. LEGAL FRAMEWORK

Legal framework generally provides for credible and competitive elections, but previously identified gaps remain unaddressed

Ghana has ratified all relevant international and regional instruments. The Constitution regulates elections and broadly guarantees all human rights and freedoms necessary for the conduct of democratic elections including the right to vote and to stand for elections; freedoms of assembly, association, movement, and expression; as well as equality and due process of law. Some restrictions remain, such as on the right to stand for all public servants, and an exclusion of the right to vote (and to stand) for those declared to be of unsound mind.

Constituency delimitation remains problematic. The Constitution demands that the number of inhabitants of each constituency should be, as nearly as possible, similar. However, there are marked disparities in the number of registered voters per constituency, affecting equal suffrage.¹

Further gaps in the legal framework identified by earlier EU EOMs remain largely unaddressed, such as the absence of any consensual method of appointing EC members, which would help increase trust in the institution. While a deadline of 42 days for the Supreme Court to adjudicate petitions related to the presidential election came into force in 2017, no deadlines were introduced for the adjudication of parliamentary electoral petitions. The Right to Information Act (2019) came into force at the beginning of 2020, but its implementation has so far been deficient.

¹ Ketu South in the Volta region has almost 150,000 registered voters, whereas Seykera Afram Plains in the Ashanti region has only ca 15,000.

III. CANDIDATE REGISTRATION

Candidate registration was generally inclusive but nomination fees are unreasonably high

The criteria to qualify as a candidate for presidential and parliamentary elections are largely in line with international standards. However, the fact that all members of the extended public service must resign before registering as candidates, including lower ranks, unduly limits the right to stand.

The nomination fee for presidential candidates was doubled to 100,000 GHS (14,160 EUR) in 2020. The fee for parliamentary candidates is 10,000 GHS (1,416 EUR). Given Ghana's GDP per capita in 2019 was 11,541 GHS (1,634 EUR), the nomination fees for parliamentary candidates appear unreasonably high. Twenty of the 21 disqualifications of parliamentary candidates were reportedly due to unpaid fees. No lawsuits ensued from these disqualifications.

Aside from these restrictions, the candidate registration requirements are generally inclusive. Only the NPP and NDC fielded parliamentary candidates in every constituency.

The EC gave several presidential candidates a hearing and thereby afforded them an opportunity to amend errors and technical issues regarding their nomination forms and supporting signatures. This was an improvement over the 2016 procedures and significantly reduced litigation during the candidate registration process. However, five out of 17 presidential candidates were disqualified by the EC based on allegations of forged signatures, some with no hearing of the candidate. This led to applications for judicial review by three disqualified candidates. All were dismissed by 30 November, and none have filed an appeal.

IV. CAMPAIGN ENVIRONMENT

Intense, competitive electoral contest, however, misuse of state resources and use of power of incumbency created unlevel playing field

The election was held in a highly competitive environment dominated by presidential frontrunners President Nana Addo Dankwa Akufo-Addo (NPP) and opposition candidate, former president John Dramani Mahama (NDC). The campaign lasted several months, in the absence of any official timeframe. The presidential campaign drove the narrative for both the presidential and parliamentary polls. In the month before the elections the campaign was dominated by the death and legacy of former president Jerry Rawlings, free education, and the controversial resignation of the Special Prosecutor, who alleged government interference in his assessment of the Agyapa deal involving Ghana's sale of rights to future gold royalties. The tone was often confrontational and aggressive, with the two parties accusing each other of mismanagement of the country. The NPP and NDC candidates toured the country on several occasions, with their vice-presidential candidates conducting separate events.

Campaign freedoms were broadly respected. A few isolated violent incidents were reported, and numerous stakeholders expressed deep apprehensions about the use of vigilante groups by political parties. Political vigilantism, a long-standing problem in Ghana, is banned under the Vigilantism and Related Offences Act.

EU EOM observers reported that the misuse of state resources and the practice of turning official state events into campaign rallies were prevalent, resulting in an unlevel playing field.² Inaugurations of development projects by the President, Vice-President and aspiring candidates, with the overt involvement of local administration officials, were reported by EU EOM observers

² International Covenant on Civil and Political Right (ICCPR), GC 25, para. 19. "Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party..."

and the media.³ The system of local government, whereby the President appoints regional and district chief executive officials, diminishes the capacity for independent local government performance.

Vote-buying – the distribution of money and goods to individuals and communities – was reported by civil society to be widespread. Political parties said it was commonplace to offer goods, and/or money and services during campaign events to supporters, communities and traditional chiefs. Parliamentary candidates of both major parties openly told EU EOM observers they distributed money and goods while campaigning.

Chieftaincy wields great power and influence, playing a crucial role in society. While the Constitution precludes chiefs from active party politics, some were observed playing an active role in campaigning and even endorsing presidential candidates.

V. CAMPAIGN FINANCE

Inadequate political finance regulations and poor oversight undermine transparency and accountability of electoral process

Ghana's Constitution, combined with the Political Parties Law, sets up the legal framework for party financing. Parties and candidates are not eligible to direct government funding. However, there is no law expressly prohibiting the use of public funds or resources by government officials for party or campaign activities.⁴ No limits are placed on contributions or on spending, resulting in a lack of transparency and accountability, contrary to the international principle of ensuring voters' free choice is not undermined by disproportionate spending on behalf of a candidate or party. Although political parties must, within 21 days before an election, submit to the EC a statement of assets and liabilities, this was not enforced, further limiting public scrutiny and transparency of political finance. Within six months after an election a party must make a financial disclosure combining presidential and parliamentary campaign expenditures. For 2020 the EC notified all 11 contesting political parties of their obligations in this regard.

Parties and candidates are mainly financed through member subscriptions and donations from individuals and "patrons", including from the diaspora, whose identities are not always made public. Many candidates depend on personal funding, largely drawn from their own pockets. Constantly increasing costs of running a campaign are a matter of concern and have resulted in the monetisation of politics. Civil society highlighted the consequences of this for women, youth and small parties wishing to contest.

VI. ELECTION ADMINISTRATION

Well-prepared elections by transparent Electoral Commission

EU EOM observers assessed the EC's national, regional and district structures as competent, well resourced and transparent. Positively, political party agents had access to monitor the production, distribution and storage of sensitive materials including ballot papers.

The EC is an independent constitutional body mandated to conduct and supervise elections and referenda, compile and update the voter register, demarcate electoral boundaries and educate the people on the electoral process. All seven members of the EC, including the chairperson and two deputies, are appointed by the President for an indefinite tenure without consultation with the opposition. The appointment mechanism is not inclusive and does not build confidence. The main

³For example, on 25 November the President commissioned the first phase of an US\$84 million roads project in Pokuase, Accra; on 7 November the President commissioned the building of a municipal hospital in Bekwai, Ashanti region; on 27 November the President commissioned a 160-bed hospital in the Central region as part of the US\$339 million Ghana Hospital Project.

⁴ ICCPR, article 25. GC 25, para.19, *ibid*.

opposition party, the NDC, frequently accused the EC of incompetence and bias and declared it had no confidence in the EC leadership.

Despite some logistical challenges, all technical preparations for the elections were completed in a timely manner. A notable exception, however, were the statements of polls – polling station result forms known as “pink sheets”. The EC had changed the form without amending the law and, following criticism from parties, reverted to the original form. Since the forms were already printed and distributed, the EC decided to rectify the situation by instructing the district offices to manually stamp-print the missing part on each individual result form before they were dispatched to the respective polling stations. This work was completed only very late on 6 December.

The EC put in place robust transparency measures for the counting of votes and collation of results, namely the distribution to party agents and public display of the polling stations and collation centre result forms. The EC also promised to centrally publish all polling station and collation centre results shortly after elections.

The EC regularly communicated with the public and electoral stakeholders, primarily through social media. On the other hand, the revamped official website was somehow underused by the EC and some important information pertaining to the electoral process was not publicly available. These include, for instance, EC decisions, minutes of meetings, a nationwide list of parliamentary candidates, detailed polling, counting and collation procedures and details on functionality and parameters of the biometric verification devices. The frequency of communication with political parties at national level through Inter-Party Advisory Committee (IPAC) meetings increased significantly in the immediate pre-election period. The opposition parties criticised a lack of consultation during the IPAC meetings, however the last two meetings observed just before the elections were conducted in a consultative manner.

VII. VOTER REGISTRATION

Inclusive voter register despite controversy over new biometric registration exercise

The Constitution as well as enabling legislation guarantees the right to vote and to be registered as a voter to all citizens of Ghana aged at least 18 years and of sound mind. There are no unreasonable restrictions on the right to vote and the principle of universal suffrage is respected.

The EC compiled a new biometric voter register shortly before the elections and it was a source of major controversy. There was no consensus among stakeholders on the modality of voter registration ahead of the elections and the EC was unable to convince the main opposition party as well as a part of civil society of the need to compile a new register. The opposition criticised the timing of the exercise, during the COVID-19 pandemic and less than six months before elections, as well as the high costs of hardware and software.⁵

Despite some technical problems affecting a limited number of registrants and closed land borders, the 39-day biometric voter registration exercise succeeded in registering a very high number of voters. The registration process, scrutinised by party agents and domestic observers, was inclusive and there were no serious challenges to the number of registered voters nationwide or in individual regions. The exercise also largely eliminated deceased persons from the register.

The final voter register, containing 17,029,971 voters, was certified by the EC on 6 November 2020. Positively, the EC published the voter register with limited personal information online and provided an electronic copy of the full register to political parties.

⁵ Total costs were 349.7 mil. GHS, i.e. approximately 55 million EUR.

VIII. MEDIA

Media operated in free environment characterised by heavy presence of partisan radio stations. Incumbent benefitted from wide news coverage of government project inaugurations

Ghana enjoys a vibrant, diverse but polarized media environment in which many partisan radio stations and a few independent and professional outlets coexist. During the observation period the media were generally free and no cases of journalists attacked or arrested were registered by the EU EOM. However, allegations of involvement by the National Communications Authority (NCA) in malicious interruptions to the broadcast signal of Joy News TV and NDC-affiliated media GHOne TV and Abusua FM were reported a few days before the elections. The NCA rejected the allegations and stated it had no capability to block or jam broadcasting signals.

There are gaps in the legal framework pertaining to media. The media regulatory body, National Media Commission (NMC), has no powers to sanction outlets breaching regulations and lacks the capacity to conduct media monitoring to ensure oversight of electoral coverage. Similarly, the appointment of the Director General of the NCA, by the President, does not generate trust in the institution. The licensing by the NCA of commercial radio stations owned by politicians or linked to political parties is contrary to international standards since it can compromise the independence of the media through politicised contents used for campaigning.⁶ EU EOM observers identified at least 33 NPP-affiliated, 28 NDC-affiliated and five PPP-affiliated radio stations currently on air.

Both state-owned and private media at national and regional levels made efforts to provide media access to minor parties, mainly through interviews of candidates, special programmes and debates. However, the NPP and NDC largely dominated the election-related information presented to voters.

State broadcaster Ghana Broadcasting Corporation (GBC) provided a fair opportunity to all political contestants through various programmes. However, EU EOM's media monitoring shows that state-owned GTV favoured the NPP by allocating it 26.2 per cent of airtime in its election-related news and programmes, compared to 15.8 per cent allocated to the NDC.⁷ Furthermore, the NPP and its presidential candidate benefited from extensive additional coverage on GTV (22.1 per cent of airtime) through news and live broadcasts of inaugurations and projects launched by the President or government representatives, often including campaign songs and messages. Equitable electoral coverage was provided by state-owned Uniiq FM (34.2 and 28.6 per cent of airtime allocated to NPP and NDC, respectively) and *Daily Graphic* (29.9 and 26.5 per cent of space allocated to NPP and NDC, respectively). However, both outlets devoted additional coverage of government inaugurations and projects to the NPP. Among the private media analysed by the EU EOM Adom FM and Joy FM favoured NDC in its election-related coverage, while UTV and private newspapers *The Chronicle* and *Daily Guide* showed biased coverage in favour of the NPP.

IX. SOCIAL MEDIA

Polarised online campaign characterised by misinformation that risked confusing voters

Nearly half of Ghanaians (14.8 million) have access to the internet, with some six million people active on social media. Interlocutors expressed concerns that low digital literacy left the online discourse open to manipulation. Much political campaigning and discussion took place in closed chat groups on WhatsApp, the most-used social media platform.⁸ The second most-used platform is Facebook, followed by YouTube, Instagram, Facebook Messenger, Twitter and Snapchat.

⁶ UN Rapporteur/OSCE/OAS/ACHPR Joint Declaration on Media Independence and Diversity, Article 24.

⁷ From 20 November to 7 December the EU EOM monitored all election-related news/programmes published/broadcast by state-owned GTV, Uniiq FM, *Daily Graphic* and *Ghanaian Times*, and private media TV3, UTV, Adom TV, Peace FM, Joy FM, Citi FM, Adom FM, *The Chronicle* and *Daily Guide*. TV/radio broadcasts monitored from 06:00 to 21:00.

⁸ These groups are inaccessible for monitoring purposes.

The legal framework generally guarantees universal and indiscriminate access to and use of the internet. Online media operate without government restrictions. The Criminal Code (1960) and the Electronic Communications Act (2008) include restrictions on disinformation, such as jail terms of up to three years for publishing false statements likely to disturb the public peace, but they lack precision and are therefore open to interpretation that could result in restricted freedom of expression. The Data Protection Act (2012) provides for privacy rights and protection of user data.

COVID-19 was instrumental in driving much campaigning online, and social media was a vital tool for contestants to reach younger voters. The NPP and NDC presidential contestants were by far the most visible and active online, highlighting a notable gap in resources between them and others on the ballot.⁹ While the tone of the campaign was confrontational, and false and misleading information was presented in various formats across digital platforms, hate speech and dangerous rhetoric were not features of the online political discourse.¹⁰

The two main parties deployed social media teams who posted content in a coordinated manner across a range of platforms to promote their presidential candidate and discredit the rival. Recently established Twitter accounts were identified that mostly retweeted negative content. Misinformation disseminated by both sides on Facebook risked confusing voters and interfering in the formation of electoral opinions. A video alleging bribery against the President was broadcast on Facebook and widely shared, including on an NDC support page, but later discredited by Facebook third-party fact-checkers. An NPP Facebook support page made an announcement, later debunked, that the President had organised delivery of aircraft to the Aviation Ministry to revive Ghana Airways. Celebrities with significant online influence distanced themselves from claims by both parties that they had secured their endorsement.

Four imposter news portals with web addresses resembling those of authentic news sources were identified, some with links to fake social media accounts, which disseminated negative and false stories about both frontrunning presidential candidates. These included an NDC-leaning site that claimed to represent a fact-checking project under a name resembling that of two respected Ghanaian fact-checking organisations.¹¹ Observer teams in 14 regions reported interlocutors received unsolicited texts from both parties and/or recorded campaign voice messages, contrary to privacy provisions in the Data Protection Act.

The Mahama campaign was the top spender on Facebook adverts across all regions. According to Facebook's Ad Library, the combined spend on advertising on the candidates' official and public support pages from 4 August to 6 December totalled US\$90,115 (74,280 EUR, Mahama) and US\$62,896 (51,860 EUR, Akufo-Addo). A significant number of these ads ran without the sponsor being identified, resulting in a lack of transparency. Mahama was the only candidate to have a dedicated mobile phone application.¹²

X. PARTICIPATION OF WOMEN

Women significantly underrepresented in political domain, especially in elected positions

More than half – 51,74 per cent – of registered voters are women. For the parliamentary elections, the NPP fielded only 24 female candidates (8.7 per cent) while the NDC ran with just 22 (8 per cent)

⁹ Between 1 November and 6 December the EU EOM monitored 62 public Facebook pages linked to the presidential race, of which 50 were official or support pages of the two frontrunning candidates, and some 60,000 tweets containing most-used election hashtags. Monitoring by observers of 183 public FB official or support pages for presidential and parliamentary contestants in the 16 regions showed wide variations in online activity across the country, with many accounts inactive and/or with few or zero followers.

¹⁰ A video broadcast online on 18 November featuring men brandishing weapons on an official police vehicle and warning people in a threatening manner to vote peacefully was shared only to a limited extent on Facebook and Twitter. The men were not in official uniforms, prompting online comments they were NPP-allied vigilantes. In a statement the Inspector General of Police confirmed they were police on a training exercise but not wearing the requisite uniforms.

¹¹ Ghanafactcheck.com, set up in July 2020, is not a signatory to the International Fact-Checking Network code of principles.

¹² The app did not require users to give personal data. Donations could be made on both parties' websites, including from abroad.

in 275 constituencies. On a positive note, for the first time one of the two main parties' presidential candidates (NDC) chose a woman as running mate, and three women ran for president. Many of the 126 female candidates in these parliamentary elections were independents, often citing difficulties to earn a party nomination as a woman. The first-past-the-post system does not encourage diversified representation or enable a quota system. Perceived traditional roles of women, and, often, a lack of financial resources, contribute to the problem.

While four out of seven members of the EC, including the chairperson, and five out of 18 members of the Supreme Court are women, the number of women involved in the political domain is limited. Of 110 ministers of state, sector, regional and respective deputy ministers, 23 are female. In elected positions, women are even less well represented: of the 275 members of the outgoing parliament, only 37 are women (13.5 per cent). In October 2020 Ghana ranked 150th in the world in terms of women's representation in parliament. The equality clause in the Constitution encourages affirmative action, and an ambitious Affirmative Action Bill has been in preparation, as during previous legislative periods, but has not been brought before parliament.

XI. PARTICIPATION OF PERSONS WITH DISABILITIES

Significant efforts made to reduce obstacles for persons with disabilities on election day

In 2020, 64,699 voters were registered as persons with disabilities (PwDs) during the registration exercise. The Constitution guarantees the rights of disabled people, with the significant exception of the right to vote and the right to stand in elections for citizens who are not “of sound mind”, which is not further specified in the Constitution. The treaty committee for the United Nations Convention on the Rights of Persons with Disabilities (CRPD) has said mental incapacity should not serve as a basis for the deprivation of the right to vote and to be elected. However, no instances of exclusion on this basis were brought to the attention of the EU EOM.

Although the Persons with Disability Act 715 was enacted in 2006, the enabling regulations are yet to be passed. On a positive note, the Constitution requires all public facilities, including polling stations and courts, to provide access for people with disabilities. Provisions by the EC for voting include satisfactory physical accessibility to polling stations and fast-track access. The EC provided tactile ballot jackets for visually impaired voters. Cascade trainings were held by the EC in cooperation with the Ghana Federation of Disability Organisations (GFD) to ensure that visually impaired voters knew how to use them, and instructions given at polling stations. The GFD submitted 150 names to the EC to observe elections, focus specifically on PwD issues, especially accessibility, preferential treatment (permission to skip the queue), reachable ballot boxes, and tactile jackets.

XII. ELECTION OBSERVATION

Credible, professional domestic observers contributed to transparency and credibility of process

Ghanaian civil society has a strong presence and a leading role in electoral observation. Domestic observation is organised, credible and well perceived by stakeholders. The Coalition of Domestic Election Observers (CODEO), a network of 43 organisations advocating for democratic institutional development and human rights, leads the national observation activities. CODEO, with support from the Centre for Democratic Development (CDD Ghana), amongst others, deployed around 4,000 observers on election day. CODEO issued reports on registration, campaigning and incidents, and set up a parallel vote tabulation (PVT) exercise. The Institute for Democratic Governance (IDEG) deployed some 700 observers.

XIII. POLLING, COUNTING AND COLLATION OF RESULTS

Well managed voting, transparent counting and protracted collation of results

Opening was observed in 34 polling stations and only 14 of them opened on time. Of the remaining 20, 19 opened within an hour and one opening was delayed for more than an hour. The main reasons were unpreparedness and lack of polling staff. Opening procedures were largely followed and overall conduct of opening was assessed positively in 31 cases.

Voting was conducted in a generally peaceful atmosphere and voting procedures were mostly followed, including the biometric verification of voters. The EU EOM observers reported several irregularities, such as voters not always marking their ballot in secrecy, mainly due to poor layout of polling stations (in 17 per cent of polling stations observed), biometric verification devices (BVD) not always able to successfully verify the voters (9 per cent), presence of unauthorised persons inside the polling stations (8 per cent) and interference with the work of the polling station staff (4 per cent). Party agents from both NPP and NDC were present in all but one polling station visited. The overall conduct of voting was assessed positively in 95 per cent of the 329 polling stations observed. The EC deployed COVID-19 ambassadors to all polling stations to enforce health protocols.

Counting, observed in 30 polling stations, was conducted in a largely transparent manner and always in a presence of party agents. The overall conduct of the counting process was assessed positively in 27 cases. However, the EU EOM observers reported that procedures, such as counting of unused ballots, counting of ticks in the voter register and names reference list, counting of ballots in the ballot box, cross-checking the number of ballots in the ballot box against the number of ticks in the voter register, and recording the number of voters verified by the BVD and manually, were frequently not followed. Furthermore, presiding officers appeared to have difficulties completing the result forms. The polling station result forms were not publicly displayed in 17 polling stations although party agents received signed copy of the result form in all cases.

Collation of results at the constituency level was observed in 35 constituency collation centres with many of them being visited repeatedly. Collation process was less well organised and less transparent often due to a lack of detailed procedures, inadequate facilities and overcrowding which at times led to agents and observers not having a clear view of the procedures and the filling in of result forms. Instances of unrest and tension were observed in Asawase, Sunyani West and Techiman South constituencies. The results were collated in the presence of party agents and observers and key transparency measures were adhered to.

An electronic version of this Preliminary Statement is available on the Mission website <https://ghana2020z.eueom.eu>.

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