


# Original Article: A reflection on political freedom and its role in elections

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## ABSTRACT

Political freedom, which means the right to choose and to be elected, is a necessity of democracy and its existence in the main elections is inviolable. It should be noted that without political freedom, it will not be possible or very difficult to hold real elections and guarantee the rights and freedoms of citizens. To this end, this freedom should be reflected in electoral laws, guaranteed, and enforced by the government. The result of the present study, which has been done analytically-descriptively, is that some political freedoms such as group freedoms, freedom of opinion, etc. are more important in elections and in order to achieve democratic, free and fair elections, they must be observed. These freedoms are also enshrined in human rights conventions. However, a study of the situation in different countries, especially developing countries, shows that there is little commitment to these freedoms, and much effort should be made to expand it by the government, citizens, civic institutions, parties, and so on.

It is worth mentioning that despite the importance of the subject, the attention of domestic researchers to this issue has been low and its nuances and details have not been paid much attention.

## Introduction

Freedom is one of the central concepts in the history and political thought of the West and one of the most important ideal components in democratic societies and has become the main goal of many political projects over the past two decades [1]. Numerous meanings have been mentioned for freedom so far that, according to Montesquieu, no word as far as the word

freedom has been understood, and no word like freedom has been given different meanings [2].

### *The concept of political freedom*

Political freedom is defined in the definition of "being free from authoritarian will" [3] and means that a person has the right to choose and be elected and can choose political officials or holding social and political jobs to play their role in running the affairs of their country. In other

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words, political freedom means that “one can participate in the political and social life of one’s country through the election of rulers and political officials, or hold public, political, and social jobs in one’s own country, or freely participate in assemblies, and express his/her thoughts appropriately” [4]. Political freedom is achieved when individuals and political organizations are free from the obstacles that governments may impose on them in order to conduct desirable political behavior [5].

It can be mentioned that political freedom is a value with which citizens participate in the political and social life of their society, can choose and be elected, and in short, the possibility of participation is maintained in the administration of society for all citizens equally. Briefly speaking, political freedom is the opposite of political tyranny, in which the fundamental socio-political rights of citizens are denied and various restrictions are imposed on them [12].

The concept of political freedom in comparison with government can be examined from two dimensions; the first dimension is the role of political freedom and the people in forming the government and appointing rulers. The second dimension is the role of political freedom and the people in the continuation of government [6] and if necessary, in overthrowing the government; this means that not only should there be political freedom for the citizens when the government is formed, but it is also necessary for the continuation and change of government.

It should be noted that more or less political freedom in a society is directly related to the structure of the political system of that country. In other words, the more democratic the

public freedoms are generally formed spontaneously and without permanent structures. These kinds of group freedoms are “considered fleeting because they do not last more than a few hours” (Ibid., P. 27) that is, they are considered transient in terms of “time” and not in terms of “impact”; because they create changes in the future and play a role in the political life of a democratic society. Freedom of march and demonstration is of this kind.

political system, the more significant the political freedom is in it, and vice versa.

It should be noted that when more political freedom is exercised in societies, more free and fair elections will emerge; Because it is with political freedom that “it is possible for citizens alike to take an active part in their political and social destiny and in holding and overseeing political power” [7], and these cases will lead to free and fair elections.

### *Types of political freedoms*

Political freedom itself has its forms, some of which are raised in free and fair elections including the following types:

#### *A) Group freedoms*

Group freedoms are mechanisms which guarantee other rights and freedoms of citizens and are a means of public oversight of the government, and refer to freedoms such as freedom of assembly, freedom of assembly, freedom of association, freedom of association, and the like. According to some, “group freedom is a power recognized by individuals through which they can take collective action and possibly organize their activities to achieve their goals” [8]. Laying the groundwork for the realization of these rights means providing a favorable environment for public participation. Citizens participate directly and directly in determining their political and social destiny through the actual exercise of these rights and freedoms; therefore, these rights and freedoms are of great importance, and a democratic society without these observations is void.

Group liberties are divided into temporary and permanent in one division. Temporary (fleeting)

In contrast, group liberties are permanent. These kinds of freedoms are in the form of permanent and institutional structures and are characterized by stability and continuity. In other words, “continuity” and “the existence of organization and structure” are essential to these kinds of freedoms (Ibid., P. 63). Freedom of association is one of the mentioned types.

Group freedoms are enshrined in various international instruments and human rights:

### **1- Universal Declaration of Human Rights:**

Article 20: "1. Every human being has the right to freedom of assembly and association. No one should be forced to join any association" ("Universal Declaration of Human Rights", (Article 20)).

**2- International Covenant on Civil and Political Rights:** Articles 21 and 22 of the Covenant on Freedom of Association and Associations and Restrictions on them (for further study on restrictions on freedom of association, see: Tavakoli, Fatemeh, "Freedom of Association and Restrictions on it in the International Human Rights System and the Iranian Legal System", presented at the Second Conference on Educational Sciences, Psychology and Humanities, Oslo: Norway, 2021).

Article 21: "The right to peaceful assembly shall be recognized". There is no restriction on the exercise of this right except in accordance with the law in a democratic society and necessarily in the interests of national security, public safety, public order, the protection of public health and morals, or the protection of other liberty.

Article 22: 1. "Everyone has the right to freedom of association with others." This right includes forming and joining unions for the protection of their interests and interests. 2. The exercise of this right shall not be subject to any restriction unless such limitations as are prescribed by law in a democratic society and necessarily for the benefit of (national interest), national security, public safety, public order, and protection of health, or morals. Be public or protect the freedoms of others. "(Furthermore) this article does not preclude members of the armed forces and the police from exercising legal restrictions in exercising this right" (Ibid, Article 22).

**3. Declaration of the Inter-Parliamentary Union on the Criteria for Free and Fair Elections:** This Declaration addresses the issue of group freedoms both in the rights and duties of candidates and in the rights and duties of countries. This means that in addition to specify

the existence of these freedoms for electoral actors, the government also has responsibilities to ensure and guarantee them. Paragraph 2 of Article 3 states: "Everyone has the right to enter into a political party or organization or to form a political party or organization with others." ("Declaration on Criteria for Free and Fair Elections", Article 3. Then, to guarantee this right, he considers "providing the possibility of free formation and activity of political parties" (Ibid, Article 4) as one of the duties of the government.

**4. The American Convention on Human Rights:** Article 15 of this convention, entitled: the Right to Association states: "The right to peaceful assembly without arms is recognized. There are no restrictions on the exercise of this right, except as provided by law and in a democratic society for the sake of national security, public order, or the protection of public health or morals or the rights or freedoms of others" ("American Convention on Human Rights," Article 15, accessed March 15, 2021, <https://www.cidh.oas.org/basicos/english/basic3.american.convention.htm>).

**5. European Convention on Human Rights:** Group freedoms, including freedom of association, and freedom of association are also recognized in this convention. Article 11 argues: "1. Everyone has the right to freedom of peaceful assembly and association, as well as the right to freedom of association. 2. There shall be no restrictions on the exercise of this right, except as provided in law and in a democratic society for the sake of national security or public safety to prevent chaos and crime for the sake of health or morality and is considered necessary to protect the rights and freedoms of others." "This article does not preclude the imposition of legal restrictions on the exercise of these rights by members of the armed forces, the police and the executive authorities of the country." ("European Convention on Human Rights", Article 11, accessed March 14, 2021, <https://www.echr.coe.int/Pages/home.aspx?p=basictexts&c>).

In addition to these declarations, these rights are enshrined in other conventions, which are avoided in detail in order to avoid lengthening

the wording; these include the African Commission on Human and Peoples' Rights, Articles 10 - 13. Refworld | Arab Charter on Human Rights, Article 28 and pointed out.

### *B) Freedom of opinion*

Freedom of opinion is one of the most important social freedoms, which is derived from the power of human reason and thought, and it means that individuals can have mental employment of their choice in any field they wish [9]. Individuals have the right to have any belief in various issues in them without suffering damage to their social life due to these beliefs [10]. In general, it can be mentioned that freedom of opinion means removing the obstacle to the activity of an active and progressive force. It should be noted that freedom of opinion that arises from imitation and obedience to the environment, and not from free thought, is not freedom of opinion [11]. The original belief has rational and rational foundations and is not baseless and cannot be accepted by arousing feelings and emotions [13].

Given that human beings are different from each other, then they can have different ideas and thoughts, and considering the independence of human beings, others should respect their ideas and thoughts, and freedom of belief as being emerged.

It is noteworthy that this freedom is not reserved for adults and is further specified for children. Article 12 of the Convention on the Rights of the Child (Adopted on 20 November 1989) states: "He has freedom, and his opinions are given due to his age and maturity of thought" borderline considerations" [14].

**2- International Covenant on Civil and Political Rights:** Article 18: "1. Everyone has the right to freedom of thought, conscience, and religion. This right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers. 2. No one shall be subjected to the arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. 3. Freedom of expression or

("Convention on the Rights of the Child", Article 12, accessed March 15, 2021, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>).

However, it seems that the first statement on freedom of opinion was made in Article 10 of the French Declaration of the Rights of Man and of the Citizen (Adopted on 26 August 1789) provided that their manifestation does not disturb the public order established by law" ("Declaration of Human and Civil Rights of 26 August 1789 | Conseil constitutionnel ", Article 10, accessed June 20, 2021, <https://www.conseil-constitutionnel.fr/en/declaration-of-human-and-civic-rights-of-26-August,1789>). However, in the international arena, the issue of human rights, including freedom of opinion was raised in the aftermath of World War II, and conventions and declarations were adopted, some of which explicitly mentioned freedom of opinion. They are mentioned below.

#### **1- Universal Declaration of Human Rights:**

Article 18: "Every human being has the right to freedom of thought, conscience, and religion. "This right includes freedom to change his religion, or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance." Article 19 further states: "Every human being has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers". "Thoughts are through any media without

belief may not be restricted; unless otherwise provided by law and is necessary to protect the security, order, health, public morals, or the fundamental rights, and freedoms of others" [15].

Article 19 also prohibits harassment of persons by their opinions: "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, neither to attacks upon his honor, nor reputation" (Ibid, Article 19.)

**3. Declaration on the Elimination of All Forms of Inequality and Discrimination Based on Religion or Belief:** (Adopted on 25 November 1981). Following the Covenant on Civil and Political Rights, the Declaration was adopted in 1981. In the introduction, it states that belief and religion are one of the basic elements of life and that freedom of belief and religion should be perfectly respected, and that this right is ignored in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights considers causing a great war for human beings. It also notes that the Declaration is intended to eliminate all forms of intolerance and discrimination based on religion or belief, due to concerns about intolerance and discrimination in religious or doctrinal matters.

Paragraphs 1 and 2 of Article 1 recognize the freedom of opinion and declare “1: Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers.” “No one should be compelled to violate his freedom to have a religion or belief of his choice” (“Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief”, Article 1, accessed June 21, 2021, <https://www.ohchr.org/en/professionalinterest/pages/religionorbelief.aspx>).

Paragraph 1 of Article 2 reaffirms that no one shall be discriminated against on the grounds of religion or belief by any State, institution, group, and individuals (Ibid, Article 2).

Freedom of opinion is also expressed in similar terms to the conventions mentioned in the regional human rights conventions. These include the American Convention on Human Rights, Article 13, accessed March 15, 2021, <https://www.cidh.oas.org/basicos/english/basic3.american.convention.htm>. European Convention on Human Rights (Article 9) and the Arab League Charter on Human Rights Article 26.

### *C) Freedom of expression*

Freedom of expression is a natural right that all individuals enjoy and express their freedom in accordance with their human nature; In other words, freedom of expression is a means to convey one’s thoughts and ideas to others. This is based on the principle of respect for the autonomy and dignity of human beings. In addition, this principle gives rise to the other fundamental rights; from personal security and privacy to citizenship and equality.

Freedom of expression is an inherent right that all individuals, both human beings and citizens, should enjoy in a democratic society. However, this right is not like all absolute rights, and almost nowhere is freedom of expression absolutely accepted. “Almost all, with the exception of a few freedoms of speech scholars, emphasize that freedom of expression is neither absolute nor theoretically absolute, although they all agree on the importance of freedom of expression in discovering the truth and preserving democracy”. As such, only restrictions on this right which are in the interests of other individuals or society as a whole are allowed. A new restriction must meet all of the following conditions: it should be provided for by law, it should meet one of the objectives set out in Article 1933 of the Covenant on Civil and Political Rights, and it should be necessary to achieve those legal objectives, as well as “A new restriction should be proportionate and not enforced in a way that invalidates the principle of the right to expression” (Alex Conte and Richard Burchill, *Defining Civil and Political Rights*, second edition. It should be noted that the existence of conditions and restrictions for this right does not mean the scope. These limitations are wide; rather, they should have precise terms and conditions. Restrictions on freedom of expression are generally subject to two important principles: First, restrictions must be determined by law. Second, these restrictions should be “necessary” (Ibid, P.98). Among these restrictions are the rights of others and ethics. It should be noted that in freedom of speech, the debate is not only about the protection of speech, but also the protection of internal issues and beliefs that are expressed through speech. That is, freedom of speech at its core brings with

it freedom of thought and belief. In addition, it should be noted that the meaning of "expression" in freedom of expression is its broader concept and does not include mere speech; it also refers to linguistic, non-linguistic (such as images), written, and non-written types.

Freedom of expression is further enshrined in international instruments, some of which are as follow:

**1. The Universal Declaration of Human Rights:** Article 19 states: "Every human being has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers." "The dissemination of information and ideas through any media is without frontier considerations" [14]. It is observed that immediately after freedom of opinion; freedom of expression is taken into account, because these two rights are adjusted. In other words, freedom of expression is a means of conveying believe in others.

**2. The Covenant on Civil and Political Rights:** Article 19 states: 1. "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers." 2. "Everyone has the right to freedom of expression. This right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers." 3. "The exercise of the rights set forth in paragraph 2 of this Article, which is accompanied by special duties and responsibilities, may be subject to certain restrictions. These (restrictions) shall be exercised only in accordance with the following requirements and by law: (a) to respect the rights or dignity of others; (b) to maintain national security or to maintain public order and morals and political rights" (Article 19).

in elections. The end result is that in order for real elections to take place in a democratic system, it is necessary to pay attention to these

**3. The European Convention on Human Rights:** Article 9, in similar terms to the previous two conventions, states: "Everyone has the right to freedom of expression". This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. "This article does not preclude the issuance of licenses (for) broadcasting, television, and cinema companies by governments" [17].

**4- American Convention on Human Rights:** Article 13 of this convention, after mentioning freedom of thought, similarly considers freedom of expression and declares: "Everyone has the right to freedom of expression ..." [16].

According to some experts, freedom of expression (along with freedom of association) is inseparable from human dignity and is essential for the exercise of electoral rights and democratic participation in Article 25 of the Covenant on Civil and Political Rights. Freedom to engage in political activity (individually or through political parties and other organizations), freedom to discuss public affairs, to hold peaceful demonstrations and meetings, to criticize and oppose, to publish political material, and political propaganda as part of these rights are inseparable. (Alex Conte and Richard Burchill, *Defining Civil and Political Rights*, second edition. without which it will be impossible to achieve free and fair elections and even will guarantee the other rights and freedoms of citizens

## Conclusion

Political freedom is one of the most important rights -freedoms in democratic societies, because of its importance which has been emphasized and emphasized on both international and regional human rights instruments. This freedom comes in many forms, some of which include group freedoms, freedom of opinion, and freedom of expression

freedoms and ensure their implementation. It should also be reflected in the electoral laws and the government, and state institutions should

provide the ground for its implementation. It should be noted that without political freedom, the possibility of holding democratic elections is nothing more than an illusion.

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