



European Union  
Election Observation Mission

**GHANA 2020**

Final Report



**Presidential and Parliamentary Elections**

7 December 2020



**EU EOM GHANA  
PRESIDENTIAL AND PARLIAMENTARY ELECTIONS  
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This report contains the findings of the EU Election Observation Mission (EOM) on the 2020 Presidential and Parliamentary Elections. The EU EOM is independent from European Union institutions, and therefore this report does not represent the official position of the European Union.

## LIST OF ABBREVIATIONS

APC	All People's Congress
ACDEG	African Charter on Democracy, Elections, and Governance
ACHPR	African Charter on Human and Peoples' Rights
AUCPCC	African Union Convention on Preventing and Combating Corruption
BVDs	Biometric verification devices
CDD-Ghana	Ghana Center for Democratic Development
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CHRAJ	Commission on Human Rights and Administrative Justice
CI	Constitutional Instrument
CODEO	Coalition of Domestic Election Observers
CPP	Convention People's Party
CRPD	Convention on the Rights of Persons with Disabilities
DRRCs	District registration Review Committees
EC	Electoral Commission
ECOWAS	Economic Community of West African States
EU EOM	European Union Election Observation Mission
EUR	Euro
FIDA	International Federation of Women Lawyers
FVR	Final voter register
GBA	Ghana Broadcasting Cooperation
GC	Ghana Constitution
GCPP	Great Consolidated Popular Party
GFD	Ghana Federation of Disability Organizations
GFP	Ghana Freedom Party
GHS	Ghana Cedi
GJA	Ghana Journalists Association
GNA	Ghana News Agency
GTV	Ghana TV
GUM	Ghana Union Movement
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of all Forms of Racial Discrimination
IND	Independent
IPAC	Inter-Party Advisory Committee
LPG	Liberal Party of Ghana
LTO	Long Term Observer
MFWA	Media Foundation for West Africa
NCA	National Communication Authority
NCCE	National Commission for Civic Education
NDC	National Democratic Congress
NDP	National Democratic Party
NEPAD	New Partnership for Africa's Development
NMC	National Media Commission
NPP	New Patriotic Party
OAS	Organization of American States
OSCE	Organization for Security and Co-operation in Europe
PNC	People's National Convention
PNDCL	Provisional National Defence Council Law
PPP	Progressive People's Party

PVR	Provisional voter register
PVT	Parallel vote tabulation
PwD	Persons with Disability
SC	Supreme Court
SVR	Special voter register
UDHR	Universal Declaration of Human Rights
UNCAC	United Nations Convention against Corruption
UNOWAS	United Nations Office for West Africa and the Sahel
VR	Voter registration
WANEP	West Africa Network for Peacebuilding
WILDAF	Women in Law and Development in Africa

## I. SUMMARY

The 2020 elections were the eighth presidential and parliamentary elections since the introduction of multiparty democracy in Ghana in 1992. The elections took place in a polarized environment where the electoral landscape was dominated by Ghana's two main political parties, the New Patriotic Party (NPP) and the National Democratic Congress (NDC).

The elections were organised in an efficient and transparent manner, and voters participated freely in large numbers. The polls were competitive, and contestants could campaign without hindrance. A few isolated violent incidents occurred, resulting in five deaths and numerous stakeholders had expressed deep apprehensions about the possible use of vigilante groups by political parties. Ghana's vibrant and diverse media sector provided voters with sufficient information on competing parties and their candidates. Civil society organisations contributed significantly to the transparency and credibility of the election process. However, shortcomings in the election process identified by previous European Union Election Observation Missions (EU EOMs), such as misuse of state resources, advantage of incumbency and bias of the state media towards the ruling party resulted in an unlevel playing field. Numerous instances of vote-buying in an environment of unregulated political finance was another significant shortcoming. As in previous elections, the main opposition party frequently accused the leadership of the Electoral Commission of incompetence and partisanship, thus undermining the integrity of the elections.

Turnout for the presidential election was high, at close to 80 per cent. Incumbent President Nana Akufo-Addo was declared the winner with 51.3 per cent of valid votes, some 170,000 votes over the 50 per cent threshold. The losing NDC candidate John Dramani Mahama, who received 47.4 per cent of valid votes, rejected the results declared by the EC and filed a petition to the Supreme Court on 30 December 2020. For the first time since the introduction of democracy in Ghana both major parties won the same number of seats (137) in parliament. One seat was won by an independent candidate, a former NPP member of parliament. By 12 January, 11 petitions against 11 individual constituency parliamentary elections results were filed by both main parties.

The legal framework incorporates all relevant international legal instruments for the conduct of credible and competitive elections. Ghana's Constitution 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. However, gaps in the legal framework identified by previous election observation missions remain unaddressed. These include a lack of campaign finance regulation and no deadlines for the adjudication of parliamentary electoral petitions.

The Electoral Commission of Ghana (EC) has a good track record in organising credible elections. However, its appointments mechanism is not inclusive, does not build confidence in the institution and has remained an issue over two successive elections. All seven members of the EC are appointed by the President for an indefinite tenure without consultation of the opposition. Four EC members – including the chairperson and two deputies – were appointed by the incumbent President in July 2018, after the previous EC leadership was removed from office for misbehaviour and incompetence. The main opposition party, the NDC, frequently accused the EC of bias, and declared it had no confidence in the EC leadership.

The EU EOM observers assessed the EC's national, regional and district structures overall as competent, well-resourced and transparent. Despite some logistical challenges, all technical preparations for the elections were completed in a timely manner. The EC regularly communicated with the public and electoral stakeholders, primarily through social media, and its communications strategy generated sizable engagement among Ghanaians. The EC also organised at national level regular IPAC (Inter-Party Advisory Committee) meetings attended by representatives of the EC and contesting political parties, as well

as by civil society. The frequency of IPAC meetings increased significantly in the immediate pre-election period, however, the opposition parties criticised a lack of consultation during these meetings.

The EC compiled a new biometric voter register shortly before the elections, the timing of which 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 for a new register. The opposition strongly 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. Despite some technical problems affecting the limited number of registrants and closed land borders, this large-scale logistical operation succeeded in registering a very high number of voters. The final voter register contained 17,029,971 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.

Candidate registration was generally inclusive, but nomination fees remained unreasonably high. Twelve presidential candidates, including three women, and 914 parliamentary candidates, including 126 women, were registered by the EC. The highest number of candidates contesting in any parliamentary single-mandate constituency was eight, the lowest two. Thus, no constituency remained uncontested. 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.

Women are significantly underrepresented in political life. Perceived traditional roles of women, and, often, a lack of financial resources, contribute to this challenge. Both major parties fielded only some eight per cent of female parliamentary candidates. 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 the office of the President. These parliamentary elections slightly increased the number of female MPs from 37 to 40 out of 275 (14.5 per cent).

Voting was conducted in a generally peaceful atmosphere and voting procedures were mostly followed, including the biometric verification of voters. EU EOM observers reported several irregularities, such as voters not always marking their ballot in secrecy, mainly due to poor layout of polling stations, and biometric verification devices not always able to successfully verify the voters. 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 polling stations to enforce health protocols. The counting process was assessed positively and it was conducted in a largely transparent manner and always in the presence of party agents who in all cases received signed copies of the result forms. However, in more than half of the polling stations observed, result forms were not publicly displayed. Furthermore, presiding officers appeared to have difficulties completing the result forms.

Collation of results at the constituency level was observed in 35 constituency collation centres with many of them being visited repeatedly. The 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 process 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.

The election campaign was highly competitive, often confrontational and dominated by President Nana Akufo-Addo (NPP) and opposition candidate, former President John 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 by concerns about potential election-related violence associated with political vigilantism. EU EOM observers reported on numerous peace-promoting initiatives at local level which helped to preserve a generally peaceful environment. In the end, any election-related violence was of an isolated nature, predominantly involving clashes between supporters of the two major parties, with a limited impact on the campaign.

The campaign was mainly unregulated, with no official timeframe or measures to regulate the abuse of incumbency and of state resources. EU EOM observers indicated a prevalent misuse of state resources and a widespread practice of turning official state events into campaign rallies, resulting in an unlevel playing field. In addition, an illegal and undemocratic phenomenon of 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 were a matter of concern. There were no limits on contributions to or spending on campaigns, resulting in a lack of transparency and accountability around political and campaign funding. The EC did not enforce compliance with legal requirements on financial reporting for political parties. This further limited public scrutiny and transparency of political and campaign finance.

The media landscape in Ghana is vibrant and diverse. The media reported freely on the elections in a polarised environment, in which many partisan radio stations and a few independent and professional outlets coexist. State broadcaster Ghana Broadcasting Corporation (GBC) overall provided a fair opportunity to all political contestants through various programmes aired by both Ghana TV (GTV) and Uniiq FM. Nevertheless, the EU EOM's media monitoring findings showed that GTV favoured the NPP by allocating to it 26.2 per cent of airtime in its election-related news and programmes, compared to 15.8 per cent to the NDC. 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.

The National Media Commission (NMC), a constitutional and independent body mandated to promote and ensure free and independent media and high journalistic standards, lacks the capacity and necessary resources to implement its mandate and conduct media monitoring to oversee electoral coverage. The NMC also cannot sanction outlets that breach regulations.

The National Communication Authority (NCA), whose members are directly appointed by the President, is in charge of allocating broadcasting licenses. The institution was criticised by many media interlocutors for not being independent and transparent in its decision making. This generated mistrust with regard to the independence of the institution. In this context, the process of allocating and revoking broadcast licenses by the NCA has become opaque and sometimes arbitrary, resulting in a proliferation of commercial radio and TV stations owned by politicians or linked to political parties.

The NPP and NDC presidential contestants were by far the most visible and active online, highlighting a notable gap in resources between them and other candidates. Both major 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.



## Priority Recommendations

The EU EOM has 18 recommendations for improving elections in Ghana. They include the following eight priority recommendations:

- 1. Clear procedures for presiding officers, returning officers and regional collation officers to be stipulated on how to proceed in cases of irregularities during the counting and collation process, including over-voting, mismatched reconciliation, incomplete and wrongly filled in result forms.*
- 2. The EC to publish on its website detailed polling station results for all elections, as well as detailed results from all levels of collation well before the deadline for filing petitions against results.*
- 3. Enact and implement an Affirmative Action Law installing at least a 30 per cent quota of women in governance and decision-making positions, with a progressive increase to a parity of 50 per cent. Require political parties to adopt party quotas to promote women's participation in politics.*
- 4. Adopt a law on campaign expenditure and finance to enhance the overall transparency and accountability of political finance. The law to include establishing disclosure requirements of incomes and expenses for both parties and candidates and limits on expenditure and donations including for in-kind donations. Introduce effective oversight, sanctions and enforcement mechanisms that include a timely publication of all campaign finance reports, including online.*
- 5. Introduce an effective sanctioning mechanism against the misuse of state resources, including administrative and security apparatus during the election period.*
- 6. Provide the NMC with sufficient resources to conduct media monitoring and properly oversee the work of the media.*
- 7. Limit the role of the NCA to administer broadcasting signals and transfer its licensing and sanctioning powers to the NMC in order to create one sole and completely independent media regulatory authority, in charge of allocating broadcasting licenses, analysing broadcasting contents and dealing with media-related complaints.*
- 8. The mandate of the Data Protection Commission to be fulfilled in accordance with the Data Protection Act to ensure an effective system of data protection exists not only in law but also in practice.*

## II. INTRODUCTION

The European Union deployed an Election Observation Mission (EU EOM) to observe the presidential and parliamentary elections following an invitation from the Electoral Commission and the government of the Republic of Ghana. The EU EOM was present in Ghana from 31 October until 29 December 2020. The mission's mandate was to observe all aspects of the electoral process and assess the extent to which the elections complied with regional and international commitments for elections, as well as with national legislation.

The EU EOM comprised a core team of ten experts based in Accra and 40 long-term observers deployed to all 16 regions of Ghana. The mission observed the election day on 7 December as well as the special voting day on 1 December.<sup>1</sup>

For the election day on 7 December, diplomatic staff from EU member state embassies, the EU Delegation, and the embassies of Canada, Norway and Switzerland joined the mission to observe polling, counting and collation of results. In total, the EU EOM deployed eighty-one observers.

The EU EOM is independent in its findings and conclusions under the leadership of the Chief Observer, Javier Nart, Member of the European Parliament. The mission followed an established methodology and adhered to the 'Declaration of Principles for International Election Observation' signed at the United Nations in October 2005.

At the time of departure of the EU EOM on 29 December 2020, parts of the election process were outstanding, including the electoral dispute resolution process.

## III. POLITICAL CONTEXT

Both main parties have their traditional regional strongholds. The New Patriotic Party (NPP) is dominant in the Ashanti and Eastern region. The National Democratic Congress's (NDC) support base is in the Oti, Volta and Northern regions and in parts of the Central region. Neither party had a large enough regional-ethnic support base to have expected an outright win. Ghana's fragmented ethno-demographic composition therefore turns elections into close races, with parties forging cross-regional-ethnic alliances to win. Political clientelism continues to characterise the political system, especially in trying to attract votes in so-called swing regions. These include Greater Accra, with an urban vote, as well as Western, Central and former Brong-Ahafo regions.

The ongoing polarisation between the two main parties is particularly evident in election years when the system of "winner takes all" comes to the fore. Political appointments and control exercised by the government has been weakening important state institutions including the Electoral Commission (EC), judiciary, security forces and state media. Following the replacement of the EC's 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 about the high costs. The party also claimed that military deployment along the borders during the pandemic and voter registration suppressed participation in the process in opposition strongholds.

The 7 December 2020 elections were the eighth general elections since the adoption of the 1992 Constitution and the return to multiparty democracy. Ghana has had seven competitive elections which culminated in three peaceful transitions of power. The NPP and NDC have dominated the political

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<sup>1</sup> Polling on the special voting day was limited to poll workers, security forces and media representatives.

landscape. The NDC won the presidential election four times (1992, 1996, 2008, 2012) while the NPP won three times (2000, 2004 and 2016).<sup>2</sup>

This presidential election was a unique contest featuring for the first time, among the 12 candidates, a president and former president. There were eleven presidential candidates proposed by political parties and one independent contested. A total of 914 parliamentary candidates competed, having been nominated by 11 political parties or standing as independents.

The NPP's Nana Akufo-Addo and his vice-presidential running mate Mahamudu Bawumia, contested for the fourth time. John Dramani Mahama (NDC), running for the third time, chose a woman, Naana Jane Opuku-Agyemang, as his vice-presidential candidate. The incumbent president was selected by the NPP unopposed, whereas the NDC candidate contested party primaries against six candidates, winning the ticket with 95 per cent of valid votes.

Other presidential candidates included Christian K. Andrews from the Ghana Union Movement (GUM), Brigitte Dzogbenuku from the Progressive People's Party (PPP), candidate Nana K. A. Rawlings, widow of Jerry Rawlings, from the National Democratic Party (NDP) and Ivor K. Greenstreet, a person with disability, from the Convention People's Party (CPP). Both NDP and CPP candidates were contesting for a second time.<sup>3</sup>

For the parliamentary election, the NPP and NDC fielded candidates in all 275 constituencies. The PPP contested in 19 constituencies, the NDP in 42 constituencies, and People's National Convention (PNC) in 40. In all, 67 independent candidates, of which six were women, contested. Some 23 independent candidates ran in the Ashanti region and nine in Greater Accra.

In the past election cycle the government planned to organise two referenda, one on creating new administrative regions and the other on introducing local government elections. Only the former took place. A referendum on creating 10 new regions was held on 27 December 2018. There was opposition by some groups in the Volta region, an NDC stronghold, that challenged the creation of the Oti region, as the party felt the partition of the region could be an attempt to neutralise its electoral base there.<sup>4</sup>

A second referendum on the introduction of partisan politics at local level was scheduled alongside the district level elections on 17 December 2019, which proposed amending the Constitution to establish the direct election of metropolitan, municipal and district chief executives to advance the decentralisation agenda. The NDC along with several NGOs and prominent personalities opposed the "yes" campaign, calling for a boycott. Close to the local elections, the President decided to cancel the referendum. The arguments against deepening the multiparty democratic system were related to the possible further polarisation of society, as it is at the national level, and to increasing the costs of local elections.

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<sup>2</sup> NPP candidate Nana Akufo-Addo won the 2016 presidential election with 53,8 per cent of valid votes in a single round. John Dramani Mahama, the first incumbent president to lose a re-election bid, received 44,4 per cent of the vote. The other five presidential candidates on the ballot obtained together 1,7 per cent. NPP and NDC took all 275 parliamentary seats, with 169 seats and 106 respectively. The 2016 election result signaled the growing partisanship and polarisation of the political landscape. In the past the Convention People's Party (CPP), the People's National Convention (PNC) and independent candidates were elected to parliament.

<sup>3</sup> Remaining presidential contestants were Akua Donkor (Ghana Freedom Party, GFP), Henry H. Lartey (Great Consolidated Popular Party, GCPP), Hassan Ayariga (All People's Congress, APC), Kofi Akpaloo (Liberal Party of Ghana, LPG), David Apasera (People's National Convention, PNC), and Alfred A. Walker (independent).

<sup>4</sup> Voting took place only in the 47 districts that were potentially becoming part of new regions. All new regions were approved with "yes" votes above 99 percent, and turnouts ranged from 77 to 99 per cent. Six new regions were carved out of 10 pre-existing ones. The Northern region was split into Northern, North East and Savannah; Volta region into Volta and Oti; Western into Western and Western North; and Brong-Ahafo into Bono, Ahafo and Bono East. Parliamentary elections were held in all 16 regions.

Political vigilantism, outlawed under the Vigilantism Act of 2019, continued to pose a major challenge to Ghana's peace and stability.<sup>5</sup> Numerous stakeholders expressed deep apprehensions about the use of vigilante groups. Political parties are known to have formed and used vigilante groups to act on their behalf. These groups have often been violent, targeting opposition groups and public officials.<sup>6</sup> The formation of vigilante groups is driven by mistrust of state institutions such as the police and the EC, as well as by internal party security, unemployment, and the desire to win political power at any cost. Stakeholders claimed that these groups act with impunity, and allegedly, in some cases, under the umbrella of the National Security Forces. The NDC alleged that army recruitment procedures were being overlooked in order to employ members of NPP-affiliated vigilante groups.

The violent disruption of the 2019 byelection in Ayawaso West Wuogon, in Greater Accra, was seen by many stakeholders as a worrying precedent.<sup>7</sup> Failure to swiftly bring the culprits to justice deepened the perception of impunity. Some stakeholders linked the weak enforcement of the Act to possible political interference.

#### **IV. IMPLEMENTATION OF PREVIOUS EU EOM RECOMMENDATIONS**

##### ***Very few recommendations implemented after 2016 elections***

In 2016, the EU EOM made 20 recommendations, 14 of which required legal reforms. Two of these legal changes have been partially implemented: The Right to Information Act 2019 entered into force at the beginning of 2020, but implementation is deficient; and a deadline of 42 days for the Supreme Court to adjudicate petitions related to the presidential election came into force in 2017.<sup>8</sup> No deadlines were introduced for the adjudication of parliamentary electoral petitions. No other 2016 EU EOM recommendations requiring legal changes have been addressed.

Three of the EU EOM recommendations which did not require a legislative change were also partially implemented. The recommendation to the EC that the candidate nomination process be organised in a way that allows candidates a meaningful opportunity to correct errors in submitted forms was partially implemented. The EC also increased transparency by publishing the final and the special voter register, as well as presidential election results by region and constituency on its website. There was an improvement in communication between the EC and stakeholders in terms of frequency and consultative character of the IPAC meetings in the last two weeks before elections, although the opposition criticised the IPAC's lack of consultative approach. Other recommendations, such as publishing clear procedures for presiding and returning officers in cases of irregularities during the counting and collation process, have not been addressed. Moreover, marked disparities in the number of registered voters per constituency remain, affecting equal suffrage.

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<sup>5</sup> Almost half of respondents to a CDD-Ghana Pre-election Survey, September-October 2020, saw a likelihood of violence before, during and after the elections, compared to one-third of respondents in 2016.

<sup>6</sup> "Vigilante groups have been visible in all elections (district level and by-elections, intra party contest). Evidence on the ground indicates that increasingly NDC and NPP rely on these groups for security and electoral victory. Political parties, particularly the opposition parties, tend not to trust the police, especially during elections." In Draft Research Report on Electoral Violence and Political Vigilantism in Ghana: Evidence from selected communities. Ghana Centre for Democratic Development commissioned by United Nations Development Programme Ghana, November 2019.

<sup>7</sup> "The (...) violence at the Ayawaso West-Wuogon (...) linked to alleged vigilante groups associated with the ruling NPP suggests the gravity of the threats it poses to Ghana's democracy. Vigilante groups are largely made up of unemployed youth, mobilized as party foot soldiers to provide security for political parties or as polling (...) agents during voter registration, voting, and results tabulation." – *Ghana Presidential and Parliamentary Election 2020: Building Confidence and Generating Trust Amid COVID-19 Pandemic*, West Africa Network for Peacebuilding (June 2020).

<sup>8</sup> Supreme Court (Amendment) (No.2) Rules, 2016 CI 99 came into force in the beginning of 2017.

## V. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

### *The legal framework generally provides for credible and competitive elections, but previously identified gaps remain unaddressed*

The legal framework generally provides for credible and competitive elections. Ghana's 1992 Constitution, as amended in 1996 (GC), Acts of Parliament and subsidiary legislation provide the legal foundation for elections in Ghana. They incorporate all relevant international legal instruments for the conduct of credible elections in a democratic society.<sup>9</sup>

### **Fundamental Human Rights**

The Constitution is the supreme law and any law inconsistent with a provision of the constitution is void to the extent of the inconsistency. The GC 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 undue restrictions remain, such as on the right to stand for public servants, and an exclusion of the right to vote (and to stand) for those declared to be of unsound mind.<sup>10</sup> The GC disqualifies dual citizens from being elected as President or a Member of Parliament.<sup>11</sup>

The GC also establishes jurisdictional guarantees for the protection of fundamental human rights, mainly before the High Court and the Supreme Court (SC). The GC gives the High Court exclusive jurisdiction in determining matters where the rights of a person have been violated. The SC has jurisdiction where the enforcement is for the protection of the society at large. Thus, where various normative acts have sought to generally curtail the enjoyment of these rights, the SC has struck down these acts as unconstitutional and held that, e.g., where the police desires to prevent a demonstration on security grounds, such an application must be made to the High Court on notice to the demonstrators.<sup>12</sup>

The Commission on Human Rights and Administrative Justice (CHRAJ) was established in 1993 to promote human rights, monitor state administrative abuses, and investigate complaints. The CHRAJ also serves as an anti-corruption agency. It benefits from powers of investigation and the power to initiate legal proceedings. Its services are free and easily accessible to all and the CHRAJ can use mediation and negotiation tools as well as formal hearings and investigation. With 700 staff nationwide and more than 9000 human rights cases yearly, the CHRAJ is an important low-threshold human rights institution in Ghana, akin to an Ombudsman institution.

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<sup>9</sup> International legal instruments signed and ratified by Ghana include the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), the Convention on the Political Rights of Women, the Convention on the Rights of Persons with Disabilities (CRPD) and the United Nations Convention Against Corruption (UNCAC). Further, Ghana is the party to the Universal Declaration of Human Rights (UDHR). As a member of the African Union and Economic Community of West African States (ECOWAS), Ghana has ratified important regional and subregional treaties. These include the African Charter on Human and Peoples' Rights (ACHPR), the African Union Convention on Preventing and Combating Corruption (AUCPCC), and the ECOWAS Protocol on Democracy and Good Governance. Ghana is also a signatory to the African Charter on Democracy, Elections, and Governance (ACDEG) and the Declaration of Principles on Freedom of Expression in Africa.

<sup>10</sup> See *Registration of Candidates and Participation of People with Disabilities*.

<sup>11</sup> See *Electoral Disputes*.

<sup>12</sup> A rather excessive High Court Order was granted prohibiting all NDC intended protests from Sunday, 20 December, 2020, to 10 January, 2021, on the grounds that the police did not have the resources to protect the NDC demonstrations during the holiday season "and beyond".

## Electoral Legislation

The two main legal instruments regulating the registration of voters and the conduct of elections are the Public Elections (Registration of Voters) Regulations, 2016 (Constitutional Instrument (CI) 91 as amended in 2020 by CI 126) and the Public Elections Regulations 2020 (CI 127). These regulations set out all the processes and actions for the conduct of elections in Ghana from voter registration through voting on election day to the declaration and gazetting of election results. CI 127 (2020) replaced CI 94 (2016) in the regulation of the general conduct of elections.

The EC's CIs must be made in accordance with the provision of the GC and conform to the core mandate of the EC or risk being declared as unconstitutional.<sup>13</sup> These CIs are enacted pursuant to the substantive laws which guide the conduct of presidential and parliamentary elections in Ghana, i.e. the Provisional National Defence Council Law (PNDCL) 284 and PNDCL 285. CIs are published in the Gazette and enter into force at the expiration of 21 parliamentary working days after being laid before Parliament unless voted against by a two thirds majority.<sup>14</sup>

In 2020, by issuing CI 126, the EC excluded the use of previously issued voter ID cards and driving licences as permissible documents for voter registration. It allowed however one guarantor to vouch for a maximum of 10 persons, instead of five as in 2016. The exclusion of existing voter ID-cards, as well as the fact that the EC decided to conduct a new voter registration exercise, rather than just update the existing register, were challenged by the NDC and a private citizen at the Supreme Court.<sup>15</sup> A second plaintiff also challenged the fact that CI 126 did not allow for the use of birth certificates as evidence of identification for voter registration.<sup>16</sup> In June 2020, the Supreme Court ruled in favour of the EC.<sup>17</sup>

The Electoral Commission (EC) is regulated by the constitution and the Electoral Commission Act (451) 1993. The Act sets out the functions and internal operations of the EC. Under the Political Parties Act 2000 (Act 574), the EC performs regulatory functions. For instance, section 21(1) requires political parties to file returns and accounts within six months from 31st December of each year with the EC. Further, the EC has the power to order the accounts of a political party to be audited by an auditor appointed by the EC on reasonable grounds or request the political party to file with it, the audited accounts at a time specified by the EC.<sup>18</sup> Act 574 also requires political parties to declare their assets, liabilities and expenditures, in a manner directed by the EC, in relation to elections within 21 days

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<sup>13</sup> See *Mensah v EC & AG* [2015-2016] SCGLR 1145.

<sup>14</sup> Presidential and parliamentary elections are further regulated by a diverse range of laws and regulations, such as the Electoral Commission Act (451) 1993, The Representation of the People Law (PNDCL 284) 1992, the Political Parties Law (Act 574) 2000, Public and Political Party Office Holders Declaration of Assets and Eligibility Law (PNDCL 280) 1992, the Citizenship Act (Act 527) 1996 and (Act 591) 2000, the National Media Commission Act (Act 449) 1993, the Criminal Code 1960, as amended by the Criminal Code (Amendment) Act, the Representation of the People Parliamentary Constituencies Instrument (CI 78) 2012, the Citizenship Regulations (LI 1690) 2001 and the Supreme Court Rules (CI 16) 1996 as amended by CI 99, 2016.

<sup>15</sup> Suit No. J1/9/2020 - National Democratic Congress v Attorney-General & Electoral Commission, consolidated with Suit No. J1/12/2020 – Mark Takyi-Banson v EC & Attorney-General (Unreported) Judgment delivered on 25 June 2020.

<sup>16</sup> *NDC v Attorney-General and EC* Supreme Court ruling of 25 June 2020.

<sup>17</sup> The ruling stated that the EC as a constitutional body has the right, according to GC article 297 (b), to compile a new register. On the non-acceptance of existing voter identification cards, the Court held that there were serious doubts about the legitimacy of the processes which led to the issuing of the current cards, and that the EC was acting within its discretionary power by excluding them. On birth certificates, it pointed out that these are not a form of identification as they do not establish the identity of the bearer, and do not provide evidence of citizenship. CI 126 was consequently upheld as constitutional.

<sup>18</sup> Section 21(3), Act 574.

before and within six months after a general election in which it participated.<sup>19</sup> The EC can cancel the registration of a party which refuses or neglects to submit such statements or submits a false statement. Persons submitting false statements are also subject to criminal liability. The EC is currently not enforcing sanctions under Act 574, claiming it lacks the resources to do so, and that the Act is not sufficiently concrete.<sup>20</sup>

The Presidential Transitions Act 2012 (Act 845) provides a procedure for the smooth transfer of power from one democratically elected President to another. The Act specifies that the transition team be formed within 24 hours after the declaration of the presidential election result, and both the incumbent and the president-elect shall appoint an equal number of persons to the transition team. Since the incumbent President was re-elected, he has designated, in accordance with the Act, all members of the 2020 transition team.

### **Remaining Gaps in the Legal Framework**

Overall, the legal framework conforms to international standards, addressing the majority of areas related to the electoral process. Some areas however should be more precisely regulated to ensure greater transparency and legal certainty, rather than being left to the discretion of political parties and the EC: candidate nomination and the funding of campaigns and political parties; misuse of public resources in campaigns; and the legal framework for media.

There is no provision in the legal framework defining an election campaign period and therefore also nothing specifically regulating the campaign period (campaign finance, specific media regulations covering campaigns, behaviour of political parties and candidates during campaigns). Misuse of public resources in campaigns is therefore also not specifically regulated. The Constitution generally mandates that a public officer shall not put himself in a position where his personal interest conflicts or is likely to conflict with the performance of the functions of his office.<sup>21</sup> The Criminal Offences Act 1960 provides that it is an offence for a person to act in any manner that amounts to corruption, intimidation or personation in respect of a public election.<sup>22</sup> These provisions are very general and do not suffice to ensure a level playing field during an election campaign.

### **Election System and Constituency Delimitation**

The President of Ghana enjoys extensive powers, is elected for a four-year term and can serve a maximum of two terms. A candidate who secures more than fifty percent of valid votes is elected president. If no absolute majority is obtained, a second round is organised within 21 days between the two leading candidates. For the parliamentary elections, candidates are elected from 275 single-member constituencies based on a first-past-the-post system.

The Constitution states that the number of inhabitants of each constituency should be, as nearly as possible, equal to the population quota.<sup>23</sup> However, there are marked disparities in the number of registered voters per constituency, undermining equal suffrage. The largest constituency has nearly 10

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<sup>19</sup> Section 14, Act 574.

<sup>20</sup> In a meeting with the EOM, the EC claimed that some parties only presented one sheet of paper with very general information and that the EC could not currently demand more information. However, the Act does allow the EC to specify the form in which the parties are to make their statements.

<sup>21</sup> GC article 284.

<sup>22</sup> Criminal Offences Act, 1960 (Act 29), section 256.

<sup>23</sup> Article 47(3), GC. The population quota means the number of inhabitants of Ghana divided by the number of constituencies.

times more voters than the smallest one.<sup>24</sup> Of the 275 constituencies, 204 (74 per cent) deviate by more than 15 per cent from the national average of 61,256 voters per constituency. The EC has the responsibility to demarcate electoral boundaries and review them at intervals of not less than seven years or within a year after the publication of the population census data.<sup>25</sup> However, the last such general review was undertaken prior to the 2012 elections, increasing the number of constituencies from 230 to 275. During the previous reviews, the EC tended to simply increase the number of constituencies each time by dividing existing constituencies rather than tackling the challenging issue of redrawing constituency boundaries.

***Recommendation: Review parliamentary constituency boundaries to adequately provide for equal suffrage.***

In 2020, the EC held no parliamentary elections in the traditional areas of Santrokofi, Akpafu, Lipke and Lolobi because they had been allocated to a newly created region (Oti). Some of the traditional rulers opposed the creation of the new region and their inclusion in the said region and the Jasikan District and sought to remain in the Volta region.<sup>26</sup> This culminated in an action in the Ho High Court which was referred to the SC for interpretation.

The SC held that leaving the said traditional areas in the Hohoe Constituency in the Volta Region was unconstitutional as they ought to be allocated (to) a constituency in the new Oti Region.<sup>27</sup> The SC ordered the EC to take action so that the amendments would take effect in the new parliament in 2021. Consequently, pursuant to CI 128<sup>28</sup> the areas were allocated to the Buem Constituency in the Jasikan District in Oti. In November 2020, the Ministry of Local Government created the Guan District.<sup>29</sup> Over the years, the EC has created new constituencies each time a district is created as according to the EC the boundaries of constituencies, by law, cannot go beyond the boundaries of a district.<sup>30</sup> Although such an interpretation is not supported by the constitution, but an inference from the Local Governance Act 2019 (Act 936)<sup>31</sup>, it has led to the creation of constituencies each time new districts are created.<sup>32</sup> Consequently the EC was no longer able to lay the necessary CI in Parliament for the requisite twenty-one days. This led to voters in the said areas being disenfranchised. A future realignment or creation of the new constituency (Guan constituency) will possibly only take effect after the dissolution of the then sitting Parliament.<sup>33</sup> The creation of the Guan District should have been deferred to 2021 to avoid the foreseeable disenfranchisement of voters in these parliamentary elections.

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<sup>24</sup> Sekyere Afram Plains constituency in Ashanti Region has 15,111 registered voters and Ketu South in the Volta Region has 149,220 (EC constituency summary as of 31/01/2020).

<sup>25</sup> GC article 47(3).

<sup>26</sup> See <https://www.ghanaiantimes.com.gh/ec-dragged-to-court-over-placing-lolobi-akpafu-under-jasikan-district/>.

<sup>27</sup> SC Judgment dated 24<sup>th</sup> June 2020, Suit No.J6/01/2020 – Valentine Edem Dzatse v Henry Ametefe & 5 ors.

<sup>28</sup> Representation Of The People (Parliamentary Constituencies) Instrument, 2020 (CI 128).

<sup>29</sup> See <https://thecustodiangkokonline.com/guan-district-created-in-oti-region-ec-to-add-1-more-constituency/>

<sup>30</sup> Electoral Commission of Ghana, Elections 2004: Ghana's Parliamentary and Presidential Elections, Friedrich Ebert Stiftung, 2005 <http://library.fes.de/pdf-files/bueros/ghana/03610.pdf>.

<sup>31</sup> Section 5(1)(c), Act 936.

<sup>32</sup> See Daniel A. Smith The Re-demarcation and Reapportionment of Parliamentary Constituencies in Ghana. CDD Briefing Paper Vol. 10 No. 2. <https://www.cddgh.org/vol-10-no-2-the-re-demarcation-and-reapportionment-of-parliamentary-constituencies-in-ghana-daniel-a-smith-19-october-2011/>.

<sup>33</sup> Article 47(6), GC. It refers to the alteration of the boundaries of a constituency as a result of a review, which likely refers to a full review of constituencies as described in article 47(5) GC. The final interpretation when the creation of Guan constituency will come into force will remain with the Supreme Court. A lawsuit aiming to protect the rights of the disenfranchised residents was still pending in the Ho High Court as of 5 January 2021. The court also issued an interim injunction to hold proceedings related to the results of the parliamentary elections there, which was however only valid until 2 January. The Attorney-General invoked the supervisory jurisdiction of the Supreme Court, who held on 5 January that the order granted by the High Court was done without jurisdiction since the election results could only be challenged by an electoral petition, not a general human rights action. See also Electoral Disputes.



## VI. ELECTION ADMINISTRATION

### *Well-prepared elections by transparent Electoral Commission, despite the opposition's mistrust*

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 citizens on the electoral process and its purpose. 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. Five members of the current EC were appointed by NPP Presidents and two by NDC Presidents. Of the five NPP appointees, four – including the chairperson and two deputies – were appointed by the incumbent President in July 2018, after the previous EC leadership was removed from office for misbehaviour and incompetence.<sup>34</sup> The appointment mechanism is not inclusive and does not build confidence in the institution. The main opposition party, the NDC, frequently accused the EC national headquarters of incompetence and bias and declared it had no confidence in the EC leadership.

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.

*Recommendation: Establish an inclusive mechanism for cross-party involvement in the selection and approval of EC members and with a reasonable limited tenure of office, in order to build stakeholder confidence and enhance independence of the body.*

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.

Polling, counting and results collation procedures contained several safeguards to ensure a credible process. Primarily these were: voting only in the assigned polling station where a voter's name appears on the register; mandatory biometric or manual voter verification at the polling station; serially numbered ballot papers and counterfoils;<sup>35</sup> polling station-specific result forms; inking; and a meaningful presence of party agents at polling stations and collation centres. However, apart from over-voting,<sup>36</sup> there were no procedures addressing potential irregularities during counting and collation, such as not matching reconciliation, incomplete and wrongly filled in result forms or mathematical errors in the result forms. The procedures also lacked automatic result audit triggers, such as implausible figures on turnout or invalid votes, or votes that are solely or overwhelmingly for only one candidate.

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<sup>34</sup> Following the petition to the President filed by the EC staff, the Chief Justice set up an investigative committee which found former EC chairperson, Charlotte Osei, and two deputy chairpersons guilty of mismanagement related to the awarding of contracts during the 2016 elections.

<sup>35</sup> CI 127 requires ballot papers and their counterfoils to be serially numbered, and thus any ballot cast is potentially traceable back to the voter. Ballots are printed in booklets with ascending serial numbers, therefore for instance a party agent with a hard copy of a voter register could record the serial number of a ballot next to a voter's name and later, during the count, use this information to establish how some voters voted.

<sup>36</sup> Over-voting in the Ghanaian context occurs when the number of ballots found in the ballot box exceeds the number of ballots issued to voters. The results from such polling station are quarantined.

The EC put in place robust transparency measures for the counting of votes and collation of results, namely the public display of polling station and collation centre result forms as well as the distribution of signed copies of result forms to all party agents present. The EC also informed the EU EOM that it would centrally publish all polling station and collation centre results shortly after the elections.

To reduce the risk of spreading COVID-19 at polling stations on election day, the EC significantly increased the number of polling stations throughout the country, thus reducing the number of registered voters assigned to one polling station.<sup>37</sup> There were 38,622 polling stations open on 7 December and an additional official – a COVID-19 “ambassador” – was assigned to each polling station to enforce the COVID-19 protocols in place. The total number of EC permanent and temporary staff mobilised during the elections exceeded 233,000.

The EC regularly communicated with the public and electoral stakeholders, primarily through social media, namely Facebook, Twitter, Instagram and YouTube. The EC’s communications strategy [#LetTheCitizenKnow](#) generated sizable engagement among Ghanaians.<sup>38</sup> 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.

***Recommendation: The EC to work with full transparency, making all information of public interest immediately and easily accessible, including decisions, full statistical data on voter and candidate registration and detailed polling, counting and collation procedures.***

The EC also organised at national level regular Inter-Party Advisory Committee (IPAC) meetings attended by representatives of the EC and contesting political parties, as well as by civil society and cooperation partners.<sup>39</sup> The frequency of IPAC meetings increased significantly in the immediate pre-election period with meetings being held on 19 November, 27 November and 2 December. The opposition parties criticised a lack of consultation during the IPAC meetings, however, the last two meetings observed by the EU EOM before the elections were conducted in a consultative manner.

Voter education was conducted primarily by the two constitutional bodies, the EC and the National Commission for Civic Education (NCCE), and to a lesser extent by some civil society organisations. The EC conducted a fairly large voter education campaign mainly in electronic and social media, with educational spots available in English, six local languages and, in the case of social media spots, also in sign language.<sup>40</sup> At grassroots level the NCCE was the dominant player in providing voter education in local languages to marginalised and remote communities. However, EU EOM observers reported that the outreach capacity of NCCE staff at district level was often negatively affected by a lack of financial and human resources.

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<sup>37</sup> In 2016 there were 28,992 polling stations, i.e. 9,630 fewer than in 2020.

<sup>38</sup> The EC has 322K followers on Facebook and 151K on Twitter.

<sup>39</sup> IPAC is a non-statutory body established by the EC to interact with political parties. Apart from national level, IPAC meetings were also regularly organised at regional and district levels.

<sup>40</sup> Between 20 November and 7 December, the monitored TV stations broadcast daily on average some 18 minutes of paid voter education spots, while the monitored radio stations some 9.5 minutes.

## 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.<sup>41</sup> In practice, there are no unreasonable restrictions on the right to vote and the principle of universal suffrage is generally respected.<sup>42</sup> Ghana uses an active registration system whereby potential voters are required to personally visit the registration centre during a specified period and prove their identity using either a Ghana ID card, passport or by the identification guarantee form signed by two registered voters. During registration, biometric data – a photograph and 10 fingerprints – are captured and barcoded in the voter register as well as on the voter ID card, which is issued instantly on the spot.<sup>43</sup>

The credibility and accuracy of the voter register is a long-standing source of conflict between the two main political parties. Prior to the 2016 elections, the then opposition NPP unsuccessfully demanded a new voter register, alleging that the existing one was inflated by large numbers of deceased voters, minors, and non-citizens.

The EC compiled a new biometric voter register shortly before the 2020 elections and it was a source of considerable 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 strongly 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.<sup>44</sup> The alternative would have been a simple update of the register, as was carried out prior to the 2016 elections.

The voter registration (VR) exercise was conducted in 38 days between 30 June and 9 August at 33,367 registration centres.<sup>45</sup> Due to the limited number of biometric kits available, it was conducted in six phases, each lasting six days in a particular geographical area. On 8-9 August, a two-day mop-up registration exercise was organised at selected EC district offices for those unable to register in the mass registration which ended on 5 August. Despite some technical problems affecting the limited number of registrants and closed land borders, this large-scale logistical operation succeeded in registering a very high number of voters.<sup>46</sup> 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.<sup>47</sup> The exercise also practically eliminated deceased persons from the register.<sup>48</sup>

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<sup>41</sup> Some 140,000 persons who turned 18 between 1 October (last registration day) and 7 December were disenfranchised.

<sup>42</sup> But see *Participation of People with Disabilities*.

<sup>43</sup> According to the CI 127 a voter ID card was not mandatory for voting on election day.

<sup>44</sup> The EC spent 349.7 million GHC (approximately 55 million EUR) on 8,000 biometric registration kits, 74,800 biometric verification devices, software, a data centre and a data recovery centre. The data centre is managed and owned by the EC.

<sup>45</sup> The EC added one extra registration day on 1 October. This opportunity was provided to all people who for whatever reason were unable to register during the concluded VR exercise. The registration was possible at all EC District Election Offices. The process was observed by party agents and CODEO observers, however the EC never published the number of voters registered on this day. The one-day exhibition exercise took place on 7 October.

<sup>46</sup> Ghana has an estimated voting-age population of around 17 million, which would mean the registration rate was close to 100 per cent. According to the CDD pre-election survey, 98 per cent of respondents were registered to vote.

<sup>47</sup> The NDC alleged a high number of irregularities during the voter registration and PVR exhibition process, however the ones that could be proved, due to their nature or limited extent, did not have a potential to undermine overall credibility of the process.

<sup>48</sup> The only deceased persons who could potentially remain in the register were the ones who passed away during the four months between the end of the voter registration exercise and election day.

Overall, 16,963,306 voters were registered and included in the provisional voter register (PVR), representing 7.4 per cent or 1.25 million increase over the previous register.<sup>49</sup> Such an increase was justified given the available demographic data. Nearly 38 per cent or 6.44 million newly registered voters were unable to produce a Ghana ID card or passport and had to be vouched for by two guarantors. The guarantee provided by two registered voters made the system vulnerable to potential abuse by political contenders and, indeed, there were credible reports by civil society of some minors and foreigners being registered through this procedure. However, in the situation where many adults did not possess an ID card, the use of a guarantor system was justified to ensure inclusiveness of the VR process. A soft copy of the PVR was provided to registered political parties ahead of the exhibition exercise. However, it was not published on the EC website as required by law.

The PVR was displayed for public scrutiny at 33,367 exhibition centres from 18-27 September during the 10-day exhibition exercise. Voters could verify their entries by personally visiting the exhibition centre or via SMS.<sup>50</sup> Any requests for changes, corrections, inclusions and deletions of entries or challenges against inclusion had to be done in person. Altogether 46.9 per cent or 7.97 million registered voters used this opportunity. Biometric verification devices (BVDs) were used at some centres to enable registrants to verify their biometric details as well as to pilot-test them ahead of election day.<sup>51</sup>

The exhibition revealed some limited problems with omitted names in the PVR and duplicate numbers of voter ID cards.<sup>52</sup> Following the conclusion of the exhibition exercise the number of registrants in the PVR rose to 17,007,726 after the EC included 44,420 voters who were omitted from the PVR due to the technical data transmission problems. Another several thousand omitted voters were added to the PVR later, with the EC admitting it was unable to trace the registration data of 542 omitted voters.<sup>53</sup> On the other hand, 32,621 entries were removed from the PVR after 14,002 voters were successfully challenged during the exhibition exercise and 18,619 entries were identified as multiple registrations.<sup>54</sup>

The Coalition of Domestic Election Observers (CODEO) observed both VR and PVR exhibition exercises and published several reports. For instance, in the last report on the biometric VR exercise covering phases 4-6, CODEO reported a presence of NPP and NDC party agents in 99 per cent of 300 observed centres. At 2.6 per cent of centres there were attempts to physically prevent some applicants from registering instead of using a challenge form. Acts of intimidation and violence were observed at one per cent of centres and in 18 per cent of centres there were persons stationed around available to provide a guarantee for registration applicants.

The final voter register (FVR) containing 17,029,971 voters was certified by the EC on 6 November, i.e., 30 days ahead of election day.<sup>55</sup> A soft copy of the FVR was made available to political parties on the same day.

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<sup>49</sup> The percentage of increase varied significantly among regions – from 0.04 per cent in the NDC stronghold Volta to 35.6 per cent in the largest and traditionally swing region of Greater Accra.

<sup>50</sup> The exhibition centres were physically visited by 7.27 mil. voters and 0.7 mil. voters used the short code 1422 SMS. The EC admitted technical issues with the SMS platform which most probably prevented many voters from using it.

<sup>51</sup> Only around 5,000 out of 74,800 BVDs were used and NDC expressed concerns about the performance of the untested BVDs on election day.

<sup>52</sup> Overall, the EC admitted that about 0.3 per cent of registered voters were initially omitted from the PVR due to technical issues. Information on the number of voter ID cards issued with duplicate numbers was not made available by the EC. The EC reportedly contacted affected voters and issued them with new, correctly numbered ID cards.

<sup>53</sup> These 542 voters were placed on the “missing names voter register” together with 55 voters reinstated in the voter register by the High Court and 233 voters who were mistakenly assigned to wrong polling stations. All these 830 voters could vote on election day using the manual verification procedure.

<sup>54</sup> The NDC and some CSOs publicly called for the publication of all these names in order to avoid problems on election day. The EC initially maintained that those who registered more than once were well aware of this fact and there was no need to publish the list of their names, however, eventually the list was published on the EC website.

<sup>55</sup> The EC later adjusted the figure to 17,027,641 without providing a proper explanation.

The soft copies of the FVR and special voter register (SVR) were published by the EC on 18 and 11 November respectively. The SVR included the names of the EC, security and media personnel who were on duty on 7 December and therefore were entitled to vote on 1 December.<sup>56</sup> Both registers were uploaded on Google Drive and the access link placed on the EC website. The EC published an extract of the voter register – name reference list – which included limited personal information: full name, voter ID card number and age of registrant. The EC should be commended for publishing both voter registers. The format in which they were published – polling station-specific pdf files – to some extent protected the personal information, although at the same time it made any analysis of the published data practically impossible.<sup>57</sup> The political parties reportedly received a soft copy of the full FVR also in polling station-specific pdf files.

On 23 November two civil society organisations, IMANI and Strategic Thinkers Network Africa STRANEK, publicly accused the EC of incompetence and breaching voters’ privacy by publishing the voter registers.<sup>58</sup> On the same day the access links to the voter registers were removed from the EC website. The EC defended the publication of registers by stating its legal obligation to do so. However, in light of citizens’ concerns it decided to reconsider the amount of personal information included in the published registers. The SVR was republished online on 26 November and the polling station-specific pdf files contained only full name and gender of the voters. The FVR was republished on 30 November in a completely different format, allowing voters to check their registration details online only after entering the voter ID card number.

The SVR included 109,557 voters (0.64 per cent of the electorate).<sup>59</sup> Around 298,000 voters could qualify for special voting on 1 December but many of them were deployed on election day where they were registered to vote and therefore there was no need to include them in the SVR.<sup>60</sup> The EC rejected allegations that up to 60 per cent of security personnel were omitted from the SVR, maintaining that all names with correct voter ID numbers received within the legal deadline – 42 days before elections – were included. The EC was unable to provide a breakdown of registered special voters per category, so the total number of security personnel registered for special voting is unknown.

## VIII. REGISTRATION OF CANDIDATES

### *Candidate registration generally inclusive but nomination fees unreasonably high and many members of public service excluded*

The criteria to qualify as a candidate for presidential and parliamentary elections are largely in line with international standards. However, the nomination fee for presidential candidates was doubled to 100,000 GHS (14,160 EUR) in 2020. The fee for parliamentary candidates remained at 10,000 GHS (1,416 EUR) but was 1,000 GHS (141 EUR) until 2012. The increase was meant to reduce frivolous candidatures, but likely had the effect of also deterring some genuine candidates. 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. Furthermore, the nomination fees are effectively only refundable to candidates of the two main parties, as the deposit is refunded only to candidates who obtained at least 25 per cent

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<sup>56</sup> Their names were supposed to be removed from the respective polling station FVRs.

<sup>57</sup> Unlike excel or database format files, fragmented pdf files cannot be easily searched or queried.

<sup>58</sup> IMANI further accused the EC of lacking transparency in procurement, alleging it grossly overpaid for biometric software.

<sup>59</sup> In 2016 the SVR comprised 127,394 voters (0.81% of the total electorate).

<sup>60</sup> Around 234,000 of EC personnel, 63,000 security personnel and fewer than 1,000 media personnel.

of votes in the presidential and 12.5 per cent in the parliamentary elections. Only around 10 parliamentary candidates and no presidential candidates outside the two main parties surpassed these thresholds. Interlocutors indicated that higher financial demands are particularly restrictive on female and younger candidates who often have less access to resources.

***Recommendation: Candidate nomination deposits be reduced, including a possible special dispensation for female candidates to also help promote women's participation in political life. Also, refund thresholds could be considerably lowered.***

The fact that all members of almost all parts of the extended public service must resign before registering as candidates, unduly limits the right to stand.<sup>61</sup> Where there are actual reasonable grounds for some of these positions to be incompatible with a mandate in parliament or as president, this would not have to preclude eligibility. Rather, a high-ranking member of the public service could, e.g., be required to leave the service once elected. Also, misuse of public resources in a campaign can be prevented by respective laws and their enforcement, without infringing on the right to stand. Furthermore, incumbent MPs and political appointees like ministers and district chief executives are not public servants but will have more state resources and incumbent power at their disposal than the average public servant.

***Recommendation: Allow all public servants to stand for office without having to resign. If tenure of specific positions is considered incompatible with elected office, public servants could be required to leave the service or take a leave of absence once elected.***

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

Procedurally, the nomination forms are presented by the candidates to the EC returning officer, who must provide an opportunity to correct errors and make necessary amendments within the stipulated nomination period.<sup>62</sup> The form enables the EC to verify that candidates meet qualifying criteria, e.g., presidential and vice-presidential candidates are required to be citizens of Ghana, not have dual citizenship, be registered voters, at least 40 years old and eligible to run for Parliament.

The presidential nomination form also requires the signatures of at least two registered voters from each district (i.e., 432 signatures per candidate, with each voter allowed to sign for only one candidate), the designation of a vice-presidential candidate, statutory declarations by the presidential and vice-presidential candidates and a banker's draft for the nomination fee. The parliamentary nomination form must be signed by 20 registered voters in the respective constituency. The EC must check that the details provided are correct, and that the forms have been properly signed by the requisite number of registered voters.

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

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<sup>61</sup> Constitution Art.94 (3)(b). Excluded from eligibility to parliament and to the presidency are all members of the police service, the prisons service, the legal service, the civil service, the audit service, the parliamentary service, the statistical service, the fire service, the customs, excise and preventive service, the immigration service and the internal revenue service. Also excluded from the right to stand are all members of the armed forces. Members of the education and health services may stand for elections. According to General Comment 25 para. 16 to article 25 of the ICCPR, "if there are reasonable grounds for regarding certain elective offices as incompatible with the tenure of specific positions (e.g. the judiciary, high-ranking military office, public service), measures to avoid any conflicts of interest should not unduly limit" the right to stand.

<sup>62</sup> CI 127 Regulation 9 (2).

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, at least two 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.<sup>63</sup> One of the grounds of dismissal by the High Court was that, given the short period of time until the election, on the balance of convenience there would be greater hardship on the State if the election was halted, as this would potentially lead to a constitutional crisis.

*Recommendation: EC to start the candidate registration process 90 days before e-day and publish clear procedures subject to timely judicial review. Set clear time periods for filing of candidate nominations, for their review by the EC, for hearings granted to candidates regarding flaws in their nomination documents, and for candidates after their respective hearings to make amendments.*

Twelve presidential candidates, including three women, and 914 parliamentary candidates, including 126 women, were registered by the EC. The highest number of candidates contesting in any constituency was eight, the lowest two. Thus, no constituency remained uncontested.

### **Registration of Political Parties**

The Constitution guarantees the freedom of association.<sup>64</sup> Every citizen of voting age has the right to participate in political activity. Political parties have to comprise a national character, membership cannot be based on ethnic, religious, regional or other sectional divisions, and its internal organisation has to conform to democratic principles. A founding member, leader or a member of a party's executive has to be qualified to be elected as a member of Parliament or to hold any other public office. Additionally, members of a party national executive committee need to be chosen from all regions of Ghana.

The law requires political parties to have branches in all regions and to be organised in not less than two-thirds of the districts in each region. The Electoral Commission registered a total of 29 political parties, yet the majority were not active during the 2020 general election and were never de-registered by the EC.<sup>65</sup> In total, eleven parties participated in the elections.

## **IX. CAMPAIGN ENVIRONMENT**

*Intense, competitive electoral environment, however, misuse of state resources and incumbency created unlevel playing field*

The elections were held in a highly competitive environment dominated by presidential frontrunners President Nana Akufo-Addo (NPP) and opposition candidate, former president John Dramani Mahama (NDC). The campaign lasted several months during which the presidential campaign drove the narrative for both the presidential and parliamentary polls. The tone was often confrontational and aggressive, with the two parties accusing each other of mismanagement of the country.

The two main presidential candidates toured the country on several occasions, with their vice-presidential candidates conducting separate events. The NPP and NDC tried to reach voters by presenting

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<sup>63</sup> See section on *Electoral Disputes*.

<sup>64</sup> Articles 55 to 56 of the Constitution of the Republic of Ghana.

<sup>65</sup> A political party can sponsor candidates for elections to any public office except for District Assemblies or lower government units.

candidates with diverse North/South ethno-regional backgrounds, in response to Ghana's ethno-regional identity and diversity. Campaign strategies were adapted to COVID-19 conditions, however some EU EOM observers reported that during campaign events party supporters not always respected social distancing and not all wore face masks. Large rallies and indoor campaign activities were replaced with smaller outdoor events and more frequent door-to-door visits. Following the sudden death of former President and founder of the NDC Jerry John Rawlings on 12 November, President Akufo-Addo declared a week-long mourning period, with the two main presidential candidates suspending their campaigns for seven days. The suspension had, to some extent, a calming effect to the overall intense heated campaign.

The NPP campaigned with the slogan, "4 more to do more" with the promise of large infrastructure development projects and the commissioning of hospitals, technical institutes, housing projects, and free education. The NDC campaign highlighted government faults, alleged government-related corruption cases and accused the ruling NPP of excessive foreign borrowing.

Campaign activities were conducted freely, and all contesting parties enjoyed equal rights to freedoms of expression, assembly and movement. However, many stakeholders expressed concerns about the potential use of vigilante groups, outlawed in 2019. The Vigilantism and Related Offences Act prohibits any vigilantism activity in political party activities, while it identified 27 active vigilante groups operating in various regions. Election-related violence, predominantly clashes between supporters of the two major parties, were however scattered and of an isolated nature with a limited impact on the campaign.

The promotion of inter-party dialogue to mitigate potential violence as well as mediating efforts by various bodies – the National Peace Council, the National Commission for Civic Education (NCCE), civil society organisations (CSOs) including faith-based organisations, the Electoral Commission, political parties and security forces – were crucial in maintaining an overall peaceful atmosphere. EU EOM observers reported on numerous peace-promoting initiatives at local level which helped to preserve a peaceful environment. The signing of a peace pact between the two main presidential candidates just three days before the elections further committed the parties and supporters to reject the use of violence, accept the results and to resort to legal means to resolve any election disputes.

Across all 16 regions EU EOM observers noted the high visibility of the presidential campaigns by both major parties, underscoring a considerable gap in resources and campaign coverage compared to other aspirants.

The campaign was mainly unregulated, with no official timeframe and lacking measures to regulate the abuse of incumbency and of state resources. EU EOM observers indicated a prevalent misuse of state resources and a widespread practice of turning official state events into campaign rallies, resulting in an unlevel playing field. Abuse of incumbency fails to promote fair elections as government resources that should be evenly accessible to all competing aspirants are used by the incumbent. 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 and the media. The Constitution (Article 284) prohibits public officers from engaging in acts where their personal interest conflicts or is likely to conflict with the performance of their duties as public officials. Unlimited access to state resources during the campaign by the ruling party allowed for a disproportionate advantage. The system of local government, whereby the President appoints regional and district chief executives, who contest as parliamentary candidates making use of state resources, not only in support of the party but for themselves, diminishes the capacity for independent local government perfor-



mance.<sup>66</sup> District chief executives have direct responsibility for the oversight of police and other security agencies. As reported by EU EOM observers, district administration employees, vehicles, buildings and other assets were used for NPP campaigning.

***Recommendation: An effective sanctioning mechanism against the misuse of state resources, including administrative and security apparatus during the election period, be introduced.***

Under the Criminal Code 1960 and the Representation of the People Law 284, bribery, treating or gifting as well as undue influence, whether threats or acts of violence, are electoral offences, but the law is not enforced. Stakeholders and EU EOM observers cited the need for intensive civic education as a means to inform political parties, the public and stakeholders about the nature of electoral offences and related sanctions.

***Recommendation: Intensive civic education campaigns be undertaken, focusing on what constitutes an electoral offence, specifically electoral bribery, treating and undue influence as well as related sanctions.***

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.

## **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 and campaign financing. While there is no direct public funding system for political parties or election campaigns, the law does not expressly prohibit the use of public funds for party or campaign activities. No limits are placed on contributions or on spending, contrary to the international principle of ensuring that voters' free choice is not undermined by disproportionate spending on behalf of a candidate or party.

According to the Political Parties Act 574, political parties must, within 21 days before an election, submit to the EC a statement of assets and liabilities. Within six months after an election a party must furthermore 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. The EC stated that in the past not all parties complied with the law, including the NDC and NPP. Sanctions include the de-registration of a non-compliant political party. The EC has never proceeded further in this matter, and the system of political party funding lacks transparency and enforcement.

***Recommendation: The Electoral Commission's political party oversight be strengthened to promote compliance with legal and regulatory requirements regarding political finance. This includes the EC being appropriately resourced, with strong administrative sanctioning powers and implementing strict transparency and accountability procedures.***

Political party funding is restricted to Ghanaian citizens or Ghanaian-owned companies. Parties and candidates are financed through member subscriptions and donations from individuals and "patrons", including from the diaspora, whose identities are not always made public. The high cost of contesting

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<sup>66</sup> See reference to failed referendum on introducing elections for local government under political background section.

has been identified by stakeholders as problematic. Many candidates depend on personal funding, largely drawn from their own pockets. While no official figures are available, campaign costs are growing significantly with each election. Civil society highlighted the consequences of this for women, youth and small parties wishing to contest. In a survey the Westminster Foundation for Democracy estimated that it costs around 500,000 GHS (about 69,000 EUR) to get elected to parliament.

The costs of presidential campaigns are financed directly by the political parties. The ruling party representatives are accused by their opponents of excessive exploitation of incumbency and of misusing state funds for party campaigning. There are also accusations that the ruling party and opposition candidates' campaigns are financed by illegal foreign sources. Several stakeholders identified tackling the political finance to be the key issue in the forthcoming electoral cycle.

***Recommendation: Adopt a law on campaign expenditure and finance to enhance the overall transparency and accountability of political finance. The law to include establishing disclosure requirements of incomes and expenses for both parties and candidates and limits on expenditure and donations including for in-kind donations. Introduce effective oversight, sanctions and enforcement mechanisms that include a timely publication of all campaign finance reports, including online.***

## **X. MEDIA**

***A generally free and vibrant environment affected by heavy presence of partisan radio stations and favourable electoral coverage of incumbent by state media***

The media landscape in Ghana is vibrant and diverse, but also polarised. Currently 446 radio stations and 102 TV stations operate in the country, together with 49 newspapers and a vast array of online media. However, in this overcrowded environment, access to truly independent media is limited. The allocation, during the past years, of broadcast licences by successive governments to their political supporters has resulted in a proliferation of media outlets, mainly radio stations, owned or directly linked to politicians or political parties. According to media interlocutors met by the EU EOM, these partisan media have contributed also to a drop in journalistic standards and ethical principles.

In general, media practitioners in Ghana enjoy a high degree of freedom, and analysts consider the media environment to be strong. Reporters Without Borders' 2020 World Press Freedom Index ranks Ghana in position number 30 out of 180 countries. Nevertheless, the media sector is still vulnerable to threats and restrictions, including journalists being arrested and attacked and media outlets being shut down.<sup>67</sup> In September 2017, the National Communications Authority (NCA) conducted an audit and subsequently closed 34 radio stations, including some outlets aligned with the opposition, allegedly because of non-payment of licence renewals. However, the Media Foundation for West Africa (MFWA) considered that not all stations whose licence had expired were treated in the same manner. Similarly, the NDC claims that the shutting down in 2019 of its affiliated stations Radio Gold and Radio XYZ was motivated by political reasons.

The state-owned Ghana Broadcasting Corporation (GBC) operates six TV channels and 18 regional radio stations across the country that broadcast in local languages. GBC is mainly funded through

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<sup>67</sup> The as yet unsolved murder in January 2019 of investigative journalist Ahmed Hussein-Suale, and death threats received by journalist Manasseh Azure, illustrate that investigative journalism in Ghana is not free from danger.

direct government funds, but also through loans and commercial advertising. The Ghanaian government also owns three newspapers (*Daily Graphic*, *The Mirror*, *Ghanaian Times*) and the Ghana News Agency (GNA).

The private media sector is characterised by a high concentration of outlets, with three major media groups dominating the market and operating several nationwide outlets.<sup>68</sup> Community radio stations play a crucial role in providing information to citizens living in rural and remote areas. A total of 81 community radio stations operate in the 16 regions, broadcasting in local languages. Private print media are less influential than state-owned newspapers. Some leading private newspapers are also partisan, like *The Statesman* and *Daily Guide*.<sup>69</sup> While newspaper circulation is limited, their impact is considerable since radio and TV stations usually replicate newspaper headlines and stories.

### **Legal Framework for the Media**

The legal framework for the media, although providing for fundamental rights, needs improvement. The relevant media regulations include the GBC Act (1968); the National Media Commission (NMC) Act (1993); the NCA Act (2008) and the Electronic Communications Act (2008). However, some of these laws have limited effectiveness or need to be amended since they facilitate the overconcentration of political power in the referred media institutions.

The NMC is established by GC as an independent body mandated to promote and ensure free and independent media, high journalistic standards as well as ensuring that state-owned media are independent. Its mandate does not include the possibility to sanction outlets that breach regulations. Furthermore, since 2017 the NMC has lacked the necessary resources to conduct media monitoring to ensure journalistic standards are met and to oversee electoral coverage.

***Recommendation: Provide the NMC with sufficient resources to conduct media monitoring and properly oversee the work of the media.***

The NCA is in charge of allocating broadcasting licences. Its members of both the board and management are directly appointed by the President and function under the directive of the Minister of Communications. This generates mistrust with regard to the independence of the institution. In this context, the process of allocating and revoking broadcast licences by the NCA has become opaque and sometimes arbitrary, resulting in a proliferation of commercial radio and TV stations owned by politicians or linked to political parties.<sup>70</sup> This practice is contrary to international standards since it can compromise the independence of the media through politicised content used for campaigning.<sup>71</sup> Further, the overcrowding of the airwaves has had a direct impact on community radio stations, which have had their range of transmission reduced from 25 to 5 km due to the reclassification of radio ranges adopted in 2012 by the NCA to accommodate new licences for commercial radio stations.

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<sup>68</sup> Multimedia group (Joy FM, Adom FM, Adom TV, among others); U2 Company/Despite Group of Companies (Peace FM, UTV, among others) and TV3 Network/Media General Ghana (TV3, Onua radio & TV, among others).

<sup>69</sup> *The Statesman* is owned by NPP member and cousin of the President, Gabby Otchere-Darko, and his wife, while *Daily Guide* is owned by the Blay family. Frederik Blay is the NPP's national chairman.

<sup>70</sup> During observation period, EU EOM observers identified at least 33 NPP-affiliated, 28 NDC-affiliated and five PPP-affiliated radio stations currently on air.

<sup>71</sup> UN Special Rapporteur on Freedom of Opinion and Expression/OSCE/OAS/ACHPR Joint Declaration on Media Independence and Diversity in the Digital Age, Article 4. Windhoek Declaration on Promoting an Independent and Pluralistic African Press, Article 2.

*Recommendation: Limit the role of the NCA to administer broadcasting signals and transfer its licensing and sanctioning powers to the NMC in order to create one sole and completely independent media regulatory authority, in charge of allocating broadcasting licenses, analysing broadcasting contents and dealing with media-related complaints.*

Similarly, the GBC Act does not provide for an adequate mechanism to guarantee the independence of GBC as a public service broadcaster. On the contrary, the law establishes that the chairman, director general and GBC board members are directly appointed by the President.

While there are no specific legal provisions on media electoral coverage by state-owned media, GC (Article 55/11-12) establishes that the state shall provide fair opportunity to all political parties in the state-owned media and that all presidential candidates shall be given the same amount of airtime and space to present their programmes. For the 2020 elections the Ghana Journalists Association (GJA) issued its “Guidelines on Electoral Coverage” highlighting legal, professional and ethical aspects intended to make media houses and journalists balanced, fair and accurate in their electoral reporting. The NMC guidelines on political journalism (2008) also make specific references to media coverage in an election period.

### **Media Monitoring Findings**

During the observation period, the media and journalists operated in a generally free environment but circumstance deteriorated slightly after the polls. The EU EOM registered four cases of journalists being attacked and injured while covering collation procedures in Accra. EU EOM observers in the Central Region also reported that, on election day, 10 armed soldiers stormed the NYCE FM premises in Winneba with the intention of interrupting a live interview with an NDC candidate. After some 20 minutes of harsh interrogation of the station’s management the soldiers left, with no interruption caused to programming.<sup>72</sup>

Allegations of involvement of the NCA in malicious interruptions to the broadcast signal of Accra-based outlets Joy news TV and GHOne TV and Kumasi-based Abusua FM were also reported few days before the elections.<sup>73</sup> The NCA rejected the allegations and stated it had no capability to block or jam broadcasting signals.

As for the electoral media coverage, both state-owned and private media at national and provincial levels made efforts to provide access for 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. From 20 November to 7 December the EU EOM conducted a media monitoring exercise in order to assess the access granted to political parties and candidates in the media and whether this coverage was equitable and balanced. The mission monitored a representative sample of 13 media outlets with a nationwide reach, including the state-owned media GTV, Uniiq FM, *Daily*

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<sup>72</sup> The interviewee was an NDC candidate from Effutu constituency, James Kofi Annan, who was denouncing alleged electoral malpractices during the collation process.

<sup>73</sup> On 18 November Joy News had its signal cut just 10 minutes after the start of a heavily advertised reportage revealing alleged corruption within the National Lottery Authority. The reportage was finally aired on the following day. On 22 November NDC presidential candidate John Mahama claimed that NDC-affiliated radio station Abusua FM was “hit with major interference” when the station was airing interviews featuring him or his running mate. On 4 December GHOne TV reported that its signal was off just before conducting an interview, previously advertised, with Auditor General Daniel Domelovo. The TV station also claimed that Domelovo called GHOne TV to cancel the interview, alleging pressures and threats.

*Graphic* and *Ghanaian Times*, and the private media UTV, TV3, Adom TV, Joy FM, Adom FM, Peace FM, Citi FM, *The Chronicle* and *Daily Guide* (see annexes for detailed media monitoring results).

State broadcaster GBC overall provided fair opportunity to all political contestants through various programmes aired by both GTV and Uniiq FM.<sup>74</sup> Nevertheless, the EU EOM's media monitoring findings show that 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. 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. Focusing only on the coverage received by presidential candidates, the difference of airtime is slightly higher, with Nana Akufo-Addo receiving 33 per cent and John Mahama receiving 19.1 per cent of airtime in the state-owned TV. The tone of GTV's reports, however, was generally neutral.

State-owned Uniiq FM provided equitable coverage to both major parties (34.2 per cent and 28.6 per cent of airtime allocated to NPP and NDC, respectively) and their presidential candidates (39 per cent of airtime for Akufo-Addo and 32.6 per cent of airtime for Mahama). The tone of its reports was generally neutral. However, Uniiq FM devoted 11.3 per cent of additional airtime to coverage of government inaugurations and projects.

The electoral coverage received by political parties and candidates in the state-owned newspapers *Daily Graphic* and *Ghanaian Times* was also equitable, with reports generally presented in a neutral tone. The NPP received 29.9 and 22.5 per cent of space on *Daily Graphic* and *Ghanaian Times* respectively, while the NDC received 26.5 and 29.5 per cent of space, respectively. However, *Daily Graphic* allocated 11.1 per cent of additional space to reports on government inaugurations and projects (2.6 per cent in *Ghanaian Times*).

Various degrees of imbalance were registered in coverage by private media outlets monitored by the EU EOM. Election-related coverage by newspapers *The Chronicle* and *Daily Guide* was overtly biased in favour of the ruling party. While the NPP received 56.2 per cent and 60 per cent of space in *The Chronicle* and *Daily Guide* respectively, the NDC received 31.9 and 27.4 per cent of coverage, respectively. Furthermore, 51.3 and 27.5 per cent of reports relating to the NPP in *The Chronicle* and *Daily Guide*, respectively, were presented in a positive tone while 33.2 and 57.07 per cent, respectively, of reports relating to the NDC were presented in a negative tone. UTV also favoured the NPP in its coverage by allocating it 45.4 per cent of airtime, as against 33.2 per cent to the NDC.

No qualitative imbalances were observed in the electoral coverage of Joy FM and Adom FM, which presented their reports in a neutral tone. However, both radio stations quantitatively favoured the NDC in their election-related news and programmes by allocating it 52.4 and 41.4 per cent of airtime, respectively, as against 42.1 and 30.8 per cent of airtime received by the NPP. On specific coverage for presidential candidates the quantitative imbalance on Adom FM was slightly higher, with John Mahama receiving 39.9 per cent as against 28.1 per cent of airtime allocated to Nana Akufo-Addo, while on Joy FM it was slightly lower (53.6 per cent for Mahama, 43.5 per cent for Akufo-Addo).

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<sup>74</sup> "Manifesto", "My turn", "Decision Time" and "Presidential Encounter", the latter featuring all presidential candidates except Nana Akufo-Addo (NPP), John Mahama (NDC) and Nana K. Agyeman Rawlings (NDP) who declined the invitation to participate in the programme. GTV also aired a presidential debate on 30 November, with participation of CPP, GFP, LPG, GCPP and APC candidates.

The remaining private media monitored by the EU EOM offered reasonably balanced coverage of the two major parties, both in the distribution of airtime and the tone used in reports.

A large amount of political advertising was aired on radio and TV during the analysed period. However, and despite existing guidelines, the media often did not identify paid-for items. The clear labelling by radio and TV stations of adverts and paid-for programmes is an international best practice aiming to allow audiences and voters to distinguish political advertising from election-related information presented by the media.<sup>75</sup> Overall, during the analysed period the NDC bought more airtime for advertising on radio and TV together (some 32 hours) than the NPP (some 25 hours). However, the NPP bought the largest amount of airtime on the five radio stations monitored by the EU EOM (64.1 per cent of airtime, equivalent to nearly eight hours of adverts and paid-for programmes, as against 35 per cent of airtime bought by NDC, more than two hours). On TV the NDC led the investment in political advertising on the four channels analysed (64.1 per cent of airtime, equivalent to more than 30 hours, as against 35.3 per cent of airtime bought by the NPP, some 17 hours). Adverts bought by the two major parties in the newspapers was much lower than in the electronic media, with the NPP gathering 85.9 per cent (some eight pages) of all political adverts published in the four dailies monitored by the EU EOM, and the NDC buying 14.1 per cent of the space (slightly more than one page).

## **XI. DIGITAL RIGHTS AND 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.<sup>76</sup> The digital literacy rate is estimated to be low, leaving the online discourse open to manipulation. NGOs including the Media Foundation for West Africa and Penplusbytes as well as fact-checking organisations undertook initiatives to enhance digital and media literacy among the public, journalists and politicians and to reduce the urban-rural digital divide. Such programmes, carried out in some instances with limited resources, made a positive contribution to countering misinformation online. The proliferation of false and misleading news during the election campaign, including claims by social media influencers and on Facebook pages and Twitter accounts associated with both main parties, indicates a continuing need for such activities.<sup>77</sup>

Online platforms are an increasingly important source of news in Ghana, and social media plays a significant role in Ghanaian electoral politics. Debates on social media contribute to setting the political agenda and to shaping traditional media coverage. WhatsApp, the most-used platform, was widely used for mobilisation and campaigning.<sup>78</sup> The second most-used platform is Facebook, followed by YouTube, Instagram and Facebook Messenger. Twitter, generally regarded as a space for urban political elites and opinion makers, contributes to shaping the political discourse despite having fewer users

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<sup>75</sup> Recommendation No. R (99) 15 of the Committee of Ministers, Council of Europe, on measures concerning media coverage of election campaigns. II) Measures concerning the broadcast media. 5) Paid political advertising.

<sup>76</sup> Datareportal.com (figures as of January 2020).

<sup>77</sup> There are no official figures on digital literacy. Joint declaration on freedom of expression and “fake news”, disinformation and propaganda (2017) by the United Nations Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples’ Rights Special Rapporteur on Freedom of Expression and Access to Information, section 3 (e): “States should take measures to promote media and digital literacy, including by (...) engaging with civil society and other stakeholders to raise awareness about these issues.”

<sup>78</sup> WhatsApp chat groups are closed and, for ethical reasons, inaccessible for EU EOM monitoring purposes.

than other platforms. While political rallies took place regardless of COVID-19, the pandemic was instrumental in driving much campaigning online, and social media was a vital tool for contestants to reach younger voters.<sup>79</sup>

### **Legal Framework for Digital Communications and Social Media**

The legal framework generally guarantees universal and indiscriminate access to and use of the internet. Online media operate without government restrictions. The NCA grants licences to internet service providers, broadband wireless access service providers and mobile network operators. The NMC in theory receives complaints regarding online content but is underfunded and lacks the capacity to carry out its functions including complaints mediation, media monitoring and issuing sanctions. *(See related recommendation in media section.)*

The Criminal Code (1960) and the Electronic Communications Act (2008) include restrictions on disinformation that lack precision and are therefore open to wide interpretation that could result in limited freedom of expression.<sup>80</sup> The Criminal Code prohibits the publication of false statements "likely to cause fear and alarm or to disturb the public peace". Violation is a misdemeanour which, under the Criminal Procedure Code (1960), may result in a jail term of up to three years. The Electronic Communications Act prohibits the use of electronic means to send false or misleading information "likely to prejudice the efficiency of life-saving service or to endanger the safety of any person [...]". Violations incur jail terms of up to five years.

***Recommendation: Clarify vague legislative provisions in the Criminal Code (section 208) and Electronic Communications Act (section 76) that could be interpreted widely and used to restrict freedom of expression in the media and online.***

The Data Protection Act (2012) provides for privacy rights and protection of user data. The Act established the Data Protection Commission as an independent statutory body to implement its provisions as well as monitor and enforce compliance. The commission's mandate is to protect the privacy of individuals as well as their personal data by regulating the processing of personal information, and by providing a process by which personal information is obtained, held, used and disclosed. It is also mandated to raise public awareness of data protection as a fundamental right. Contrary to the data privacy provisions contained in the Act, interlocutors of EU EOM observers in 14 of the 16 regions reported receiving unsolicited campaign SMS messages from both parties and/or recorded voice messages.

***Recommendation: The mandate of the Data Protection Commission to be fulfilled in accordance with the Data Protection Act to ensure an effective system of data protection exists not only in law but also in practice.***

### **EU EOM Digital Communications and Social Media Findings**

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. The two main parties deployed social media teams who posted content in a coordinated manner across a range of platforms to promote their

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<sup>79</sup> An estimated 3.9 million voters are aged under 25.

<sup>80</sup> Declaration of Principles on Freedom of Expression in Africa, African Commission on Human and Peoples' Rights, 32nd Session, 17-23 October 2002, article 13.1; ICCPR article 19, HRC GC 34, para. 35.

presidential candidate and discredit the rival.<sup>81</sup> Activity on Twitter suggested the use of human curation to amplify political messaging, indicating coordinated efforts to exaggerate apparent support online (*see social media monitoring findings in annexes*). The EOM identified 764 Twitter accounts registered in the three weeks before election day (almost half of them established only in the week before the elections) that exclusively used election-related hashtags. Of these accounts, 215 were inactive after the elections. More than one-third of all Twitter accounts that used only election-related hashtags mostly retweeted without adding original content.

Misinformation disseminated by both sides on Twitter and 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 made on Twitter by both parties that they had secured their endorsement.

Live videos of campaign events were the most common type of post on the two frontrunning candidates' official Facebook pages. Analysis by the EU EOM social media monitoring unit showed that official and support pages for both contestants on Facebook contained mostly positive messages about their candidate. Negative content was highest on NPP official pages, at almost 23 per cent. NPP official pages also attracted the highest numbers of "clicks"/emojis, with each post getting on average 6,388 compared to 2,950 on official NDC pages. 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 discourse.<sup>82</sup>

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.<sup>83</sup>

The presidential campaign drove the online narrative for both the presidential and parliamentary elections. Parliamentary candidates, including from the two main parties, did not appear to receive financial or practical support from their parties for online campaigning. Monitoring by EU EOM observers in the 16 regions of 367 public Facebook official or support pages for presidential and parliamentary contestants, and 50 Twitter accounts of parliamentary candidates, showed wide variations in online activity, with many accounts/pages inactive and/or with few or zero followers.

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<sup>81</sup> The EU EOM used the Facebook social media listening tool CrowdTangle to monitor 62 public Facebook pages linked to the presidential race, of which 50 were official or support pages of the two frontrunning candidates. In total 5,519 posts between 1 November and 7 December were analysed and coded. Using the software SentiOne, the EU EOM monitored some 60,000 tweets containing the most-used election-related hashtags over the same period. The timelines of 11,401 Twitter accounts were analysed.

<sup>82</sup> In the UN Strategy and Plan of Action on Hate Speech (2019), hate speech is understood as "*any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor. This is often rooted in, and generates intolerance and hatred and, in certain contexts, can be demeaning and divisive.*"

<sup>83</sup> Ghanafactcheck.com, set up in July 2020, is not a signatory to the International Fact-Checking Network code of principles.



Throughout the election period, fact-checking organisations scrutinised candidates and analysed their manifestos, exposing misleading and false stories as well as doctored images, and sharing their findings across platforms. On election day NGOs cooperated with fact-checkers, the EC and police to verify rumours and incidents. Fact-checkers carried on their work after the elections, when false claims continued to be shared widely, including doctored CNN and BBC screenshots and fake news about the EC chairperson. The National Commission on Civic Education (NCCE) ran a cross-platform campaign alerting voters to fraudulent voter education material. The EC was active on Facebook and Twitter, issuing press releases to counter rumours and clarify misleading claims. Such activities contributed to voter education and enhanced transparency.

Three presidential contestants – Akufo-Addo, Mahama and the CPP's Ivor Kobina Greenstreet – bought Facebook ads. Many ads featuring the two frontrunning candidates ran on support pages with no sponsor identified, resulting in a lack of transparency.<sup>84</sup>

## **XII. PARTICIPATION OF WOMEN**

### ***Women significantly underrepresented in political domain, especially in elected positions***

51.74 per cent of registered voters are women. The presidential elections saw, for the first time, one of the two main parties' presidential candidates (NDC) choosing a woman as running mate, and three women ran for the office of the president. However, 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) in 275 constituencies. Many of these were incumbents and fared exceptionally well among the 914 total parliamentary candidates: 20 of the 24 NPP female candidates and 20 of the 22 NDC female candidates were elected.

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, far behind peers like Ethiopia (38,8%) and Uganda (34,9%) also with FPTP systems. These parliamentary elections have increased the number of female MPs to 40 out of 275 (14.5 per cent). Relying on social change alone will thus clearly not sufficiently advance political participation of women in line with Ghana's international commitments.<sup>85</sup>

Women's organisations,<sup>86</sup> female MP candidates and many EU EOM LTOs reported that the main challenges to enhancing women representation are of structural nature, remaining unchanged, if not worsened since the 2016 elections: gender-based harassment and a general environment of gender discrimination; a lack of necessary finances to run in primaries and as candidates; strong resistance from within their own male-dominated political parties, and a lack of quotas or any other form of affirmative action.

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<sup>84</sup> According to Facebook's Ad Library, the combined spend on advertising on candidates' official and support pages from 4 August to 7 December totalled US\$133,699 (Mahama, EUR109,433); US\$95,747 (Akufo-Addo, EUR78,369); and US\$1,640 (Greenstreet, EUR1,335).

<sup>85</sup> The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) was ratified by Ghana in 1980. Key regional commitments made by Ghana on women's political participation include the African Charter on Human and People's Rights and its Women's Protocol, the New Partnership for Africa's Development (NEPAD), and the Nairobi Forward-Looking Strategies for the Advancement of Women, all of which promote a gender policy plan of 50 per cent representation of men and women in decision-making processes at all levels.

<sup>86</sup> ABANTU for Development (a women's rights and policy advocacy organisation which was instrumental in creating the first Women's Manifesto for Ghana 2004, updated 2016), Women in Law and Development in Africa (WILDAF Ghana), and the International Federation of Women Lawyers (FIDA Ghana).

Parties' women's wings are mostly reduced to doing the footwork for male candidates, and female representation in the leadership structures of the main parties is hardly visible. High-ranking members of the NDC party leadership commented in a meeting with the EU EOM that they had to "endure criticism" from within the party for nominating a woman as vice-presidential candidate.

The increasing "monetisation" of politics exacerbates the problem, given that women on average have less access to funds than men.<sup>87</sup> Contesting party primaries for parliamentary elections has been reported as potentially much more expensive than campaigning for the seat in the election itself, depending on the constituency. While the two big parties paid the nomination fees for their candidates, independent candidates and those of smaller parties have to field these fees and finance their campaigns on their own. All EU EOM interlocutors agreed that contesting primaries and elections has become significantly more expensive, with variances depending on the constituency, since the 2016 elections. This trend, if not counteracted, will contribute to keeping women out of elected positions in relevant numbers.

Even in appointed positions, women usually remain far under the 30 per cent representation which is foreseen as a minimum (progressively raised to 50 per cent) by international and regional instruments to which Ghana is a party. After the 2016 elections, President Akufo-Addo pledged that, in accordance with the NPP's party manifesto, a minimum of 30 per cent of ministerial appointments would be filled by women. Women in Law and Development in Africa (WILDAF) then drew up a list of 500 qualified women who could be appointed to public office. Yet, 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 overall political domain is very limited. Of 110 ministers of state, sector, regional and respective deputy ministers at the end of 2020, only 23 were female.

The equality clause in the Constitution allows for affirmative action.<sup>88</sup> An ambitious Affirmative Action Bill has been in preparation, but was, as in previous legislative cycles, not brought before parliament. The draft is appropriately designed to improve political participation of women in Ghana as it seeks to promote a progressive increase in active participation of women in public life to a parity of 50 per cent by 2030, in line with the UN Sustainable Development Goals in governance, public positions of power and all decision-making spaces of the country. It also requires all sectors to reserve a percentage of their employment for women. It furthermore proposes a range of offences for attempts to defeat the object of the Act. Complaints regarding gender inequity are to be settled within three months under the Bill, after which they can be submitted to the High Court. The Bill also requires political parties to adopt gender quotas and include them in their manifestoes and constitutions.

This policy issue should be addressed by the 8th parliament of the 4th Republic. If elected representation of women is to be increased, political parties must also be required either by the Affirmative Action Law or by the Political Parties Law to adopt meaningful party quotas both for their party and leadership structures and for candidates running for "safe seats".<sup>89</sup>

***Recommendation: Enact and implement an Affirmative Action Law installing at least a 30 per cent quota of women in governance and decision-making positions, with a progressive increase to a parity of 50 per cent. Require political parties to adopt party quotas to promote women's participation in politics.***

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<sup>87</sup> The term „monetisation“ was used by stakeholders in Ghana to describe the enormous and increasing funds needed to successfully run for office, from party primaries to the actual campaign.

<sup>88</sup> GC article 17.

<sup>89</sup> Many EU EOM interlocutors have pointed out that a party quota for women standing for the safe seats of the two main parties would probably be the most effective tool to increase the election of women MPs.

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

#### ***Significant efforts made to reduce obstacles for persons with disabilities on election day, but not at overall political participation of persons with disabilities***

In 2020, 64,699 voters were registered as Persons with Disabilities (PwD) during the voter registration exercise. However, according to the Ghana Federation of Disability Organizations (GFD), up to 10 per cent of the population, or over three million people, are estimated to be living with disabilities. Different definitions and a lack of up-to-date statistical data make verification or comparison of different numbers impossible. The Persons with Disability Act 715 was enacted in 2006 but the enabling regulations are yet to be passed. The law is under revision since Ghana has ratified the United Nations (UN) Convention on the Rights of Persons with Disabilities on 31 July 2012. A structured effort at including Persons with Disabilities in all walks of political participation is therefore lacking. One presidential candidate was a person living with a disability.<sup>90</sup>

The Constitution guarantees the rights of disabled people, with the exception of the right to vote and to stand for elections for citizens who are not “of sound mind”, which is not further specified. The treaty committee for the UN Convention on the Rights of Persons with Disabilities (CRPD) stated that mental incapacity should not serve as a basis for the deprivation of the right to vote and to be elected. This has hardly been raised as an issue by any interlocutors, including those within the PwD community. No concrete instances of exclusion on this basis were brought to the attention of the EU EOM.

The Constitution requires all public facilities, including polling stations and courts, to provide access for people with disabilities. Variable efforts were made by NPP and NDC to accommodate special needs voters during campaigning and voting, mostly in relation to transport. Provisions by the EC for voting included overall satisfactory physical accessibility to polling stations and fast-track access, but EU EOM observers reported that stairs in some polling stations made them difficult to access for physically disabled persons. The EC has for several electoral cycles provided tactile ballot jackets for visually impaired voters to protect the secrecy of their vote. Where EU EOM observers reported that no tactile ballot jackets were present at some polling stations, the explanation given was commonly that no blind or visually impaired voters were registered at that polling station. NGOs have pointed out the EC would have room for improvement in hiring PwD as EC staff. CODEO has made efforts to recruit PwD. Most of these observed efforts were centered around election day. 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. CHRAJ also conducted an election observation specifically focusing on the participation of vulnerable people. The general assessment was that significant and largely successful efforts had been made to reduce obstacles for persons with disabilities on election day.

### **XIV. CIVIL SOCIETY AND INTERNATIONAL OBSERVATION**

#### ***Professional domestic observers contributed to transparency and credibility of process***

Ghanaian civil society plays a leading role in advocating for electoral reform and observing elections. Citizen observers provided vital updates over the various stages of the election process, including on election day security issues and incidents. Domestic observation is credible, of high quality and well perceived by stakeholders.

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<sup>90</sup> Ivor Kwabena Greenstreet was the presidential candidate of the CPP.

The EC organised the accreditation process centrally at its head office in Accra. Election observation guidelines issued by the EC reflect Ghana's electoral act and international standards for election observation allowing for the observation of pre-election activities, voter registration, political party primaries and election day.

The Coalition of Domestic Election Observers (CODEO), a network of 42 faith-based and civil society organisations, lead national observation activities with over 4,400 observers. Besides observing the voter registration process and election day, CODEO set up a parallel vote tabulation exercise which provided an important check on the presidential election process. The CODEO situation room, through their analysis and statements, played a critical role in holding the EC, security agencies and political parties to account. Other organisations, such as the Institute for Democratic Governance, also deployed observers.

Additionally, the West Africa Network for Peacebuilding (WANEP) partnered with the National Peace Council and the NCCE, amongst others, for election day monitoring. The platform was part of a broader project focusing on electoral violence monitoring, analysis and mitigation, in partnership with the Economic Community of West African States (ECOWAS) and the United Nations Office for West Africa and the Sahel (UNOWAS).<sup>91</sup>

The African Union, ECOWAS and the Commonwealth deployed short-term observer missions. Their post-election statements, though recognising some challenges, were overall positive on the EC's conduct of the poll. The National Democratic Institute and International Republican Institute conducted a virtual pre-election environment analysis and offered recommendations.

## **XV. ELECTORAL DISPUTES**

Electoral dispute resolution is functional, but relies heavily on the Superior Courts, a formalised and potentially expensive and lengthy process. While the Supreme Court has to deliver its ruling on presidential election petitions within 42 calendar days from the filing, no such deadlines exist for the resolution of parliamentary election petitions or of other electoral disputes, e.g., during registration of candidates. Electoral cases were, however, treated as a priority by all courts during the time of observation. Electoral offences like bribing are not sufficiently seen to be prosecuted to act as a deterrent.

### **Electoral Complaints and Offences**

The courts play an almost exclusive role in resolving electoral complaints. Ghana's judiciary comprises the Superior Courts (Supreme Court, Court of Appeal and High Court) and Lower Courts (Circuit Court and District Court). There are 73 detailed electoral offences listed in the Representation of the People Law 1992 (PNDCL 284) and diverse CIs, but no statistics are available on the prosecution and adjudication of electoral offences. The prosecution of all electoral offences under PNDCL 284 demands the written consent of the Attorney-General, and the police prosecutors are encouraged to prosecute respective general misdemeanours instead, e.g., forgery or fraud rather than forging or counterfeiting or fraudulently destroying a ballot paper or the official mark of a ballot paper.<sup>92</sup> The general perception is that while bribery and treating for voting or not voting are electoral offences, they are

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<sup>91</sup> With funding of the European Union. The project further aims at mitigating election violence in West Africa through the National Early Warning System.

<sup>92</sup> Statement by Director of Public Prosecutions Yvonne Atakora Obuobisa, Attorney General's Office, in a meeting with the EU EOM on 2 December 2020.

not prosecuted at all. The deterring effect of these legal provisions is therefore questionable, as long as they are not seen to be prosecuted vigorously.

One man was convicted in Techiman Circuit Court on 11 December and sentenced to three months in prison and a fine of GHS 3,600 (ca. EUR 505) after pleading guilty to snatching a ballot box in the Sene West Constituency during the elections and stating in court that he “did not know why” he had engaged in that act.<sup>93</sup> He was also banned for five years from registering and voting in any election in Ghana. The case caused a delay of more than a week in announcing the results for the constituency, which were very close – counting the snatched ballot box turned the election for the NDC candidate, who wound up winning by 16 votes. Further investigation into who potentially mandated this disruptive act would be desirable, but no such investigations were reported.

With the exception of the District Registration Review Committees (DRRCs), which handle challenges relating to registration of voters, there is no form of administrative dispute resolution mechanism in the electoral process.<sup>94</sup> The decisions of the DRRCs are also subject to appeal to the District Registration Review Officer, who is a judge of the High Court. All other decisions of the EC must be challenged directly in the High Court. The courts are, therefore, the formal system to resolve electoral complaints during the entire election period, forcing the aggrieved parties immediately into potentially expensive and formalised High Court proceedings.

In October 2020, five out of 17 presidential candidates were disqualified by the EC based on allegations of forged signatures, some with no hearing of the candidate.<sup>95</sup> Similar to some of the 2016 disqualifications, the five were disqualified on grounds of forgery, and the EC referred the cases to the police. This led to three applications for judicial review, which were dismissed by the court.<sup>96</sup> The court held that Regulation 9(2)(b) of CI 127 provides a candidate with the opportunity to correct clerical errors but not acts that amount to a crime.<sup>97</sup>

Whether the alleged acts actually amounted to crimes has not been established.<sup>98</sup> It appears that the EC has not even produced the statements by the police assessing forged signatures in court, but only filed affidavits. Even if signatures were forged or different, this alone does not prove that a candidate was responsible for it, given a thriving market for supporting signatures or the fact that the candidates could have been set up. How these cases differ from the ones in 2016, where similar grounds for disqualification (e.g. forgery) were given but hearings were granted which could potentially clarify issues, is unclear. This is unsatisfactory in that the EC could accuse candidates of forgery, not even grant them a hearing to explain discrepancies in signatures, and thus disqualify them without effective legal remedy, since the assumption of innocence, which is instrumental in criminal proceedings, was not considered of relevance for the administrative proceedings regarding candidate nominations.

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<sup>93</sup> <https://www.graphic.com.gh/news/general-news/sene-west-ballot-box-snatcher-jailed-3-months-in-addition-to-5-years-ban.html>.

<sup>94</sup> Regulation 19, CI 91.

<sup>95</sup> In the 2016 candidate registration process, the EC disqualified 12 presidential aspirants on grounds of forgery, perjury, impersonation and deceit of public officer. Some of the aspirants applied to the High Court for review of the EC’s actions because they were given no opportunity to be heard. In execution of supervisory jurisdiction, the Supreme Court upheld the position of the disqualified candidates and ordered the EC to provide them with a hearing and, where applicable, offer them the opportunity to make the necessary corrections. Republic v High Court, Accra; Ex Parte Electoral Commission (Nduom Interested Party) (2015-2016).

<sup>96</sup> Mr Agyenim Boateng, Mr Kofi Gane and Mr Kofi Koranteng applied to the High Court for judicial review.

<sup>97</sup> See Ruling of High Court ruling dated 9 November 2020 – Suit No: CR0051/2021 Republic v Electoral Commission; Ex Parte United Front Party & Another.

<sup>98</sup> No formal charges in this regard were reported against the disqualified candidates by 29 December 2020. Thus, the alleged criminal cases against the candidates remain inconclusive, if they are being investigated at all.

All cases were dismissed by 30 November, and no appeals were filed. One of the grounds of dismissal by the High Court was that, given the short period of time until the election, on the balance of convenience there would be greater hardship on the State if the election was halted, as this would potentially lead to a constitutional crisis. Thus, the even later decision on candidate registration this year (19 October) than 2016 (10 October), even though the EC did not allow for corrections after the end of the filing process on 9 October, led to unfavourable conditions for the disqualified candidates in court.

After the parliamentary elections, in Hohoe constituency, a parliamentary candidate for the NDC in Hohoe and four residents of Santrokofi, Akpafu, Likpe and Lolobi sued the EC, regional officers and the MP-elect for Hohoe, on grounds that the right to vote in the Hohoe Constituency had been violated by the EC for residents of four traditional areas when they were not permitted to vote in the parliamentary elections for Hohoe. They sought an enforcement of their rights under Article 33 (protection of human rights) of the GC. The Applicants also filed an Ex Parte Interim Injunction which sought to restrain the EC from gazetting the results for the Hohoe Constituency; restrain the EC and its officials from presenting the MP-elect as MP and also to restrain the MP-elect from being sworn in as MP. The interim injunction was granted by the court on 23 December. Ex parte interim orders last for ten days. Consequently, the order restraining the respondents was no longer effective from January 2, 2021. The Attorney-General also invoked the supervisory jurisdiction of the Supreme Court, who held that the order granted by the High Court was done without jurisdiction since the election results could only be challenged by an electoral petition, not a general human rights action. However, the issue of disenfranchisement of the eligible voters in the four traditional areas is complex and, as of writing of this report, unresolved. The question on when the affected population will finally get to vote for representation in parliamentary elections again will likely eventually also be taken to and decided by the Supreme Court.<sup>99</sup>

### **Presidential Election Petition**

On 30 December, a presidential election petition was filed with the Supreme Court by the runner-up John Mahama.<sup>100</sup> According to Article 64 of the Constitution, this may be done within 21 days after the declaration of the result of the election. Hence, 30 December was the last day to file. The Supreme Court has to deliver its ruling on presidential election petitions within 42 calendar days from the filing, i.e., by 10 February 2021.<sup>101</sup> There are no sanctions for a late decision, which may in fact be required by procedural motions and motions for review.

The NDC candidate Mahama (petitioner) alleged that the EC chair's declaration of the presidential results was unconstitutional, as the winner, according to the EC's total valid votes announced in the declaration of presidential results on 9 December, did not obtain more than 50 per cent of the valid votes cast, and said results were arbitrary and capricious. He therefore requested that the declaration of results by the EC chair be declared null, void and unconstitutional, and sought an order annulling

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<sup>99</sup> For more detail on the chain of events leading to the disenfranchising of eligible voters in the four traditional areas see <https://ghanalawhub.com/the-curious-case-of-sall/#more>.

<sup>100</sup> On 14 December Abraham Amaliba of the NDC's legal team said publicly that the party has no confidence in the judicial system even as it prepares to file a presidential election petition. Amaliba stated that the NDC has no confidence in the Supreme Court after it ruled that birth certificates were insufficient evidence of identification for the purposes of voter registration in June 2020.

<sup>101</sup> The Supreme Court Rules for presidential election petitions were amended in 2016. A petitioner may now no longer add to or alter the grounds of a petition after it has been filed. It is therefore crucial for a petitioner to prepare the case completely and exhaustively before filing. Another amendment states that parties to the petition shall be the petitioner, and the president-elect and the EC, who together shall be the respondents. No political parties or party members will be allowed to join a candidate's case. The Supreme Court can resort to external auditors to examine the evidence (e.g., pink sheets) if needed. Overall, the abridged procedure should serve to determine any presidential election petitions efficiently.

the Declaration of President-Elect Instrument 2020 (CI 135), an order restraining Akufo-Addo from holding himself as president and a runoff of the elections.

The petition was based on errors in the results declared and in subsequent statements issued by the EC. It also alleged vote padding in 32 constituencies and that the results from those constituencies differed from the results of the EC per the petitioner's pink sheets and tabulation by about 5,662 votes. The NDC party agents' pink sheets were not attached to the petition, only a summary. Since the official Declaration of President-Elect Instrument 2020 (CI 135) does not contain specific numbers, it is doubtful that it would be quashed as long as Nana Akufo-Addo clearly still has more than 50 per cent of the valid votes after assessment of the petition and submitted evidence.

The swearing in of the elected President took place on 7 January and thus before the resolution of the presidential election petition. A declaration of a different winner by the SC is without prejudice to anything done by candidate who was sworn in as President prior to the decision of the SC.<sup>102</sup>

### **Parliamentary Election Petitions**

The Constitution and PNDCL 284 provide that petitions concerning parliamentary elections must be commenced in the High Court within 21 days after the date of the publication in the Gazette of the result of the election.<sup>103</sup> They can be appealed to the Court of Appeal as the final instance.<sup>104</sup> There is no deadline for the resolution of parliamentary election petitions.<sup>105</sup> Thus, candidates' access to an effective remedy and public confidence in the timely resolution of parliamentary election petitions is not ensured. Also, commencing the filing dates for parliamentary elections petitions only at publication in the Gazette, rather than at the declaration of results, only delays the process. In addition, the printed Gazette for parliamentary elections results (notified to the Gazette on 22 December) was only available for purchase on 4 January 2021. The Gazette, once published, bears the date of notification, and legal deadlines run from this date, even if almost two weeks have passed between notification and availability of the Gazette. The deadline for the filing of petitions against the current parliamentary election results was therefore 12 January 2021.

*Recommendation: Establish a reasonable deadline for the ruling on parliamentary election petitions in the High Court and Court of Appeal, which will increase stakeholder access to an effective remedy and increase public confidence. Parliamentary elections petitions be commenced within 21 days after declaration of results just like presidential election petitions.*

The NPP candidate for Sene West filed an election petition on 8 December, a day after the close of the election, together with a motion for injunction. The motion for injunction was withdrawn on 15 December. As the results for Sene West had not yet been declared by the EC, much less published in the Gazette, the petition was dismissed for lack of jurisdiction by the Wenchi High Court on 17 December.<sup>106</sup> The petitioner had alleged fraud and electoral irregularities, in particular that the Statement of

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<sup>102</sup> GC article 64(2) .

<sup>103</sup> GC article 99(1)(a), and PNDCL 284, section 18(1).

<sup>104</sup> GC article 99(2), and ruling of Supreme Court in case of Parliamentary Election for Wulensi Constituency; Zajaria v. Nyimakan [2003-2004] SCGLR 1.

<sup>105</sup> A parliamentary election petition after the 1996 elections was only finally resolved in July 2000, towards the end of the legislative period. The High Court's decision in THE REPUBLIC V. NATIONAL ELECTORAL COMMISSION AND MRS. REBECCA ADOTEY EX-PARTE: GEORGE AMOO was rendered in December 1997, see <https://www.ghana-web.com/GhanaHomePage/NewsArchive/High-Court-quashes-Ayawaso-West-results-3262>. The Court of Appeal rendered the final decision in July 2000.

<sup>106</sup> The court dismissed the petition on the grounds that the cause of action had not arisen, as the EC had not yet declared the results of the election and the same had not been gazetted. Thus, the petition was premature, and therefore the court lacked jurisdiction to entertain the petition.

Poll for the polling station was tampered with, and that a ballot box was snatched and brought back with some seals removed and stuffed with “foreign materials”. After the court had dismissed the action, the ballots were counted and the EC declared the NDC candidate as the winner of the seat.

By the legal deadline of 12 January 2021, 11 parliamentary election petitions were filed regarding the following constituencies (seat winning party in parentheses): Techiman South (NPP), Zabzugu (NPP), Sefwi Wiawso (NPP), Tema West (NPP), Tano South (NPP), Tarkwa Nseum (NDC), Assin North (NDC), Savelugu (NDC), Jomoro (NDC), Buem (NDC), and Esikado Ketan (NDC).<sup>107</sup>

The election result of a hung parliament (137 seats for NDP, 137 for NDC, and one independent) makes resorting to the High Court in case of close results or irregularities in a constituency even more important for the two main parties than usually.

## **XVI. POLLING, COUNTING AND TABULATION OF RESULTS**

### ***Well-managed voting, transparent counting and protracted collation of results***

Special voting for EC, security and media personnel on 1 December was conducted in 275 polling centres, one in each constituency.<sup>108</sup> EU EOM observers assessed the special voting process positively in all 42 polling stations observed. The voting was well organised, procedures were followed and there were no major problems observed in terms of completeness of the special voter register. The turnout reached 87.8 per cent.

Opening on 7 December was observed in 34 polling stations out of which only 14 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 the 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. 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 (BVDs) 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 polling stations to enforce health protocols, and EU EOM observers reported their presence in 92 per cent of polling stations visited.

Counting, observed in 30 polling stations, was conducted in a largely transparent manner and always in the presence of party agents. The overall conduct of the counting process was assessed positively in 27 cases. However, 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,

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<sup>107</sup> The petitions were not always filed by the losing candidate, but sometimes by a registered voter in the constituency. The petition challenging the election of James Quayson (NDC) as MP in the Assin North constituency was filed by a registered voter in the Cape Coast High Court on 30 December. The MP-elect and the EC were sued because Quayson allegedly still held Canadian citizenship at least at the time of filing his nomination form. Under the Constitution and the Representation of the People Act, a person shall not be qualified to be an MP if he owes allegiance to a country other than Ghana. An interim injunction seeking to prevent Quayson from being sworn in as MP was served on the Clerk of Parliament on 7 January, but the service was disputed by Quayson, who was sworn in as MP.

<sup>108</sup> Altogether there were 311 polling stations within the 275 polling centres.



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 a signed copy of the result form in all cases.

Collation of results was observed in 35 constituency collation centres and 14 regional collation centres, with many of them being visited by observers repeatedly. The 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 process 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 generally collated in the presence of party agents and observers and key transparency measures were adhered to. The overall conduct of collation was assessed positively in 55 of 63 observations at the constituency collation centres and in 23 of 27 observations at the regional collation centres.

*Priority recommendation: Clear procedures for presiding officers, returning officers and regional collation officers be stipulated on how to proceed in cases of irregularities during the counting and collation process, including over-voting, mismatched reconciliation, incomplete and wrongly filled in result forms.*

## XVII. RESULTS AND POST-ELECTION ENVIRONMENT

### Presidential Election

The EC declared the 2020 presidential election results on 9 December, 49 hours after the close of polls. The results were declared within three days, as foreseen in the electoral calendar, but the ambitious self-imposed goal of the EC to announce the results within 24 hours was not achieved. The summary of the presidential election results, without the contested Techiman South constituency, was published on the EC website on 10 December.<sup>109</sup>

SUMMARY OF THE 2020 PRESIDENTIAL ELECTION RESULTS - WITHOUT TECHIMAN SOUTH CONSTITUENCY				
ORDER ON BALLOT	PARTIES	NAME OF CANDIDATE	VOTES OBTAINED	VOTES IN PERCENTAGES
1	NPP	Nana Addo Dankwa Akufo-Addo	6,730,587	51.302%
2	NDC	John Dramani Mahama	6,213,182	47.359%
3	GUM	Christian Kwabena Andrews	105,548	0.805%
4	CPP	Ivor Kobina Greenstreet	12,200	0.093%
5	GFP	Akua Donkor	5,574	0.042%
6	GCPP	Henry Herbert Lartey	3,564	0.027%
7	APC	Hassan Ayariga	7,138	0.054%
8	LPG	Percival Kofi Akpaloo	7,683	0.059%
9	PNC	David Asibi Ayindenaba Apasera	10,882	0.083%
10	PPP	Brigitte Akosua Dzagbenuku	6,849	0.052%
11	NDP	Nana Konadu Agyeman-Rawlings	6,549	0.050%

<sup>109</sup> Techiman South constituency has 128,018 registered voters, and even if all these votes were to go to other candidates, the declared winner would still obtain 50.81 per cent of total valid votes.

12	IND	Alfred Kwame Asiedu Walker	9,704	0.074%
		Total Valid Votes	13,119,460	
		Total Rejected Ballots	313,397	2.333%
		Total Votes Cast	13,432,857	
		Registered Voters	17,027,641	
		Voter Turnout	79.0%	

The declaration by the EC chairperson on 9 December contained several errors, and there were differences between what was declared verbally and what was included in the published summary of results. The EC admitted the chairperson inadvertently cited an incorrect number for total valid votes cast.<sup>110</sup> However, there were also small differences in the total number of votes obtained by all 12 contestants and in the percentage of total votes obtained by the two leading candidates. The EC provided no explanation for these differences.<sup>111</sup> They could, to some extent, be explained by late changes to the Greater Accra presidential election regional results summary sheet.<sup>112</sup> Given that the differences were quite small and insignificant in terms of the election outcome, it appeared to be the result of a clerical error rather than intentional manipulation of results. However, it was used by the NDC to challenge the overall credibility of the presidential election results.

The EC did not publish individual polling station results, despite informing the EU EOM that it would do so after the elections. Positively, on 11 December the EC published on its website all 16 scans of the original presidential election regional results summary sheets used for the national collation of presidential results, and on 22 December all 275 scans of the original constituency presidential election results summary sheets. The analysis of the published scans showed that some returning officers were not able to fill in the results sheets correctly. In 20 out of 275 constituency presidential election results summary sheets (7.3 per cent) figures did not add up. The discrepancies, which appeared to be the result of computational and/or clerical errors, varied from 1 vote to 2,209 votes. The identified discrepancies, however, had no effect on the outcome of the presidential election.

Turnout, at 79 per cent, was higher than the 70 per cent recorded in the 2016 presidential election.<sup>113</sup> The number of rejected (invalid) presidential votes increased significantly from 1.5 per cent in 2016 to 2.3 per cent. The share of rejected votes varied considerably across the country, with southern regions recording much smaller percentages than northern regions.<sup>114</sup>

<sup>110</sup> The EC chairperson announced the total valid votes cast was 13,434,574, while the correct total was 13,119,460. Adding to the confusion, the EC, in its explanation included in the published summary of results, cited 13,433,573 as the wrong total announced by the chairperson.

<sup>111</sup> For instance, the total votes obtained by the NPP presidential candidate increased by 174 votes, however, the percentage decreased from 51.595 to 51.302 per cent. The total votes obtained by the NDC presidential candidate decreased by 1,707 votes and the percentage decreased from 47.366 to 47.359 per cent.

<sup>112</sup> There are differences between the Greater Accra presidential election regional results summary sheet obtained by the LTO team after collation was completed regionally and the regional summary sheet published on the EC website. The differences between these two forms, in terms of votes obtained by each candidate, correspond to the differences between the verbal declaration and published results of the presidential election. The regional EC admitted that following the NDC objection to the collated results in one constituency, they re-collated the regional results and filled in the new form with new figures, but not in the presence of party agents and without changing the date and time on the form.

<sup>113</sup> The exact turnout excluding Techiman South constituency was 79.49 per cent.

<sup>114</sup> Greater Accra 1.3 per cent, Ashanti 1.4 per cent, Ahafo 2.1 per cent, Eastern 2.2 per cent, Volta 2.2 per cent, Central 2.3 per cent, Western 2.5 per cent, Bono 2.6 per cent, Western North 2.9 per cent, Bono East 3.4 per cent, Oti 3.5 per cent, Northern 3.6 per cent, Upper West 4.2 per cent, North East 4.5 per cent, Upper East 4.5 per cent, and Savannah 4.6 per cent.

On 10 December, the Coalition of Domestic Election Observers (CODEO) presented results of their parallel vote tabulation (PVT) based on a representative sample of 1,502 polling stations across the country. The PVT estimates of candidates' vote share generally matched the EC official results.

**Table 1: EC Official Results and CODEO PVT Estimates (2020 Presidential Election)**

Candidate	Party	EC Official Results	CODEO PVT Estimates		
			Estimate	Error Margin	Confidence Range
Nana Addo Dankwa Akufo-Addo	NPP	<b>51.302%</b>	<b>50.98%</b>	±1.20%	49.78% --- 52.18%
John Dramani Mahama	NDC	<b>47.359%</b>	<b>47.66%</b>	± 1.19%	46.47% --- 48.85%

## Parliamentary Elections

The parliamentary election results for all but one constituency were declared at constituency level by the respective returning officers between 8 and 10 December. The result for the contested Sene West constituency in Bono East Region were only declared on 17 December. On 10 December, the EC published on its website the number of seats won by political parties and independents.

2020 PARLIAMENTARY ELECTION					
NUMBER OF SEATS WON BY POLITICAL PARTIES					
S/N	REGION	NPP	NDC	OTHERS	NO. OF CONSTITUENCIES
1	WESTERN	9	8	-	17
2	CENTRAL	10	13	-	23
3	GREATER ACCRA	14	20	-	34
4	VOLTA	1	17	-	18
5	OTI	0	8	-	8
6	EASTERN	25	8	-	33
7	ASHANTI	42	4	Independent	47
8	WESTERN NORTH	3	6	-	9
9	AHAFO	4	2	-	6
10	BONO	6	6	-	12
11	BONO EAST	3	8	-	11
12	SAVANNA	3	4	-	7
13	NORTHERN	9	9	-	18
14	NORTH EAST	4	2	-	6
15	UPPER EAST	1	14	-	15
16	UPPER WEST	3	8	-	11
	<b>TOTAL</b>	<b>137</b>	<b>137</b>	<b>1</b>	<b>275</b>

The full results for all 275 parliamentary constituencies were gazetted on 22 December, i.e., 15 days after the elections. However, the printed version was publicly available only on 4 January 2021. Before that, only 118 of 275 declared parliamentary election results had been published on the EC website. However, these results were incomplete as information on rejected (invalid) votes and turnout was missing. No polling station results were published centrally for the parliamentary elections.

***Priority recommendation: The EC to publish on its website detailed polling station results for all elections, as well as detailed results from all levels of collation well before the deadline for filing petitions against results.***

## XVIII. RECOMMENDATIONS

NO.	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL / REGIONAL PRINCIPLE / COMMITMENT
<b>LEGAL FRAMEWORK/REGISTRATION OF CANDIDATES</b>					
<b>1</b>	<p>The EC disqualified two candidates based on allegations of forged signatures and without hearing them. Upon review, one of the grounds for dismissal stated by the High Court was that, given the short period of time until the election, on the balance of convenience there would be greater hardship on the state if the election was halted (FR page 22).</p>	<p>EC to start the candidate registration process 90 days before e-day and publish clear procedures subject to timely judicial review. Set clear time periods for filing of candidate nominations, for their review by the EC, for hearings granted to candidates regarding flaws in their nomination documents, and for candidates after their respective hearings to make amendments.</p>	<p>Constitutional instrument - Public Elections Regulations (primary legislation)</p>	EC	<p><b><i>Right to effective remedy</i></b>  <b>UDHR, article 8:</b> “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”  <b><i>Right and opportunity to participate in public affairs and hold office</i></b>  <b>ICCPR, article 25:</b> “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections (...)”  <b>ICCPR, GC 25, para. 16:</b> “Conditions relating to nomination dates, fees or deposits should be reasonable and not discriminatory (...)”</p>
<b>2</b>	<p>All members of the extended public service except education and health services must resign before registering as candidates, including lower ranks (FR page 21).</p>	<p>Allow all public servants to stand for office without having to resign. If tenure of specific positions is considered incompatible with elected office, public servants could be required to leave the service or take a leave of absence once elected.</p>	<p>Constitution  Representation of the People Law</p>	Parliament	<p><b><i>Right and opportunity to participate in public affairs and hold office</i></b>  <b>ICCPR, article 25:</b> “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections; (c) To have access, on general terms of equality, to public service in his country.”  <b>ICCPR, GC 25, para. 16:</b> “(...) If there are reasonable grounds for regarding certain elective offices as incompatible with tenure of specific positions (e.g. the judiciary, high-ranking military office, public service), measures to avoid any conflicts of interest should not unduly limit the rights protected by paragraph (b).”</p>

3	<p>The financial deposit is unreasonably high compared to average income, particularly in case of the parliamentary candidates, who should be representative of the people. Women tend to have less access to financial resources than men in Ghana and the level of women's participation in political life remains low. Furthermore, the nomination fees are effectively only refundable to candidates of the two main parties, as the deposit is refunded only to candidates who obtained at least 25 per cent of votes in the presidential and 12.5 per cent in the parliamentary elections (FR page 21).</p>	<p>Candidate nomination deposits be reduced, including a possible special dispensation for female candidates to also help promote women's participation in political life. Also, refund thresholds could be considerably lowered.</p>	No change	EC	<p><b>Right and opportunity to participate in public affairs and hold office</b>  <b>ICCPR, article 25:</b> "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections (...)"  <b>ICCPR, GC 25, para. 16:</b> "Conditions relating to nomination dates, fees or deposits should be reasonable and not discriminatory. If there are reasonable grounds for regarding certain elective offices as incompatible with tenure of specific positions (e.g. the judiciary, high-ranking military office, public service), measures to avoid any conflicts of interest should not unduly limit the rights protected by paragraph (b) (...)"  <b>CEDAW article 4(1):</b> "Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention (...)"</p>
<b>ELECTORAL ADMINISTRATION</b>					
4	<p>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 (FR page 16).</p>	<p>Establish an inclusive mechanism for cross-party involvement in the selection and approval of EC members and with a reasonable limited tenure of office, in order to build stakeholder confidence and enhance independence of the body.</p>	Constitution	Parliament	<p><b>Independence of the election management body</b>  <b>ICCPR, GC 25, para. 20:</b> "An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant (...)"</p>
5	<p>Some important information pertaining to the electoral process was not publicly available. These include, for instance, EC decisions, minutes of meetings,</p>	<p>The EC to work with full transparency, making all information of public interest immediately and easily accessible, including decisions, full</p>	No change	EC	<p><b>Transparency and access to information</b>  <b>ICCPR, article 19(2):</b> "[The right to freedom of expression] shall include freedom to seek, receive and impart information (...) of all kinds".</p>

	a nationwide list of parliamentary candidates, full voter registration statistics, detailed polling, counting and collation procedures and details on functionality and parameters of the biometric verification devices (FR page 17).	statistical data on voter and candidate registration and detailed polling, counting and collation procedures.			<p><b>ICCPR, GC 34, para. 19:</b> <i>“To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information (...)”</i></p> <p><b>UNCAC, article 10:</b> <i>“[E]ach State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate (...)”</i></p>
6	No polling station results were published centrally for the presidential and parliamentary elections (FR page 40).	<b>Priority recommendation: The EC to publish on its website detailed polling station results for all elections, as well as detailed results from all levels of collation well before the deadline for filing petitions against the results.</b>	No change	EC	<p><b>Transparency and access to information</b></p> <p><b>ICCPR, article 19(2):</b> <i>“[The right to freedom of expression] shall include freedom to seek, receive and impart information (...) of all kinds.”</i></p> <p><b>ICCPR, GC 34, para. 19:</b> <i>“To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information (...)”</i></p> <p><b>UNCAC, article 10:</b> <i>“[E]ach State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate (...)”</i></p>
7	There are marked disparities in the number of registered voters per constituency, undermining equal suffrage. Of the 275 constituencies, 204 (74 per cent) deviate by more than 15 per cent from the national average of 61,256 voters per constituency (FR page 15).	Review parliamentary constituency boundaries to adequately provide for equal suffrage.	Constitutional instrument on demarcation of electoral boundaries (primary legislation)	EC Parliament	<p><b>Equal suffrage</b></p> <p><b>ICCPR, article 25(b):</b> <i>“[Every citizen shall have the right] to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.”</i></p> <p><b>ICCPR, GC 25, para. 21:</b> <i>“The principle of one person, one vote, must apply, and within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another.”</i></p>

POLLING, COUNTING AND TABULATION

8	<p>There were no procedures addressing potential irregularities during counting and collation and the procedures also lacked automatic result audit triggers. The collation process was less well organised and less transparent often due to a lack of detailed procedures (FR page 37).</p>	<p><b>Priority recommendation:</b>  <b>Clear procedures for presiding officers, returning officers and regional collation officers to be stipulated on how to proceed in cases of irregularities during the counting and collation process, including over-voting, mismatched reconciliation, incomplete and wrongly filled in result forms.</b></p>	<p>Constitutional instrument – Public Elections Regulations(primary legislation)</p>	<p>EC Parliament</p>	<p><b>Genuine elections, Transparency and access to information</b>  <b>ICCPR, article 25 (b):</b> “[Every citizen shall have the right] to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors”  <b>ICCPR, CG 25, para. 20:</b> “The security of ballot boxes must be guaranteed, and votes should be counted in the presence of the candidates or their agents. There should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes.”  <b>ICCPR, GC 25, para. 19:</b> “The results of genuine elections should be respected and implemented.”</p>
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CAMPAIGN ENVIRONMENT

9	<p>The campaign was mainly unregulated, with no official timeframe and lacking measures to regulate the abuse of incumbency and of state resources. 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 and the media. The Constitution (Article 284) prohibits public officers from engaging in acts where their personal interest conflicts or is likely to conflict with the performance of their</p>	<p><b>Priority recommendation</b>  <b>Introduce an effective sanctioning mechanism against the misuse of state resources, including administrative and security apparatus during the election period.</b></p>	<p>Criminal Code 1960  Representation of the People Law 284</p>	<p>Parliament</p>	<p><b>Prevention of corruption / Fairness in the election campaign</b>  <b>ICCPR, GC, para. 19:</b> “Persons entitled to vote must be free to vote for any candidate for election... and free to support or to oppose government, without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector's will. Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind.”  <b>UNCAC, article 17:</b> “Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position.”  <b>African Union, ACHPR, article 13 (2):</b> “Every citizen shall have the right of equal access to the public service of the country.  (3) Every individual shall have the right of access to public</p>
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	duties as public officials. Unlimited access to state resources during the campaign by the ruling party allowed for a disproportionate advantage (FR page 24).				<i>property and services in strict equality of all persons before the law."</i>
<b>CAMPAIGN FINANCE</b>					
<b>10</b>	<p>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.</p> <p>For 2020 the EC notified all 11 contesting political parties of their obligations in this regard. The EC stated that in the past not all parties complied with the law, including the NDC and NPP. The EC did not proceed further in this matter and the whole system of political party funding lacks transparency and enforcement (FR page 24).</p>	The Electoral Commission's political party oversight be strengthened to promote compliance with legal and regulatory requirements regarding political finance. This includes the EC being appropriately resourced, with strong administrative sanctioning powers and implementing strict transparency and accountability procedures.	<p>Political Parties Act 574</p> <p>Constitutional instrument (primary legislation)</p>	Parliament EC	<p><b><i>Prevention of corruption / Fairness in the election campaign/ Transparency and access to information</i></b></p> <p><b>ICCPR, article 25 (c):</b> "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (c) To have access, on general terms of equality, to public service in his country."</p> <p><b>UNCAC, article 7.3:</b> "Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties."</p> <p><b>UNCAC article 13.1 (b):</b> "Each State Party shall... ensure that the public has effective access to information."</p> <p><b>African Union, ACDEG article 17 (1):</b> "Establish and strengthen independent and impartial national electoral bodies responsible for the management of elections."</p>
<b>11</b>	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. No limits are placed on contributions or on spending,	<b>Priority recommendation: Adopt a law on campaign expenditure and finance to enhance the overall transparency and accountability of political finance. The law to include establishing disclosure requirements of incomes and expenses for both parties and</b>	Political Parties Act 574	Parliament	<p><b><i>Prevention of corruption / Fairness in the election campaign/ Transparency and access to information</i></b></p> <p><b>ICCPR, article 25 (c):</b> "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (c) To have access, on general terms of equality, to public service in his country."</p> <p><b>ICCPR, GC 25, para. 19:</b> "Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure</p>



	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 (FR page 25).	<b>candidates and limits on expenditure and donations including for in-kind donations. Introduce effective oversight, sanctions and enforcement mechanisms that include a timely publication of all campaign finance reports, including online.</b>			<p><i>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."</i></p> <p><b>UNCAC, article 7 (3):</b> "Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties."</p>
<b>VOTER EDUCATION</b>					
<b>12</b>	Bribery, treating or gifting and undue influence, whether threats or acts of violence, are electoral offences identified in the law. Besides the lack of enforcement of this legal provision, the prevention of corrupt practices in an election should be a general principle recognised and acted upon by political stakeholders and institutions. Civic education was highlighted by stakeholders and LTOs as a key issue in view to inform political parties, the public and stakeholders on the nature of electoral offences and its sanctions (FR page 24).	Intensive civic education campaigns be undertaken, focusing on what constitutes an electoral offence, specifically electoral bribery, treating and undue influence as well as related sanctions.	No change	EC NCCE	<p><b><i>Prevention of corruption / Fairness in the election campaign</i></b></p> <p><b>ICCPR, article 25:</b> "Every citizen shall have the right and the opportunity... (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country."</p> <p><b>ICCPR, GC 25, para. 20:</b> "An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant. States should take measures to guarantee the requirement of the secrecy of the vote during elections, including absentee voting, where such a system exists. This implies that voters should be protected from any form of coercion or compulsion to disclose how they intend to vote or how they voted, and from any unlawful or arbitrary interference with the voting process. Waiver of these rights is incompatible with article 25 of the Covenant.... Electors should be fully informed of these guarantees."</p>

MEDIA

13	<p>The National Media Commission (NMC) is mandated to ensure free and independent media, high journalistic standards and to protect the rights of individuals from abuse by the media. Nevertheless, the NMC's mandate does not include to sanction outlets breaching regulations. Furthermore, since 2017, the NMC lacks resources to conduct media monitoring to ensure journalistic standards and oversight electoral coverage by the media (FR page 23).</p>	<p><b>Priority recommendation:</b>  <b>Provide the NMC with sufficient resources to conduct media monitoring and properly oversee the work of the media.</b></p>	No change	Government Parliament	<p><i><b>Fair and responsible journalism during elections</b></i>  <b>UN Handbook: "Elections and Human Rights, Section III, Sub-section A-3: "A valuable mechanism for assuring fair and responsible broadcasting during election periods is an independent body charged with monitoring political broadcasts, broadcast civic education programmes and allocation of times to various political parties, as well as receiving and acting upon complaints regarding media access, fairness and responsibility. This function may be discharged by representative transitional bodies, by the electoral administration, or by a separately constituted media commission."</b></p>
14	<p>The members of both board and management directors of the National Communications Authority (NCA) are directly appointed by the President. The process of allocating and revoking broadcasting licences by the NCA has become opaque and sometimes arbitrary, resulting in a proliferation of commercial radio and TV stations owned by politicians or linked to political parties (FR page 24).</p>	<p><b>Priority recommendation:</b>  <b>Limit the role of the NCA to administer broadcasting signals and transfer its licensing and sanctioning powers to the NMC in order to create one sole and completely independent media regulatory authority, in charge of allocating broadcasting licenses, analysing broadcasting contents and dealing with media-related complaints.</b></p>	NCA Act	Parliament	<p><i><b>Independence of media regulatory bodies and public media authorities. Fairness and transparency of licensing processes. Independent and pluralistic press</b></i>  <b>Declaration of Principles on Freedom of Expression in Africa, ACHPR, Chapters V, VI and VII: "Licensing processes shall be fair and transparent and shall seek to promote diversity in broadcasting (...). Any public authority that exercises powers in the areas of broadcast or telecommunications regulation should be independent and adequately protected against interference, particularly of a political or economic nature. 2. The appointments process for members of a regulatory body should be open and transparent, involve the participation of civil society, and shall not be controlled by any particular political party."</b>  <b>UN/OSCE/OAS/ACHPR Joint Declaration on Media Independence and Diversity in the Digital Age, article 4(a): "Politicians and public officials should refrain from taking actions which undermine the independence of the media, such as interfering politically in the operations of or taking commercial control over regulatory bodies or commercial, community or public</b></p>

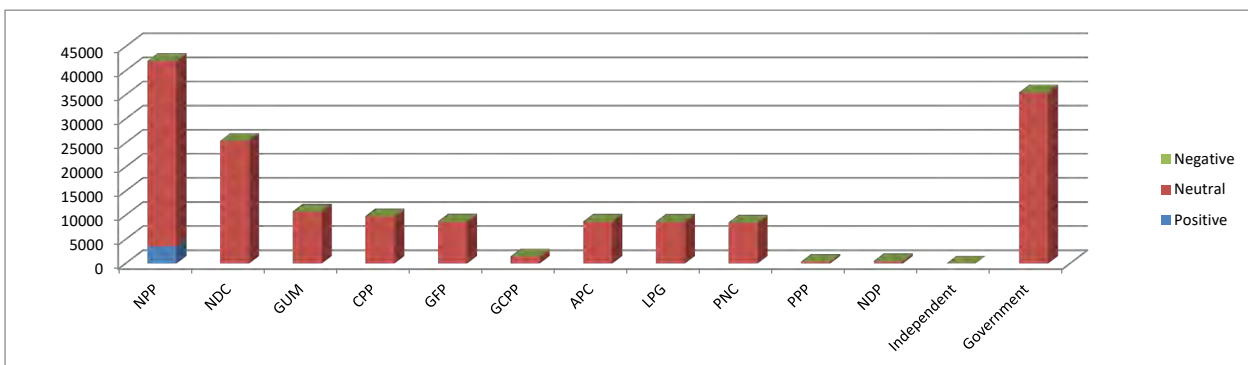
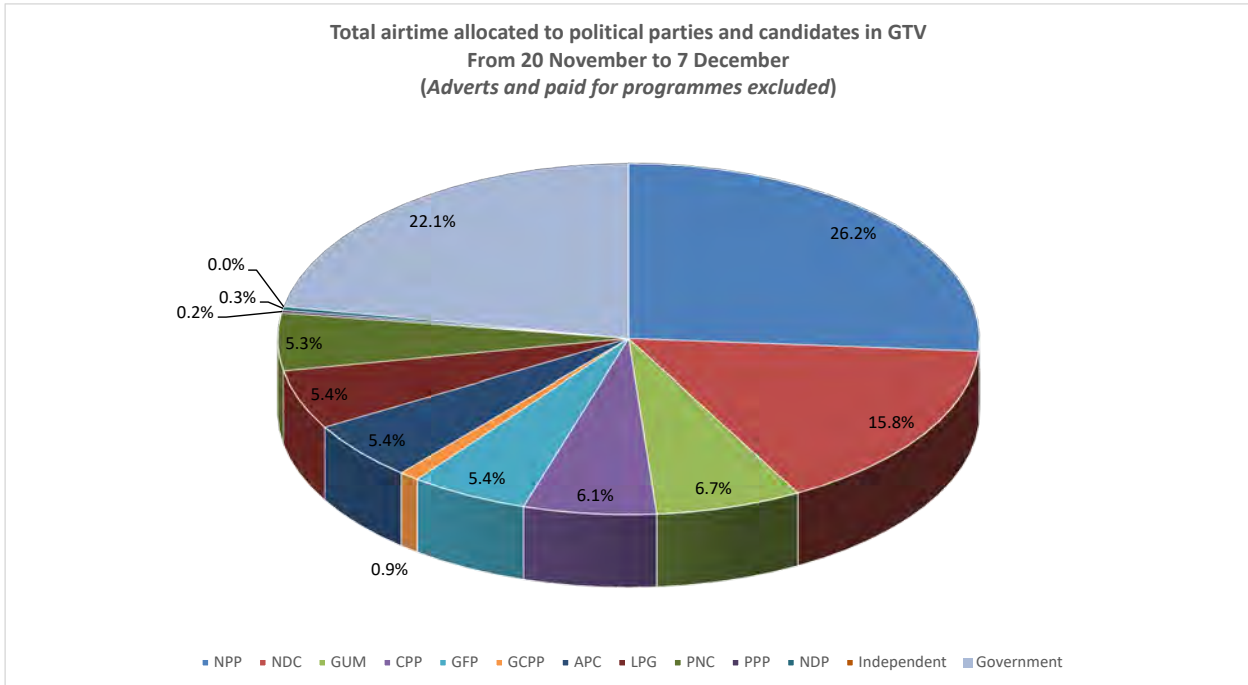
					<i>service media, or putting pressure on online platforms to engage in content regulation.”</i>
<b>DIGITAL COMMUNICATIONS</b>					
<b>15</b>	<p>The Criminal Code (1960), Section 208, lacks precision on the scope of what is considered "public peace" and by what means "false" information is determined.</p> <p>The Electronic Communications Act (2008), Section 76, lacks precision on the scope of an action “likely to prejudice the efficiency of life-saving service or to endanger the safety of any person (...)” (FR page 27).</p>	<p>Clarify vague legislative provisions in the Criminal Code (section 208) and Electronic Communications Act (section 76) that could be interpreted widely and used to restrict freedom of expression in the media and online.</p>	<p>Criminal Code 1960</p> <p>Electronic Communications Act</p>	<p>Parliament</p>	<p><b><i>Freedom of expression</i></b></p> <p><b>Declaration of Principles on Freedom of Expression in Africa, African Commission on Human and Peoples' Rights, 32nd Session, 17 - 23 October 2002, article 13.1:</b> “States shall review all criminal restrictions on content to ensure that they serve a legitimate interest in a democratic society. 2. Freedom of expression should not be restricted on public order or national security grounds unless there is a real risk of harm to a legitimate interest and there is a close causal link between the risk of harm and the expression.”</p> <p><b>ICCPR article 19, HRC GC 34, para. 35:</b> “When a State party invokes a legitimate ground for restriction of freedom of expression, it must demonstrate in specific and individualized fashion the precise nature of the threat and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat.”</p>
<b>16</b>	<p>The Data Protection Act (2012), which established the Data Protection Commission, an independent statutory body, provides for privacy rights and protection of user data. The commission provides for the process to obtain, hold, use or disclose personal information, and is mandated to raise public awareness of data protection as a fundamental human right.</p> <p>However, contrary to provisions in the Act, interlocutors of EU EOM observers in 14 of the 16</p>	<p><b>Priority recommendation:</b></p> <p><b>The mandate of the Data Protection Commission to be fulfilled in accordance with the Data Protection Act to ensure an effective system of data protection exists not only in law but also in practice.</b></p>	<p>No change</p>	<p>Data Protection Commission</p>	<p><b><i>Right to privacy</i></b></p> <p><b>ICCPR, article 17:</b> “No one shall be subjected to arbitrary or unlawful interference with his privacy...”</p> <p><b>ICCPR, HRC GC 16, para. 10:</b> “The gathering and holding of personal information on computers, data banks and other devices, whether by public authorities or private individuals or bodies, must be regulated by law.”</p>

	regions reported receiving unsolicited campaign texts from both parties and/or recorded voice messages (FR page 28).				
<b>ELECTORAL DISPUTES</b>					
17	There is no deadline for the resolution of parliamentary election petitions. A parliamentary election petition after the 1996 elections was only finally resolved in July 2000, towards the end of the legislative period. Even though this is not the rule, an appeals process can considerably prolong procedures and reasonable timelines for both judicial instances should be established (FR page 36 ).	Establish a reasonable deadline for the ruling on parliamentary election petitions in the High Court and Court of Appeal, which will increase stakeholder access to an effective remedy and increase public confidence. Parliamentary elections petitions be commenced within 21 days after declaration of results just like presidential election petitions.	High Court Civil Procedure Rules	Court Committee Parliament	<p><b>Right to effective remedy</b></p> <p><b>UDHR, article 8:</b> “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”</p> <p><b>ICCPR, article 2(3):</b> “Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) To ensure that the competent authorities shall enforce such remedies when granted.”</p>
<b>PARTICIPATION OF WOMEN</b>					
18	The level of women’s participation in political life remains low. Women accounted for just 13.8% of the parliamentary candidates standing in the elections, and 14,5% of elected MPs. Of 110 appointed ministers in total, only 23 were women (FR page 31).	<b>Priority recommendation: Enact and implement an Affirmative Action Law installing at least a 30 per cent quota of women in governance and decision-making positions, with a progressive increase to a parity of 50 per cent. Require political parties to adopt party quotas to promote women's participation in politics.</b>	An Affirmative Action Law (desirable to be secured in law)  Political Parties Act	Parliament, Executive	<p><b>Women's participation in public affairs</b></p> <p><b>ICCPR, article 3:</b> “The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.”</p> <p><b>CEDAW article 4(1):</b> “Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention (...)”</p>

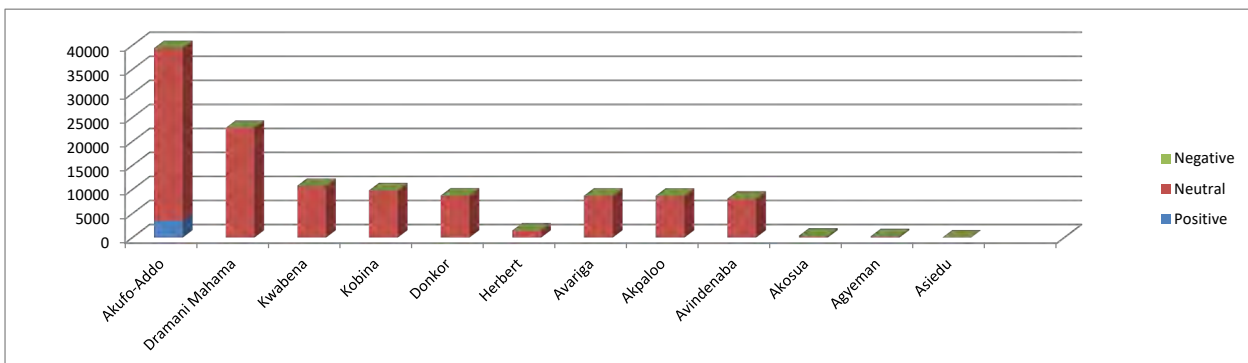
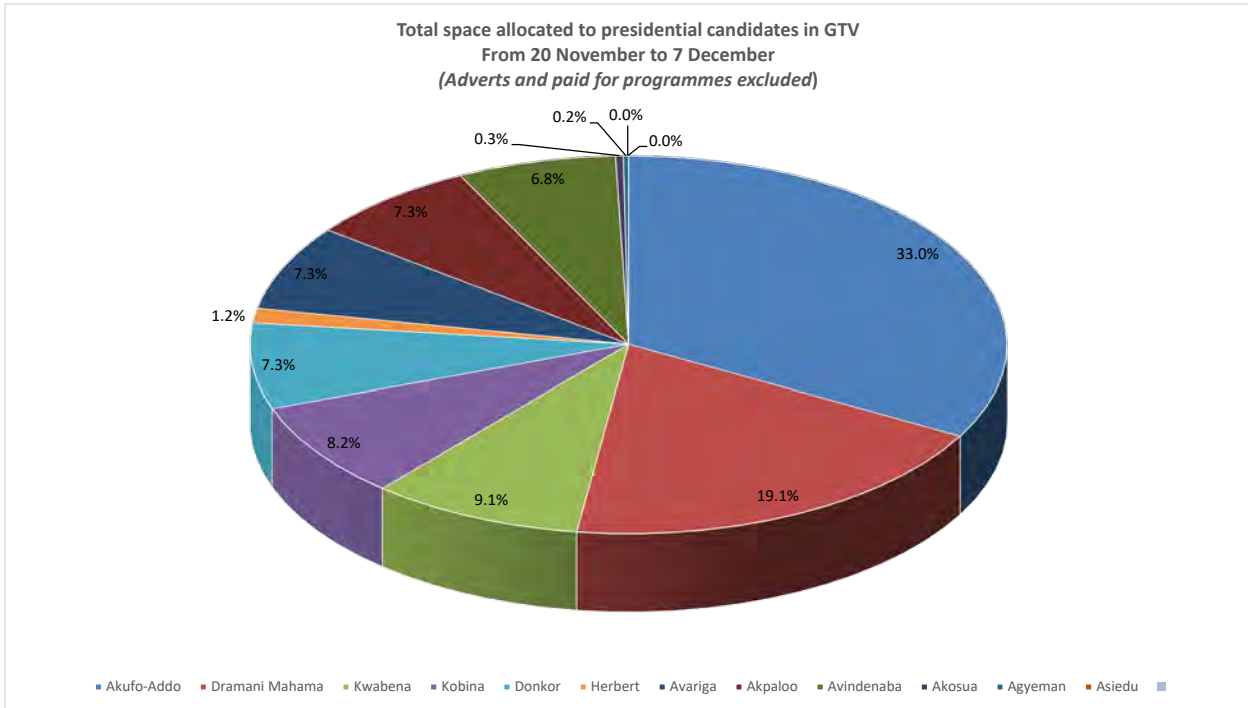
# XIX. ANNEXES

## Media monitoring results

### GTV

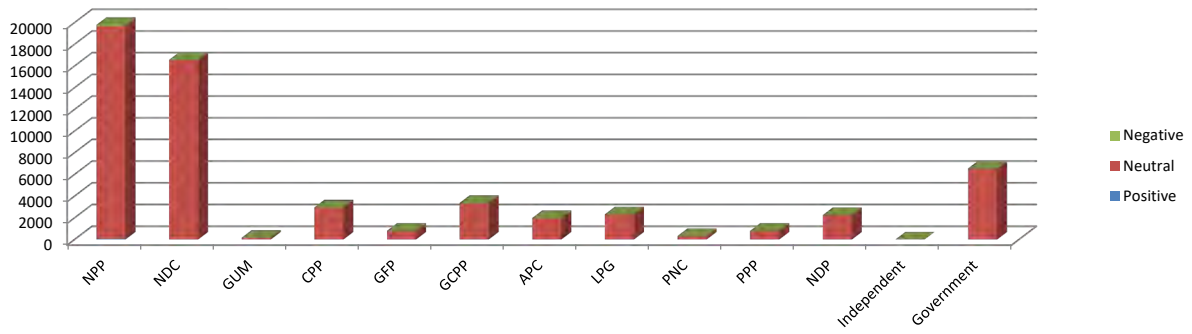
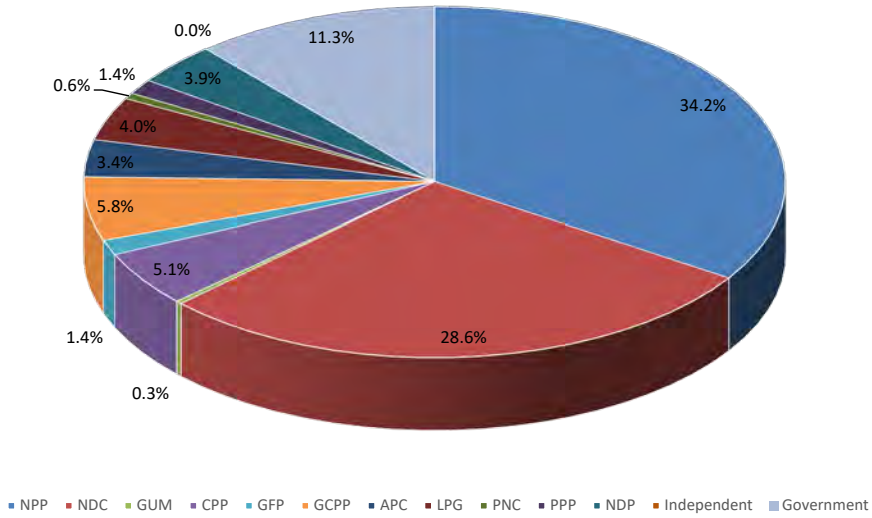


**GTV**

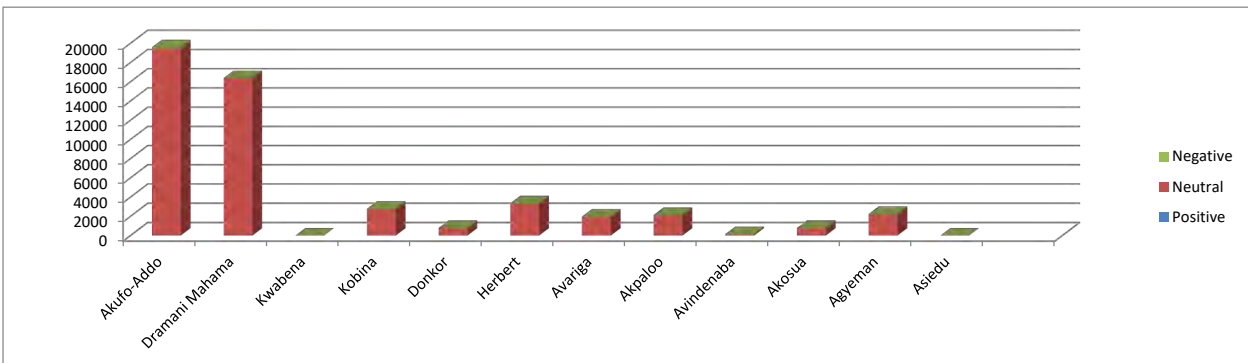
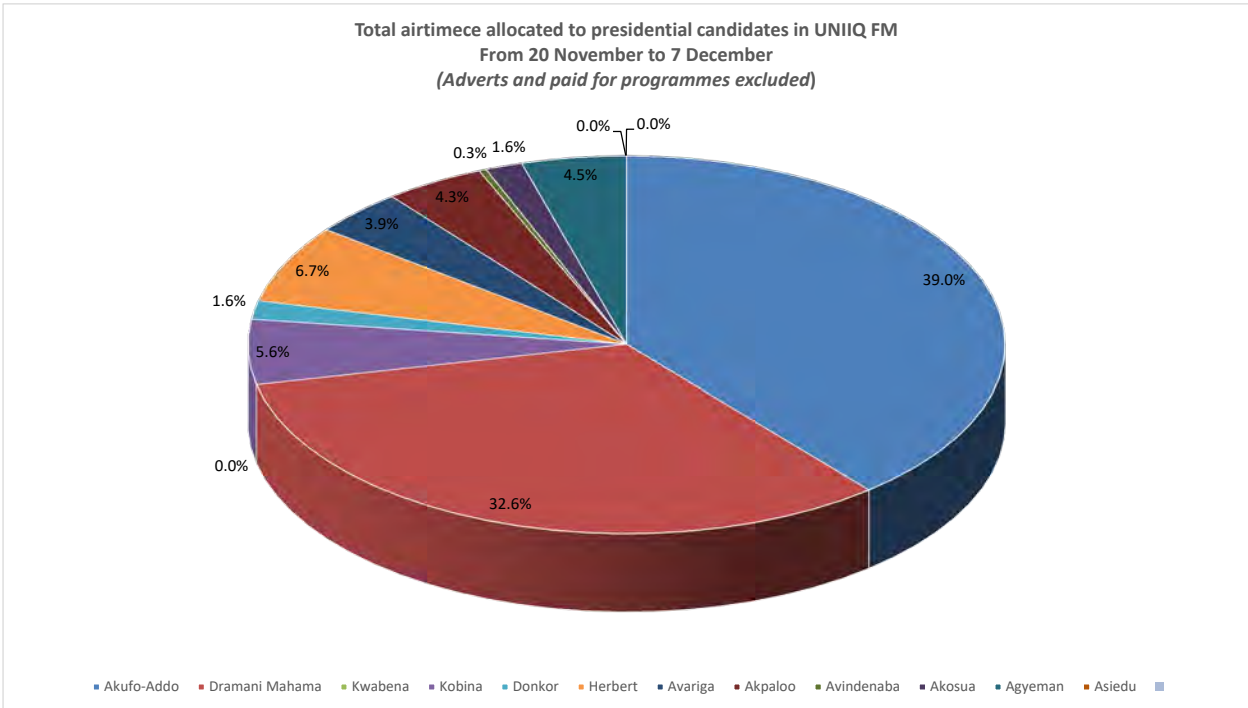


**UNIQ FM**

**Total airtime allocated to political parties and candidates in UNIQ FM  
From 20 November to 7 December  
(Adverts and paid for programmes excluded)**



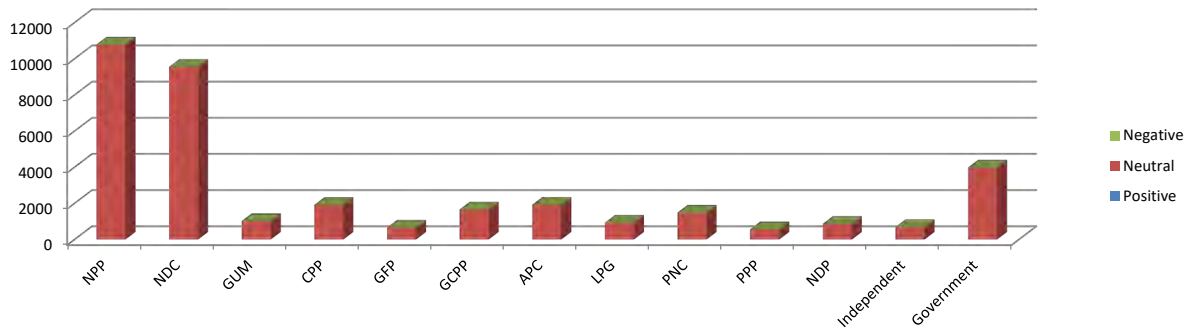
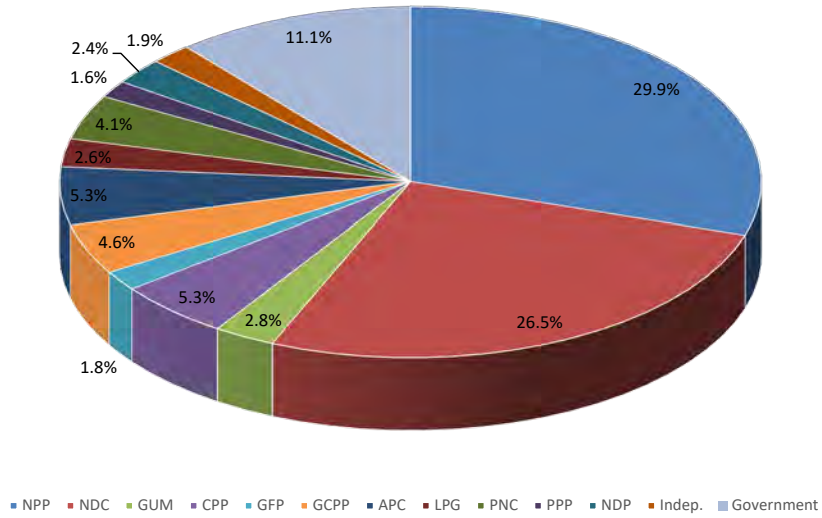
**UNI IQ FM**



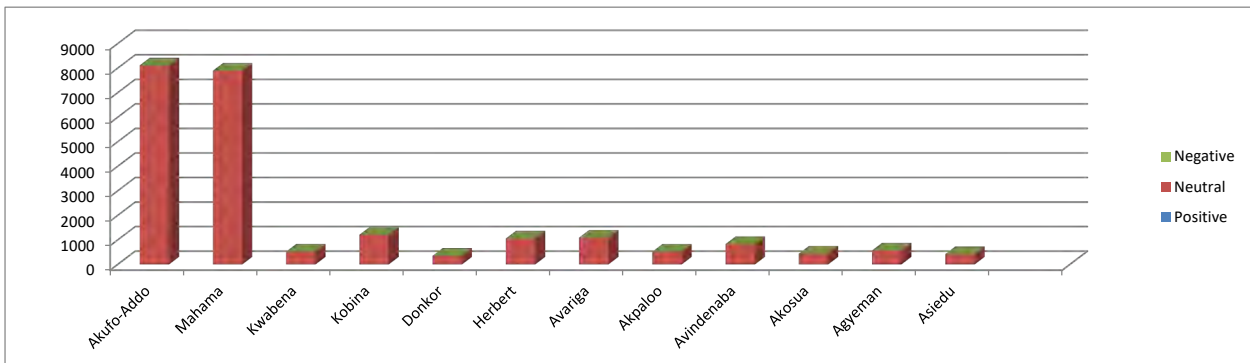
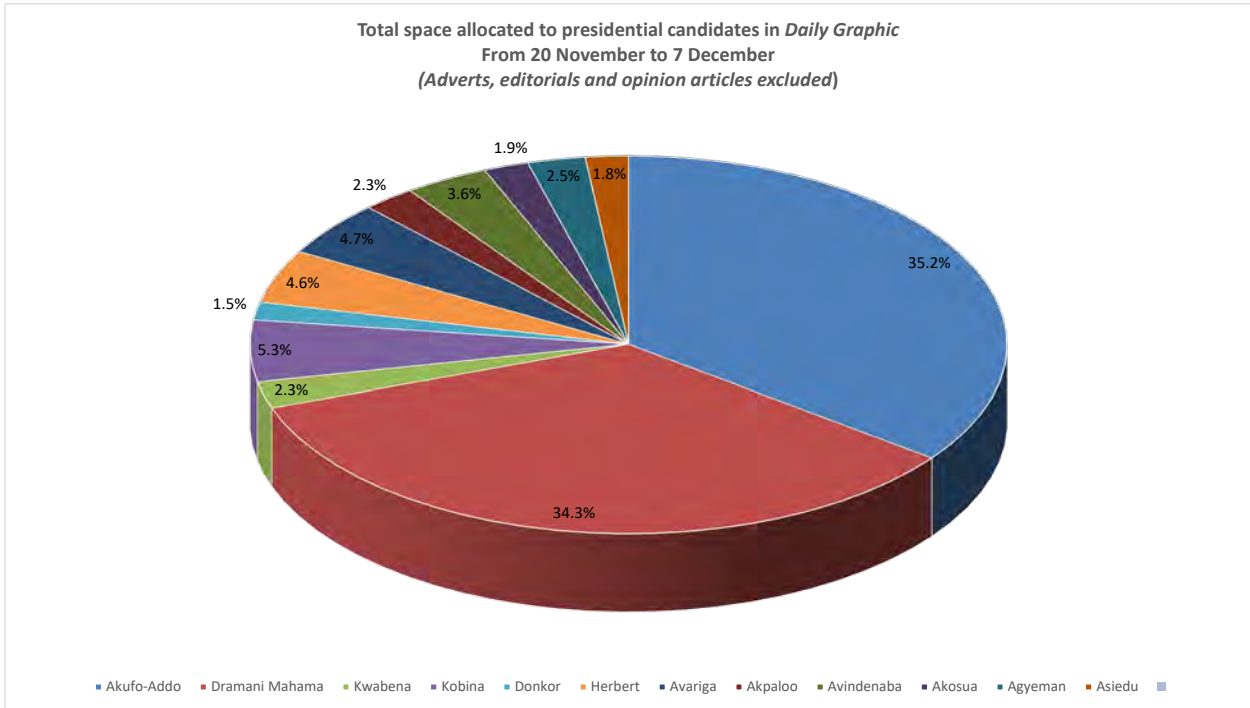


**DAILY GRAPHIC**

**Total space allocated to political parties and candidates in *Daily Graphic*  
From 20 November to 7 December  
(Adverts, editorials and opinion articles excluded)**

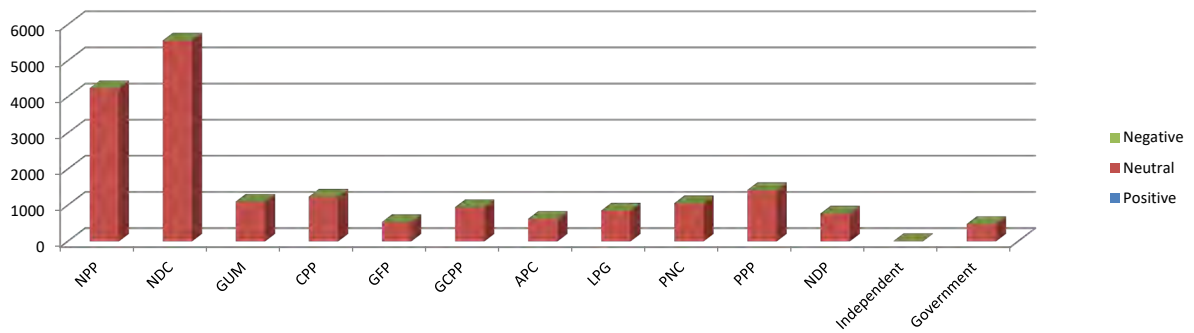
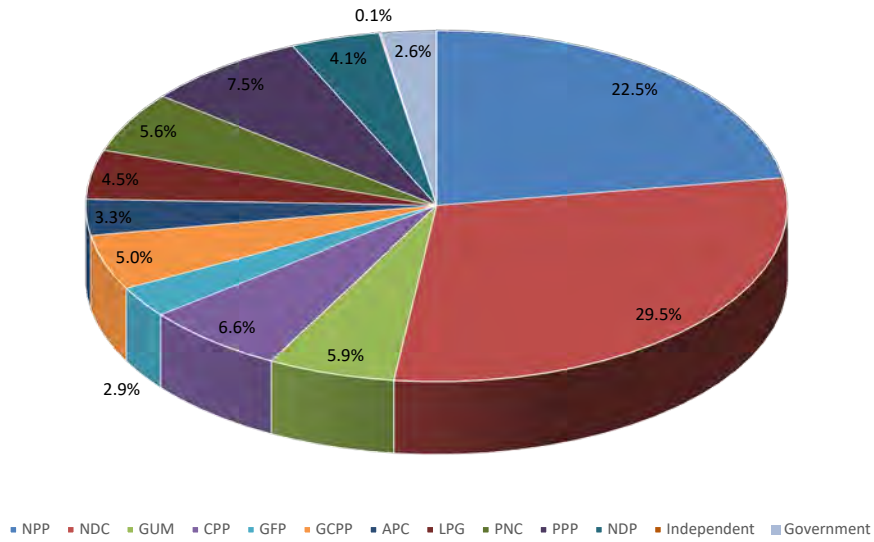


**DAILY GRAPHIC**

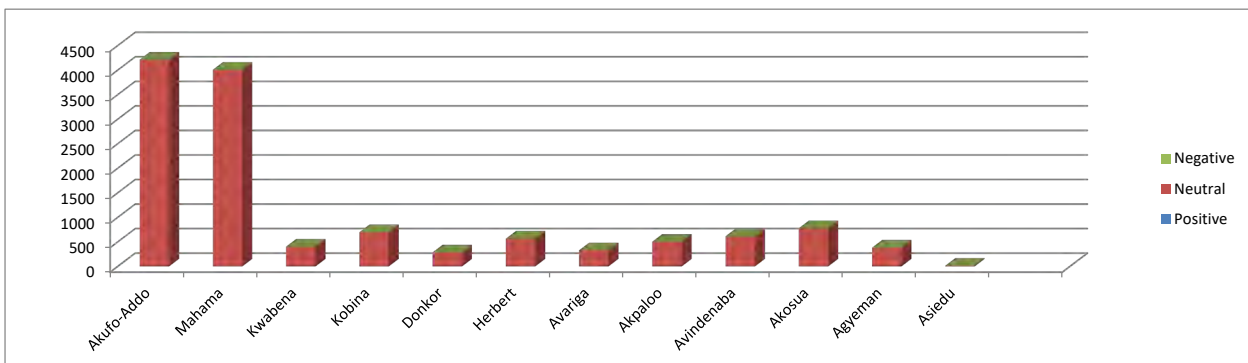
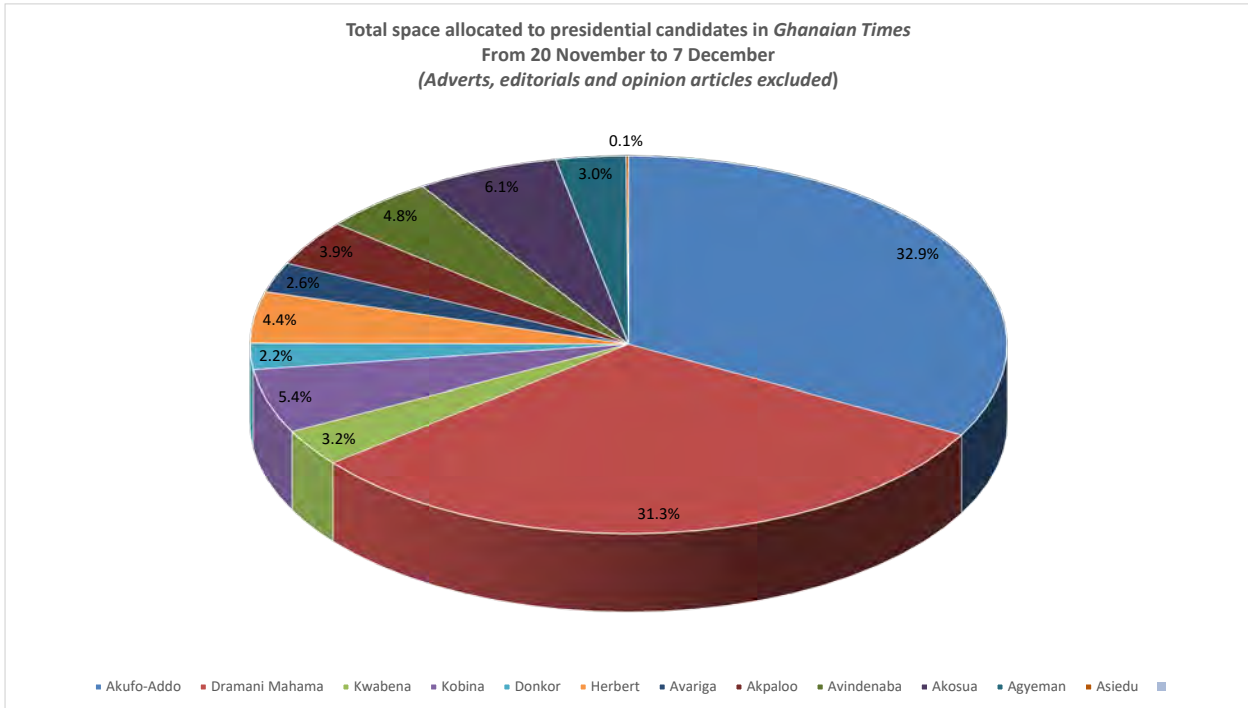


**GHANAIAAN TIMES**

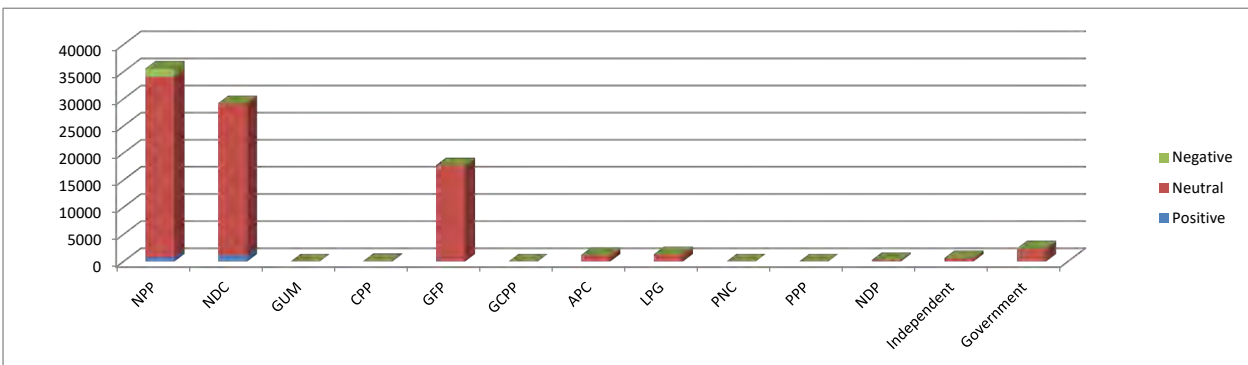
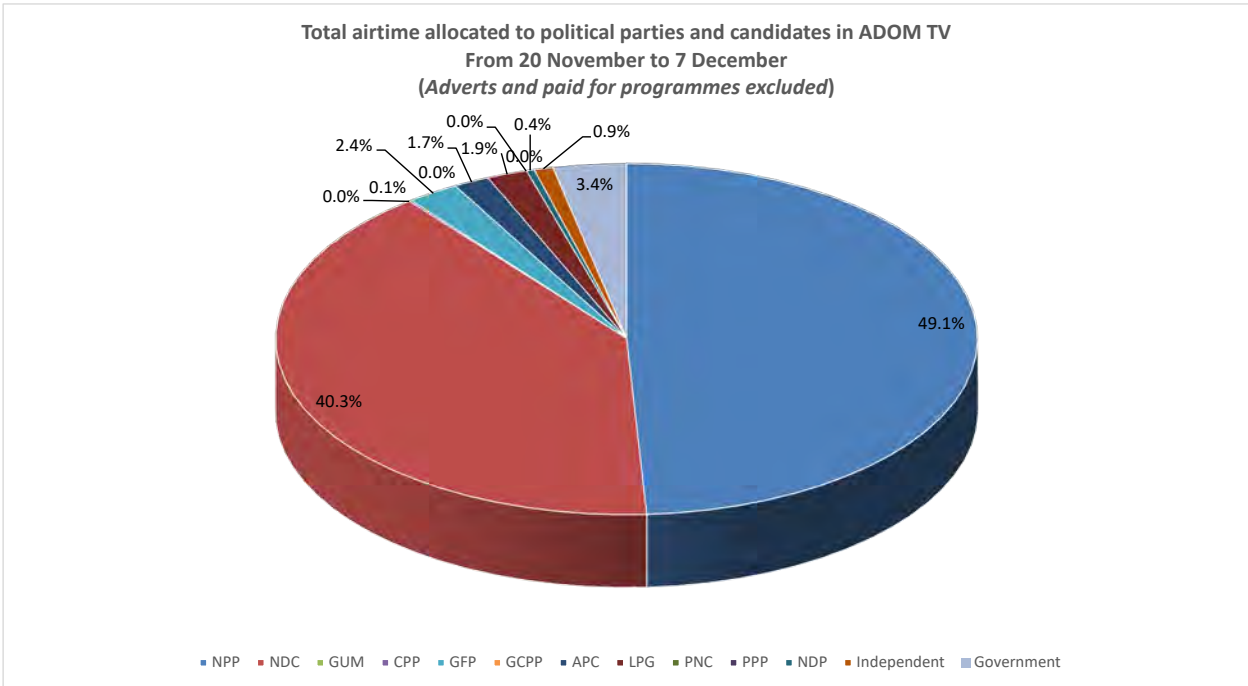
Total space allocated to political parties and candidates in *Ganhaian Times*  
 From 20 November to 7 December  
 (Adverts, editorials and opinion articles excluded)



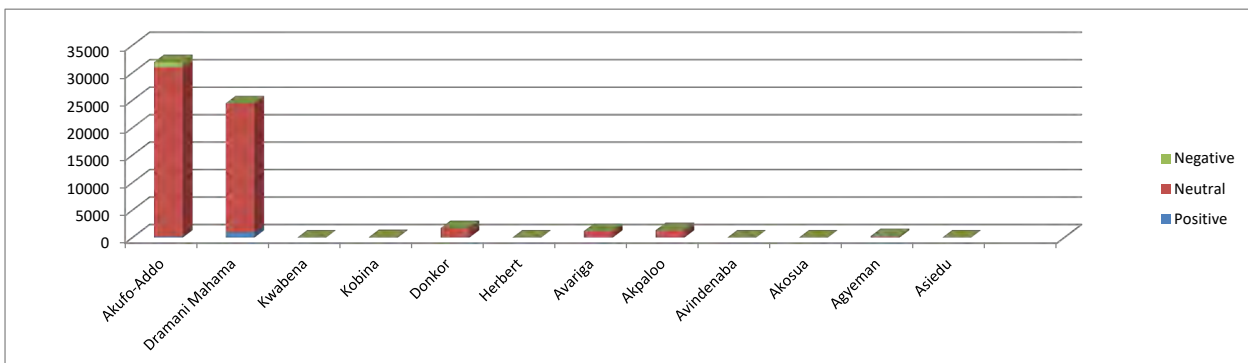
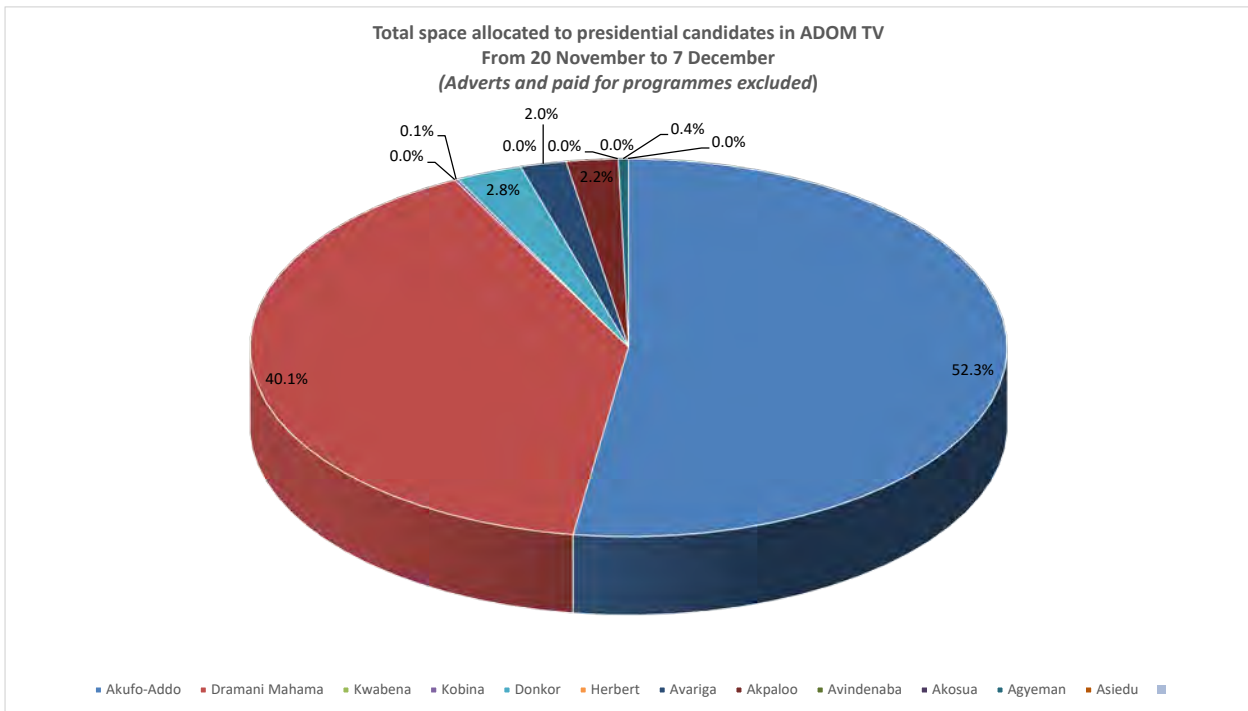
**GHANAIAN TIMES**



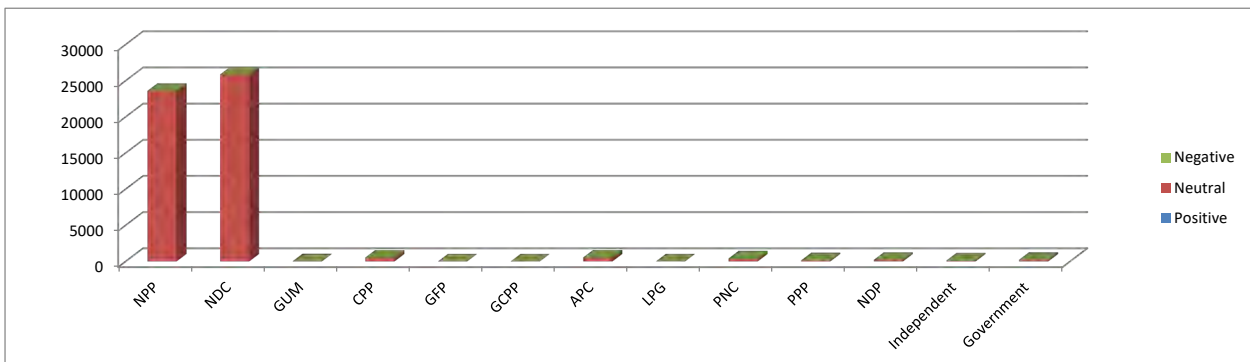
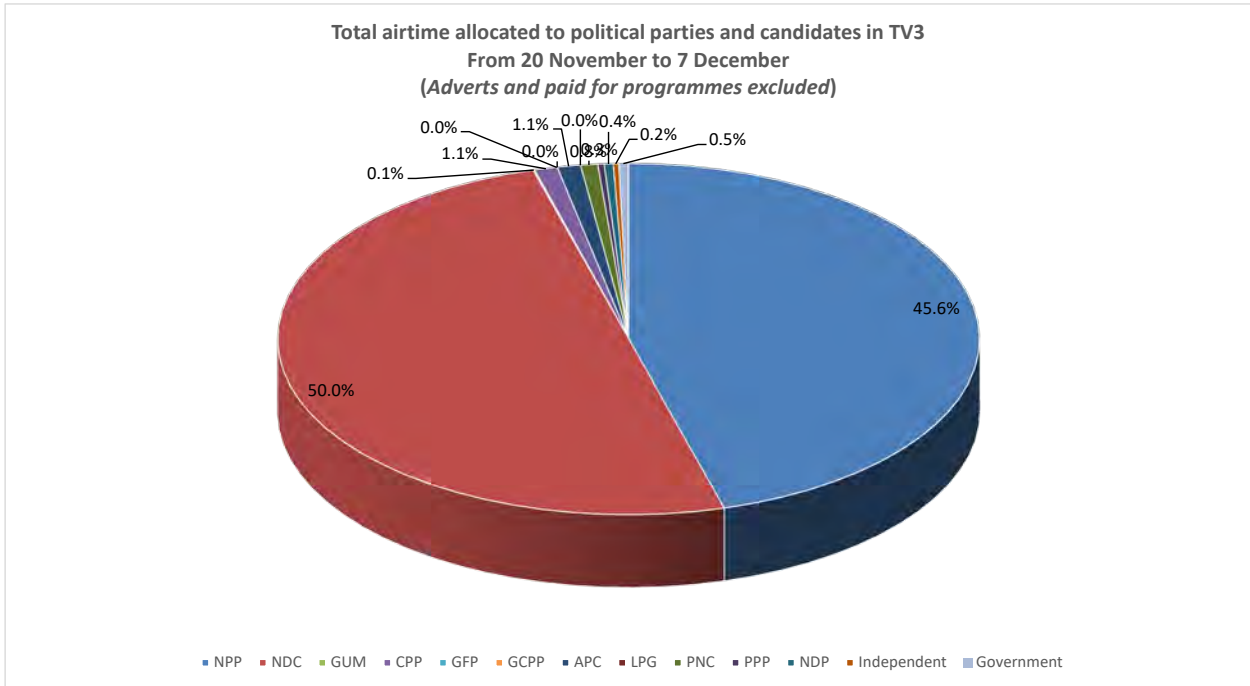
**ADOM TV**



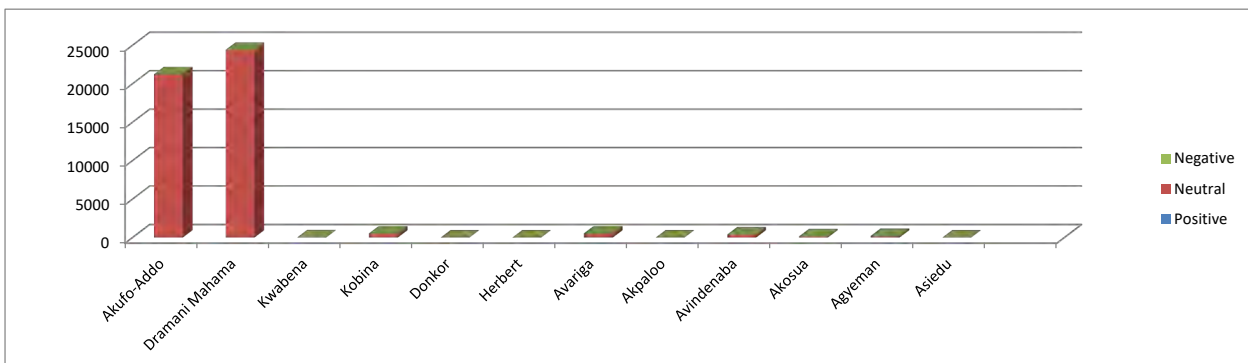
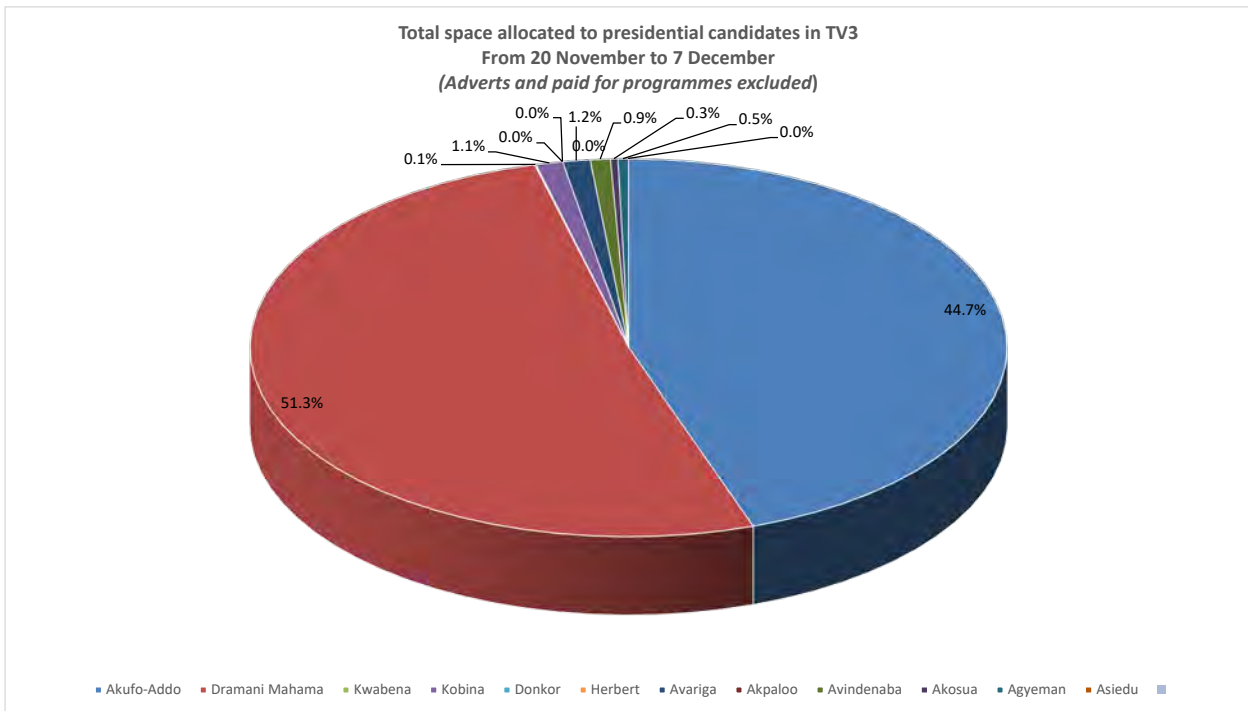
**ADOM TV**



**TV3**

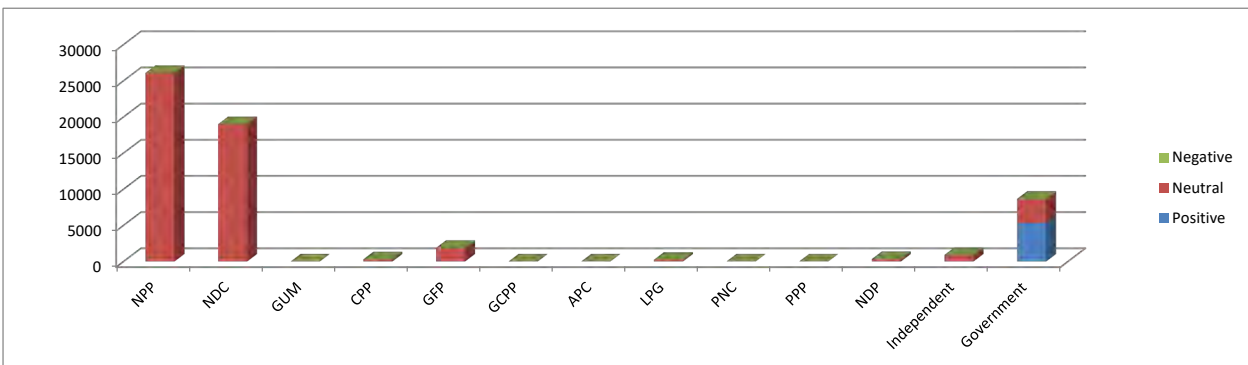
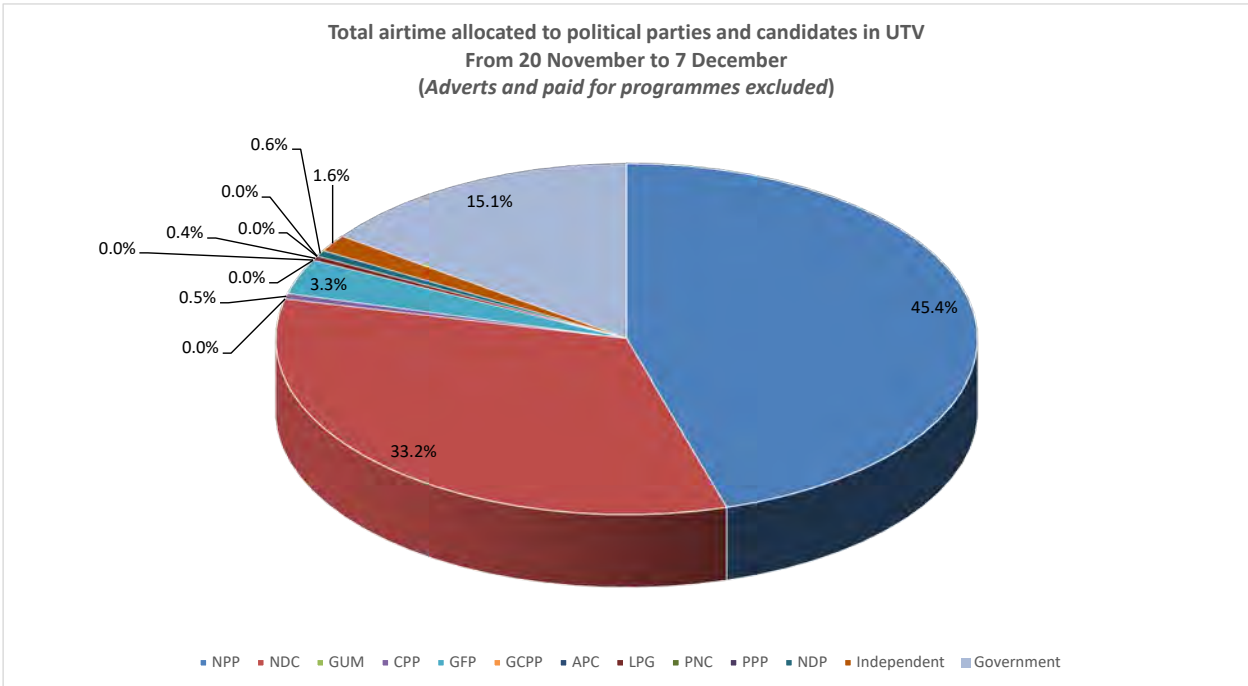


**TV3**

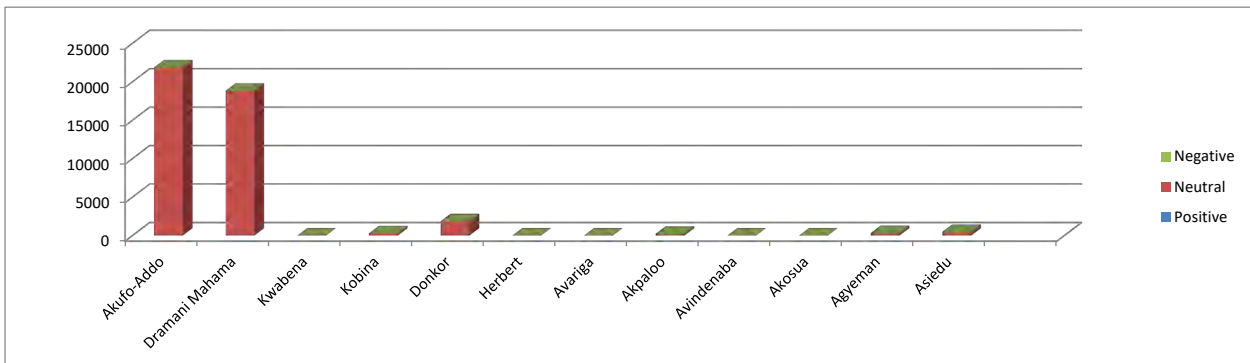
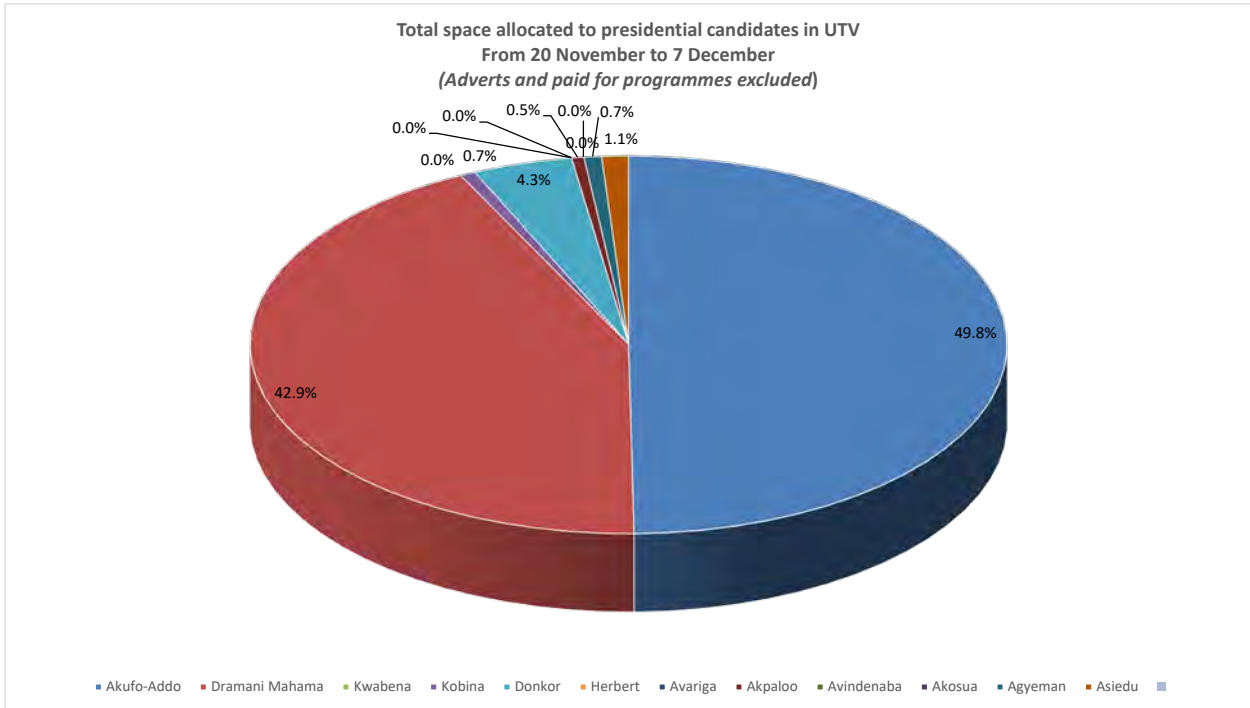




**UTV**

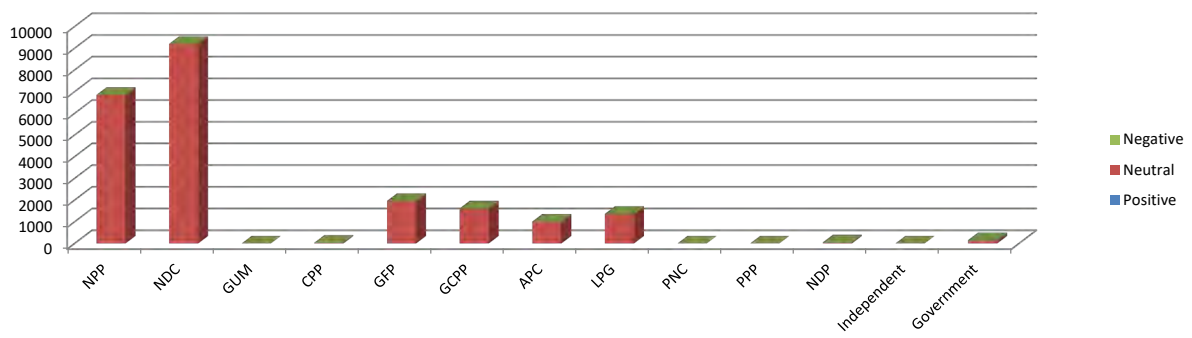
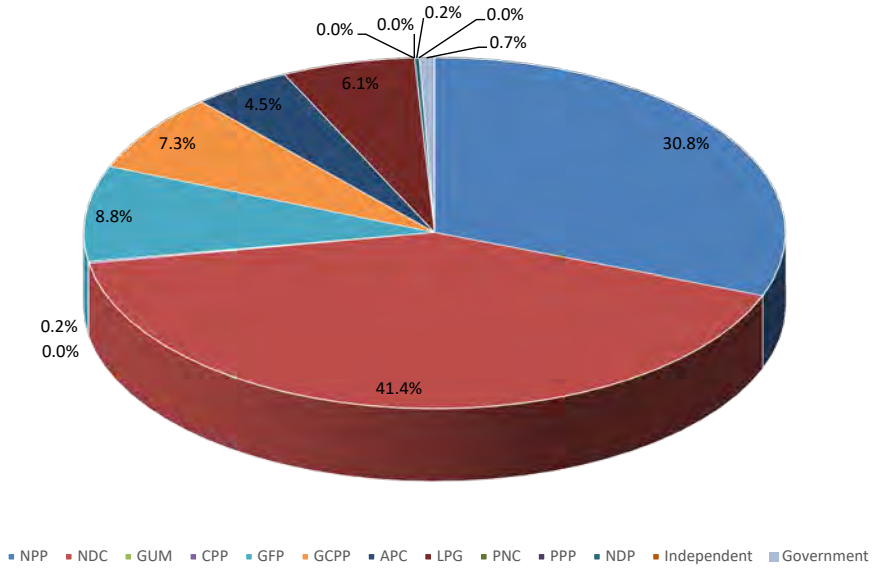


**UTV**

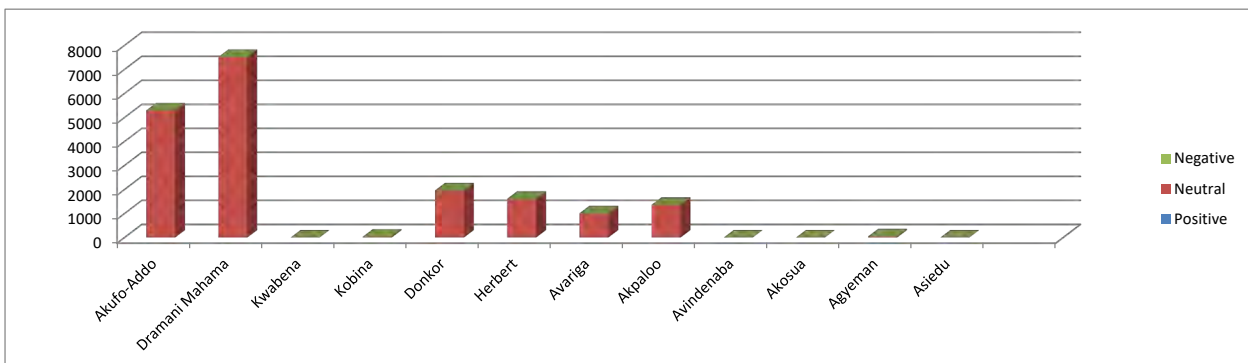
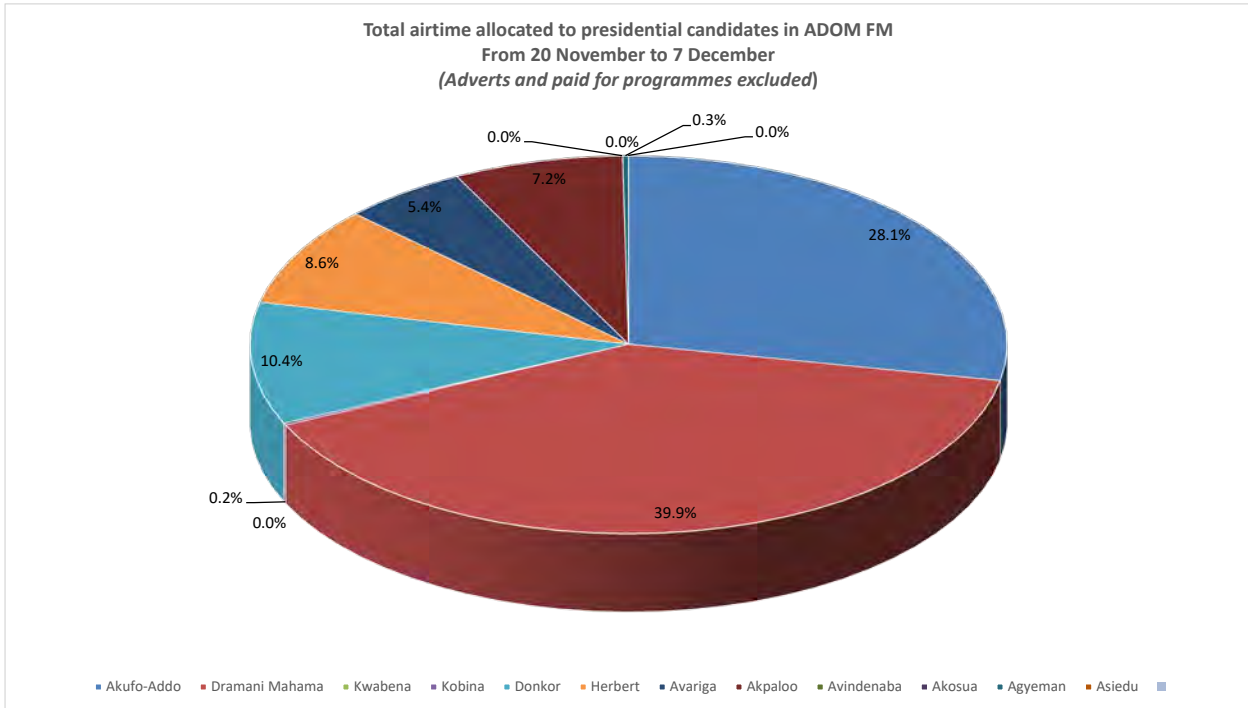


**ADOM FM**

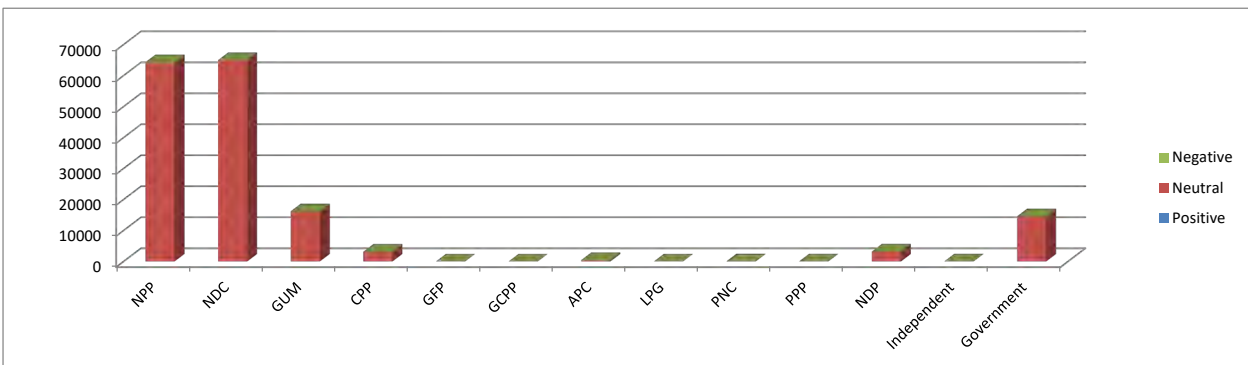
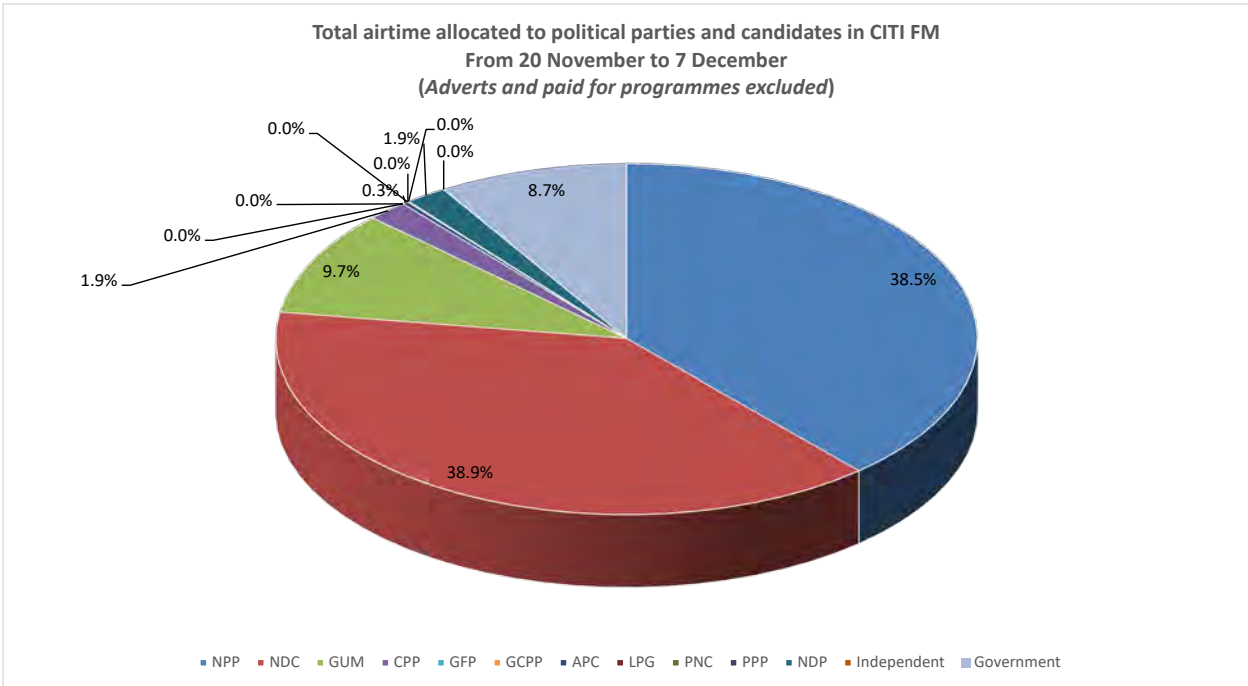
**Total airtime allocated to political parties and candidates in ADOM FM  
From 20 November to 7 December  
(Adverts and paid for programmes excluded)**



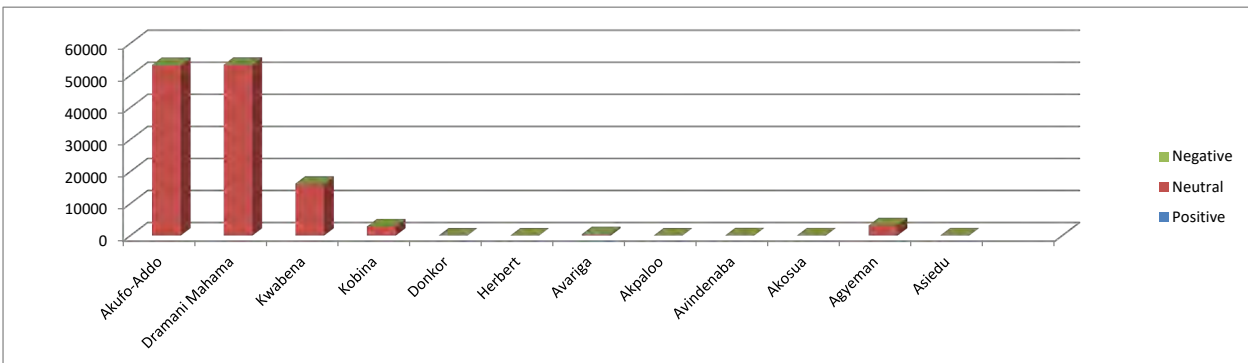
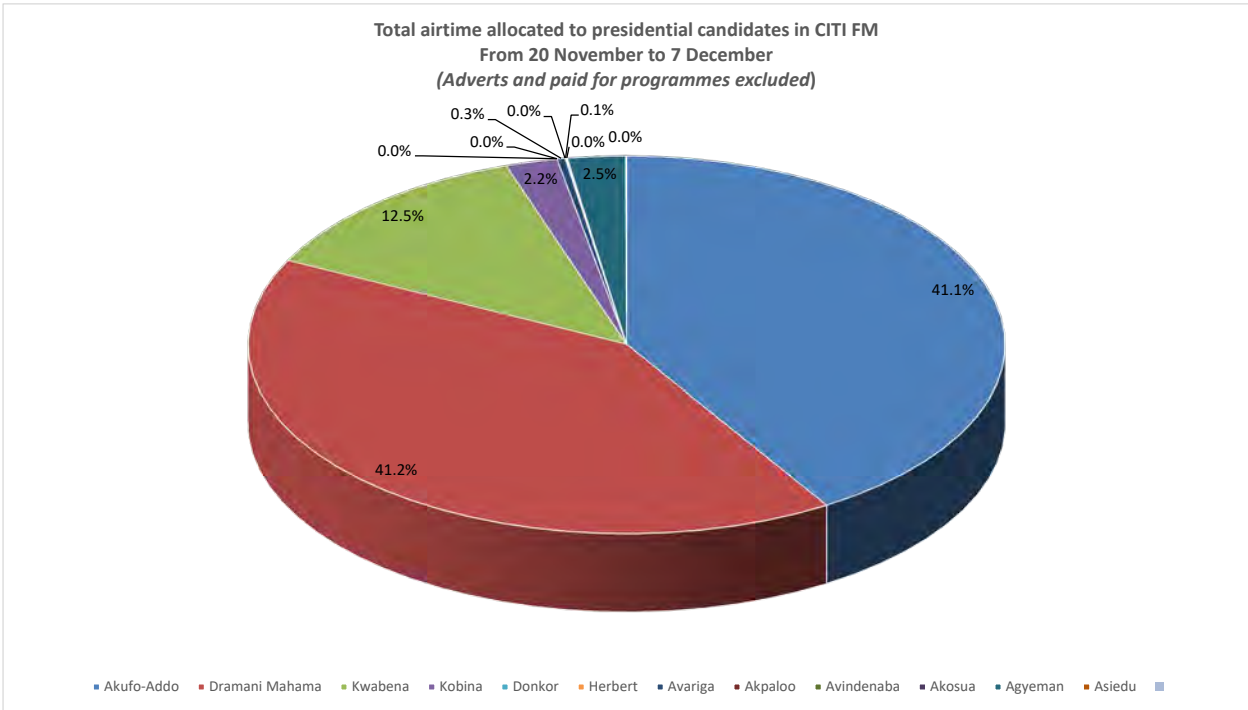
**ADOM FM**



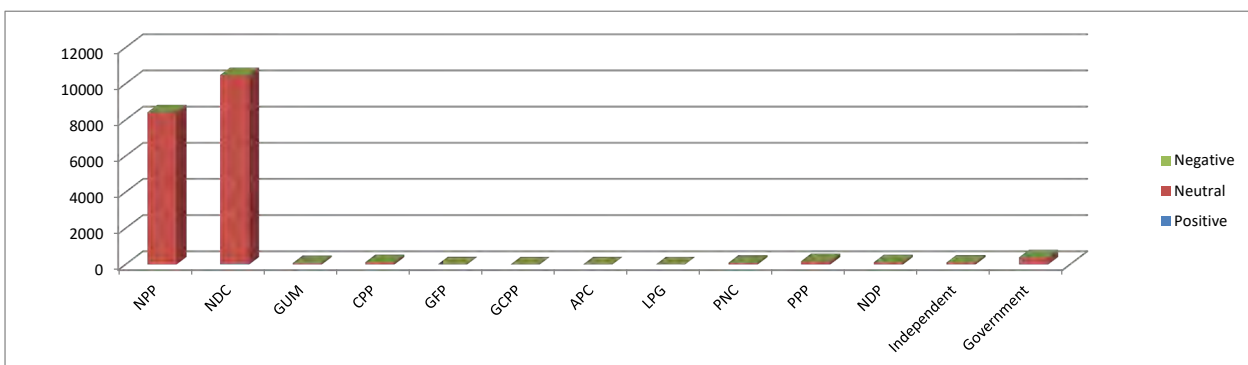
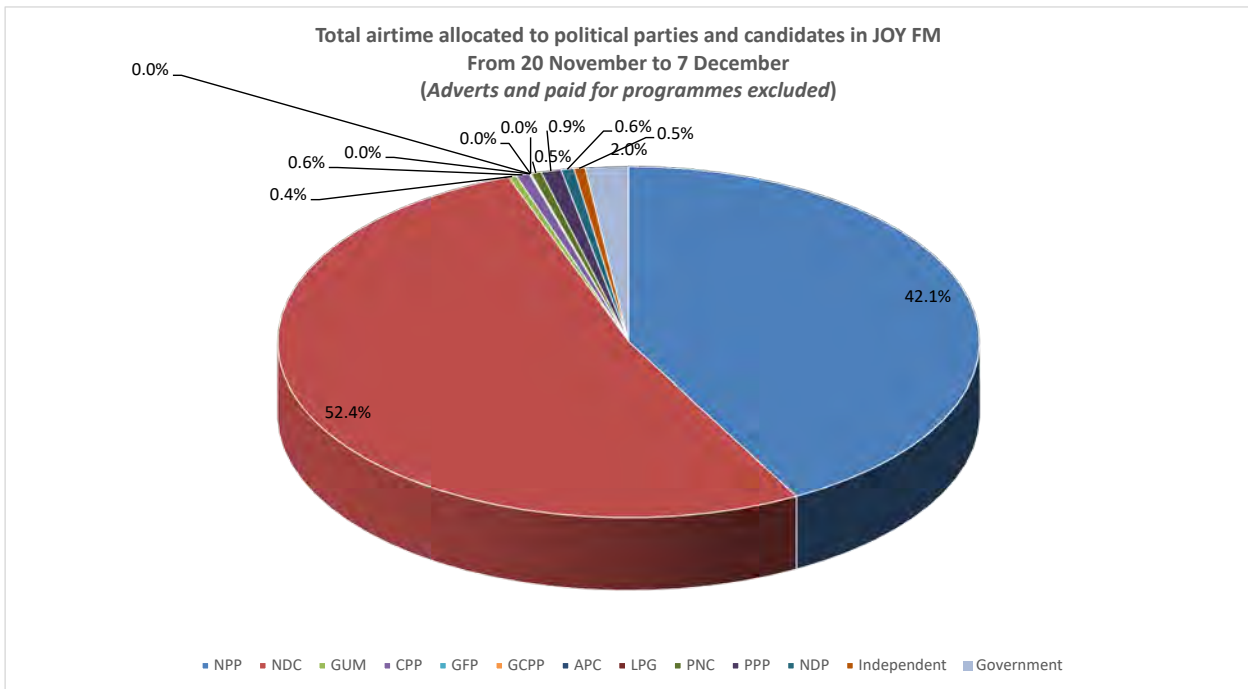
**CITI FM**



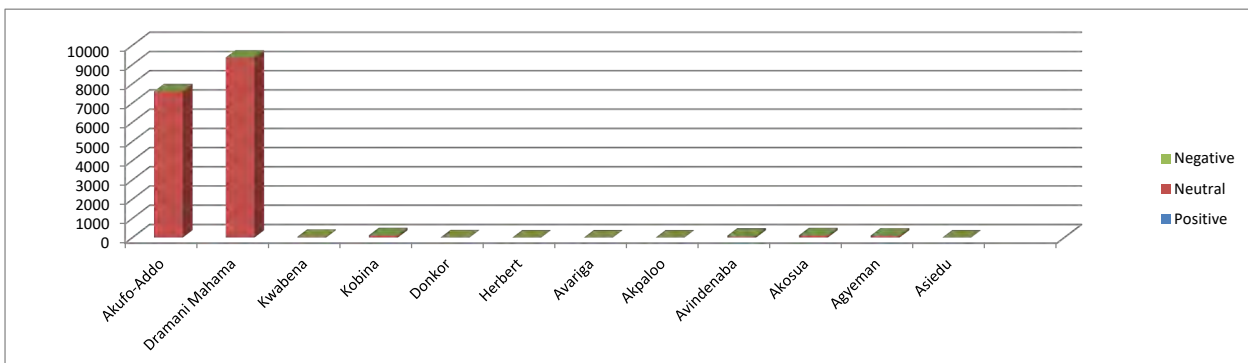
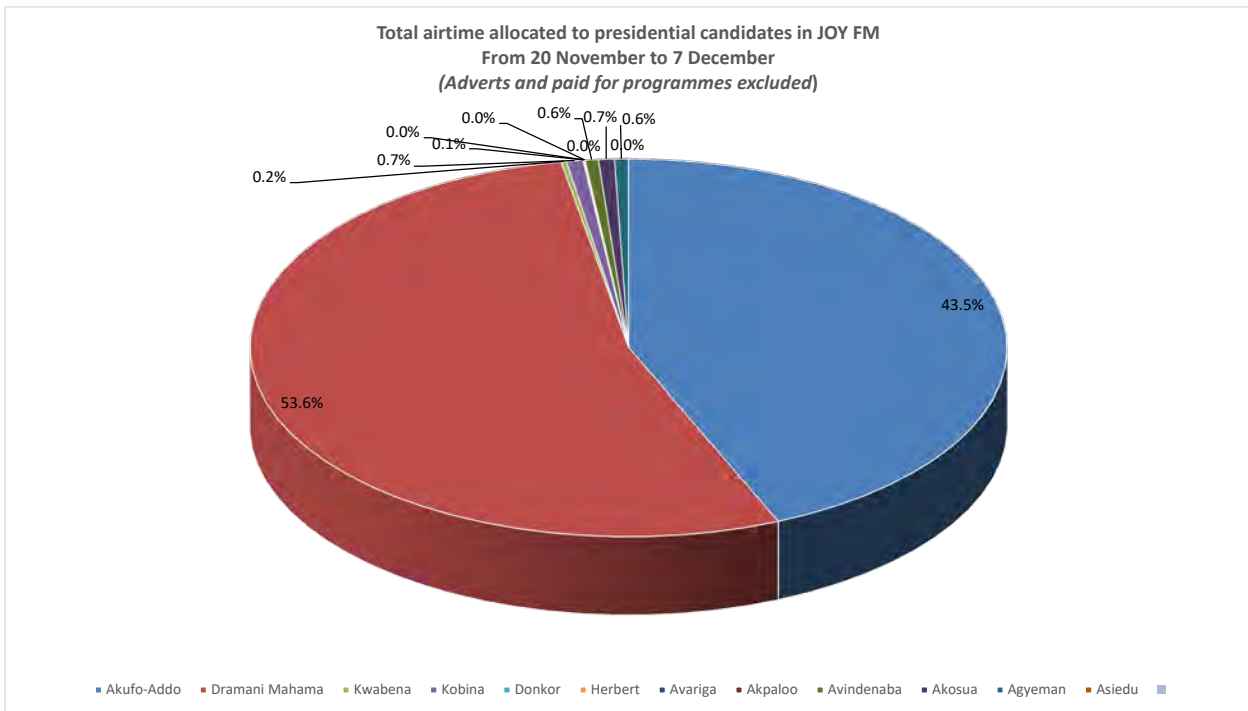
**CITI FM**



**JOY FM**

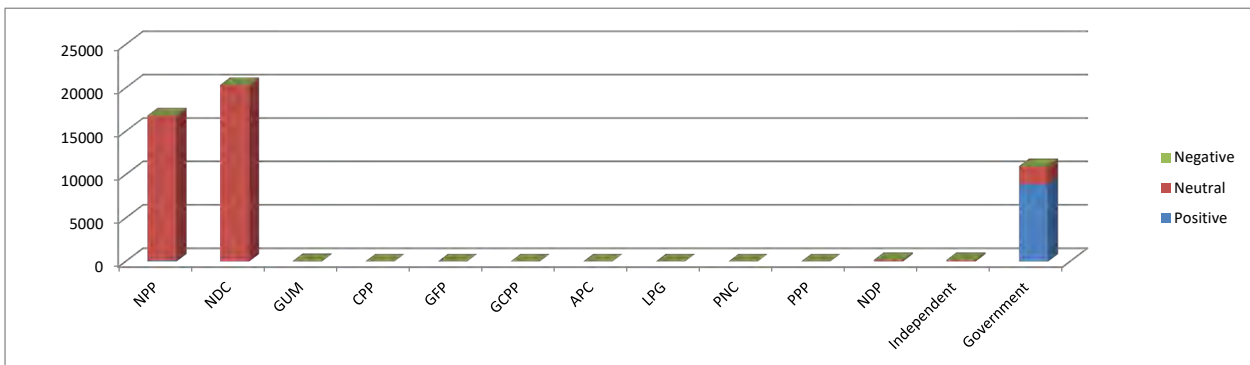
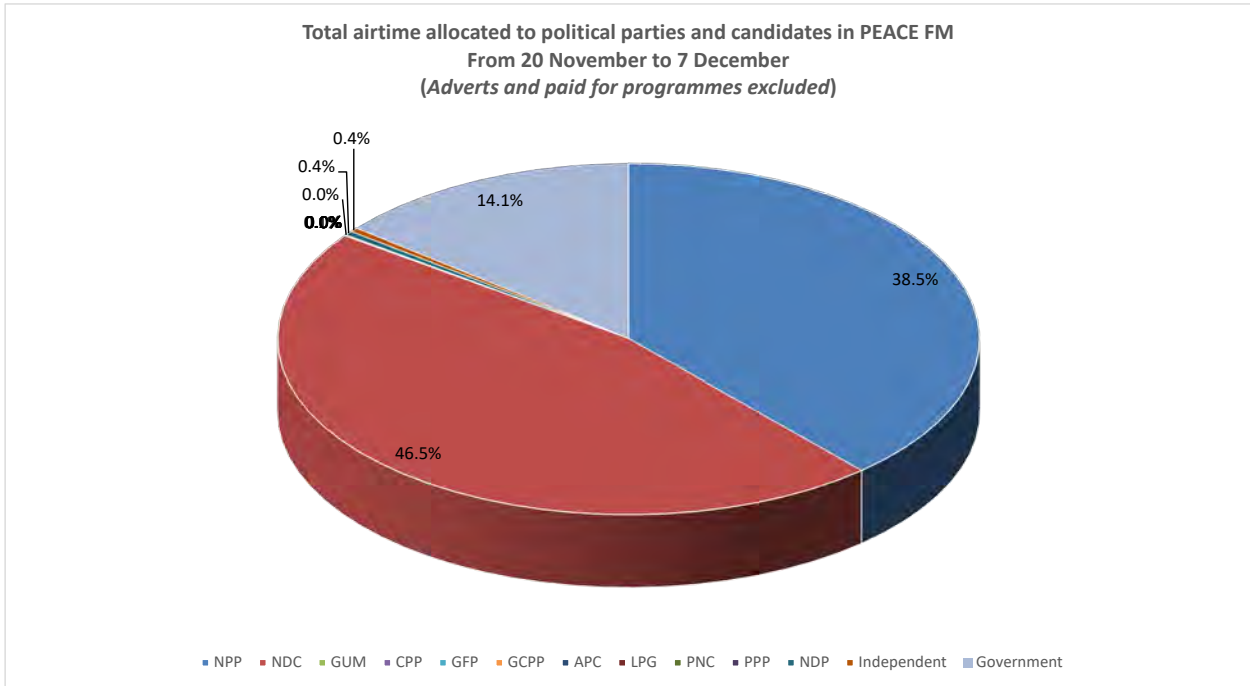


**JOY FM**

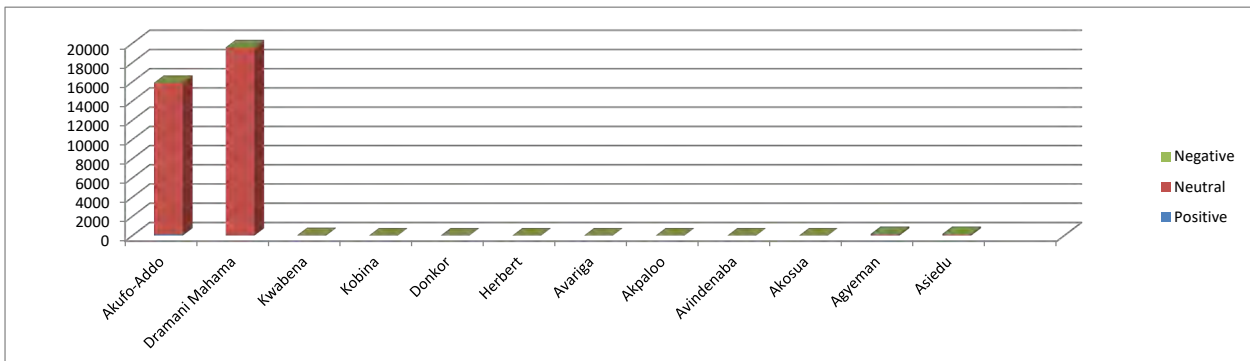
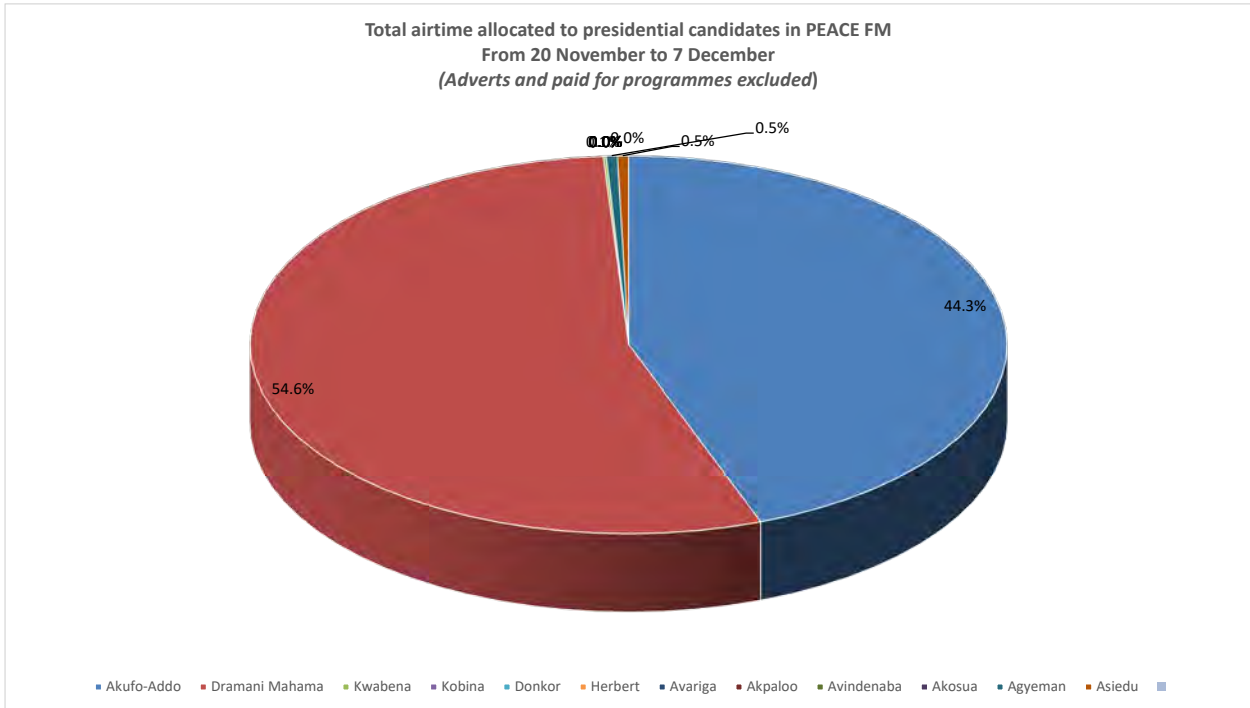




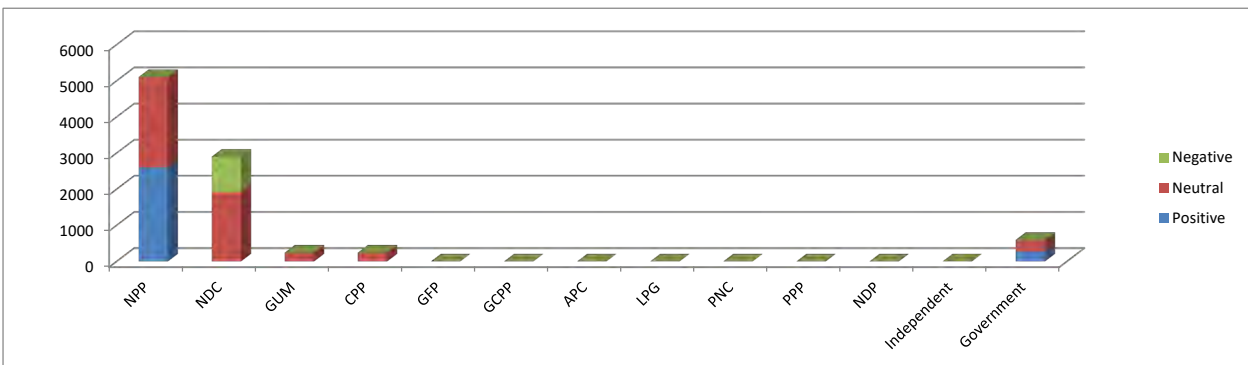
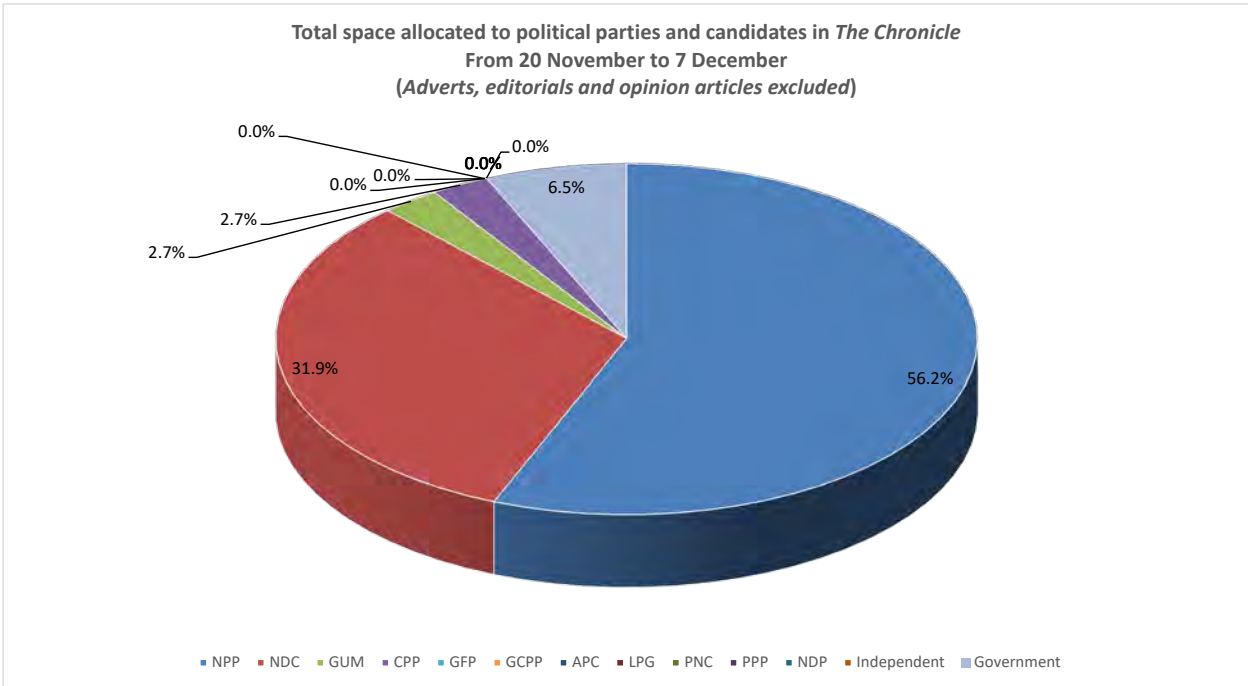
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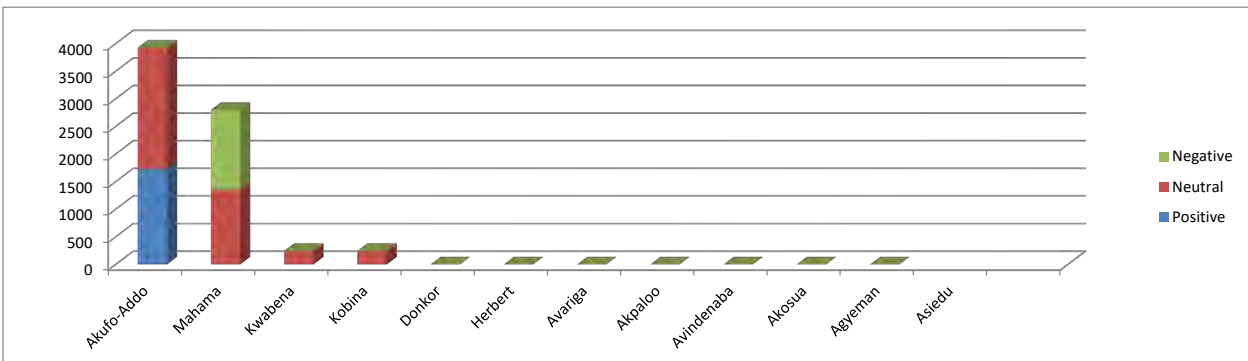
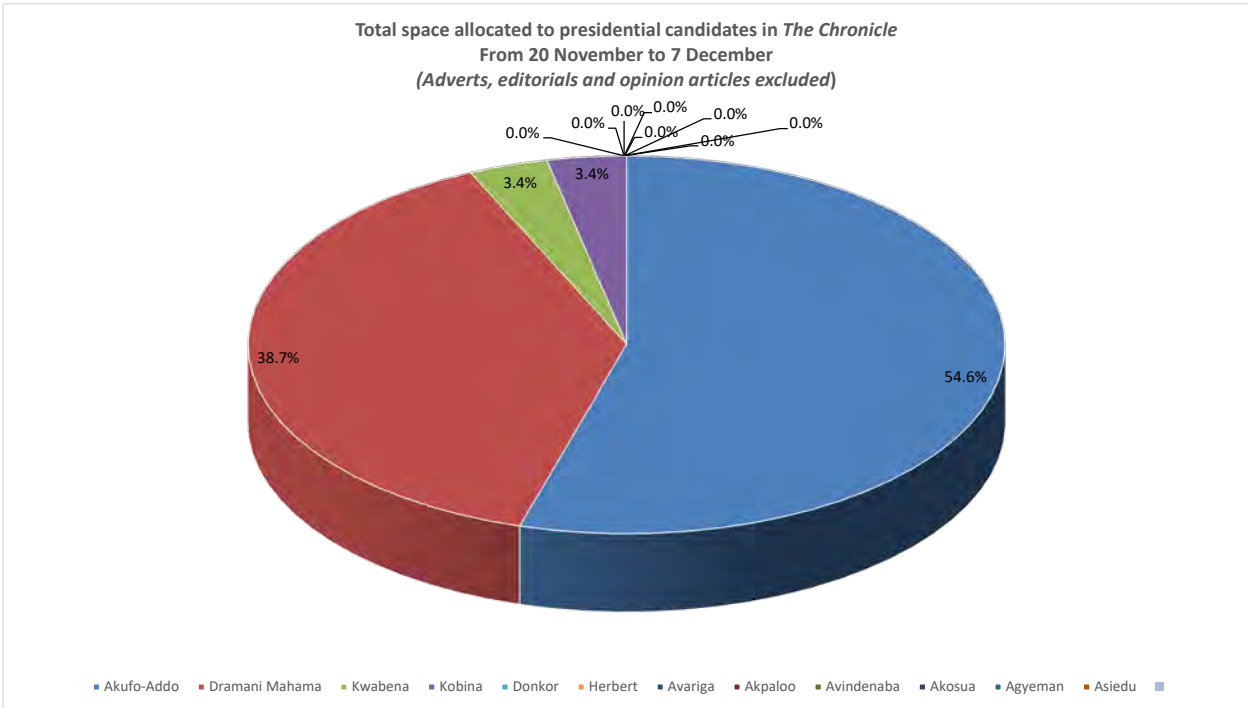
**PEACE FM**



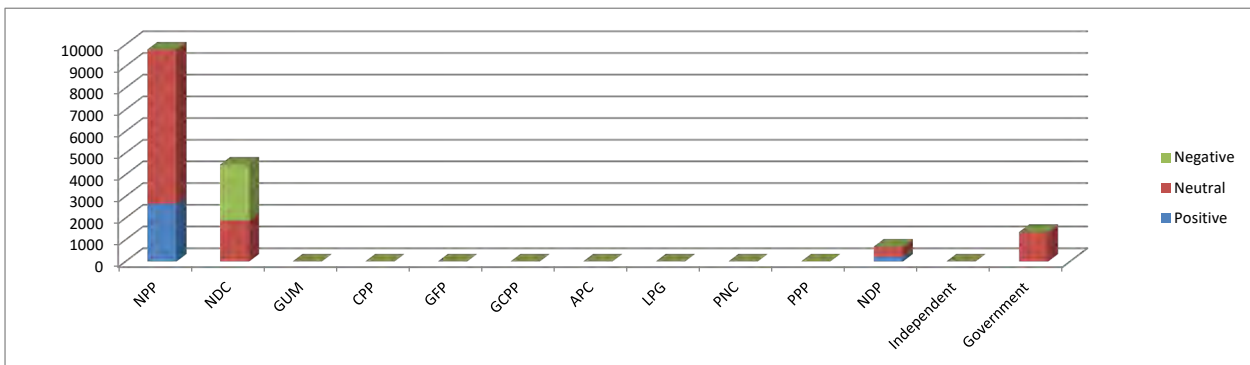
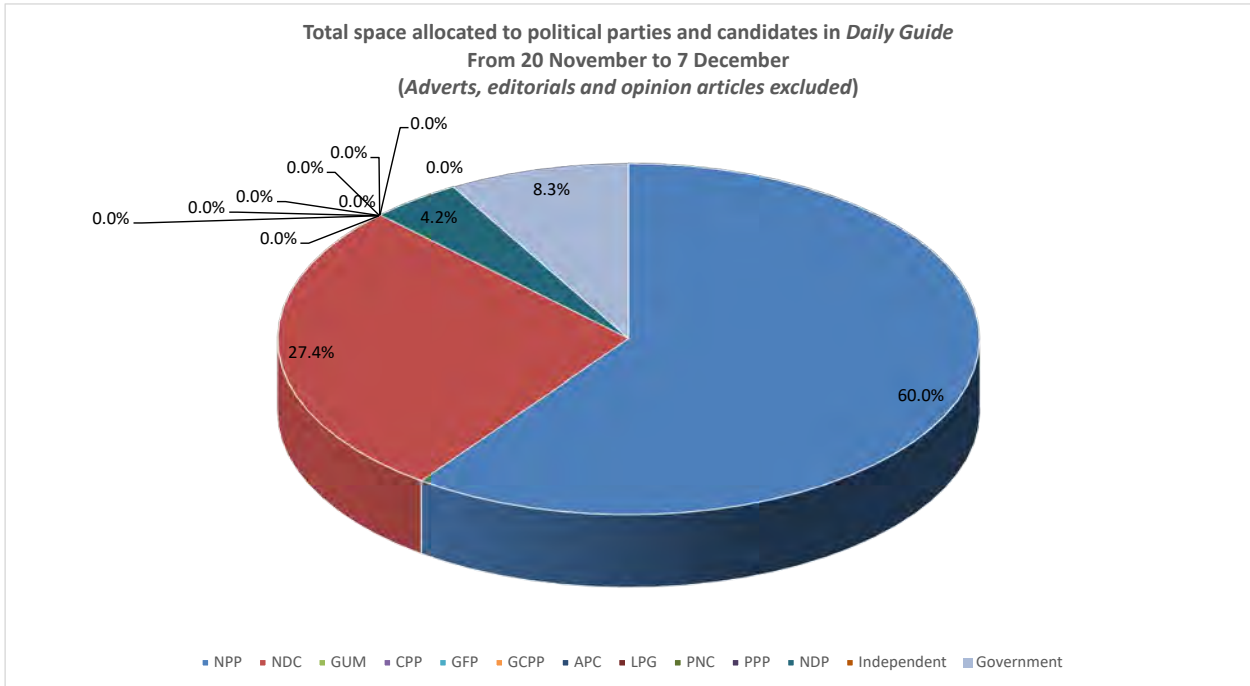
**THE CHRONICLE**



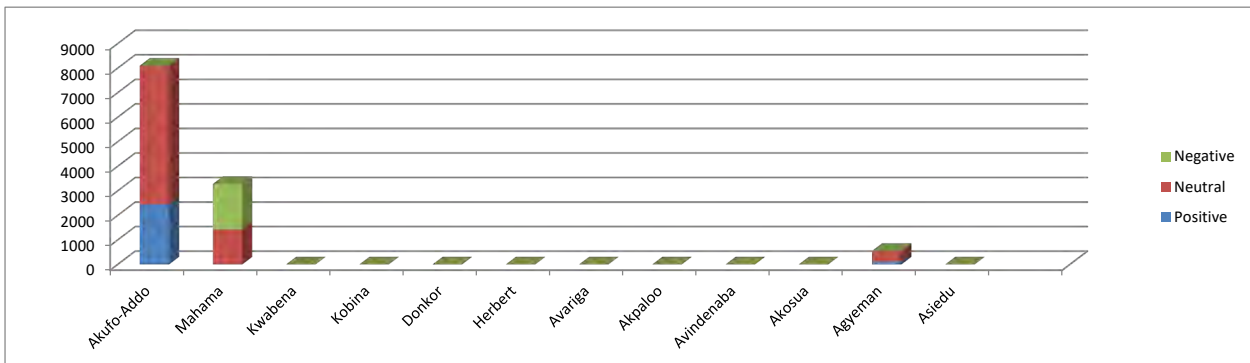
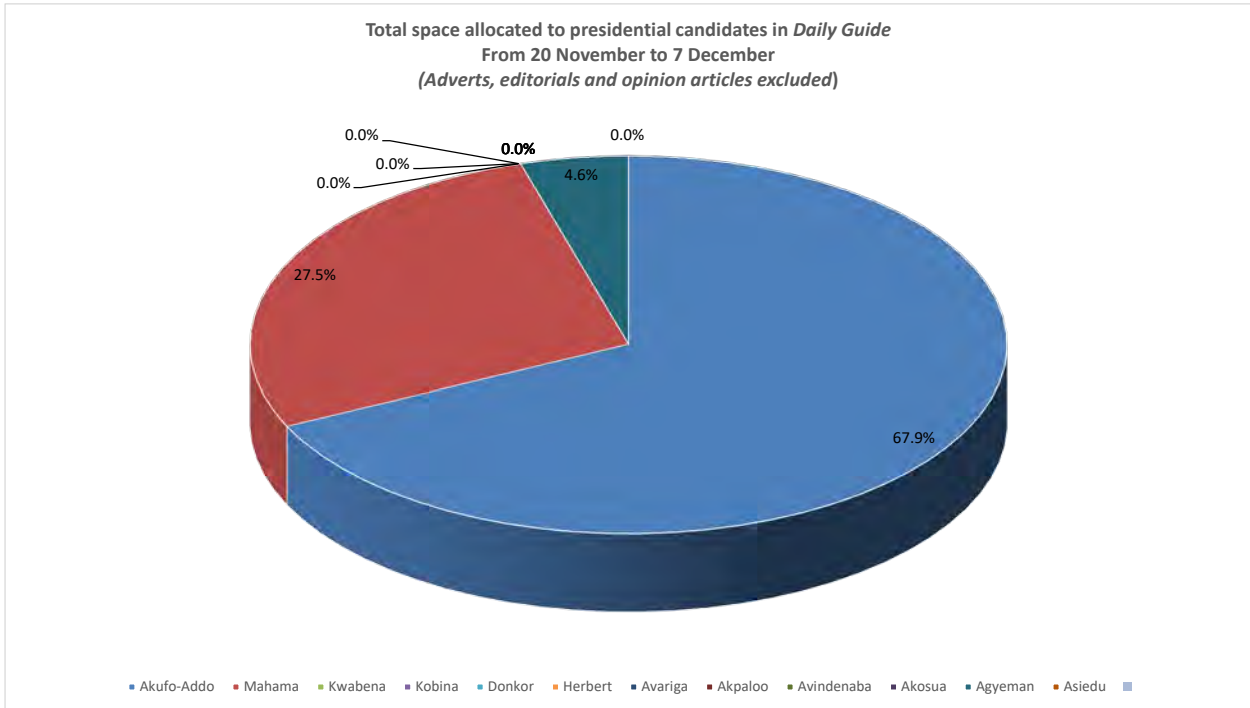
**THE CHRONICLE**



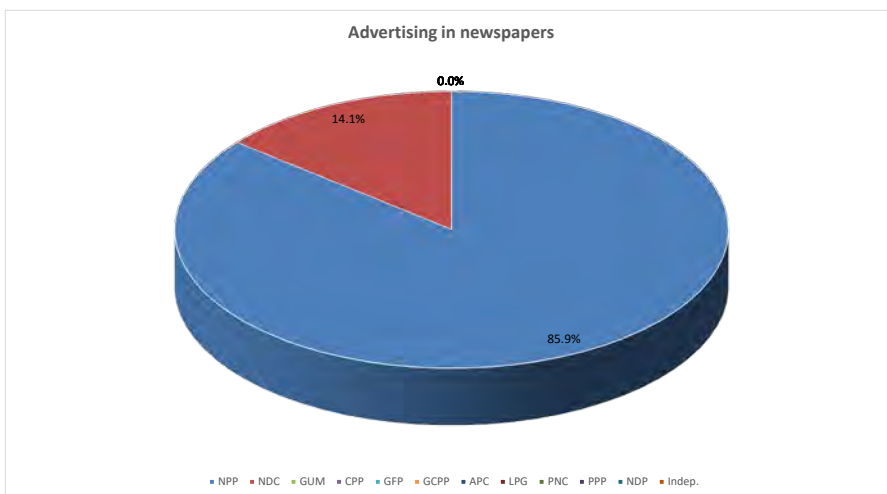
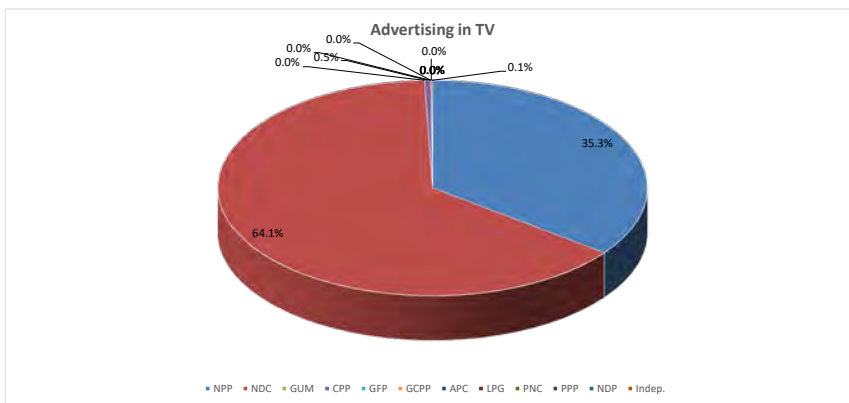
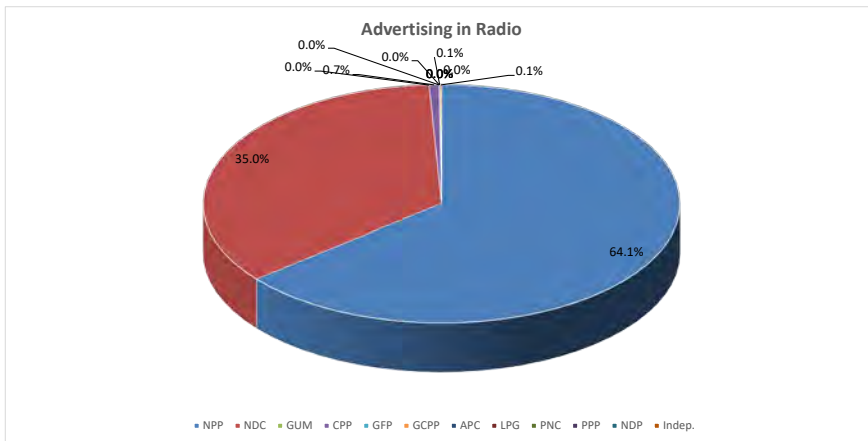
**DAILY GUIDE**



**DAILY GUIDE**



**POLITICAL ADVERTISING**



## Social media monitoring results



# Social Media

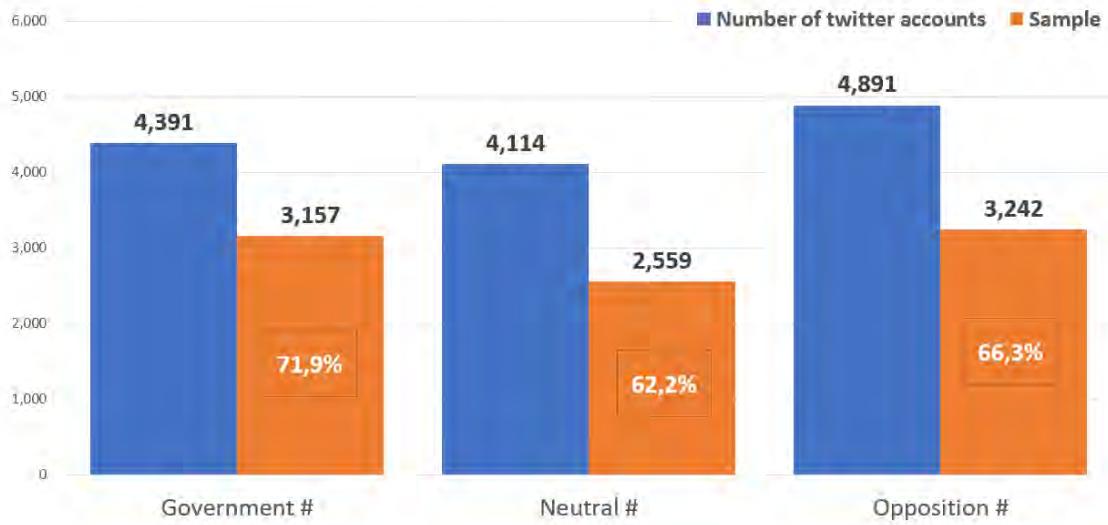
The EU EOM social media monitoring unit used the Facebook social media listening tool [CrowdTangle](#) to monitor 62 public Facebook pages linked to the presidential race. Of these, 50 were official or support pages of the two frontrunning candidates. In total 5,519 posts between 1 November and 7 December were analysed.

Using the software [SentiOne](#), the EOM monitored some 60,000 tweets containing the most-used election-related hashtags over the same period. The timelines of 11,401 Twitter accounts were analysed.





# Twitter accounts: sample



# Twitter accounts: overlap

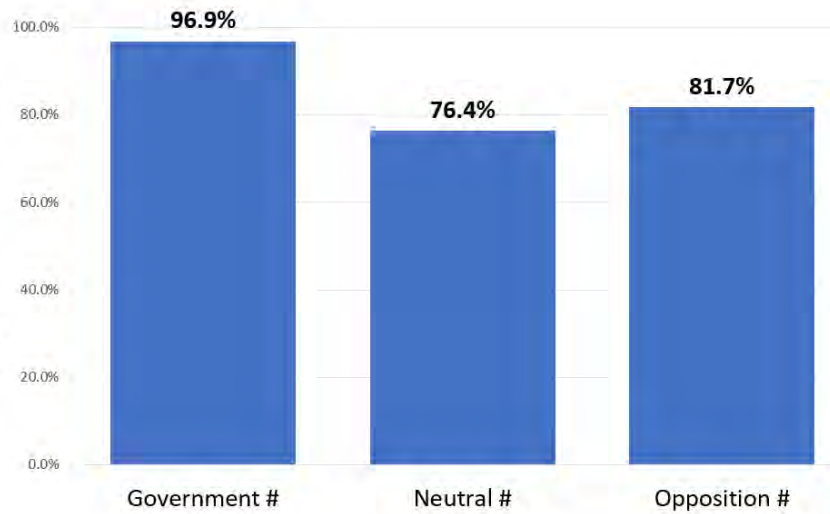




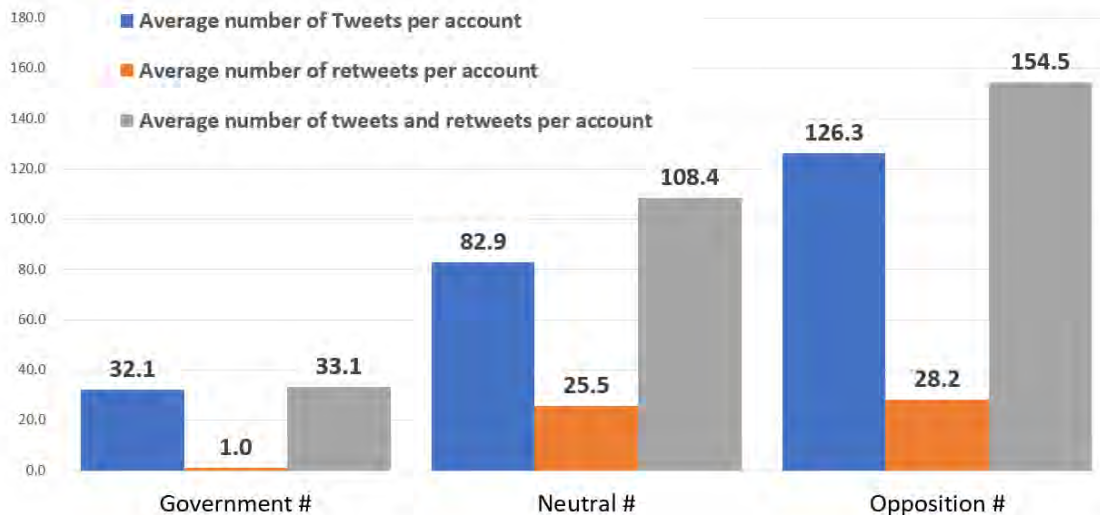
## Twitter accounts: tweet/retweet ratio



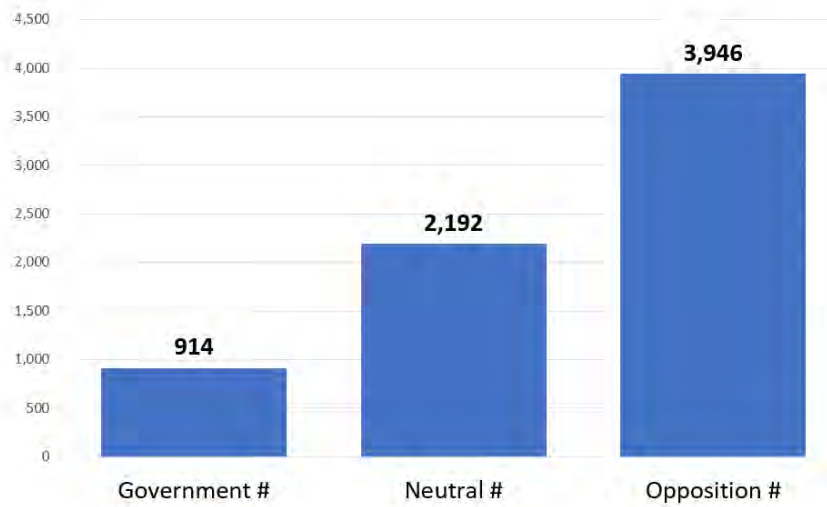
**Government accounts: 96,9% of messages were tweets (3,1% retweets) ...**



## Twitter accounts: activity



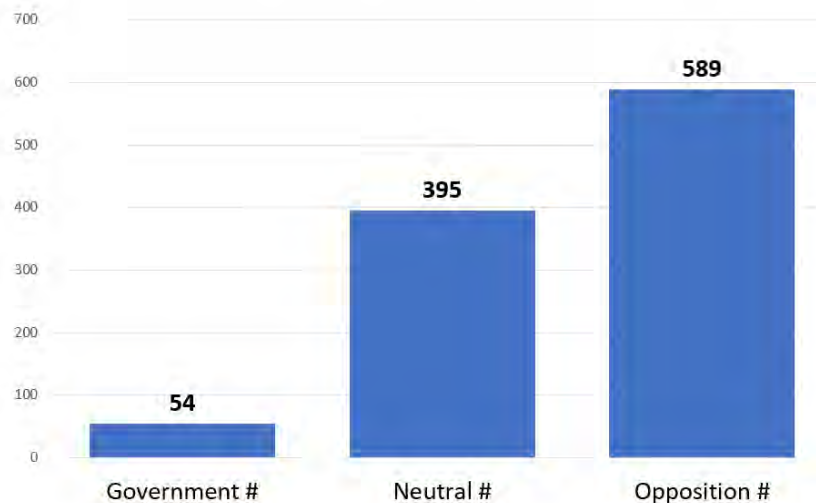
## Twitter accounts: average followers



## Twitter accounts: retweeting original content



**Government accounts: original tweets retweeted on average 54 times ...**

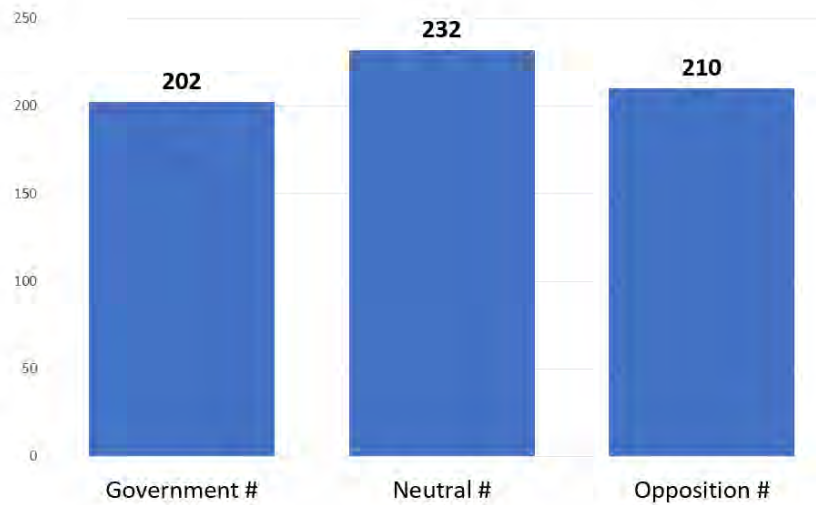




## Twitter: average lifespan of accounts



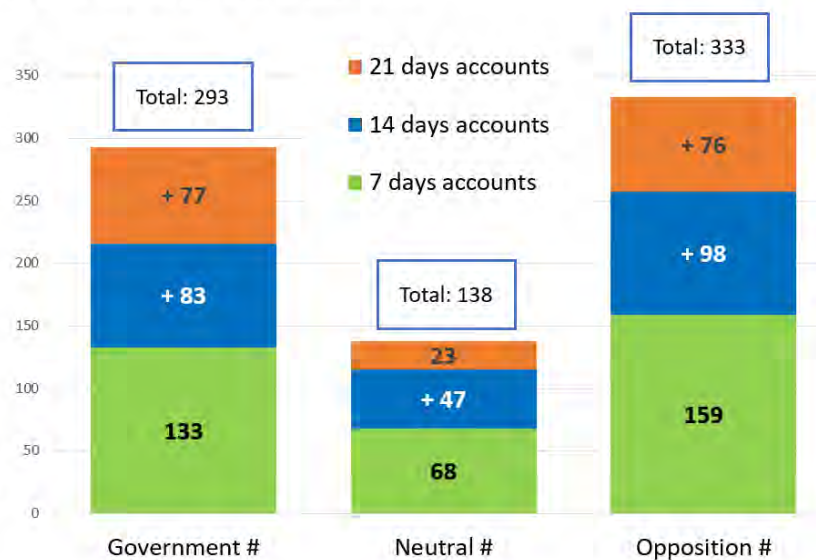
**Government accounts: average lifespan 202 days...**



## Twitter: recently set up accounts

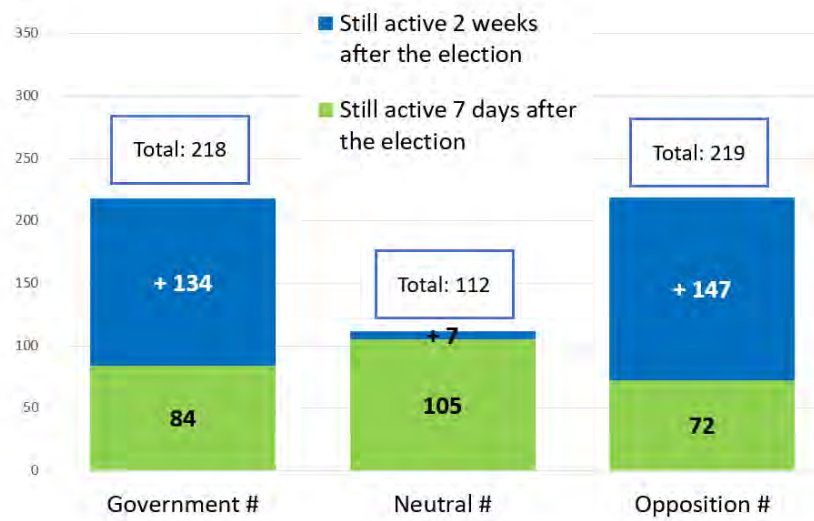


- 293 accounts that posted ONLY government-related hashtags established three weeks before elections; 133 of them in the week before election day etc...

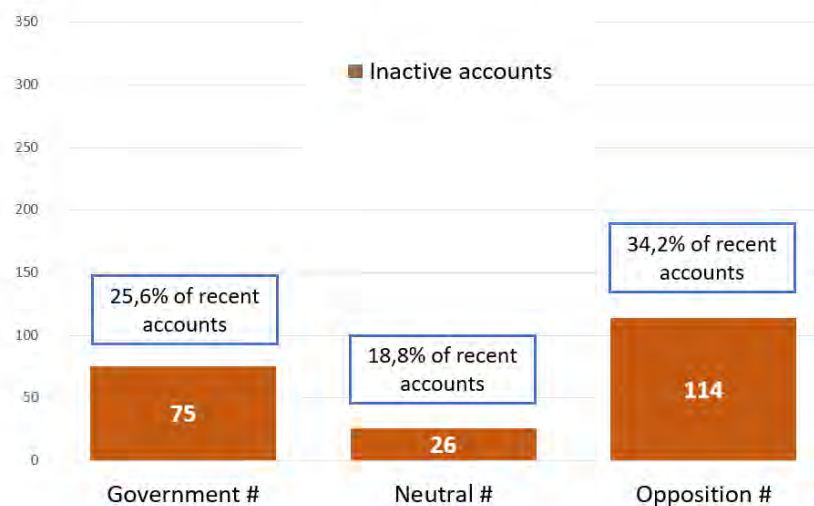




## Recent Twitter accounts: post-election activity



## Recent Twitter accounts: post-election inactivity

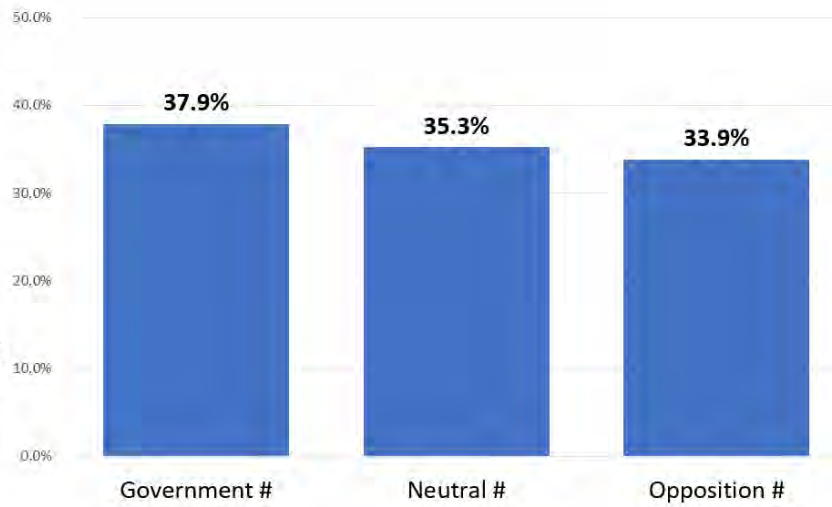




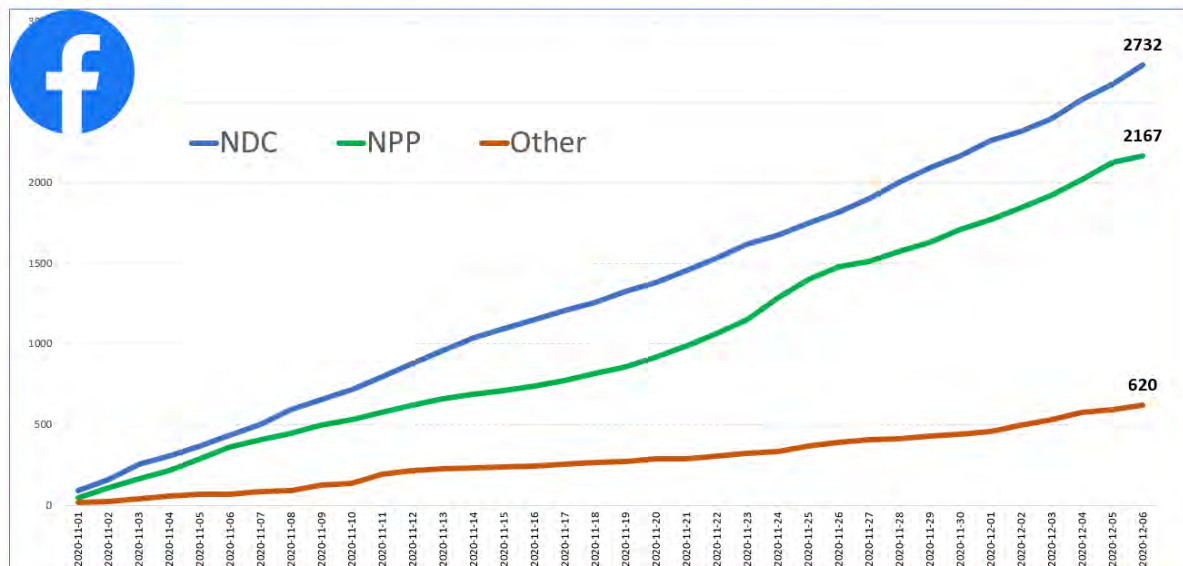
## Twitter: of accounts that mainly retweeted



- 37,9% of accounts that used ONLY government hashtags mainly (>50%) retweeted other tweets ...

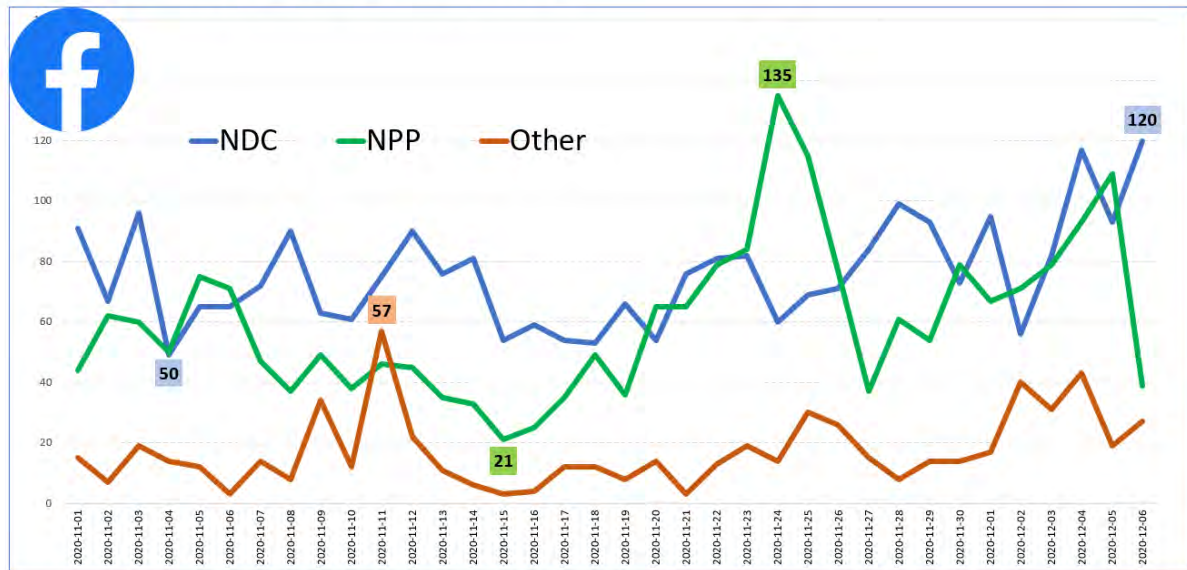


## FB posts over time (cumulated, EOM sample period)

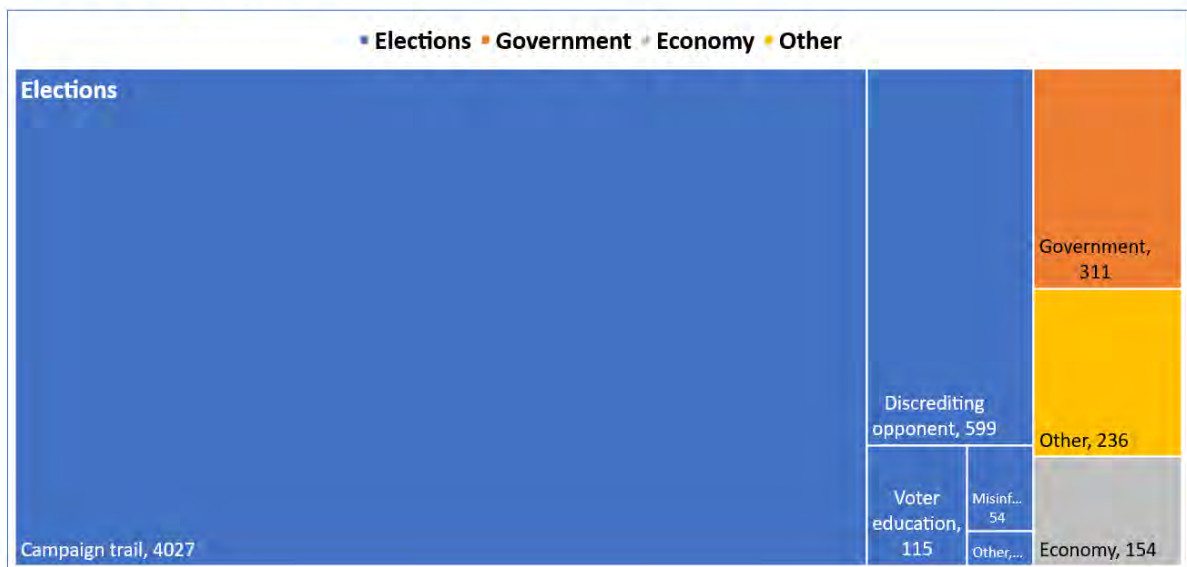




## Facebook: posts over time



## Facebook topics





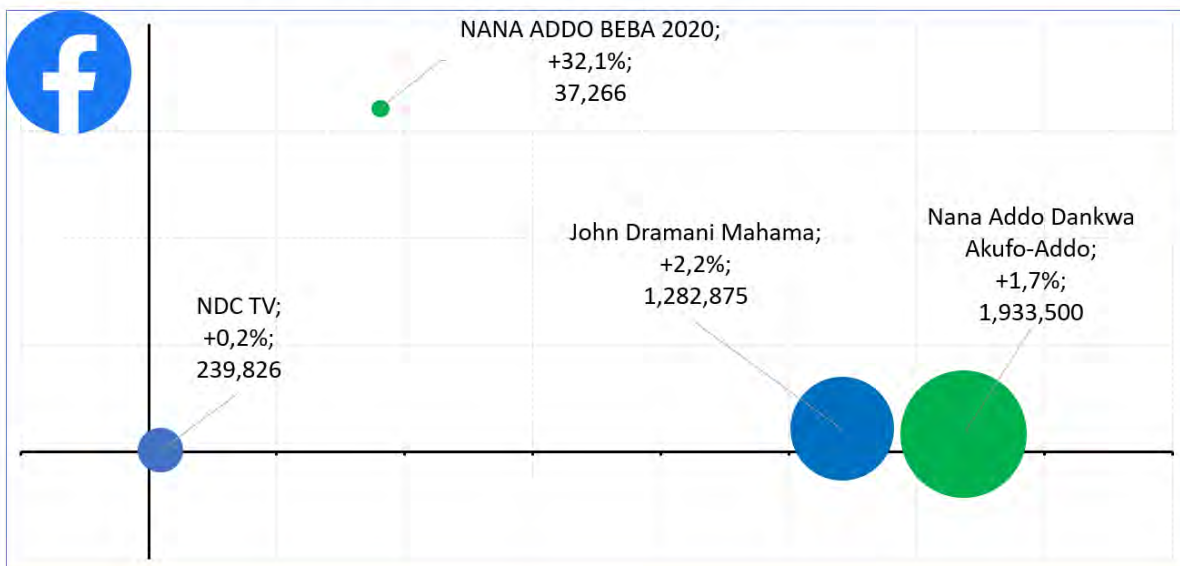
# Facebook: most active accounts



Official	John Dramani Mahama – 240 posts	Nana Addo Dankwa Akufo-Addo – 257 posts
Support	NDC TV – 1090 posts	NANA ADDO BEBA 2020 – 485 posts



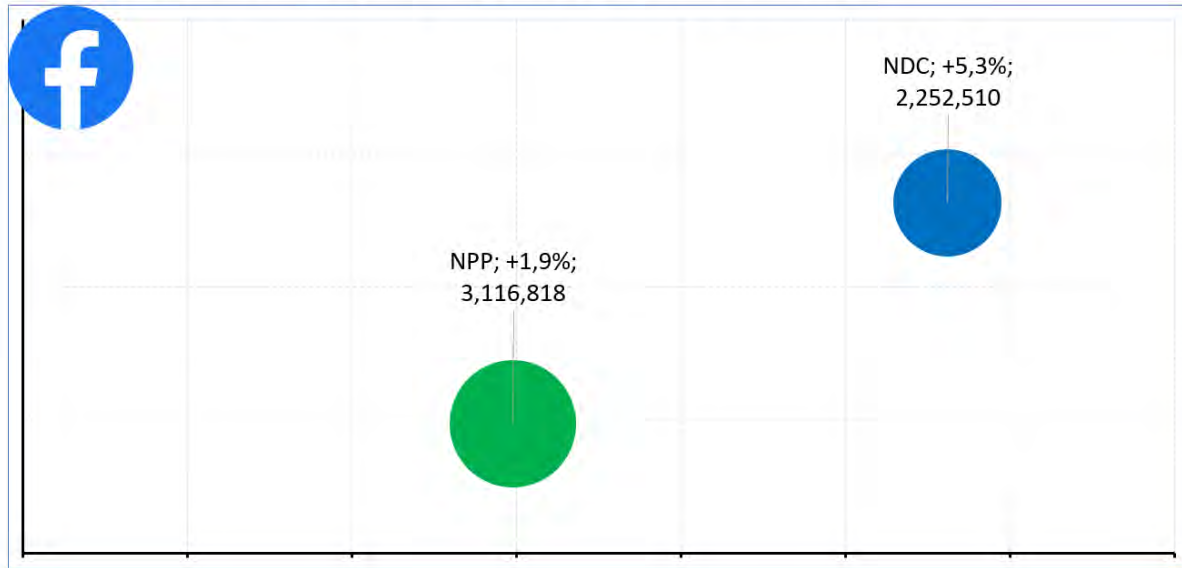
# Facebook 'bubbles': increase in 'likes' of most active sites







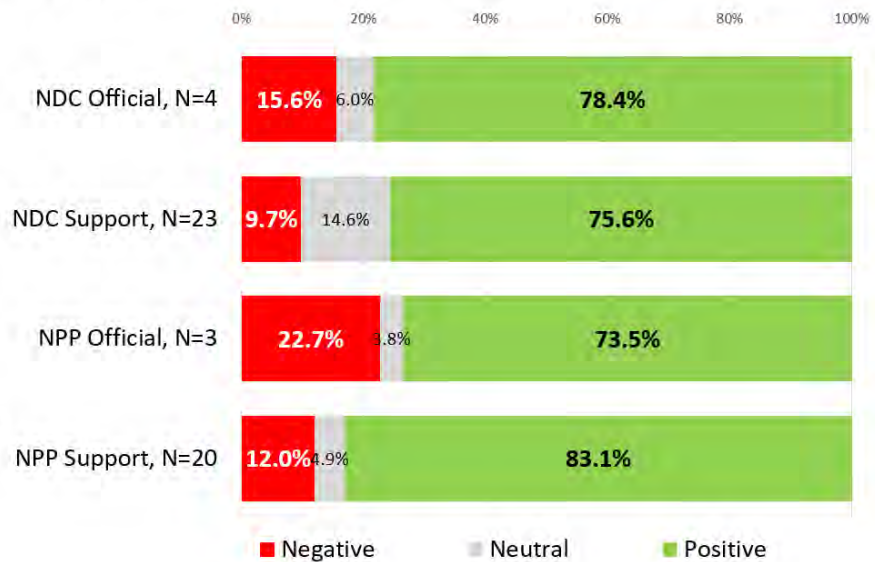
## FB 'bubbles' main parties: increase in 'likes'



## Facebook posts: tone



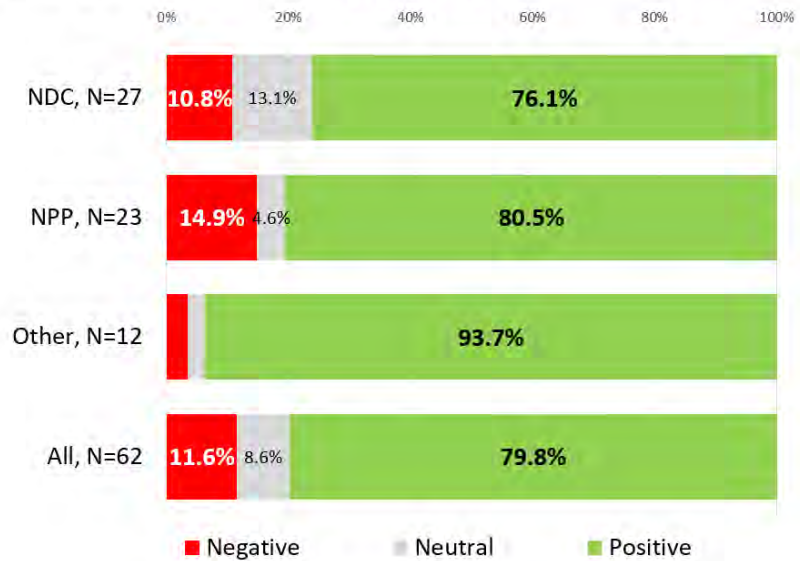
- NDC officially affiliated FB sites published 15,6% posts assessed as a negative
- Messages from NDC support sites were more neutral
- 22,7% of all posts by NPP officially affiliated sites assessed as negative
- Most positive messages were posted on NPP support sites: over 83%



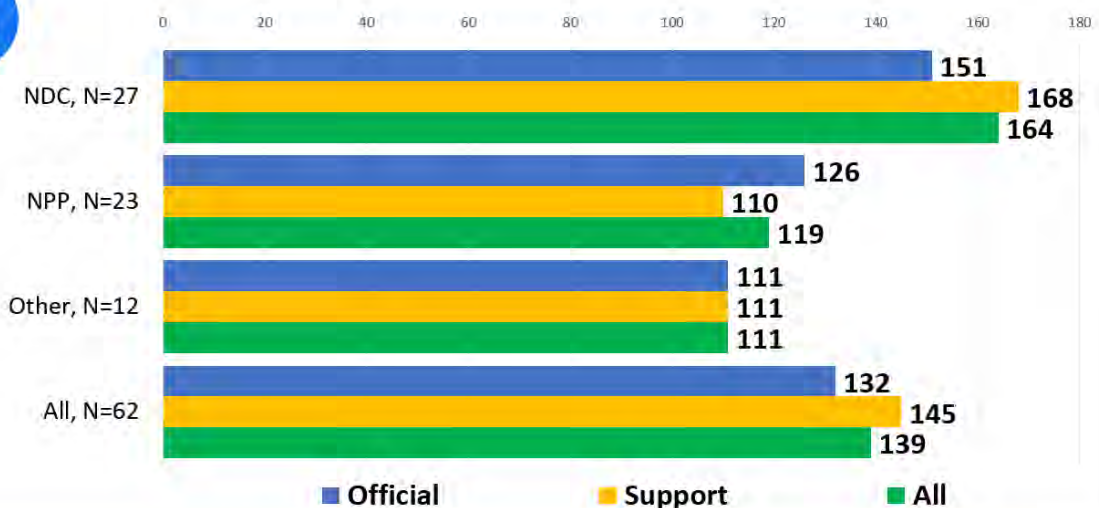
## Facebook posts: tone (official + support)



- Almost 11% of posts on NDC official and support pages combined were assessed as negative
- Almost 15% of posts on NPP official and support pages combined were assessed as negative
- Other candidates posted mainly positive content

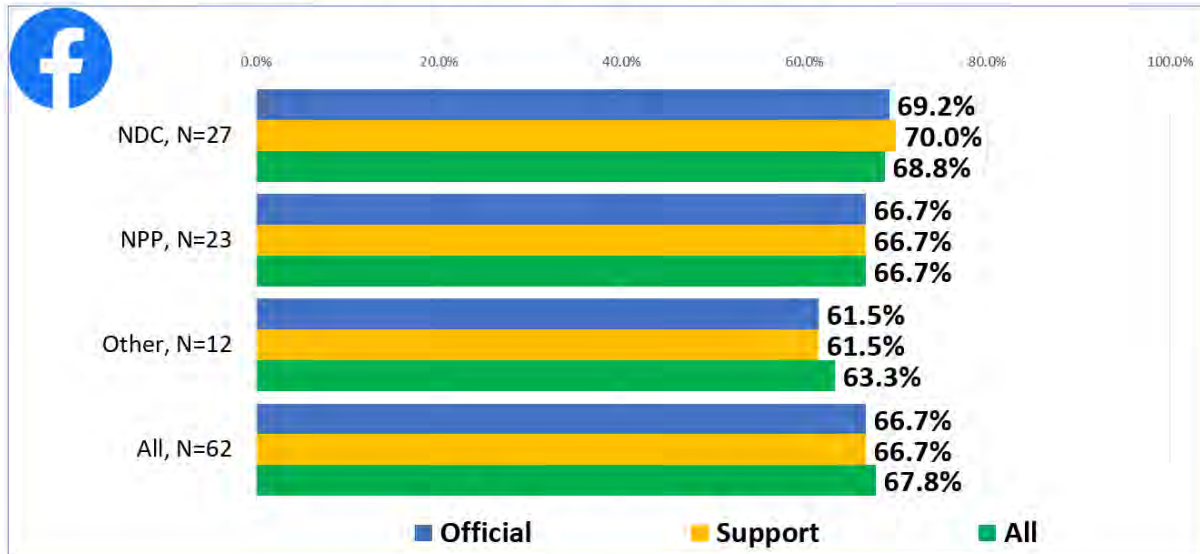


## Facebook: language indexes (length)

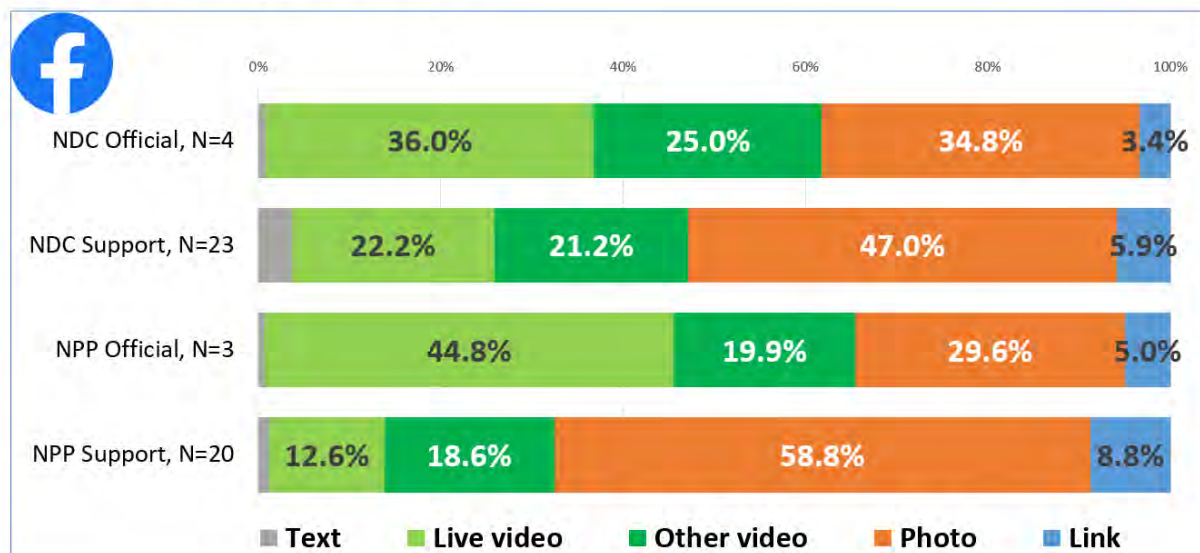




## Facebook: language indexes (plain English)

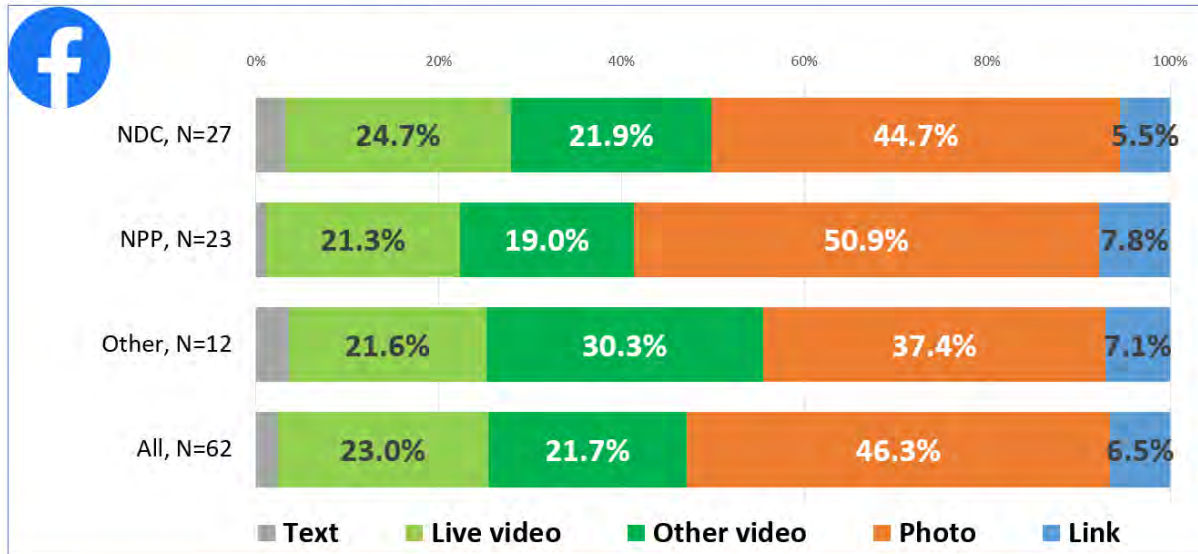


## Facebook: type of post

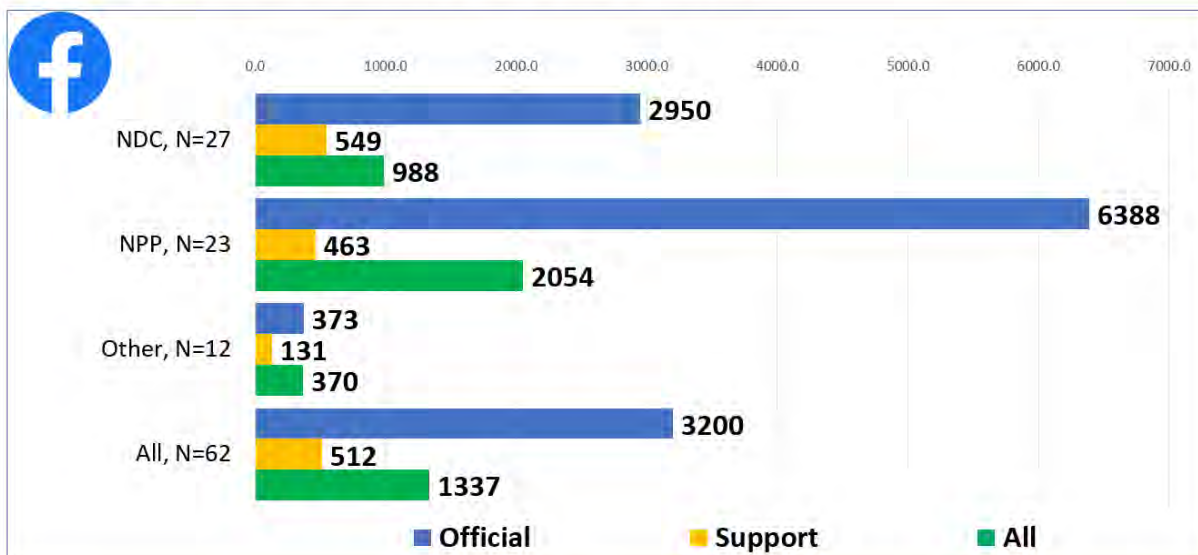




## Facebook: type of post

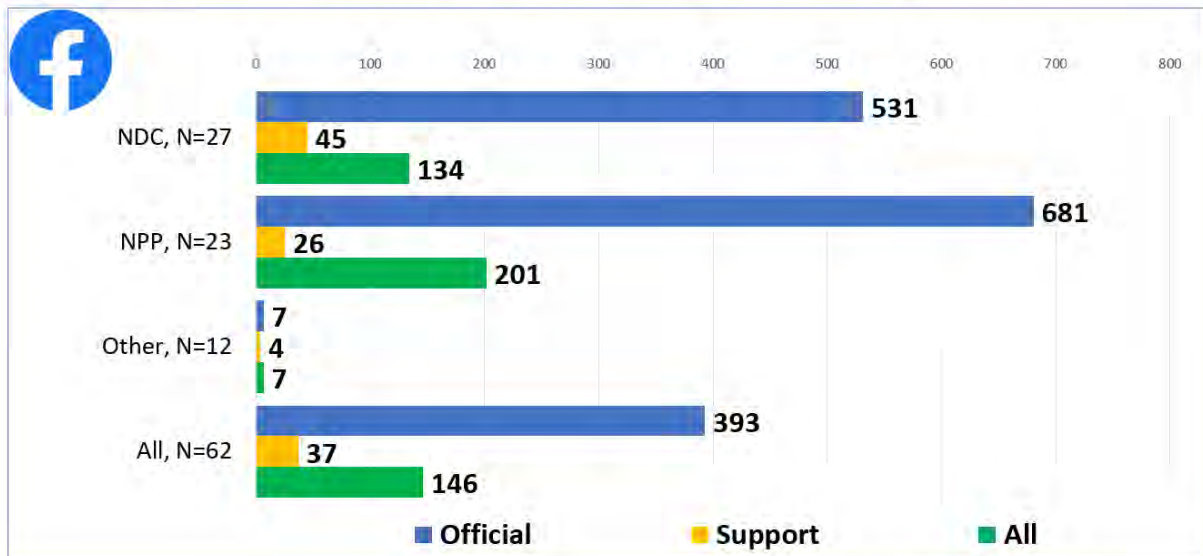


## Facebook: user indexes (clicks/emojis)

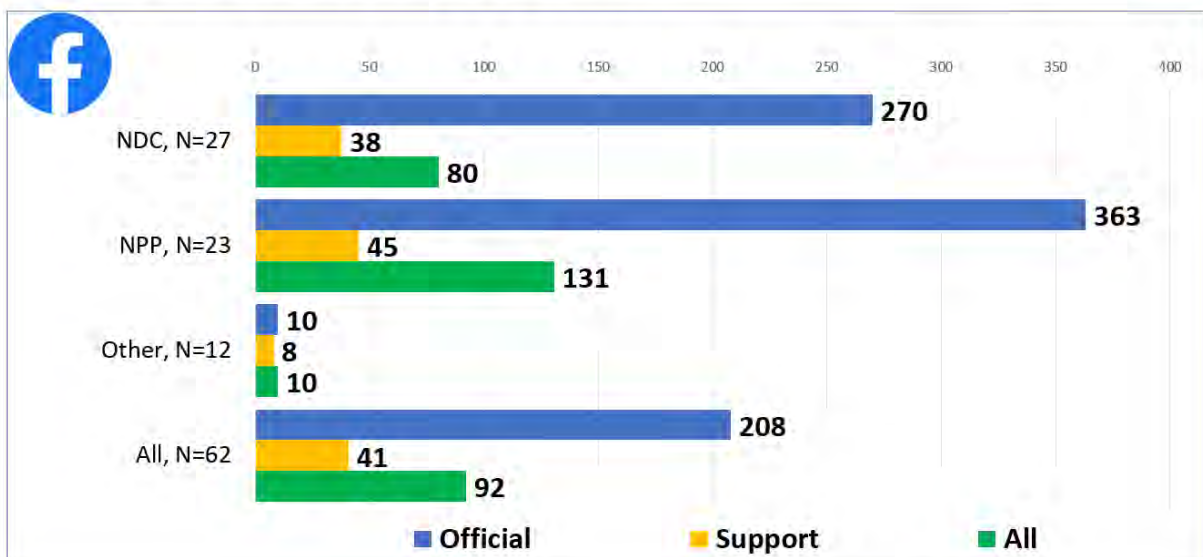




## Facebook: user indexes (engagement/comments)

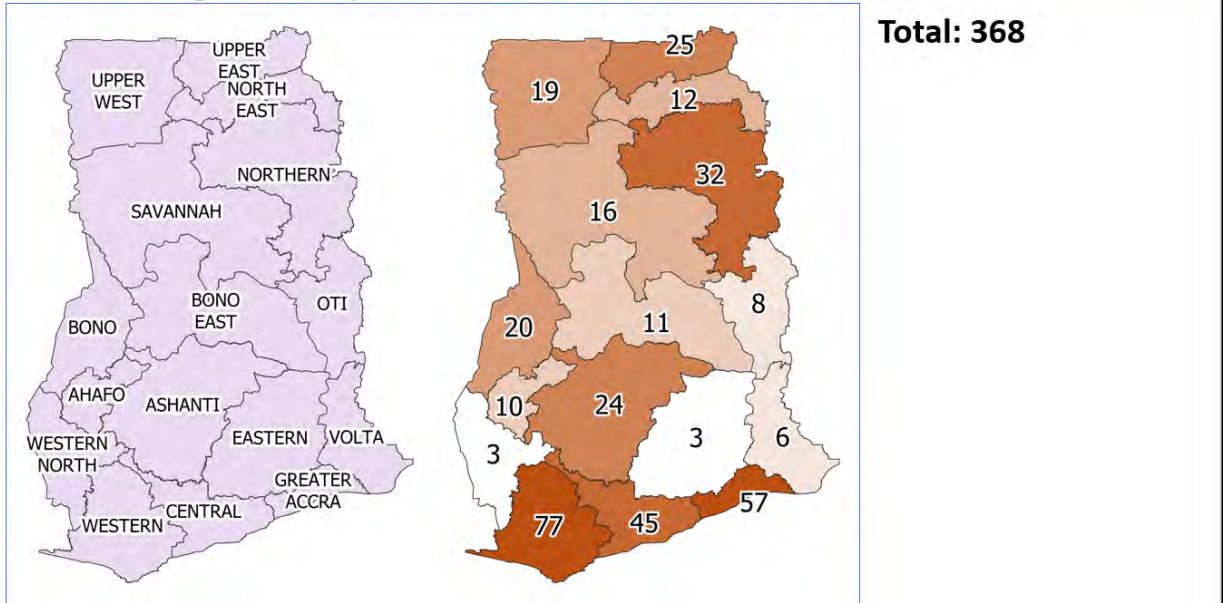


## Facebook: user indexes (reposts)

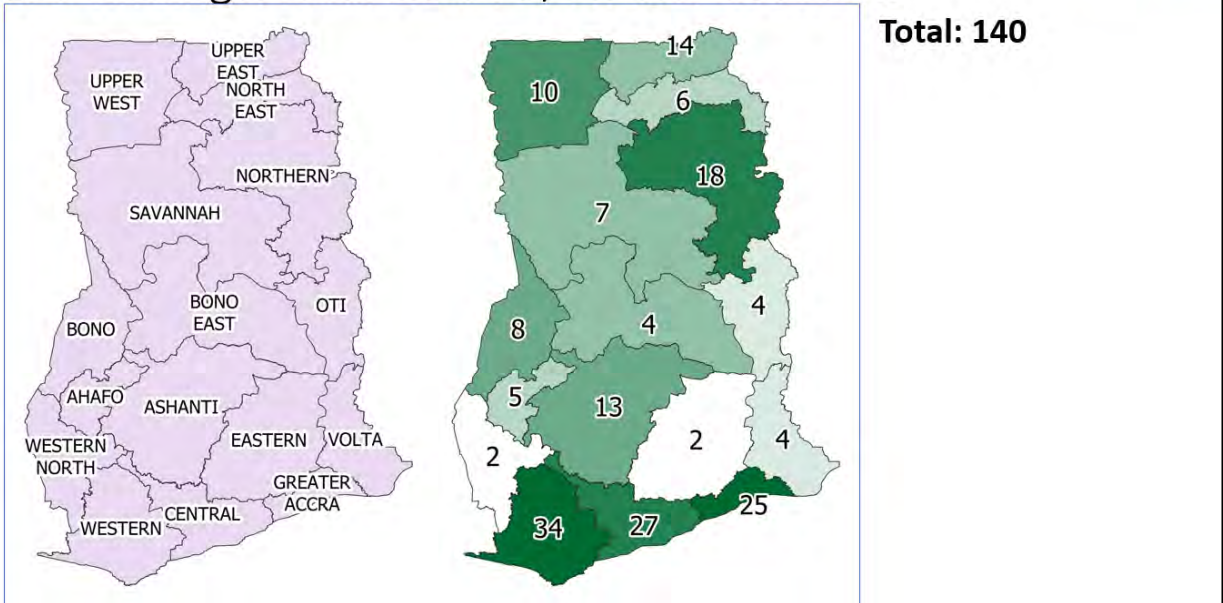




### LTO findings: local political FB/Twitter accounts

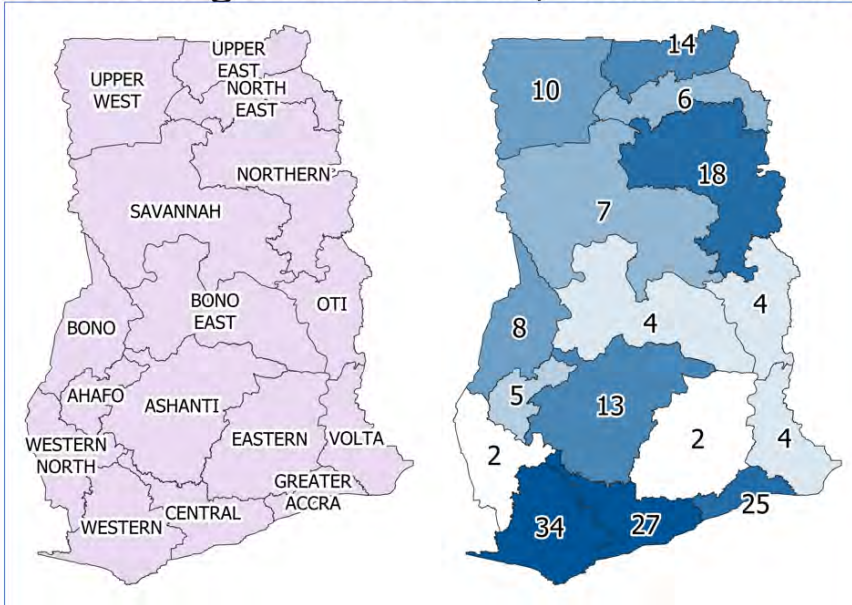


### LTO findings: local NDC FB/Twitter accounts





# LTO findings: local NPP FB/Twitter accounts



**Total: 183**



# LTO findings: combined

