

AFRICAN UNION
الاتحاد الأفريقي



UNION AFRICAINE
UNIÃO AFRICANA

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

PRELIMINARY STATEMENT

9 DECEMBER 2020

I. INTRODUCTION

1. Ghanaians went to the polls on 7 December 2020 to elect a President and Members of the Legislators. These were the eighth elections under the Fourth Republic since returning to civilian rule. 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.
2. Upon invitation from the Government of Ghana and the EC and as part of its mandate to deepen democratic governance in Africa, the African Union (AU) intended to deploy 35 observers. However, due to COVID-19 travel restrictions and requirements in some member states, only 21 Short Term Observers (STOs) drawn from members of Pan African Parliament, representatives from Civil Society Organisations (CSOs) and independent election experts from African Union member states managed to join the Mission.
3. The STO Mission was led by His Excellency Kgalema Motlanthe, Former President of South Africa, assisted by Ambassador Minata Samate Cessouma, the AU Commissioner for Political Affairs.
4. The goal of the African Union Election Observer Mission (AUEOM) was to make an independent, objective and impartial assessment of the electoral process in accordance with the provisions of the 2007 African Charter on Democracy, Elections and Governance (ACDEG) and the 2012 OAU/AU Declaration of Principles Governing Democratic Elections in Africa, as well as the Constitution and the Electoral Laws of the Republic of Ghana.
5. This preliminary statement, therefore, offers a summary of the Mission's key observations on the electoral process thus far. It is issued while tabulation is ongoing and official results are yet to be announced by the EC. Therefore, an assessment of the entire electoral process cannot be provided at this stage.

II. KEY FINDINGS

Context of the Elections

6. These elections were held in the midst of the COVID-19 pandemic. In spite of that, Ghana managed to conduct all the key aspects of

the electoral process to further consolidate its democracy in line with its Constitutional provisions.

7. AUEOM witnessed the signing of the 3rd High-Level Presidential Election Peace Pact on 4 December 2020 by the New Patriotic Party (NPP) and National Democratic Congress (NDC). The spirit and intent of this Pact are for the parties to commit to a peaceful and non-violent election.
8. The Mission acknowledges the role played by the National Chief Imam, the National Peace Council, National House of Chiefs, the Judiciary, political parties, the Institute of Democratic Governance (IDEG) as well as the people of Ghana and commends them for their commitment to the promotion of peaceful elections.
9. Prior to Election Day, the AUEOM notes concerns expressed by stakeholders on the issue of vigilantism. However, the Mission did not observe the manifestation of this during the electoral process.

III. LEGAL FRAMEWORK

10. The elections were conducted within the legal framework comprising the 1992 Constitution, (amended version of 1996) Political Parties Act (2002), Electoral Regulations, Representation of the People's Law (1992) and Case laws based on Supreme Court opinions of previous electoral related petitions.
11. The legal framework is aligned to the ECOWAS Protocol on Democracy and Good Governance, the ACDEG, Universal Declaration on Human Rights (UDHR) and International Convention on Civil and Political Rights (ICCPR).
12. Further, the AUEOM noted that prior to the conduct of the 2020 Presidential and Parliamentary elections, the EC developed Regulation 127(CI) as the operational law in keeping with Article 51 of the 1992 Constitution.
13. Similarly, the Mission recognized the implementation of Regulation 126 (CI) to produce a new biometric voter register to address challenges from the 2012 and 2016 voter registers.
14. Additionally, the AUEOM noted that one of the significant reforms brought in by Regulation 127 was the establishment of Regional

Collation Centers (RCCs) to enhance transparency and facilitate the timely declaration of election results.

IV. ELECTION ADMINISTRATION

15. The EC is one of the governance institutions provided under the 1992 Constitution and is established by the Electoral Commission Act (Act 451) of 1993. Its mandate is to organize and conduct all public elections, referenda and all matters directly related to the conduct of elections in the country.
16. The AUEOM commends the Commission for adopting and implementing some administrative and policy electoral reforms as a way to enhance the credibility and integrity of elections in Ghana. Some of the reforms include; the provision of the final voters register to the political parties 21 days before the elections, the extension of the period of notice for the voter registration exercise from 14 to 21 days, reduction on the number of voters per polling station, the use of Biometric Verification Device (BVD) for the exhibition of the Provisional Register and the implementation of continuous voter registration among others.
17. The Mission applauds the EC for its level of administrative and logistical preparedness in the conduct of the elections. Particularly, the extra measures put in place in response to COVID-19 such as the appointment of a COVID-19 Ambassador to each polling station.

V. VOTER REGISTRATION

18. The Mission recognizes the importance of a credible and inclusive voter register and applauds the EC in compiling a new biometric register which now includes facial recognition. A total of 17,027,655 voters were registered despite challenges occasioned by the novel COVID-19 virus.
19. While the Mission noted that the register was exhibited to allow the EC to make corrections, concerns were raised by some stakeholders about the lack of adequate communication regarding the exclusion of some voters from the final register.

20. Despite the aforementioned drawbacks, the AUEOM acknowledges the significant steps taken by Ghanaians to improve the quality of their electoral processes.

VI. ROLE OF WOMEN IN THE ELECTORAL PROCESS

21. The Constitution of Ghana guarantees equal rights of men and women. The Mission affirms the high level of women's participation in the electoral process reflected by 51.7% of the total registered voters.

22. However, the AUEOM observed with concern that women's political representation remains low in contravention of Article 9:2 of the Maputo Protocol (2003). For example, only 126 female candidates out of 914 contested in the 2020 parliamentary elections, (approximately 13.7 percentage) and three (3) out of 12 presidential contestants were women.

VII. THE MEDIA ENVIRONMENT

23. Freedom of expression 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 electoral period.

24. Reports received by the Mission reflect that state-owned media granted access to political parties during the electoral campaigns but fell short of providing equal space particularly for smaller parties in line with Article 55:12 of the Constitution.

VIII. CIVIC AND VOTER EDUCATION

25. Cognisant of the importance of inclusive and effective Civic and Voter Education (CVE), the AUEOM noted that the National Commission for Civic Education (NCCE) and the EC were the leading government institutions that undertook CVE. Nonetheless, this effort was complemented by political parties, Civil Society Organisations and religious bodies.

26. To ensure wide reach, the AUEOM observed a strong presence of some of the aforementioned institutions on social media providing timely and factual information to counter misinformation and fake news.
27. Further, the AUEOM commends the use of sign language during CVE for people with disabilities.

IX. ROLE OF CIVIL SOCIETY AND DOMESTIC OBSERVERS

28. Civil Society Organisations play a significant role by providing an independent assessment of the electoral process through election observation. Furthermore, the presence of observers during the opening, voting, closing and tabulation of results reduces the risk of electoral malpractices and inspires confidence in the electoral process.
29. In support of efforts aimed at enhancing the credibility and transparency of the electoral processes, the EC informed the Mission that it had accredited twenty-two (22) domestic observer groups across the country.

X. DIASPORA VOTING

30. The Representation of the People Amendment Act (ROPAA 2006: Act 699) recognizes the rights of Ghanaians living in the diaspora to vote during elections.
31. The AUEOM notes that this provision could not be enforced due to the COVID-19 pandemic. The EC informed the Mission that it could not register Ghanaians living abroad owing to international COVID-19 restrictions and measures.

XI. SPECIAL VOTING

32. In compliance with Regulation 27 CI, special voting took place on 1 December 2020.
33. The Mission commends the existence of this law and its implementation which allowed Ghanaians such as security agencies, media and staff of the EC on duty the opportunity on Election Day to exercise their right to vote.

XII. ELECTION DAY OBSERVATION

34. The AUEOM observed opening, closing and counting procedures in 7 polling stations and voting in 78 polling stations across four (4) regions.

Opening

35. 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 late opening was due to poor preparations by polling personnel.

36. There were sufficient election materials at all polling stations where opening was observed.

37. At the polling stations observed all ballot boxes were properly sealed and the polling stations were set up in a way that ensured the smooth processing of voters

38. At all polling stations observed there were five (5) polling officers per station. An average of two (2) to three (3) polling staff were women.

39. A Covid-19 Ambassador was present in all the polling stations visited and most of the COVID measures were observed. However, in some polling stations, physical distancing in the queues and wiping of the Biometric Verification Devices (BVD) were not adhered to.

40. At all the polling stations observed were accessible to people with disabilities and elderly voters.

41. The AUEOM observed the presence of party agents mainly from the New Patriotic Party (NPP) and the National Democratic Congress (NDC) as well as observers.

42. The security officers were present, and their role was generally discreet and professional.

43. 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 Klottedy Constituency, Accra Polytechnic 3 polling centre and at the

Ringway Estate Constituency, Ridge Church School polling centre, the presiding officers had challenges in directing voters to their correct polling station.

Voting

44. The AUEOM observed voting procedures in 78 polling stations across the four regions of deployment. Of these, 55 were located in urban areas and 23 in rural areas.
45. The layout in all the polling stations visited during voting was adequate for an easy flow of voters, ballot boxes were appropriately sealed, and secrecy of the vote guaranteed.
46. A COVID-19 Ambassador was present in all the polling stations visited and most of the COVID-19 measures such as; mandatory wearing of masks by voters and polling staff, temperature checking, washing and sanitising of hands, the fingerprint scanner on the Biometric Verification Device wiping after use by each voter and sanitizing voters hands before leaving the polling station.
47. The atmosphere in and around polling stations was generally peaceful and orderly.
48. Security personnel were present at all stations, and their presence was professional and discreet.
49. Most of the polling stations visited (88.5%) were accessible to persons with disability. The inaccessible stations were either in facilities with very rough surfaces or located upstairs. Priority was given to persons with disability, the elderly, nursing mothers and other persons requiring assistance.
50. 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.
51. AU observer teams noted an average of 5 party agents per polling station and were able to monitor all phases of the process during voting.
52. International and domestic observers were granted unrestricted access to the polling stations and were allowed to conduct their duties without interference.

53. The AUEOM teams rated the voting process and the competence of polling station staff as good.

Closing

54. The AUEOM observed closing in seven (7) polling stations.

55. 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 began.

56. The counting took place in the polling stations, immediately after the conclusion of voting and closing procedures.

57. Closing procedures were followed, party agents received copies of the result sheets which were posted at the polling stations.

XIII. CONCLUSION AND RECOMMENDATIONS

58. The AUEOM commends the people of Ghana and all key electoral stakeholders for holding orderly and peaceful elections under a challenging COVID-19 context.

59. As Ghanaians await the announcement of final official results of the EC, the Mission urges all stakeholders to exercise patience and remain calm. The Mission calls on relevant state institution to continue to carry out their responsibilities with professionalism and transparency. In view of the overall findings, the Mission offers the following preliminary recommendations for consideration by various stakeholders

To the Ghanaians

- to remain peaceful and allow the EC to complete the remaining activities leading up to the announcement of results.
- to work forward and preserve the democratic gains Ghana has accomplished in a peaceful manner.

To the Government of Ghana:

- to engage stakeholders in electoral reform supportive of affirmative laws to increase women's political representation.
- to enforce the provisions of the Vigilantism Act of 2019 (Act 999).

To the Electoral Commission:

- to provide timely communication to all electoral stakeholders on any contentious issues to enhance citizen's trust and confidence in the process.

To Political Parties:

- to uphold the tenets of the Peace Pledge and refrain from political violence in future electoral processes.
- to fully disband vigilantism within operations of political parties.
- to refrain from public declaration of electoral results as this is the statutory mandate of the EC and address any electoral disputes through the legal processes.
- to formulate internal party policies that will increase political participation and representation of women.

To Judiciary:

- to expeditiously adjudicate all electoral petitions in keeping with due process of law.

To Media:

- to demonstrate professionalism and impartiality by refraining from disseminating misinformation, disinformation and inflammatory messages that would further polarize society and incite violence.

To Civil Society Organisations:

- to continue promoting peace through civic education and providing evidence-based reports informed by an objective assessment of all key electoral processes.

Issued in Accra, 9 December 2020

Head of Mission

H.E Kgalema Motlanthe