



International Network of Parliamentarians on Tibet 2016 Tibetan Election Observation Mission



Final Report
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*International Network of Parliamentarians on Tibet
2016 Tibetan Election Observation Mission*

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EXECUTIVE SUMMARY

At the invitation of the Tibetan Parliament-in-Exile a delegation of the International Network of Parliamentarians on Tibet composed by a team of present and former members of Parliament, as well as staff, visited the Tibetan community in India to observe the elections for the Sikyong (political leader) and Tibetan Parliament in exile that took place all over the world where Tibetan communities reside on March 20, 2016. The 2016 Tibetan Election Observation Mission (TEOM) has produced this final report - which includes the analysis of the election rules and regulations and their compliance with international democratic election standards and best practices – and their observation and recommendations.

The Tibetan elections in exile were organised by the Central Election Commission in two rounds over the course of 6 months in over 30 countries (the first round was held on October 18, 2015) and overall were administered in an efficient way. On election day, in the areas that the team visited, the elections took place in a calm and orderly manner despite logistical challenges. The same situation was reported from other areas where elections took place.

The election of the Sikyong was competitive and Tibetans had the opportunity to choose between the incumbent, Lobsang Sangay, and the Speaker of the Parliament, Penpa Tsering. The two candidates became more active after the primaries held in October 2015 and campaigned extensively in India and all over the world, where Tibetan communities are located, until the very end of the campaign period.

Supporters of both candidates have been vocal during the campaign with an extensive use of social media and the organisation of large public events. Although the campaign was hard fought and at times personal, both candidates reported that the elections took place on a level playing field and did not report any major irregularities of the elections rules.

The elections of Parliamentarians also saw competition, with an increased number of candidates for the different regions. We observed no major irregularities of the election rules.

We welcome that independent groups, including Tibetan language media services, organised three debates between the two candidates for the position of Sikyong during the last three weeks of the campaign and broadcast them both online and via satellite.

Recognizing the unique challenge of organizing elections for a diverse population that is located in dispersed geographical locations, the electoral legal framework and the election regulations as propounded are generally in line with international standards and best practices for democratic elections. However, there are several areas that can be improved upon through consideration and implementation of the recommendations made in this report.

In light of the campaign methods used during this election cycle - that in the post elections period have been widely discussed in the exiled community as being too negative - the Election Commission should consider developing a election code of conduct for participating candidates and organizations.

INTRODUCTION AND ACKNOWLEDGEMENTS

At the invitation of the Tibetan Parliament-in-Exile, a delegation of the International Network of Parliamentarians on Tibet composed by a team of present and former members of Parliament as well as staff, visited the Tibetan community in India to observe the elections for the Sikyong (political leader) and Tibetan Parliament in exile that took place all over the world where Tibetan communities

reside on March 20, 2016. The 2016 Tibetan Election Observation Mission (TEOM) has produced this final report, which includes their observation and some recommendations.

Following the invitation of the Tibetan Parliament in Exile on August 21, 2015, Hon. Thomas Mann, MEP and co-Chair of the International Network of Parliamentarians on Tibet, signed a Memorandum of Understanding with the Chairman of the Tibetan Central Election Commission. With the assistance of the International Campaign for Tibet and the cooperation of the Tibetan Centre for Human Rights and Democracy, a delegation of current and former Members of Parliament was assembled (the 2016 TEOM) and deployed for the election observation in India in March 2016.

The TEOM wishes to thank the Tibetan Central Election Commission, The Tibetan Parliament in exile and the Department of Information and International Relations for their assistance in making the election observation possible. It also expresses its gratitude to the candidates, journalists, NGOs and other interlocutors for their inputs.

The INPaT, which is composed of parliamentarians who are friends and supporters of the Tibetan people, wishes to take the opportunity to thank the Indian Government for the generous hospitality it

provides to the Tibetan people enabling them to preserve and promote their culture and way of life.

BACKGROUND

On April 29, 1959, His Holiness the Dalai Lama established the Tibetan administration in exile in Mussoorie in north India, which came to be known as the Central Tibetan Administration (CTA) of His Holiness the Dalai Lama. This is the continuation of the government of independent Tibet. In May 1960, the CTA was moved to its present location of Dharamsala, also in north India.

Right from its inception, the CTA set itself the twin task of rehabilitation of Tibetan refugees and resolution of the Tibetan issue. The rehabilitation agenda includes three important programs: a) providing universal education to the Tibetan refugee children; b) building a firm culture of democracy; and c) looking after the socio-economic welfare of the Tibetan refugee community and laying the foundation for preservation and promotion of Tibetan identity.

Today, the CTA has all the attributes of a democratic administration, including the three pillars of

Legislative, Executive and Judiciary, even while operating in the context of a situation in exile.

LEGAL FRAMEWORK

The Charter of the Tibetans in exile is the supreme law governing the functions of the Central Tibetan Administration. The Charter was adopted on June 14, 1991. Based on the spirit of the Universal Declaration of Human Rights (UDHR), the Charter guarantees to all Tibetans equality before the law and enjoyment of rights and freedoms. There is clear separation of powers among the three branches of the Administration.

The Kashag (Cabinet)

The Kashag is the executive branch of the Central Tibetan Administration. It implements the policies laid down by the Tibetan Parliament and administers the Tibetan community in exile.

It is headed by a Sikyong ('Political Leader'), who is directly elected by the Tibetan people. The Sikyong, in turn, nominates his cabinet members (the maximum number being seven) for confirmation by

the Parliament. The term of the Kashag is for five years.

The Cabinet members head the departments under the Kashag, which are: 1) Religion & Culture; 2) Home; 3) Finance; 4) Education; 5) Security; 6) Information & International Relations; and 7) Health.

The Tibetan Supreme Justice Commission

The Tibetan Supreme Justice Commission (TSJC), established on March 11, 1992, serves as the judicial branch of the Central Tibetan Administration. It adjudicates on any civil disputes of the Tibetan community in exile on the basis of procedure enshrined in the rules, including The Code of Judiciary, Civil Procedure Codes and Rules of Evidence books. The Commission does not undertake any criminal lawsuits as these are handled by the host country where Tibetans reside.

The Commission is composed of the Chief Justice Commissioner and two other Justice Commissioners. They are elected by the Tibetan Parliament from names submitted by a Selection Committee.

The term of the Chief Commissioner is limited to five years in office or 65 years of age, or whichever

comes earlier. The other commissioners also retire at the age of 65.

Tibetan Parliament-in-Exile

The Tibetan Parliament-in-Exile (TPIE) is the legislative branch of the Central Tibetan Administration.

Soon after coming to exile in India, His Holiness the Dalai Lama decided to create a system in which a popularly elected parliament would be able to exercise people's power in the exile Tibetan administration. In February 1960, at the Indian town of Bodh Gaya (sacred to Buddhists), His Holiness outlined his vision of democratic governance. He advised the Tibetan people to set up an elected body with three representatives for each of the three traditional Tibetan provinces and one each for the four Buddhist religious traditions. Thus, the first elected representative body in Tibetan history, named "The Commission of Tibetan People's Deputies (CTPD)" took oath of office on September 2, 1960. This day is now observed annually as the Tibetan Democracy Day.

On October 10, 1961, the Dalai Lama outlined the principles of a Constitution, which he hoped would "give the people of Tibet a new hope and a new

conception of how Tibet should be governed when she regained her freedom and independence.” Thereafter, on the basis of these principles, a draft Constitution for a future Tibet was promulgated in 1963. It intended to secure for the people of Tibet a system of democracy based on justice and equality and ensure their cultural, religious and economic advancement.

Evolution of the Position of Sikyong

The position and authority of the Chairman of the Tibetan Cabinet has undergone several developments. Initially, the Dalai Lama appointed the members of the Cabinet (known as Kalon), including the Chairman (Kalon Tripa). Then in 1991, changes were made that provided for the confirmation of the Kalons by the Parliament.

On September 16, 1998, the Dalai Lama proposed further reforms. Subsequent changes took place when on October 3, 2000, the Charter was amended mandating the Chairman of the Kashag (Kalon Tripa) to be elected by the Parliament from a list of not less than two members provided by the Dalai Lama. The Kalon Tripa would, in turn, nominate his ministerial colleagues, to be confirmed by the Parliament by a

simple majority vote. The Kalon Tripa could appoint a maximum of seven Kalons.

Thereafter, the Dalai Lama further suggested that the Kalon Tripa be directly elected by the people. In his landmark address to the session of the Tibetan Parliament on March 15, 2001, the Dalai Lama suggested that a major reform be undertaken. Accordingly, the Charter was amended to provide for direct election of the Kalon Tripa and for the Kalon Tripa to present his ministerial candidates to the Parliament for confirmation. This was another significant milestone in the democratic reform of the Tibetan polity.

The direct election of Prof. Samdhong Rinpoche as the Kalon Tripa was a significant development in Tibetan democracy in 2001. Rinpoche was declared re-elected as the Kalon Tripa of the Central Tibetan Administration on July 1, 2006.

In May 2011, the democratic reforms further deepened with the significant devolution of Dalai Lama's political power to the elected Tibetan leadership; the Kashag then headed by Prof. Samdhong Rinpoche, and the Parliament by Penpa Tsering. In March 2011, Dr Lobsang Sangay was elected as the Kalon Tripa under this new governance system and assumed office from August 8, 2011. On September 20, 2012, the Tibetan

Parliament changed the official title from “Kalon Tripa” to “Sikyong,” a title that was prevalent in Tibet.

Evolution of the Tibetan Parliamentary System

The Commission was subsequently renamed as Assembly of Tibetan People’s Deputies in 1979. In 1990, the Assembly was expanded and empowered to elect members of the Tibetan Cabinet. Until then, their appointment was the exclusive prerogative of the Dalai Lama.

This change of a fundamental nature gave substance to the proceedings of the Assembly where Kalons (Ministers) are now required to be accountable to a critical Assembly. The change has had other far-reaching effects; the Parliament now discusses and lays down policies on issues, rather than these being done by the Dalai Lama or his advisers.

As mentioned above, in the post 1959 period, the most significant reform the Dalai Lama initiated occurred in 2011, when he formally and publicly devolved his political authority to the elected leadership of the Central Tibetan Administration.

The devolution of the Dalai Lama’s political authority led to the amendment of the Tibetan Charter,

reflecting the transfer of authority previously held by the Dalai Lama. A fully updated Charter (in Tibetan) was released by the Tibetan Parliament in December 2011. An officially approved English translation of the Charter has not been published.

The Electoral Rules and Regulations (Regulations) according to which both the elections of the Sikyong and on the members of the Tibetan Parliament in exile are conducted, are adopted by the Tibetan Parliament in Exile. At the time of this report, the Tibetan Parliament in exile had last amended the Electoral Rules and Regulations on April 1, 2015.

For the election of parliamentarians, the voting process is different for those in the Indian subcontinent and for those outside of that region. On the Indian subcontinent, each voter can vote for 10 individuals from their region, at least two of whom should be women (traditionally Tibet is divided into three regions or provinces, U-Tsang, Dhotoe [also referred to as Kham] and Dhomey [also referred to as Amdo]). Additionally, the members of the clergy can vote for two members from their lineage. Voters in Europe and North America can vote for two individuals each from their region, irrespective of regional affiliation. From this election period, voters in Australasia can also vote for one individual from their region.

Thus, the new Tibetan Parliament for 2016 will have 45 members: 10 representing the three traditional Tibetan provinces of U-Tsang, Dhotoe and Dhomey, two each representing the five Tibetan religious traditions (four traditions of Buddhism and the Bon tradition), two each from Europe and North America representing the Tibetan community in these regions, and one representing the Tibetans in Australasia and Asia, which includes Australia, New Zealand and Asia (excluding India, Nepal and Bhutan).

ELECTION ADMINISTRATION

Tibetan Election Commission

The Tibetan Election Commission is one of the three autonomous constitutional bodies within CTA. It is a two-tier institution: the Central Election Commission as the apex body and under it, there are 65 Local Election Commissions in India, Nepal, Bhutan, Europe, North America, Taiwan, Japan and Australia.

The Election Commission is responsible for organizing and overseeing all electoral matters, which include election of members of parliament as well as their Speaker and Deputy Speaker, the Executive Chief, Local Assemblies with their Chairpersons and Vice Chairpersons, Head of

settlements and their assistants, members of regional Tibetan Freedom Movement and their presidents.

If the Central Tibetan Administration decides to seek the people's opinion on matter of national importance, it is the responsibility of the Election Commission to conduct referendums towards this effect.

The Chief Tibetan Election Commissioner is appointed by the Tibetan Parliament, on the recommendation of a special committee formed for this purpose by the Supreme Justice Commissioner, Speaker and Deputy Speaker of the Parliament and the Sikyong. During the time of the election of Sikyong and members of Tibetan Parliament, two Additional Election Commissioners are also appointed under the same procedure. The Additional Commissioners have the same power as the Chief Election Commissioner.

At the local level, all heads of the Tibetan communities, whether the Tibetan Settlement Officers or the Tibetan Welfare Officers, are entrusted with the additional role of serving as the regional election commissioner during the election process.

OBSERVATIONS ON RULES AND REGULATIONS

The Central Election Commission and Regional Election Commissions

The presence of an independent and impartial body to implement elections is critical to ensuring that an election is genuine and truly reflects the will of the voters. An effective election management body (EMB), tasked with implementing much of the electoral process, can enable the participation of voters and protect the democratic process. The EMB can be responsible for, among other things, voter education, voter registration, polling operations, counting and tabulation, and settlement of disputes. The importance of a professional and transparent EMB cannot be overstated, as public confidence in the personnel and workings of the EMB will also instil public confidence in the overall election process and results.¹

Articles 8 through 10 of the Regulations govern the appointment and duties of the Central Election Commission (CEC). The appointment, terms and duties of the CEC as laid out in the Regulations generally comply with international standards for setting up an independent and impartial election management body to implement the elections.

¹ UNHRC, General Comment 25 para. 20.

Article 8(7) gives the CEC the authority to issue directives concerning the dismissal of members of the Regional Elections Commission (REC) when they are apprised of information that makes them unqualified without specifying the process or rights of the member being dismissed. There is a need to adopt a detailed dismissal procedure in line with civil and criminal laws, as well as with international standards. In addition, the reasons why a member of an election management body can be dismissed should be detailed to ensure transparency and to ensure that future CECs cannot change or abuse the rules for each election.

The same comment applies to the dismissal of members of the CEC which is not addressed in the Regulations.

The appointment and duties of the RECs in chapter three of the Regulations are in line with international standards and best practices.

Article 16 details the membership of the REC and speaks about the election of representatives from various constituencies to the REC but does not detail the authority or duties of these representatives. In addition, it is unclear in article 13(4) and 15 whether the reference to observers on the RECs refers to the previously mentioned representatives. The terms "representative" and "observer" as used in these

articles needs to be clarified and their authority and duties on the REC should be outlined in the Regulations.

Voter Registration Process

Effective voter registration, offered to the broadest pool of citizens possible, is an important means of ensuring that the right to vote is protected. If voter registration is seen as flawed, it can cast doubt on the legitimacy of the electoral process as a whole. Therefore, assessment of voter registration is often focused on questions of universal suffrage and non-discrimination in terms of eligibility, education, and access. Voter registration includes all aspects of the electoral process related to the registration of voters.

Elections must be held by universal suffrage.² Universal suffrage is a collective right exercised by the individual through the intrinsically linked rights to vote and to be elected. Any restrictions are particularly important in the context of voter registration. Interpretative sources indicate that any limits placed on Universal Suffrage in the context of voter registration must be based on objective and reasonable criteria. In order to facilitate such broad

² UN, ICCPR, article 25(b).

participation, it is important that the participation of eligible voters in the registration process should not be inhibited and that unnecessary technical barriers to participation by otherwise qualified eligible voters be removed.³

The requirement in article 18(3)(b) and article 18(5)(d), that “each voter’s Voluntary Contribution booklet reflects the up to date payment of the contribution” before they are allowed to register is a provision that needs to be analysed keeping in mind the peculiar nature of the Central Tibetan Administration. The Central Tibetan Administration does not have sovereign control of any territory and cannot impose mandatory taxes to Tibetans anywhere in the world. The CTA assists and provides services to Tibetans in diaspora and issues “green book’ upon the payment of a mandated contribution. The participation of Tibetans in exile in the democratic process of the CTA is a voluntary one and should be seen as the participation in the democratic process of a community whose population is dispersed all over the world. For these reasons, while if implemented by a sovereign state this provision should be seen as an unnecessary technical barrier to voting by otherwise qualified eligible voters, in the case of the Central Tibetan Administration we can

³ UNHRC, General Comment 25, para. 4 and 11.

consider it otherwise⁴. Provisions should be included to allow eligible voters to make their contribution at the polling station on election day.

Article 18(4)(a) states that a citizen who has completely reached the age of 18 is qualified to vote but does not specify when the citizen must have “completely reached the age of 18”, before the date of registration or by the election date. This should be clarified to ensure universal suffrage of all those eligible to vote at the time of the election.

Article 18(5)(b) states that those “widely known not to be of sound mind” are not allowed to register. The term “widely known” is too vague to be applied in a uniform manner and could unnecessarily restrict the right to vote. The restriction on voting for those known to be of unsound mind should be applied only in those cases where a competent court has declared the person to be of unsound mind to the extent that they cannot exercise their right to vote.

Article 19 allows disabled or illiterate voters to be assisted by a trusted companion during the primary

⁴ A member of the TEOM delegation, Hon. Norman Baker expressed a minority view on this issue stating, “the right to vote should not be conditioned to a financial contribution”. He also stated that “The Green Book system works well in terms of verification, but it is wrong for Tibetans to lose their right to vote because they have not paid up.”

election but does not allow for such assistance to illiterate voters during the final election unless the person assisting is a family member. The distinction between disabled and illiterate voters in the final election would appear to be an unnecessary technical barrier to participation by otherwise qualified voters and should be reconsidered.

Candidate Registration

Every citizen has the right and should have the opportunity to be elected.⁵ That every citizen has the right to be elected is a widely recognized principle in both regional and international treaties. In this way, the right to be elected is intrinsic to a genuine electoral process. Interpretative sources state that the suspension or exclusion of participatory rights is prohibited except on grounds established by law and which are objective and reasonable.⁶

The same considerations expressed regarding the right to register, apply to the right to be a candidate keeping in mind the nature of the Central Tibetan Administration.

⁵ UN, ICCPR, article 25.

⁶ UNHRC, General Comment 25, para. 4.

Under article 39(2) a candidate for the Tibetan Parliament “must have completely reached the age of 25.” The article does not specify by which date the candidate must have reached the age of 25, by the time of nomination or by the time of election. This should be specified in the Regulations.⁷

International and regional treaties protect the right and opportunity of every citizen to be elected. Article 39(5) contains a blanket disenfranchisement provision which bars anyone who has been convicted of any crime by a court from being a candidate for the Tibetan Parliament. There is a similar provision for elections of Sikyong, local assembly, local administrator and the Regional Tibetan Freedom Movement.⁸

The right to be elected may only be subject to objective and reasonable restrictions. Unreasonable restrictions include those based on criminal convictions, which are not proportionate to the severity of the crime or blanket disenfranchisement provisions.⁹

⁷ See also articles 63(2), 71(2), 77(2) and 82(2).

⁸ See articles 63(5), 71(5), 77(5) and 82(5).

⁹ UN, ICCPR, General Comment 25, para. 14.

Campaign Violations

Campaign violations are outlined in Article 24, "Attempts to Offer Bribe of Cash or Materials." This title is misleading as the article details all campaign violations and not just those related to bribery, the title should be changed to reflect this fact. Also, the article should clearly state in a lead sentence that the following actions are considered campaign violations and are not allowed.

The campaign regulations do not appear to violate the right of candidates to campaign freely; however, several of the articles are vague and could be construed as a violation on free speech if applied over broadly or inconsistently. See article 24(3), (5).

Electoral Dispute Resolution

The Regulations provide for a remedy for aggrieved parties and respects the right of appellate review, guaranteeing an independent oversight of the electoral process in accordance with international standards.¹⁰ However, there are no deadlines in the Regulations for the resolution of electoral disputes. The timeframe for the CEC and the Supreme Justice Commission to resolve complaints should be

¹⁰ UNHRC, General Comment 32, para. 19.

specified taking into account the urgency of resolving complaints about the election process in a timely manner which would effectuate the rights of voters and candidates..

While it is clear from the Regulations which body has jurisdiction to hear electoral disputes, the rules of procedure for adjudicating complaints are not specified. In the context of dispute resolution, equality before the courts is essential. Interpretative sources suggest that this includes equality in arms and equal access to the courts. To ensure that the complaints process is transparent and that parties have the opportunity to introduce evidence to support their claims, procedures for the filing and adjudication of disputes must be understandable and easily accessible to all parties.¹¹ Additionally, international political commitments indicate a necessity that all potential complainants be informed of the means by which to file a complaint and the timeframe for its resolution. Effective remedy further requires access to the factual information concerning the alleged violations.

¹¹ OSCE/ODIHR, *Existing Commitments*, p. 75.

Election Day Procedures

The voting process is detailed in Article 32 and generally complies with best practices. However, there is no specific requirement in the article that the identification of the voter be checked before being allowed to vote. This should be specified in the article.

Also, there is no provision allowing a voter to request a replacement ballot if they have inadvertently spoiled the first. In order to ensure that ballots reflect the will of the voter, consideration should be given to including a provision allowing for a second ballot when the first is inadvertently spoiled by the voter.

Article 34 governs the vote counting procedures and is generally in line with best practices. However, there is no clear procedure detailed in the article for dealing with a situation when the required figures on the results form do not add up. The article simply calls for recording the figures on the form and then submitting it to the CEC.

In order to ensure transparency and confidence in the results, the Regulations should detail what steps the election commissions should take when the figures on the results form do not add up.

Campaign Finance

The CEC has released guidelines on campaign finance, which are applicable to the 2016 election. The guidelines detail the expenditure limits and reporting requirements which generally comply with best practices. The guidelines would also be strengthened by candidates having to declare source of funds, particularly from foreign entities.

The CEC also issued a clarification to the guidelines on September 3, 2015 which prohibits NGOs which are not officially recognized by the Central Tibetan Administration from engaging in the campaign through endorsement of candidates or the expenditure of funds without the written approval of the candidate. This provision restricts the participatory and free speech rights of the affected NGOs and individual voters and should be reviewed.¹²

At a minimum, the procedure and criteria for NGOs to be officially recognized should be outlined and publicized sufficiently before the election to allow NGOs to engage in the electoral process.

¹² UNHRC, General Comment 25.

Equal Suffrage and Boundary Delimitation

Recognizing the difficulty in achieving equality among the diverse constituencies represented by the Tibetans-in-Exile given the fact that the voting population is located in many different regions and countries, the regulations should still address the issues of equality of the vote and boundary delimitation to ensure as much as possible that each vote has equal weight.

Elections must respect equal suffrage.¹³ Equal suffrage is an essential element of a genuine election, and is recognized as such at the international and regional level.

Equal suffrage and the 'one person, one vote' rule requires that constituency boundaries be drawn so that voters are represented in the legislature on a (roughly) equal basis. The process of boundary delimitation should respect equal suffrage. Although equal suffrage is best achieved by assigning the same number of voters to each representative, it may be achieved through boundary assignment based on specific apportionment criteria.¹⁴

Equal suffrage may be achieved through apportionment based on a number of criteria, which

¹³ UN, ICCPR, article 25.

¹⁴ UNHRC, General Comment 25, para. 21.

can include the number of residents, number of resident nationals (including minors), number of registered voters, number of actual voters, or a combination thereof.¹⁵ Boundary assignment may also account for geographical criteria or administrative or historical boundary lines. While true equality in delimitation may not always be possible, other sources state that variances should rarely exceed 10 percent.¹⁶

It is important that re-districting be conducted according to a method established by law that regulates the frequency of and criteria for such a process; the degree of public participation in it, as well as the role of stakeholders in it and the authority structure for conducting the exercise.¹⁷

Other sources also indicate that boundary delimitation should not be manipulated to favour particular groups and delimitation techniques designed to discount the votes of particular groups or geographic areas should be prohibited.¹⁸

Equal suffrage and the 'one person, one vote' rule also requires to reconsider the additional

¹⁵ Venice Commission, Code of Good Practice sec. 1.2.2.13.
¹⁶ Venice Commission, Code of Good Practice sec. 1.2.2.15.
¹⁷ International IDEA, Legal Framework p.27.
¹⁸ UN, Human Rights and Elections, para. 68.

representation granted to the members of the clergy in Tibetan parliament in exile. The current electoral system for the election of the Tibetan Parliament in exile produces the peculiar effect that, while secular Tibetans vote either for 10 or 2 or 1 candidate(s) depending on the region they belong to or where their family comes from, monks and nuns have 2 additional votes to elect the representatives of their religious school. This rule should be amended to consistently apply the “one person, one vote” rule.

MEDIA

International and Tibetan media outlets followed closely the election campaign, especially for the position of Sikyong, both online and through satellite video and radio broadcasts. Tibetan language media services, organised three debates between the two candidates for Sikyong during the last three weeks of the campaign, and broadcast them both online and via satellite.

The TEOM wishes to stress the critical role that is played by independent and free media to effectively empower the public to make an informed choice at the time of elections; this is particularly true for an exiled community dislocated in so many nations.

ELECTION DAY

On election day, voting took place in an amicable and calm way in the areas that the observation team visited. Voters showed strong enthusiasm and commitment to the democratic process and in some cases waited for a long time before they were able to cast their votes. The mission visited several election sites in Dharamsala and Bir on the day of the elections and observed the counting in Dharamsala. Although the observation itself was geographically limited, the TEOM is not aware of any reports concerning incidents or major irregularities during the voting or counting process.

Voters were free to express their vote on election day.

The CEC should study ways to increase the number of polling stations where waiting time was too long. In some cases voters reported of having to wait in long queues more than 2 hours before casting their vote.

The voters' lists seemed to be accurate and there were no reports of people illegitimately prevented from voting. Secrecy of the vote was generally ensured although in some cases the setting of the polling booths should be improved to guarantee secrecy. There were some reports of election officials

“assisting” a voter but it did not seem to be done to try to influence the voters while casting their votes.

Out of a total of 90,377 registered voters, 59,353 (65.6 %) participated in the final Sikyong elections and 58,615 (64.8 %) in the final elections of the Parliament. This was slightly higher turnout than the 2011 elections.

Since the unique system of borderless democracy adopted in exile involves the participation of Tibetans who are scattered over 30 countries, with unique logistical challenges, the TEOM feels that a system of postal voting should be studied and then implemented by the CEC to ensure that all those who wish to cast their votes are effectively able to do so.

Although the CEC announced the final results of the elections on April 27, 2016, Tibetan media were already publishing informal reports about the results few hours after the closing of the polling stations on March 20. In some regions and continents, counting started one week after the elections due to logistical reasons.

Since now technological facilities are potentially available, the CEC should study ways to speed up the process of collecting the results of voting and be able to announce the final results sooner.

Also, in the light of concerns expressed from various stakeholders concerning negative campaigning methods used during this election cycle, the Election Commission should consider developing an electoral code of conduct for candidates and organizations participating into the elections.

CONCLUSION

The electoral legal framework, the election regulations and their implementation are generally in line with international standards and best practices for democratic elections. However, there are several areas that can be improved upon through consideration and implementation of the following recommendations.

RECOMMENDATIONS

- The Election Commission should consider developing an election code of conduct to be agreed upon by all candidates and organizations participating in the election campaigns. The code should outline the usage of the media, including social media, dissemination of information, etc.

- The Election Rules and Regulations should be thoroughly reviewed in order to reflect the developments that have taken place both in the Tibetan community abroad and in the international community. This includes reducing the time gap between the primary and the final elections and clearly defining the number of candidates allowed for the final Sikyong elections;
- There is a need to adopt a detailed dismissal procedure for members of the CEC and RECs in line with civil and criminal laws, as well as with international standards. In addition, the reasons why a member of an election management body can be dismissed should be detailed to ensure transparency and to ensure that future CECs cannot change or abuse the rules for each election.
- The terms “representative” and “observer” as used in the Regulations needs to be clarified and their authority and duties on the REC should be stated in the Regulations.

- The phrase “completely reached the age of ...” as used in the Regulations should be clarified to specify when the citizen must have completely reached the specified age, before the date of registration or by the election date in order to vote or qualify as a candidate. This should be clarified to ensure universal suffrage of all those eligible to vote or be candidates at the time of the election.
- Article 18(5)(b) states that those “widely known not to be of sound mind” are not allowed to register. The term “widely known” is too vague to be applied in a uniform manner and could unnecessarily restrict the right to vote. The restriction on voting for those known to be of unsound mind should be applied only in those cases where a competent court has declared the person to be of unsound mind to the extent that they cannot exercise their right to vote.
- Article 19 allows disabled or illiterate voters to be assisted by a trusted companion during the primary election but does not allow for such assistance to illiterate voters during the final election

unless the person assisting is a family member. The distinction between disabled and illiterate voters in the final election would appear to be an unnecessary technical barrier to participation by otherwise qualified voters and should be reconsidered.

- The right to be elected may only be subject to objective and reasonable restrictions. Unreasonable restrictions include those based on criminal convictions, which are not proportionate to the severity of the crime or blanket disenfranchisement provisions.
- The campaign regulations do not appear to violate the right of candidates to campaign freely; however, several of the articles are vague and could be construed as a violation on free speech if applied over broadly or inconsistently. See article 24(3), (5).
- The timeframe for the Election Commission and the Supreme Justice Commission to resolve complaints should be specified.

- To ensure that the complaints process is transparent and that parties have the opportunity to introduce evidence to support their claims, procedures for the filing and adjudication of disputes must be understandable and easily accessible to all parties.
- There is no specific requirement in article 32 that the identification of the voter be checked before being allowed to vote. This should be specified in the article.
- There is no provision allowing a voter to request a replacement ballot if they have spoiled the first. In order to ensure that ballots reflect the will of the voter, consideration should be given to including a provision allowing for a replacement ballot when the first is inadvertently spoiled by the voter.
- In order to ensure transparency and confidence in the results, article 34 of the Regulations should clearly detail what steps the election commissions should take when the figures do not add up when counting the votes and filling out the results form.

- The Election Commission guidelines on campaign finance prohibits NGOs which are not officially recognized by the Central Tibetan Administration from engaging in the campaign through endorsement of candidates or the expenditure of funds without the written approval of the candidate. This provision restricts the free speech rights of the affected NGOs and individual voters and should be reviewed. At a minimum the procedure and criteria for official recognition should be outlined and publicized sufficiently before the election to allow NGOs to engage in the electoral process.
- Recognizing the difficulty in achieving equality among the diverse constituencies represented by the Tibetans-in-Exile given the fact that the voting population is located in many different regions and countries, the issue of equality of the vote and boundary delimitation should be addressed in the Regulations to ensure as much as possible that each vote has equal weight.
- The Election Commission should study and implement a system of postal voting to

ensure that all Tibetans who wish to cast their votes, from different parts of the world, are effectively able to do so.

- The Election Commission should study ways to increase the number of polling stations where waiting time was too long. In some cases voters reported of having to wait in long queues more than 2 hours before casting their vote.
- To facilitate the right to vote provisions should be included to allow eligible voters to pay the financial contribution required contribution at the polling station on election day.
- Equal suffrage and the 'one person, one vote' rule requires to reconsider the additional representation granted to the members of the clergy in Tibetan parliament in exile. The current electoral system for the election of the Tibetan Parliament in exile produces the peculiar effect that, while secular Tibetans vote either for 10 or 2 or 1 candidate(s) depending on the region they belong to or where their family comes from, monks and nuns have 2 additional votes to elect the representatives of their religious school.

This rule should be amended to consistently apply the “one person, one vote” rule.

- The Election Commission should encourage Tibetan institutions in exile, including in particular NGOs to develop voter education programs to inform the public about the election processes and rules and strengthen a democratic culture of participation.

ANNEX

FINAL RESULTS

On April 27, 2016, the Tibetan Central Election Commission announced the results.

From the approximately 150,000 Tibetans in exile, a total of 90,377 Tibetans had registered for the final election. Out of these, 59,353 people voted in the final Sikyong elections and 58,615 people in the final elections of the Tibetan Parliament.

Dr Lobsang Sangay was declared the winner for the Sikyong position having secured 33,876 votes (57.08 % of the total vote share) as against 24,864 votes (41.89% of the total vote share) secured by the other candidate, Mr Penpa Tsering. The Commission said 613 votes were declared invalid.

In the parliamentary elections, 591 votes from the total of 58,615 were declared invalid. Following is the full results.

2016 ELECTION RESULTS – ENGLISH

Sikyong

S.No.	Name	Native	Present Residence	Vote Count	Remarks	Picture
1	Lobsang Sangay	Lithang, Kham	Dharamsala	33876	Elected	
2	Penpa Tsering	Nangra, Dhomey	Dharamsala	24864		

U-Tsang

S.No.	Name	Native	Present Residence	Vote Count	Remarks	Picture
1	Tenzin Dhardon Sharling*	Tsang Drumpa	Dharamsala	16543	Elected	
2	Dhondup Tashi	Ngari	Ladakh	13618	Elected	
3	Acharya Yeshi Phuntsok	Ngari	Delhi	13132	Elected	
4	Dolma Tsering	Drakney	Dharamsala	11900	Elected	
5	Pema Jungney	Ngari	Dharamsala	11476	Elected	
6	Namgyal Dolkar Lhagyari	Lhokha	Dharamsala	9970	Elected	
7	Samten Choedon	Ngari	Bylakuppe	9930	Elected	
8	Dawa Phunkyi	Tsang Gampa	Dharamsala	9352	Elected	
9	Dawa Tsering	Toe Rachu	Dharamsala	9240	Elected	
10	Migyur Dorjee	Ngari	Dharamsala	8977	Elected	

** She subsequently resigned after being nominated for the post of a Kalon and was replaced by Tenzin Jamyang.*

*International Network of Parliamentarians on Tibet
2016 Tibetan Election Observation Mission*

Dhotoe

S.No.	Name	Native	Present Residence	Vote Count	Remarks	Picture
1	Kunchok Choedon Juchen	Derge	Chauntra	8132	Elected	
2	Yangchen Dolkar	Derge	Shillong	6913	Elected	
3	Serta Tsultrim	Serta	Dharamsala	6563	Elected	
4	Dorjee Tsetan	Nangchen	Dharamsala	6539	Elected	
5	Youdon Aukatsang	Chamdo	Delhi	5872	Elected	
6	Kunchok Yarphel	Markham	Delhi	5408	Elected	
7	Pema Delek	Lingsang	Bylakuppe	5103	Elected	
8	Lobsang Dakpa	Lithang	Dharamsala	4829	Elected	
9	Ngawang Tharpa	Sokzong	Dharamsala	4702	Elected	
10	Lobsang Yeshi	Tsawarong	Bylakuppe	4370	Elected	

Dhomey

S.No.	Name	Native	Present Residence	Vote Count	Remarks	Picture
1	Thupten Lungrik	Rebkong	Dharamsala	1943	Elected	
2	Tashi Dhondup	Serta	Nepal	1647	Elected	
3	Tsering Lhamo	Ngaba	Dharamsala	1569	Elected	
4	Yeshi Dolma	Hortsang	Dharamsala	1467	Elected	
5	Gyarik Thar	Tsolho Mangra	Dharamsala	1437	Elected	
6	Lobsang Choejor	Rebkong	Dharamsala	1386	Elected	
7	Dhondup Tashi	Labrang	Dharamsala	1229	Elected	
8	Dratsa Sonam Norbu	Sharkhok	Delhi	1224	Elected	
9	Karma Gelek	Jakhyung	Bandhara	1078	Elected	
10	Tsering Youdon	Choney	Hunsur	953	Elected	

Nyingma

S.No.	Name	Native	Present Residence	Vote Count	Remarks	Picture
1	Khenpo Sonam Tenphel	Rekhe	Dharamsala	676	Elected	
2	Khenpo Jampel Tenzin	Mingyak	Kollegal	592	Elected	

Kagyü

S.No.	Name	Native	Present Residence	Vote Count	Remarks	Picture
1	Ven. Kunga Sotop	Derge	Bodhgaya	455	Elected	
2	Ven. Tenpa Yarphel	Chamdo	Dharamsala	401	Elected	

Sakya

S.No.	Name	Native	Present Residence	Vote Count	Remarks	Picture
1	Lopon Thupten Gyaltzen	Markham	Puruwala	300	Elected	
2	Khenpo Kadrak Ngodup Sonam	Tehor Kanze	Gopalpur	239	Elected	

Geluk

S.No.	Name	Native	Present Residence	Vote Count	Remarks	Picture
1	Atruk Tsetan	Lithang, Kham	Mundgod	3340	Elected	
2	Gowo Lobsang Phende	Bawa	Mundgod	2621	Elected	

Yungdung Bon

S.No.	Name	Native	Present Residence	Vote Count	Remarks	Picture
1	Geshe Monlam Tharchin	Kyungpo	Solan	152	Elected	
2	Bara Tsewang Tashi	Drachen	Solan	121	Elected	

America & Canada

S.No.	Name	Native	Present Residence	Vote Count	Remarks	Picture
1	Pema Chakzoetsang	Kongpo	Utah	3979	Elected	
2	Tsewang Rigzin	Tsang Jhepa	Minnesota	2947	Elected	

Europe & South Africa

S.No.	Name	Native	Present Residence	Vote Count	Remarks	Picture
1	Thupten Wangchen	Kyirong	Spain	4078	Elected	
2	Samdho Jampa Tsering	E-Lhagyari	Switzerland	2102	Elected	

Asia & Australasia (excluding India, Nepal & Bhutan)

S.No.	Name	Native	Present Residence	Vote Count	Remarks	Picture
1	Kyinzom Dhondue	Gyantse	Sydney	406	Elected	

DECLARATION OF PRINCIPLES OF THE ELECTION OBSERVATION MISSION

(Based on the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers and recorded with the United Nations Electoral Assistance Division)

INPat Tibetan Election Observation Mission expresses the interest of the international community in the achievement of Tibetan democratic elections, as part of democratic development, including respect for human rights and the rule of law. The mission must be conducted on the basis of the highest standards for impartiality concerning political competitors and must be free from any considerations that could conflict with impartiality.

The mission examines conditions relating to the right to vote and to be elected, including, among other things, discrimination or other obstacles that hinder participation in electoral processes based on political or other opinion, gender, race, colour, ethnicity, language, religion, national or social origin, property, birth or other status, such as physical disabilities.

An important aspect of the mission is to see whether the political contestants are, on a non-discriminatory basis, afforded access to verify the integrity of all

elements and stages of the election process. The mission should in its recommendations advocate for removing any undue restrictions or interference against activities by the political competitors to safeguard the integrity of electoral processes.

CODE OF CONDUCT OF THE ELECTION OBSERVATION MISSION

Respect the Laws governing the elections and the Authority of Electoral Bodies

Respect the Integrity of the International Election Observation Mission

Maintain Strict Political Impartiality at All Times

Do Not Obstruct Election Processes

Maintain Accuracy of Observations and Professionalism in Drawing Conclusions

PLACES VISITED BY THE TIBETAN ELECTION OBSERVATION MISSION

Tibetan Community in Dharamsala

The Tibetan community in Dharamsala is not an organized settlement. After the Dalai Lama chose Dharamsala as his temporary headquarters, many Tibetans began settling in and around Dharamsala. Today, the population is estimated to be a little over 10,000.

Tibetan Community in Bir

The Tibetan settlements in Bir are located 40 miles (65km) away from Dharamsala. There are three separately administered communities situated alongside each other: Bir Tibetan Society, Tibetan Khampa Industrial Society (Derge Division Settlement), and Nangchen Division Settlement. The latter two, Derge and Nangchen, are named after the regions in Tibet from which the members have come. The settlements were established in 1966 with an initial population of 2,000. These settlements today have a combined population of 7,552 that includes five monasteries and four schools.

BIOGRAPHIES OF THE TIBETAN ELECTION OBSERVATION MISSION MEMBERS

Thomas Mann, MEP, Germany



Thomas Mann is a Member of the European Parliament for Hesse in Germany. He is a member of the conservative Christian Democratic Union, part of the European People's Party.

He was the President of the Tibet Intergroup of the European Parliament from 1999 until 2015 when it ceased to exist. He is founder of the Tibet Interest Group in the European Parliament and is its president. He observed the Tibetan elections in 2011 in Switzerland.

André Gattolin, Senator, France



André Gattolin is a French ecologist politician (Europe Ecology – The Greens) and an academic.

Since September 2011, he has been a member of the French Senate (Senator of Hauts-de-Seine) and Vice-Chair of the group of international information on Tibet. He is very involved in the political, human rights

and environmental concerns in this part of the world. He has become the Vice-Chair of the Finance Committee and of the European Affairs Committee, since 2014.

From 1981, he got involved in the European Federalist movement. Along with the Italian Radicals, he was elected federal secretary of the Transnational and Transparty Non-violent Radical Party in 1989. From 1988 until 1991, he held many leadership roles in Departments of Political Studies of different polling institutes (Gallup, CSA, Ipsos). From 1996 to 2006, he became the studies and development director of the French daily newspaper Libération.

Lisa Singh, Senator, Australia



Lisa Singh was elected as a Tasmanian Labor Senator in August 2010 and is considered the first woman of South Asian descent to be elected to the Australian Parliament.

Prior to being elected to the Australian Senate, Lisa served in the Tasmanian Parliament as a Labor Member for Denison from 2006 to March 2010. In 2008, she was appointed Minister for Corrections and Consumer Protection and Minister for Workplace Relations, as well as Minister assisting the Premier on Climate Change.

Senator Singh has keen interest in the Tibetan issue and visited Dharamsala in 2012 on a trip organized by Australia Tibet Council. She is a member of the Australia All Party Parliamentary Group for Tibet.

Consiglio Di Nino, former Senator, Canada



Consiglio Di Nino, a former Senator, is the Chairman of the Board of the Canada Tibet Committee. He was born in Italy. In 1990, Di Nino was appointed to the Senate on the recommendation of Prime Minister Brian Mulroney. He sat as a Progressive Conservative until 2004 when he and most of his Tory colleagues joined the Conservative Party of Canada. He served as Government Whip in the Senate from January 1, 2010 to May 24, 2011. He resigned on June 30, 2012, seven months before his mandatory retirement.

Norman John Baker, former MP, UK



Norman John Baker, a Liberal Democrat and a former Member of Parliament from the UK, is President of the Tibet Society. He was a member of the UK All Party Parliamentary Group for Tibet.

He had served in the Home Office as Minister of State, was a member of the Joint Committee on Human Rights, and as well as Shadow Environment Secretary and Shadow Secretary of State for Transport during his tenure from 1997 to 2015.

Zsuzsa Anna Ferenczy, staff of Laszlo Tokes MEP, Hungary



Zsuzsa Anna Ferenczy, Advisor to László Tótkés, Member of the European Parliament from Hungary/European People's Party, observed the Tibetan elections in 2011 in India. In her work at the European Parliament she advises on foreign affairs and human rights in the world, covering mostly Asia, with special focus on China and the Korean Peninsula. Her fields of expertise

include freedom of religion and minority rights. She conducts academic research on EU-China relations.

Matteo Mecacci, ICT President and former member of the Italian Parliament



Matteo Mecacci joined the International Campaign for Tibet as President in December 2013. In September and October 2013, he was the Chief of Mission of the Organization for Security and Co-operation in Europe (OSCE)/ODIHR election observation mission for the Presidential elections in Georgia. From 2008 to 2013, Matteo served in the Italian Parliament as a member of the Italian Chamber of Deputies (on the Foreign Affairs Committee) after being voted in as Deputy for the Democratic Party. Matteo was also elected Chairperson of the Italian Parliamentary Intergroup for Tibet, a position he held continuously during his tenure in Parliament, and served for four years as an elected official of the OSCE Parliamentary Assembly. He participated in over 20 OSCE election observation missions and led two of them in 2012, in Serbia and Belarus. In November 2009, Matteo organized the 5th World Parliamentarians Convention on Tibet in Rome, which hosted the Dalai Lama and established an International Network of Parliamentarians on Tibet, of which he became co-chair in June 2010. Matteo has played an active role in promoting Tibetan democracy in exile, and was a member of the Tibetan Election Observation Mission in March 2011, when the Tibetan community in exile undertook elections for the leadership of the Central Tibetan Administration. Earlier in his career, while representing the Transnational Radical Party and the international non-

governmental organization No Peace Without Justice at the UN in New York, Matteo coordinated various campaigns to foster democracy and protect human rights. Born in Florence, Italy, Matteo studied International law at the University of Firenze (Florence).

Bhuchung K. Tsering, ICT Vice President



Bhuchung K. Tsering joined the International Campaign for Tibet in Washington, D.C. in 1995 and is currently the Vice President. He worked as a journalist with Indian Express in New Delhi, and as an official of the Central Tibetan Administration (CTA) in Dharamsala, India, before joining ICT.

He is a member of the Task Force set up by the Central Tibetan Administration to work on issues relating to the dialogue process with the Chinese leadership. He was also a member of the team led by the envoys of H.H. the Dalai Lama in the discussions that they had with the Chinese leadership between 2002 and 2010.



1825 Jefferson Place, NW
Washington, DC 20036
USA

T: +1 202 785 1515

F: +1 202 785 4343

E: info@savetibet.org

www.savetibet.org

ICT-Europe

Funenpark 1D
1018 AK Amsterdam
The Netherlands

T: +31 (0)20 3308265

F: +31 (0)20 3308266

E: icteurope@savetibet.nl
www.savetibet.nl

ICT Germany

Schönhauser Allee 163
10435 Berlin
Germany

T: +49 (0)30 27879086

F: +49 (0)30 27879087

E: info@savetibet.de
www.savetibet.de

ICT Belgium

11, rue de la linière
1060 Brussels
Belgium

T: +32 (0)2 609 44 10

F: +32 (0)2 609 44 32

E: info@savetibet.eu
www.tibetpolicy.eu

The International Campaign for Tibet is a non-profit membership organization that monitors and promotes internationally recognized human rights in Tibet. ICT was founded in 1988 and has offices in Washington, D.C., Amsterdam, Berlin and Brussels.