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**ELECTION OBSERVATION DELEGATION TO  
THE PRESIDENTIAL AND PARLIAMENTARY ELECTIONS  
IN GHANA  
(5 - 9 December 2016)**

**Report by  
Eduard KUKAN, Chair of the Delegation**

Annexes:

- A List of participants and programme
- B Declaration of Mr Eduard Kukan, Chair of the EP Delegation
- C EU Election Observation Mission Preliminary Findings and Conclusions
- D EU Election Observation Mission Press Release

## **INTRODUCTION**

On 29 September 2016, Parliament's Conference of Presidents authorised the sending of a delegation to observe the Parliamentary and Presidential elections in Ghana, scheduled for 7 December 2016. This followed an invitation from the authorities of Ghana. A Memorandum of Understanding on the election observation by the EU was signed by William Hanna, Head of the European Union to Ghana, and Charlotte Osei as Chair of the Electoral Commission (EC) of Ghana on 18 October 2016.

The EP Delegation was made up of six members led by Mr Eduard KUKAN (Slovakia, EPP). The other members were Mr Santiago FISAS (EPP, Spain), Mr Adam SZEJNFELD (EPP, Poland), Mr Norbert NEUSER (S&D, Germany), Mr Juan Fernando LÓPEZ AGUILAR (S&D, Spain) and Mr Urmas PAET (ALDE, Estonia). Mr Kukan was elected at the constituent meeting of the delegation which took place in Brussels on 9 November 2016.

The European Parliament delegation conducted its activities in Ghana from 5 to 9 December 2016. In line with common practice it was associated with the EU Election Observation Mission (EOM) which was present in Ghana from end of October 2016 and was led by MEP Tamás MESZERICS (Greens/EFA, Hungary). The EOM was composed of a core team of seven analysts and 24 long term observers who arrived on 2 November 2016 and which was reinforced by 32 Short-Term Observers from 1 December 2016. Other international observer missions present in Ghana during the election period included the African Union (AU), the Commonwealth of Nations, the Economic Community of West African States (ECOWAS) and the National Democratic Institute (NDI).

Parliament's delegation fully endorsed the findings of the EU EOM and underlined that - despite certain shortcomings during the registration and the nomination process - both the parliamentary and presidential elections were open and competitive, and voting was mostly peaceful, with Ghanaians, voters and candidates alike, demonstrating once again their commitment to democracy for which they have been setting an example since the restoration of multi-party democracy in 1992.

The European Parliament delegation wishes to express its gratitude to Chief Observer Tamás Meszerics, Deputy Chief Observer Mark Stevens and their entire team for their excellent cooperation both before and during the mission. It also thanks William Hanna, Head of the European Union to Ghana, and his colleagues for their support and their friendly reception in Ghana. It also underlines its appreciation of the hospitality of Ghana's authorities and its people and their cooperation in observing their election, demonstrating their commitment to international cooperation and their determination to be measured against the highest international standards in terms of fundamental freedoms, democracy and the rule of law.

## **BACKGROUND**

The 7 December 2016 elections were the seventh Presidential and Parliamentary Elections since the restoration of multi-party democracy in Ghana in 1992, with two peaceful transfers of power, within a by and large two party system, from ‘ruling party’ to the opposition. The electoral landscape of Ghana is highly competitive and has been dominated by the National Democratic Congress (NDC) and the New Patriotic Party (NPP). Those two parties have, between them, taken the presidency and the vast majority of seats in the parliament in successive elections.

The December 2016 elections were set to elect the President and the 275 Members of Parliament. The President is elected for a four-year term and can serve a maximum of two terms. A presidential candidate is elected president if he or she secures an absolute majority of the valid votes. If no candidate obtains an absolute majority, a second round is organised within 21 days between the two leading candidates. Following a series of court cases, seven presidential candidates were confirmed, one of whom a woman (and wife of former President Rawlings), and contested the election on 7 December, with six of the candidates nominated by political parties and one an independent.

For the parliamentary elections, candidates are elected from 275 single member constituencies on the basis of first past the post. A total of 1,147 parliamentary candidates were nominated for the 275 constituencies, of which 136 were women.

The NPP had challenged the results of the 2012 presidential elections in the Supreme Court, but the court, while acknowledging a number of shortcomings in the process, ruled against the complaint. Partly as a consequence of this, the 2016 elections were characterised by a high level of scrutiny and some mistrust of the process by the opposition, as well as a relatively high level of political tension and public apprehension overall. Furthermore, the leader of the opposition was attempting for the third (and most likely last) time to win the presidency, after overcoming challenges and a degree of division within his own NPP party. President John Dramani Mahama and his NDC party on the other side felt that, as every President since 1992, he should have a full second term following an election. Mahama had taken over from his predecessor, John Atta Mills (NDC) who had passed away while in office, six months before the end of his first term in July 2012, and Mahama was confirmed as President by popular vote in December 2012. Despite the high stakes and tension, a peace declaration was signed by the presidential candidates on 1 December, which was welcomed.

The President of Ghana enjoys extensive powers, including notably his power to Metropolitan, Municipal and District Chief Executives which was one of the issues that the opposition campaigned on and promised to change.

## **PROGRAMME OF THE DELEGATION**

Prior to Election-day on 7 December, the European Parliament election observation delegation followed a programme of briefings and exchanges with the Chief Observer and the EOM core team, as well as with the Ambassadors of EU Member States, in addition to meetings with a range of key actors, organised by the EU EOM. The latter included meetings with the Chair of the Electoral Commission of Ghana, Ms Charlotte Osei; the Chairperson of the National Peace Council, Reverend Emmanuel Asante; presidential candidates Nana Akufo-Ado (NPP) and Nana Konadu Agyeman-Rawlings (NDP); the General Secretary of the NDC, Johnson Kwadwo Asiedu Nketia;

and representatives of civil society involved in media monitoring (Mr Sulemana Braimah, Media Foundation for West Africa) and domestic election observation (Mr Alert Kofi Arhin, Coalition of Domestic Election Observers).

Parliament's delegation was divided into three teams for Election Day. The head of delegation and a second team observed the polls in greater Accra. A team made up of two MEPs (Mr Neuser and Mr Szejnfeld) had travelled on 6 December to the city of Kumasi (Ashanti region). All teams were deployed along routes suggested by the Long-Term Observers (LTOs). The three teams of MEPs reached similar conclusions which were in accordance with the IEOM observations.

On 9 December a very well-attended joint press conference was held involving the EU EOM and the EP Delegation. The statement of Mr Kukan during the press conference is appended to this report.

### **ASSESSMENT OF THE ELECTORAL PROCESS**

The European Parliament's assessment of the elections mirrored that of the EU EOM. It underlined that preparations for the elections have been largely timely and adequate. Ghana's closely contested 2016 presidential and parliamentary elections delivered to the Ghanaian people an overall well-administered and transparent vote, which largely escaped the violence many had feared. Fundamental freedoms related to the conduct of the election were fully respected, including the right to vote and freedom of expression, assembly and association. However, shortcomings with the registration of voters and candidate nomination were noted, as were concerns for election security in some areas and widespread monetisation of the campaign, misuse of incumbency and state resources, as well as some media bias in favour of the incumbent.

MEPs reported positively on the conduct of voting on election day and expressed admiration for the determination of voters to cast their votes despite sometimes very long waiting times, due in part to very uneven distribution of voters between polling stations and within polling centres. One group of MEPs observed that a few military and police had been deployed (in greater Accra) to deal with impatient and angry voters that had not been able to cast their votes until the late afternoon, despite turning out to vote in the early morning.

Agents of different parties were present in all polling stations observed. Vote counting in polling stations and the collation were transparent, but collation was less well organised and some disputes and confusion resulted in growing impatience of the public towards the Electoral Commission. The premature declaration of victory by the opposition, based on parallel counting by party agents, in the night following Election Day (and despite one constituency still having to vote the following day due to problems with the voter register), heightened tensions unnecessarily, as did the delays in publishing results by the Electoral Commission.

The head of the EP delegation noted that women have participated in large numbers as voters and in the organization of the elections as polling officers and observers, but expressed the hope that their participation as candidates and in leading political positions would increase in the future. The head of delegation expressed the hope that opposition and the future government would cooperate constructively and work towards and deepening of the democratic process and participation, including at the local level.

Overall however, Ghana's strongly contested elections delivered to the Ghanaian people. Voters were free to express their will and integrity measures were adhered to. The concession by the incumbent as soon as the official results were announced confirmed Ghana's positive example, for the region and beyond, of competitive and democratic elections and peaceful transitions of power between competing parties and candidates.

## **RESULTS**

Following the publication of results by the Electoral Commission on 9 December and the EC Chair declaring Nana Akufo-Addo as the winner, NPP candidate Akufo-Addo announced that he had received a phone call from President John Mahama in which the latter conceded defeat. The full and final presidential election results were published in the evening of 10 December, confirming Nana Akufo-Addo clearly winning the poll in the first round with 5,716,026 votes (53.85%) against 4,713,277 votes (44.4%) for incumbent President John Dramani Mahama (NDC). The voter turnout was estimated at 68,62%.

The best placed third party candidate obtained 105,682 votes (1%) while all other candidates obtained less than 0.25% of votes, with Ivor Kobina Greenstreet (CPP) on top (25,395 votes), followed by Edward Mahama (PNC) with 22,214 votes and former President Rawlings wife Nana Konadu Agyeman-Rawlings (NDP) with 16,878 votes (0.16%). The only candidate not affiliated to any party scored the least of all candidates and obtained 15,889 votes (0.15%). Nana Akufo-Addo's NPP also secured a clear absolute majority in Parliament, winning 171 out of 275 seats and all remaining seat going to the NDC.

## **CONCLUSIONS AND RECOMMENDATIONS**

The EOM remained in Ghana to observe post-election developments and will produce a final report within two months of the conclusion of the electoral process. This final report will contain recommendations aiming to improve aspects of the electoral process.

The European Parliament delegation was a key element in the evaluation of the electoral situation in Ghana. The delegation recommends that the Democracy Support and Election Coordination Group (DEG), the Committee on Development and the relevant European Parliament delegations monitor the findings and recommendations of the final report of the EU EOM and use it as a basis for their political dialogue with Ghana.

# EUROPEAN PARLIAMENT

## ELECTION OBSERVATION DELEGATION

### GENERAL ELECTIONS IN GHANA

7 DECEMBER 2016

### PROGRAMME

#### Members

Mr Eduard KUKAN, EPP, Slovakia, *Head of delegation*

Mr Santiago FISAS AYXELÀ, EPP, Spain

Mr Adam SZEJNFELD, EPP, Poland

Mr Norbert NEUSER, S&D, Germany

Mr Juan Fernando LÓPEZ AGUILAR, S&D, Spain

Mr Urmas PAET, ALDE, Estonia

#### Secretariat

Ms Nikolina VASSILEVA, Administrator

Mr Christian MESETH, Administrator

Ms Alyson WOOD, Assistant

#### Political groups

Ms Gabriela VIROSTKOVA, Adviser EPP

Ms Sara TUA, Adviser S&D

#### Interpreters

Mr Krzysztof KOTKOWSKI

Mr Maciej SZAJNICKI

## Programme

### **Sunday 4 December 2016**

all day      Arrival of Members in Accra and transfer to the hotel

### **Monday 5 December 2016**

- 08:30 - 10:00    Meeting with EU Representatives
- Ambassador William Hanna, Head of EU Delegation to Ghana
  - EU Heads of Missions
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- 10:30 - 11:15    Meeting with presidential candidate of NPP, Mr Nana Akufo Addo
- 11:45 - 12:30    Meeting with the Chairperson of the Electoral Commission, Ms Charlotte Osei
- 13:30 - 14:30    Meeting with the Chairperson of the National Peace Council, Reverend Emmanuel Asante
- 14:30 - 16:00    Lunch break
- 16:00 - 17:30    Meetings with civil society representatives and domestic observers
- Albert Kofi Arhin, Coalition of Domestic Election Observers CODEO
  - Sulemana Braimah Media Foundation for West Africa
- 18:30 - 20:30    Cocktail with EU Head of Missions, hosted by the EU Ambassador to Ghana, William Hanna

## Tuesday 6 December 2016

- 09:00 - 11:30 **Briefing by the EU EOM**
- Chief Observer Tamás Meszerics
  - Core Team:
    - Deputy Chief Observer
    - Election, Political, Legal, Media Experts
  - Security Briefing
- 11:30 - 12:30 **Meeting with the secretary-general of the NDC, Mr Johnson Kwadwo Asiedu Nketia (*General Mosquito*)**
- 13.00 Departure team Kumasi
- 13.00 - 14.30 **Briefing by the long-term observers Accra/Greater Accra**
- 14:30 - 16:00 Lunch break
- 16:00 - 17:00 **Meeting with presidential candidate of NDP, Mrs Nana Konadu Agyeman-Rawlings**

## Wednesday 7 December 2016 - ELECTION DAY

- 06:30 - 19:00 **Observation of Opening, Voting, Closing and Vote Count**

## Thursday 8 December 2016

- 10:00 - 12:00 Discussion with other International observer groups (AU, Commonwealth, ECOWAS, NDI) - *for Chief Observer and EP head of delegation only*
- 12:30 Arrival of team Kumasi
- 13 :30 - 15:00 **Lunch debriefing (EP teams and EU EOM), discussion of the EP declaration**

## Friday 9 December 2016

- 14 :30 **Joint press conference, presentation of the preliminary statement of the Election Observation Mission**
- Departure of Members to Europe

## **Declaration of Eduard Kukan, Head of the EP Delegation**

Ladies and Gentlemen,

I am Eduard Kukan, Member of the European Parliament and it is my pleasure to have this opportunity to speak to you on behalf of our Delegation.

Ghana has long been an important example of stability and commitment to democratic transition on the African continent. As such this highly competitive and closely contested elections have drawn the attention regionally and of the wider international community. The thirst for democracy is alive and flourishing in Ghana.

The European Parliament - the only directly-elected body of the EU, representing 500 million European citizens - closely followed these elections. During our stay in the country, we met with representatives of the political parties, the electoral commission, civil society, and other international observation delegations and, of course, observed the conduct of the elections.

First of all, I would like to align the European Parliament Delegation with the conclusions of the European Union Election Observation Mission. We fully endorse the findings presented by the Chief Observer, Mr Tamás Meszerics.

- The preparations for the elections have been largely timely and adequate. Despite some problems in the electoral process, Ghana's stakeholders endeavoured to run a successful election.
- Following in some instances delays in the opening, Election Day was generally well organised, with voting and counting procedures closely respected. We witnessed the transparency and commitment of the staff at the polling stations.
- I would also like to express my deepest admiration for the voters, which demonstrated their commitment to democracy and peace by queuing orderly and patiently to cast their vote. This was a genuinely competitive contest with no certainty as to which party was going to win.
- We have also seen that women in Ghana have participated in large numbers as voters and in the organisation of the elections. But we would also like to see more women in positions of political leadership at all levels.

Having said this, I will not repeat the statement of the Chief Observer. Instead I would like to focus on the aftermath of the elections.

- We all know that in a democracy there are always winners and losers on Election Day. But the day after the results are announced, everyone has to play their respective roles, both government and opposition, in a constructive way for the benefit of all Ghanaians who should be the real "winners" of these elections.
- Your proud history of regional and continental leadership should continue to demonstrate to the world Ghana's commitment to a peaceful outcome of the elections and to a multiparty democracy that is clearly desired by the people of the country.
- And so I appeal for a focus upon inclusive political life and further strengthening the democratic processes in the country, including on local level.

In pursuing this future, you can fully rely on the European Parliament which is committed to supporting Ghana in its democratic path. We stand ready and look forward to further developing our relations soon after the elections.

Thank you for your attention!

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# European Union Election Observation Mission

GHANA, Presidential and Parliamentary Elections, 2016

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## PRELIMINARY STATEMENT

*Accra, 9 December 2016*

**A competitive, transparent, largely peaceful process and a well-managed vote, but the election was also marked by a level of tension, misuse of incumbency and some collation problems**

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### Summary

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The 7 December 2016 elections are the seventh presidential and parliamentary elections in Ghana since the restoration of multi-party democracy in 1992. Since then the country has acquired a burgeoning reputation for its electoral process, marked by two peaceful changes of power through the ballot box and effective administrative management of the polls.

The 2016 elections were competitive, contested by seven presidential candidates and 1,158 parliamentary candidates. The Electoral Commission (EC) was reasonably well prepared for the polls, despite facing some operational problems and legal challenges. Fundamental freedoms related to the conduct of the election were respected, including the right to vote and freedom of expression, assembly and association. However, shortcomings with the registration of voters and candidate nomination were noted, as were concerns for election security in some areas and widespread monetisation of the campaign, misuse of incumbency and state resources. EU observers generally reported positively on the conduct of voting. Overall, voters were free to express their will and integrity measures were adhered to. Vote counting in polling stations and the collation were transparent, but collation is less well organised and some disputes occurred.

- The legal framework provides a basis for the conduct of democratic elections, and the Constitution guarantees fundamental freedoms, including the right to vote, the right to be elected as well as freedom of assembly, movement, expression and association. Judges were well prepared for their election-related duties and the expeditious manner in which the judiciary dealt with a proliferation of cases during the pre-election period was helpful in ensuring the electoral timetable was maintained. However, while the right to an effective legal remedy is generally provided for, there are currently no deadlines for the resolution of election complaints and petitions. In addition, equal suffrage is not adequately provided for due to large variations in the number of voters per constituency.
- The EC was reasonably well prepared for the polls, despite facing a number of legal challenges. The EC has a track record for organising credible elections and is established as an independent body according to the Constitution. However, the appointment of members of the EC solely by the president is not as inclusive as it might be. While the EC managed to generally administer the process effectively, it faced some challenges, including communication, voter registration, ballot printing, and special voting. Further, the EC did not make full use of the Inter Party Advisory Committee (IPAC), which could have been a far more positive actor in facilitating communication and EC-party relations, particularly at the national level. However, parties were afforded a high level of access to scrutinise various stages of the process, enhancing transparency.

- There is a reasonable provision for the right to vote and the voter register was inclusive enough to ensure there is also universal suffrage. However, concerns were raised regarding the integrity measures for registration, and the total number of names on the list remains unrealistically high. Following a Supreme Court ruling for the register to be cleaned up, the EC attempted to address shortcomings, including through a public display of the register. While the voter register was ultimately accepted by all parties it is clear that questions remain regarding the process for removing ineligible or dead persons from the register.
- There is freedom of association as well as the right to stand and the 2016 elections were competitive. However, provisions for nomination of presidential candidates lack coherence and the administrative management of the nomination of presidential candidates created concerns regarding the equal treatment of all candidates. The large increase in fees for candidates was also noted. Further, the provisions for party registration were not fully adhered to. The number of female candidates was relatively low, with just one woman contesting the presidency and 136 (11.8%) the parliament. Further, the political environment is not conducive to the promotion of women candidates.
- The campaign was vibrant, with candidates holding rallies, putting up posters and advertising in the media, and campaign freedoms respected. However, the widespread monetisation of the campaign and the misuse of incumbency and state resources, by state, regional and district officials, were evident. Regulations on campaign financing do not help to create a sufficiently level playing field and a lack of enforcement of regulations means there is not adequate transparency in campaign financing.
- A peace declaration was signed by presidential candidates on 1 December, which was welcomed. However, while not characteristic of the campaign overall, some violent incidents did occur and there was apprehension among the public throughout, which was not helped by the presence of gangs linked to parties. In addition, an apparent lack of police action against perpetrators of violence led to accusations of impunity.
- Fundamental freedoms related to the media are protected by the Constitution and Ghana enjoys a fairly vibrant and diverse media, though there have been some reports of harassment of journalists. The National Media Commission lacks the power to adequately regulate the media. EU EOM media monitoring showed overt bias in election coverage by state-owned GTV and Uniiq FM in favour of the ruling party and incumbent president.
- The special voting process on 1 December experienced a number of problems, with lapses in the voter list and poor communication by the EC and other responsible institutions to inform people where to vote. On 7 December, there were some delays in the opening of polling stations, but overall voting was well managed, voters were free to express their will, party agents were present and integrity measures for the identification of voters were respected. However, the layout of polling stations did not adequately protect secrecy of the vote. The vote count was transparent, with party agents provided copies of the result. The management of the collation process varied and overall has been less well organised and with disputes over some constituency results, but envisaged transparency measures were adhered to.

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## Preliminary Findings

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### Background

The 7 December 2016 elections are the seventh Presidential and Parliamentary Elections since the restoration of multi-party democracy in 1992, with two peaceful transfers of power from ruling party to the opposition. The electoral landscape is highly competitive and is dominated by the National Democratic Congress (NDC) and the New Patriotic Party (NPP), which, between them, have taken the presidency and the vast majority of seats in the parliament in successive elections. The NPP challenged the results of the 2012 presidential elections in the Supreme Court, but the court, while acknowledging a number of shortcomings in the process, ruled against the complaint. Partly as a consequence of this, these elections were characterised by a high level of scrutiny and some mistrust of the process by the opposition, as well as a higher level of political tension and public apprehension overall.

The President of Ghana enjoys extensive powers, is elected for a four-year term and can serve a maximum of two terms. A candidate is elected president if they secure an absolute majority of the valid votes. If no candidate obtains an absolute majority, a second round is organised within 21 days between the two leading candidates. Seven presidential candidates contested the election on 7 December, with six of the candidates nominated by political parties and one an independent. For the parliamentary elections, candidates are elected from 275 single member constituencies on the basis of first past the post. A total of 1,158 parliamentary candidates competed, having been nominated by nine political parties or standing as independents.

### Legal Framework

The legal framework provides a basis for credible and competitive elections. The Constitution regulates elections and incorporates all internationally relevant instruments in order to conduct democratic elections. In addition, Ghana has signed relevant regional treaties, including the African Charter on Human and Peoples' Rights and the ECOWAS Protocol on Democracy and Good Governance. Ghana is also signatory to the African Charter on Democracy, Elections, and Governance; The Declaration of Principles on Freedom of Expression in Africa; and is party to the Universal Declaration of Human Rights.

The Constitution is the supreme law and enshrines all basic fundamental rights and freedoms, including the right to vote, right of association, and freedoms of expression, movement and assembly. The key legal instruments regulating the conduct of elections are the Representation of the People Law, the Public Elections Registration of Voters Regulations and the Public Elections Regulation (CI 94). Following the Supreme Court ruling on the election petition against the 2012 elections, a series of reforms was adopted which further improved the regulatory framework, notably with regard to transparency measures for the collation of votes.

The number of constituencies was significantly increased in 2012, from 230 to 275. The Constitution states that the number of inhabitants of each constituency should be, as nearly as possible, equal to the population quota. However, there are marked disparities in the relative size of various constituencies, undermining equal suffrage. For instance, Sekyere Afram Plains constituency in Ashanti Region has 13,976 registered voters and Ketu South in Volta Region has

142,008. Among the 34 constituencies in Greater Accra, nine of them have at least two times more registered voters than the national average.

## **Election Administration**

The EC is established as an independent constitutional body with a broad mandate to supervise and conduct elections, voter registration, constituency delimitation and voter education. All seven members, including the Chairperson and two Deputies are appointed by the President for an indefinite tenure of office without any need for consultation with the opposition. The existing appointment mechanism is not as inclusive as it might be to ensure independence and confidence. Opposition parties frequently levelled criticism at the EC during the process.

Challenging logistics, some problems with the poor print quality of ballot papers and several court cases which at times, due to the lack of deadlines for filing and adjudication, threatened to derail the process. However, the EC managed to complete all technical preparations for the elections, and was well prepared for 7 December, though its management of the collation of results was less efficient. The EC's regional and district level permanent structures performed professionally and internal communication within the EC appeared to be effective.

EC communication with stakeholders and its relationship with political parties at the national level were problematic. The main communication channel of the EC – its website – was at times inaccessible due to technical problems. It contains minimal useful information, and some essential information, such as EC decisions, minutes of meetings, key legislation and detailed voter registration data, is missing completely. Social media was underused and only monthly IPAC meetings with political parties was insufficient to adequately inform parties. The situation across the country was somewhat different, with the EC regional and district structures enjoying more cordial relations with political parties and a better reputation among stakeholders.

The EC put in place robust transparency measures for the counting and collation of results. These included the distribution to agents and public display of the polling station and collation centre results forms. The EC also made a public commitment to publish all polling station results within 72 hours of the polls.

## **Voter Registration**

The Constitution guarantees the right to be registered as a voter and the right to vote to all Ghanaian citizens who are at least 18 years old. There are no unreasonable restrictions on the right to vote and the principle of universal suffrage is generally respected.

While the regulations provide for registration of voters on a continuous basis, in reality voters who did not register previously could register only during the two registration periods lasting 14 days in total. Nevertheless, more than 1.1 million new voters were registered bringing the total number of registered voters to 15,712,599. This would represent 98.6% of the projected voting-age population. However available demographic data suggests that over 500,000 deceased voters are still on the voter register. The regulations do not allow the EC to remove deceased voters on its own initiative as only individual registered voters have the right to object to the inclusion of any other voter. Voter registration regulations provide for an inclusive voter register, however the provision allowing

registration of a person based solely on the guarantee provided by two registered voters makes the system vulnerable to abuse by political contenders.

The credibility of the voter register was challenged by some parties and there were allegations of registering non-nationals and minors. However, these allegations were not reflected in the number of objections filed during the voter register exhibition period, as only some 69,000 voters were objected to and only around 5,000 of them were objected to on grounds other than death. Overall the exhibition exercise did not adequately serve the purpose of cleaning the voter register, primarily because the burden of cleaning lies with individual voters rather than with institutions.

The EC provided copies of the voter register to parties, but was unable to respect the deadlines for providing the transferred, special and absent voter registers, largely because these deadlines do not correspond to the technical realities on the ground. The EC acknowledged to parties at the IPAC meeting on 25 November that some election and security personnel were added to the register after the legal deadline, justifying the move by the need to facilitate voting for persons on election-related duty. During special voting on 1 December it was evident that there were lapses in the special voter register, poor information and a lack of understanding among some voters as to where they should vote, necessitating an extra day of special voting three days later.

### **Registration of Candidates**

Candidate qualification criteria for presidential and parliamentary elections are reasonable, with the notable exception of filing fees. Presidential candidates were required to deposit 50,000 GH¢ (11,550 EUR) and parliamentary candidates 10,000 GH¢ (2,310 EUR). Compared to the 2012 elections this represents a fivefold and tenfold increase for presidential and parliamentary candidates respectively. The fees, particularly for parliamentary candidates, are likely to have prevented a number of potential candidates from running.

The registration process of presidential candidates was problematic. The process was not sufficiently inclusive and the spirit of the law was not fully respected. The EC initially disqualified 13 out of 17 candidates, mostly due to a relatively small number of problematic signatures of supporting voters, and some rather arbitrary decisions on the inconsistency of signatures on different copies of the nomination form. By notifying the candidates to file their nomination forms in the last two days of the nomination period, the EC in effect denied them an opportunity, provided in the regulations, to rectify any anomalies identified in their nomination forms within the stipulated nomination period.

Following the Supreme Court's ruling to extend the nomination period for disqualified candidates, the EC requested them to rectify also newly discovered discrepancies and inconsistent signatures which were not included in the justification for their initial disqualification. This move raises questions regarding the equal treatment of all candidates and could be seen as an impediment to their participation. Furthermore, the process lacked transparency as the EC did not publish detailed grounds for repeated disqualification of eight candidates.

### **Election Campaign**

The campaign period was characterised by a highly competitive election environment and intensive campaigning. Political parties and candidates campaigned freely and basic freedoms of association,

movement and assembly were respected. The campaign was dominated by the two major parties, NDC and NPP, though campaign events of presidential candidates of the Progressive People's Party (PPP), and to a lesser extent Convention People's Party (CPP), also attracted fairly large crowds.

Presidential candidates conducted multiple tours around the country during the lengthy campaign. The official campaign period is not defined in the law and presidential candidates started to campaign even before the candidate nomination process. The presidential candidates of PPP, People's National Convention (PNC) and the National Democratic Party (NDP) were only registered on November 9, and they issued a joint statement in which they criticised the EC for denying them equal opportunity to campaign. They claimed that the EC decision to disqualify them led to a loss of one month of campaigning in comparison to the other four registered candidates.

The political stakes were high and a pervading fear of the potential for violence persisted throughout, not helped by the presence of gangs associated with the two main parties. Prior to the elections, the EC and state security agencies identified 81 constituencies and some 5,000 "flashpoints" with the potential for election violence. Various initiatives and statements on the need for peace were made, including the signing of a Peace Declaration by presidential candidates on 1 December, and calls for a peaceful election from national and international personalities. However, the vast majority of campaign activities passed without incident, attracting large numbers of people and EU EOM observers reported a generally calm and peaceful atmosphere. A small number of isolated incidents – predominantly clashes between the supporters of the two major parties – did occur, with some deaths. Problems were highlighted in Brong Ahafo (Asunafo South), Northern (Wulensi; Chereponi), Greater Accra (Odododiodio) and Ashanti (Kumasi Metro) regions. An apparent lack of police action against perpetrators led to accusations of impunity.

The abuse of state resources and incumbency is a recurring problem in Ghanaian elections and leads to an un-level playing field. The campaign period is not regulated by any specific law and no measures to regulate these issues have been introduced. The system of direct presidential appointment of regional and district chief executive officials limits the ability of public administrations to act neutrally and impartially. Many regional ministers and district/town chief executive officials were directly participating in the campaign of the ruling party, with some of them contesting the parliamentary election on the NDC ticket, contributing to the widespread abuse of incumbency. As reported by EU EOM observers, district administration employees, vehicles, buildings and other assets were used for the NDC campaign. There were also several reports of the President using the official inaugurations of state projects for campaigning.

Distribution of money and goods (treating) to individuals and communities was a widespread phenomenon in the campaign. Parliamentary candidates of both major political parties openly admitted to the EU EOM that they distribute money and goods while campaigning. According to a report from domestic observers, a majority of the electorate is not aware that vote buying constitutes an electoral offence punishable by law. Practices such as the abuse of state resources and vote buying could become endemic to elections in Ghana if not seriously addressed.

## **Campaign Finance**

The legal framework does not contain provisions on campaign finance to ensure a level playing field. The Political Parties Act obliges parties to declare their assets, expenditures and liabilities

within six months of each year, within 21 days prior to elections and within six months after elections, and also prohibits foreigners from funding parties directly or indirectly.

EC officials informed the EU EOM that not all parties had complied with the law, including the two major political parties, NDC and NPP. Campaign costs appear to be growing significantly with each successive election, though no official figures are available. Accusations of abuse of state funds and receiving foreign donations are rife, but a lack of adequate regulation means there is no real accountability. Parties were supposed to submit to the EC their statements of accounts, sources of funds, membership dues paid, contributions and donations in cash or kind, property of the party and audited accounts of the party by 1 June 2016. The EC did not fully enforce these requirements and the whole system of political and campaign financing remains non-transparent.

## **Media Environment**

Fundamental freedoms related to the media are protected by the Constitution and are in line with Ghana's international commitments, and generally Ghana enjoys a vibrant and diverse media. There have been some reports of harassment of journalists, with security agents and state officials cited as the main perpetrators. Media campaigns were intensive, with parties using a variety of means to promote their programmes, focusing strongly on radio and social media to reach voters. At the end of November, political parties dramatically intensified their level of advertising, though the level of NDC advertising on TV and radio was noticeably higher than that of other parties. Due to the lack of adequate regulation on campaign financing there is no transparency for such expenditure.

Various institutions tried to organise presidential debates. However, attempts to bring all candidates onto the same platform were not successful. Five of the seven presidential candidates took part in the Ghana Broadcasting Corporation (GBC)/National Commission for Civic Education debate on 30 November. The leading opposition NPP candidate did not participate in the debate, claiming that GBC is biased towards the incumbent president.

The legal framework for the media, while providing key rights and freedoms, needs further improvement. The National Media Commission, a constitutional body created to ensure freedom of the media and independence of state-owned media from governmental control, gives licences only to newspapers and monitors the media, but does not have any sanctioning power. By contrast, the National Communications Authority, which has no constitutional basis and is controlled by the President, has a broader mandate and sanctioning power. The use of indecent language, especially on local radio stations, is widespread, and though several independent bodies operate according to self-regulated media Codes of Conduct, these are not always followed.

EU EOM media monitoring showed a bias in reporting by various media, including state-owned media. The state-owned GTV, which is obliged to provide equal access to all parties and candidates to present their programmes to the public, dedicated 34% of its prime time coverage to the incumbent President Mahama, 18% to Papa Nduom, 14% to Edward Mahama, 13% to Nana Akufo-Addo, 9% to Jacob Yeboah, 7% to Nana Rawlings and 5% to Ivor Greenstreet. Furthermore, GTV provided live coverage of the final rally of the ruling NDC for almost four hours on 5 December but it did not give any coverage, either live or in the news, to the NPP final rally on 4 December. Uniiq FM gave 59% coverage to the incumbent president and just 18% to the leader of the opposition. The President was widely shown in his official capacity touring the country to promote projects, thus blurring the line between his campaign and his office.

## **Electoral Disputes**

Given the lack of administrative dispute mechanisms, the judiciary has an important role to play in the handling of electoral complaints and petitions. Seventeen High Court judges across the country were appointed by the Chief Justice to handle electoral disputes arising before, during and after the December polls. The Election Task Force Committee of the Supreme Court trained all judges and magistrates in trial courts to prepare them to deal expeditiously with all election-related disputes, both civil and criminal and a manual on election adjudication was launched.

As the electoral process does not offer administrative dispute resolution a citizen with an electoral complaint has to go to Court to seek redress, which can be a very expensive and lengthy process. Overall, the electoral process was highly litigious. In November 2015 the PPP unsuccessfully went to court to challenge the EC's increase in filing fees for presidential and parliamentary candidates; four aspiring presidential candidates went to the High Court in October following their disqualification by the EC; a case on procedures for special voting was ruled on by the Supreme Court on 14 November; and a case was also decided against the EC on 27 October, requiring it to ensure copies of the constituency collation sheets be made available to all parties. The EC's fee for media accreditation was also taken to court.

The High Court on 28 October ruled that the disqualified PPP presidential candidate should be allowed to correct his nomination papers. The EC contested this ruling in the Supreme Court, which ruled on 7 November that the nomination period for all of the 13 disqualified presidential candidates should be re-opened from 7 to 8 November 2016. By virtue of this being a Supreme Court ruling, all the other pending cases of a similar nature that were still at the High Court were closed. In this sense, while the EC lost its case it achieved two very important things. Firstly, all outstanding cases were brought to an end, avoiding a multitude of cases going through the courts, which was especially important given the need for the electoral process to move forward and for the printing of ballots. Secondly, because the EC has no power to reduce the time between the end of nomination period and the day of election, which should be not less than 30 days, the Supreme Court ruling gave the EC legal cover for holding elections 29 days after the nomination period, rather than at least 30 days as required.

After the 2012 elections, the Supreme Court took eight months to rule on a petition against the results. Presently, there is still no timeframe for the resolution of petitions. However, an amendment to provide a 42-day deadline for the Supreme Court to decide on presidential election petitions was put before parliament, but is yet to be passed.

## **Participation of Women**

Women accounted for just 11.8% of the total number of candidates contesting the elections, with just one female presidential candidate, one female presidential running mate and 136 parliamentary candidates out of 1,158. There were just 29 female members (10.5%) in the out-going parliament. However, the issue of women in politics in Ghana cannot be captured solely in reference to the low number of women standing as candidates. Many of the female candidates across the regions report obstacles to their participation in the public arena, citing discrimination, harassment and abusive behaviour, even from within their own party. EU EOM monitoring also indicated that women are noticeably under-represented in campaign coverage in the media.

It is notable that Ghana's Supreme Court Chief Justice is a woman, as are three of the other 10 Supreme Court judges, five out of the seven members of the EC, including the Chairperson and one of her Deputies, and six out of 19 Government Ministers, including the Minister of Justice/Attorney General and the Minister of Foreign Affairs. For these elections, the EC organised "sensitisation" events for female MPs and a number of initiatives around the country sought to promote and support women's participation as candidates and voters. However, despite a requirement for affirmative action in the Constitution and a yet to be passed Affirmative Action Bill promoting a 40 per cent quota of women in governance and decision-making positions, the overall number and profile of women in politics and public life remains limited.

### **Participation Rights for Persons with Disability**

The Constitution enshrines the rights of disabled people and requires all public facilities, including polling stations and courts, to provide access for people with disabilities. The EC provided tactile ballot jackets at polling stations for the use of visually impaired voters to ensure total secrecy during the process. In addition, there is a provision for assisted voting in polling stations for those requiring physical assistance. It is also noteworthy that one of the presidential candidates was a person living with disability, party manifestoes were published in braille and television coverage of the presidential debates and voter education included sign language for the hearing impaired.

### **Polling and Counting**

Special voting for election, security and media personnel on 1 December experienced widespread problems with the accuracy of the special voter register. Many special voters, and security personnel in particular, were unable to vote since their names were not included on the voter register at the polling stations where they intended to vote. The institutions involved – the EC and security agencies – failed to clearly communicate to special voters that they have to vote in their home constituencies and not in the places where they are currently deployed. Also the extremely late finalisation of the polling station special voter registers may have contributed to the problem. Nevertheless, the turnout reached 72.69%. In an attempt to address the problems, the EC agreed with political parties to continue with special voting on 4 December. However, the problems persisted and, according to the EC, only 6.6% of special voters used this extra opportunity to vote.

On 7 December, the opening of polling experienced some delays and only 11 out 34 polling stations observed by the EU EOM observers opened on time. The remaining 22 opened within an hour and opening of one polling station was delayed for more than an hour. The opening procedures were largely followed and overall conduct of the opening was assessed positively.

Voting was conducted in a generally peaceful atmosphere and voting procedures were mostly followed, including the biometric verification of voters. Only a few irregularities were observed, such as a polling station layout insufficiently protecting the secrecy of the ballot and no checking for traces of ink in some of the polling stations observed. The overall conduct of the voting was assessed positively in 94% of the 321 polling stations observed by EU EOM observers. The only larger-scale problem was reported from Jaman North constituency in Brong-Ahafo region where a disagreement between the political parties over the voter register led to the postponement of elections in all 92 polling stations in the constituency by one day.

Counting at the polling stations was conducted in a largely transparent manner and in the presence of party agents. The overall conduct of the process was assessed positively by EU EOM observers. However, observers also reported that procedures, including for reconciliation, were frequently not followed and presiding officers often appeared to have difficulties completing the results forms. Furthermore, polling station results forms were not publicly displayed in many places observed, although party agents received a signed copy of the results forms in all but one case.

Collation at the constituency collation centres was largely transparent but was often negatively affected by the inadequate facilities, overcrowding and rather tense atmosphere which at times led to agents and observers not having a clear view of the procedures and the filling in of forms. Some incidents were reported, including in Sunyani West and Tamale South. On 8 December the EC decided to add additional verification measures to address “received reports on several possible instances of over-voting”, however this created some uncertainty as the EC did not provide any further details as to the extent of possible over-voting. Collation of presidential election results at the national level has so far been transparent but rather slow, as the EC asked candidate agents to verify each of the faxed constituency results forms prior to the final collation. This unforeseen extra verification further slowed down the process, however it provided the agents with an additional opportunity to thoroughly scrutinise the accuracy of the constituency results.

***This Statement is made prior to completion of the election process. The mission’s final assessment will reflect observation of the remaining phases of the process, including tabulation of the final results and the handling of any complaints and appeals.***

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The EU was invited by the EC to observe the elections and a Memorandum of Understanding between the EU and the EC was signed on 18 October 2016. The EU EOM is led by Tamas Meszerics MEP, from Hungary. A Core Team of seven persons has been present in Accra since 26 October. Twenty-four Long Term Observers arrived on 2 November and 32 Short Term Observers on 1 December. The mission also includes a six-person delegation from the European Parliament, led by Eduard Kukan MEP of Slovakia, and 16 Local Short Term Observers. In total, the mission deployed 87 observers for the Election Day, from all EU Member States as well as Norway, Switzerland and Canada.

The EU EOM assesses all aspects of the electoral process and the extent to which the election process complies with national laws and international standards for democratic elections. The mission is independent and operates in accordance with the Declaration of Principles for International Election Observation. The EU EOM issued a joint pre-election statement with the AU, ECOWAS, Commonwealth and NDI, calling for a peaceful process. EU EOM Observers have been deployed across all 10 Regions of Ghana and have met with election officials, government representatives and local authorities, candidates, parties, police, media representatives, civil society groups, domestic observers and voters. On Election Day, observers reported from all Regions, observing in over 300 polling stations. EU Observers will remain to follow the final results process and the EU EOM will continue to observe post-election developments. A Final Report will be issued later, containing detailed findings, conclusions and recommendations.

The EU EOM wishes to express its appreciation for the cooperation of the people of Ghana, the Government, EC, the police, political parties, media, civil society, EU Delegation and Missions of the EU Member States.

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## European Union Election Observation Mission Ghana Presidential and Parliamentary Elections 2016

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### **Press advisory**

**Ghana held a competitive but overall well-managed vote with reasonably strong turnout. It's time now to tackle concerns over misuse of incumbency and confidence in institutions.**

Accra, 9 December 2016

The European Union Election Observation Mission (EU EOM) says Ghana's closely contested Presidential and Parliamentary elections delivered to the Ghanaian people a generally well-administered and transparent vote, which largely escaped the violence many had feared. However, the EU EOM added the misuse of incumbency, including unequal access to state media, and unaccountable campaign financing were areas Ghana could address in the future.

The Chief Observer Tamás Meszerics, who is a Member of the European Parliament, said: "In the evolution of its democracy since 1992, Ghana has passed the benchmark for credible, inclusive and transparent elections. From now it can focus on those areas which continue to give rise for concern."

Mr Meszerics pointed notably to the misuse of the resources and infrastructure of incumbency, to a need for state media to provide fair and balanced coverage for all election contestants, and the need to increase confidence in institutions so as to reduce tension around elections.

The EU EOM deployed 24 long-term observers to all ten regions of Ghana on 6 November. Their activities were complemented by 32 short-term observers deployed on 4 December. They were joined by 16 observers from EU and EU-partner embassies in Ghana and a delegation of six Members of the European Parliament.

The head of the MEP delegation, Mr Eduard Kukan, said: "The day after the results are announced, everyone has to play their respective roles, both government and opposition, in a constructive way for the benefit of all Ghanaians and the future prosperity of the country."

Mr Kukan added: "We believe that future would be better served by greater participation of women in the highest levels of Ghana's political life. From a big field of presidential and parliamentary candidates, we saw too few women, which is a symptom of cultural and systemic impediment and exclusion."

The EU EOM observation follows the entire electoral process in Ghana before, during and after voting, including any legal disputes that may subsequently arise. A Final Report will be presented some two months after the announcement of results.

For further information, please contact the Press Officer of the EU EOM Ghana 2016.

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