



INTERNATIONAL NORMATIVE PRINCIPLES GOVERNING DEMOCRATIC ELECTIONS

MOSBAH RACHIDA¹, MOUZAOUI AQILA²

¹Associate Professor A, International law and international relations Sovereignty and globalization laboratory, Faculty of Law and Political Science. Yahya Fares University Medea (Algeria).

²Associate Professor A, International law Sovereignty and globalization Laboratory, Faculty of Law and Political Science. Yahya Fares University Medea (Algeria).

The Author's E-mail: mosbah.rachida@univ-medea.dz¹, mouzaoui.akila@univ-medea.dz²

Received: 02/2024

Published: 07/2024

Abstract:

International normative principles governing democratic elections are considered among the fundamental freedoms and political rights established in international law, through which States encourage the application of fair and democratic electoral procedures.

These global normative principles do not impose an international obligation on countries to adopt specific legal text, but rather strive to develop electoral systems, laws, policies and procedures related to the electoral process and mechanisms for their Implementation.

Keywords: Elections, Democracy, Human Rights, Political Participation.

INTRODUCTION:

The spread of democracy is one of the most encouraging trends in recent years. It is based on the fact that democracy is what can guarantee the management of a country's affairs and guide its development in a way that is consistent with the desires and interests of the country. the people, and provides the environment in which the fundamental rights of citizens can be better guaranteed, and provides the most suitable basis for achieving peace and stability in international relations¹. Therefore, the establishment of lasting peace and the achievement of sustainable development are linked to the existence of a true democracy represented by the people(s) who represent something essential in the political life of their societies, through the holding of fair and free elections and for these elections to strengthen national institutions and democratic processes and organize them according to an agreed electoral timetable².

Hence the importance of democratic elections insofar as they constitute a set of legal and material procedures and actions which mainly lead to the nomination of leaders by the members of the people. As such, they are considered one of the political rights of the citizen and fall within the framework of political laws, or more precisely the electoral law or the constitutional document, which consists of a set of rules whose aim is to determine the status of a citizen and therefore his participation in the electoral process, that is- to say. , the election allows different social groups to govern themselves and take their rights into account³.

This is why many countries around the world seek to establish pluralistic systems of governance in which political leaders are elected by the will of the majority for specific periods and exercise their powers within legal limits. Therefore, if democratic elections establish a democratic regime, they help to guarantee political rights, protect economic freedoms and create a climate in which people

¹ Hafsa Najia, The Role of the United Nations in Establishing Democracy within the Countries of the World, A dissertation for obtaining a master's degree in international law and international relations, Faculty of Law, University of Algiers, 2002, p. 1.

² Report of the Secretary-General: Causes of conflict and the promotion of durable peace and sustainable development in Africa, document No. 871/52/A of 13 April 1998, p. 27.

³ Fahil Jabbar Chalabi: Human rights guarantees in post-conflict societies, "a comparative analytical study," Qandil Publishing and Distribution, Jordan, 2014, p. 210.



can thrive. Peace and development. **What are the main internationally recognized standards or rules for democratic elections?**

In light of the above, the study aims to determine the visions regarding the international indicators adopted to establish the democratic edifice of human rights in the electoral context, relying for this on the analytical approach to through the use of relevant legal texts in the matter and the guarantees they provide which guarantee electoral legitimacy by guaranteeing the electoral freedom of citizens in the management of the affairs of the authority, in addition to the descriptive approach, where the terms have been clearly defined and defined.

The answer to the problem posed above revolved around two main themes:

The first topic: International legal norms related to political participation: Political participation can only take place under the tent of a democratic system, political democracy and social democracy, a democracy in which law prevails, where the ruler and the ruled are under control. The rule of law and political participation refer to the contribution of citizens and their role within the political system, with the aim of influencing official (governmental) decision-making, whether this activity is individual or collective, continuous or intermittent. effective or ineffective, and its intention is to influence the choice of public policies, the management of public affairs and the selection of political leaders at the local and national levels, and its objective can be for or against. of the political system in such a way as to meet the demands of individuals and groups who implement them⁴.

The first requirement: The right to participate in the management of public affairs (the will of the people): The definitive proof of whether elections are “free” or “not” is the extent to which they allow the full expression of political will. of the persons concerned, in accordance with Article 21/3 of the Universal Declaration of Human Rights⁵: “The will of the people is the basis of the power to govern”, and the Universal Declaration of Human Rights states that “ every individual has the right.” right to participate in the management of the public affairs of one’s country, either directly or through freely chosen representatives” (article 21/1), and this right is applicable in a provision similar to article 25/1 of the International Covenant on Civil and political rights⁶, the Human Rights Committee considers that the provision contained in article 25/1 is “the basis of democratic governance based on the consent of the people”. The Committee also indicated that any electoral system must guarantee the freedom to express the will of the people. voters and lead to its implementation, and the Convention on the Rights of Persons with Disabilities also guarantees the right of persons with disabilities in political participation on an equal footing with others (article 29, paragraph 1) and the freedom to express the will of people with disabilities as voters (article 29/1/3)⁷.

Furthermore, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights stipulate that all people, by virtue of their right to self-determination, have the right to freely determine their political status (common article 1).), and the United Nations Charter reflects similar concerns⁸, particularly with regard to Non-Self-Governing Territories and Trust Territories. The Charter provides assistance to the peoples of Non-Self-Governing Territories to freely develop their political institutions (article 73). /2).

⁴Ghaleb Al-Farijat: On the Path to Political Development, first edition, Azmana Publishing and Distribution, Amman, 2005, p. 53.

⁵United Nations General Assembly Resolution 217 A (III) of 10 December 1948 on the Universal Declaration of Human Rights.

⁶The International Covenant on Civil and Political Rights, adopted by General Assembly resolution 220 L (XXI) of 16 December 1966 and entered into force on 23 March 1976.

⁷The Convention on the Rights of Persons with Disabilities was adopted on 14 July 2006 by the United Nations General Assembly.

⁸The Charter of the United Nations was adopted in San Francisco on 26 June 1945 and entered into force on 24 October 1945.



Second requirement: comprehensiveness and the principle of non-discrimination in the management of public affairs: article (2) of the Universal Declaration of Human Rights affirms that “Everyone has the right to enjoy all rights and freedoms set forth in this Declaration without any discrimination such as discrimination based on race, color, language or sex, religion, political or other opinions, national or social origin, wealth, birth or any other status, without distinction between men and women.

Most human rights charters and covenants also affirm the principle of non-discrimination, in particular Article 2 of the international covenants on civil, political, economic, social and cultural rights, which states that every human being, in any field, is protected against discrimination⁹. the State and subject to its authority has the right to enjoy all the rights and freedoms contained therein without any discrimination based on race, color, sex, language, religion, political opinion, national or social origin, wealth, birth or any other status, without any distinction between men and women.

Article 26 of the International Covenant on Civil and Political Rights also prohibits discrimination before the law, as it affirms that all men are equal before the law and enjoy the right to equal protection without discrimination. In this regard, the law prohibits everyone. forms of discrimination, and that equal protection is guaranteed and effective for everyone against any discrimination based on any grounds whatsoever, such as race, ethnic origin, color, sex, language, religion, opinion, political or other origin, national or social origin, wealth, birth or other reasons. Accordingly, all human rights charters emphasize the comprehensiveness of elections, which give all qualified citizens equal opportunities to participate as voters in the choice of their representatives and as candidates to government positions. There is no doubt that this right of participation is a broad and general concept. is subject only to reasonable restrictions stipulated by law before the authorities, they must therefore take the necessary measures to assess and eliminate these obstacles to the participation of all citizens. These measures include removing barriers that often stand in the way of marginalized citizens, such as. ethnic, religious or linguistic minorities; Women, young or old; Or people with disabilities. It is therefore necessary that restrictions imposed on the right to participate are limited and linked, for example, to the legal age for voting or standing in elections¹⁰. These restrictions were confirmed by article 11 of the bill. the draft general principles of freedom and non-discrimination in matters of political rights that I adopted. The United Nations Subcommittee on the Prevention of Discrimination and Protection of Minorities states that measures following discrimination provided for by law or regulation should not be considered discriminatory measures¹¹:

- Reasonable conditions for exercising the right to vote or the right to exercise public functions subject to election.

- Reasonable qualifications to hold public office arising from the nature of the duties of the position. There are special measures to ensure¹²:

- 1- Adequate representation of a part of the population of a country whose members, in fact, are prevented by political, economic, religious, social, historical or cultural circumstances from enjoying equality with the rest of the population in terms of political rights.

- 2- Balanced representation of the different components of a country's population, provided that these measures are only maintained if they are necessary and only to the extent necessary.

The third requirement: Respect human rights considerations for the purposes of the electoral process: Respect for human rights constitutes the common foundation of all democratic societies

⁹The Arab Charter on Human Rights, adopted by the 16th Arab Summit in Tunis on May 23, 2004.

¹⁰Patrick Merlo: Strengthening Legal Frameworks for Democratic Elections, National Democratic Institute Handbook for International Affairs, published booklet, Washington, 2008, p. 13.

¹¹ General principles on freedom and non-discrimination in political rights, Draft ,adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fourteenth session, 1962.

¹²Idem.



and the fundamental pillar of democracy, and was set out in the famous speech given by former Secretary-General **Boutros Ghali** at the Vienna Conference, during which he affirmed, on behalf of the world organization, the guidelines to which States must adhere, namely the universality of human rights and ensuring their protection and the principles of democracy, emphasizing that democracy is necessary for the first requirements and that it is the most important bet of this end of century and that democracy alone within States and the international community is the guarantee of individual and collective human rights of peoples and individuals and through it the rights of States and the international community are reconciled¹³.

The Secretary-General gave a greater dimension to democracy by declaring: “The democratization of the State and society is an objective which must be achieved by all people and is the political expression of the common heritage which must be shared by all. it also has a global dimension¹⁴.”

Therefore, respect for human rights is essential for the holding of free and genuine elections, and guarantees of freedom of expression, opinion, assembly, association and political party are of particular importance in electoral processes. Therefore, states must respect human rights by establishing an effective electoral system. electoral legal system to exercise electoral rights in accordance with international human rights law, through an inclusive, non-exclusive, transparent and participatory process aimed at strengthening its acceptance and legitimacy, this would reduce the intensity of disputes on electoral frameworks and procedures and would limit and reduce tensions and possibility of electoral violence¹⁵.

Section One: Freedom of opinion and expression: Article 19 of the Universal Declaration of Human Rights affirms the right to expression, which includes seeking, receiving and sending information and ideas by any means, without distinction of borders. Article 19 of the International Covenant on Civil Law. and political rights declares the following:

- 1- Every human being has the right to have opinions without being harassed.
- 2- Every human being has the right to freedom of expression. This right includes the freedom to seek, receive and communicate to others various types of information, regardless of boundaries, whether in written or printed form, or in artistic form, by anyone. other means he chooses. However, the exercise of the rights set out in paragraph 2 of the Declaration carries particular duties and responsibilities and may therefore be subject to restrictions, with the aim of establishing a reasonable balance between the rights and freedoms of the individual and the rights and interests of the individual. However, these restrictions do not constitute absolute authority, but are surrounded by important requirements, which are as follows¹⁶:

- 1- Restrictions must be imposed by or in accordance with law.
- 2- This must be necessary in a democratic society in the conventional sense of democracy in governance, which is a sense that rejects and rejects the arbitrariness of power and its violation of human rights.
- 3- The restrictions must be necessary and necessary to maintain national security, public safety, public order, public health, public morality, or to protect the rights and freedoms of others.

¹³Boutros Boutros Ghali: Human Rights and Democracy, International Politics Journal, No. 113, Al-Ahram Center for Strategic Political Studies, Cairo, 1995, p. 15.

¹⁴Ibid,p,16.

¹⁵Publications of the Office of the United Nations High Commissioner for Human Rights, International human rights standards on elections, published publication, United Nations, 2022, p. 53, available on the website: shop.un.org/ar

¹⁶Al-Shafii Muhammad Bashir: Human Rights Law, “its national and international sources and applications,” third edition, Mansha’at al-Ma’arif, Alexandria, 2004, p. 270.



There are many internationally recognized standards that ensure the protection of freedom of opinion and expression, including¹⁷:

- 1- The right of opponents of the government to express their opinions and publish them in public media¹⁸, including radio and television, on an equal footing with others. (i.e. the ruling party or any other organization), especially during general and local elections.
- 2- The right to obtain information and ensure citizens' access to it from government sources.
- 3- Protect academic, scientific and educational freedom and freedom of artistic and literary expression.
- 4- The need to obtain government support for the right to expression on apolitical bases in order to promote and ensure pluralism.
- 5- Protection of the right of distribution and publication.
- 6- The right to create independent (private) radio and television stations.

The United Nations General Assembly has described freedom of expression as the touchstone of all the freedoms to which the United Nations is dedicated, and the American Court of Human Rights has noted that "freedom of expression is the cornerstone on which the democratic system rests and is inevitable for the formation of public opinion, and it can be said that society is not "A well-informed society is not a free society"¹⁹.

Section Two: Freedom of Peaceful Assembly: Article 21²⁰ of the International Covenant on Civil and Political Rights affirms this peaceful right and the need not to impose restrictions on its exercise, except those stipulated by law and constituting necessary measures in a democratic society to maintain national law, security, public safety, public order, or the protection of public health, morals, or the protection of the rights and freedoms of others.

Therefore, the process of peaceful assembly is considered necessary for the transfer of information and the conduct of election campaigns. It should therefore not be restricted as long as it is peaceful, but rather should receive special protection from state agencies.

¹⁷Talib Awad: Free elections in accordance with international standards, published in Alaa Shalabi's book: Democracy and Elections in the Arab World, "Proceedings of the International Conference on Democracy and Elections in the Arab World," Arab Organization for Human Rights, Cairo, 2014, p. 36.

¹⁸Building a solid democratic system of government depends on the strength of the other opinion represented by the opposition, and the strength of the opposition in modern democracies also depends on several factors, including the nature of the electoral system, which is one of its foundations, because the electoral system that makes the opposition unable to play its role will weaken the entire democratic process when the opposition loses the ability to play the role of a watchdog over power. In order to play the latter role, the opposition needs a sufficient number of elected representatives to be able to put forward alternatives, which is something that the nature of the electoral system can control.

Rabah Zaghouni: The electoral system as an indicator for measuring the will to political reform in third wave democracies, "Algeria as a model," Center for Arab Unity Studies, available at: caus.org.lb

¹⁹Alaa Shalabi, op. cit, p. 36.

²⁰Article 21 of the International Covenant on Civil and Political Rights states: "The right of peaceful assembly is recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."



Section three: Freedom to form associations and parties: Among the important rights affirmed by international human rights conventions in relation to elections is the formation of political parties and associations, explicitly in the text of the article 22²¹ of the International Covenant on Fundamental Civil Rights, article 20²² of the Universal Declaration of Human Rights and article eleven of the European Convention²³. For human rights, the relationship between these political and democratic formations being dialectical, their existence and their crystallization have been largely linked to the development of the democratic phenomenon.

Throughout history, for example, many parties have emerged in light of the democratic transformations that some Western countries have witnessed in recent times and have been linked to the existence of certain conditions at the global level that support the transformations democratic, such as the increasing role of parliaments and popular councils in the political system, and the recognition of freedom of organization, assembly and political participation, which supported the existence of parties, and some said that political parties were the result of the existence of democracy rather than a factor or At the same time, the presence of parties as organized bodies enjoying popular support and playing an important role in political life helped support the transformations democratic, and parties have become one of the practical and institutional guarantees of democratic practices²⁴.

In order to encourage the formation of these political parties and associations, they must be recognized under the same system and framework as official national organizations to allow them to express their opinions. Electoral campaigns must also be financed by public funds under transparent control, so that. these campaigns are not limited to those with significant financial resources, but it is necessary to take the necessary measures to allow small groups and free candidates to participate in elections²⁵.

The second subject: International normative principles linked to guarantees of political participation for the integrity of the electoral process: Democratic elections, in addition to international norms of political participation, are linked to a set of means or guarantees that guarantee the principle of integrity and transparency of the electoral process. democratic elections. First requirement: The fundamental objective guarantees of the integrity of elections: They are as follows:

Section One: Secret Ballot: The requirement that elections be conducted by secret ballot is based on the Universal Declaration of Human Rights, article 21/3, and the International Covenant on Civil and Political Rights, article 25/2/b “n”. Every citizen has the right to vote and to be elected in fair elections held periodically by universal suffrage. On an equal footing between voters, the secret ballot guarantees the free expression of the will of voters. States must take the necessary measures to ensure the confidentiality of ballots. during the elections. This condition consists of protecting voters against various forms of coercion or temptation which push them to reveal their voting intentions or who benefited from their vote and to protect them from any illegal or arbitrary

²¹Article 20 of the International Covenant on Civil and Political Rights states: “Everyone has the right to freedom of association with others, including the right to form or join trade unions for the protection of his interests.”

²²Article 20/1 of the Universal Declaration of Human Rights states:

"1- Everyone has the right to freedom of peaceful assembly and association.

2- No one may be compelled to belong to an association."

²³Article 11 of the European Convention on Human Rights states: “Everyone has the right to freedom of peaceful assembly and of association.” Convention for the Protection of Human Rights and Fundamental Freedoms, signed on 4 November 1950, Rome.

²⁴Barakat regime: Arab parties and their role in democratic transformations, published in the book: Hamdi Abdel Rahman: “Democratic transformation in the Arab world during the nineties”, Al al-Bayt University Publications, Amman, 2000, p. 269.

²⁵Hafsa Najiya, op. cit, p. 203.



interference in the voting process. confidential at all stages of the process, including during voting, counting of votes and tabulation of results²⁶.

Section Two: Universal and Equal Suffrage: Universal suffrage requires securing the participation rights of the largest reasonable group of voters. The Human Rights Committee has indicated that the exercise of the right to vote must be accessible to every adult citizen. which apply to the exercise of the rights protected by article 25 of the International Covenant on Civil and Political Rights, it must be based on objective and reasonable standards. The Committee explained that it may be reasonable, for example, to impose a minimum age requirement for the exercise of rights. a person to be elected or appointed to fill certain offices who is older than the age required for exercising the right of election, or who imposes a minimum age for the right to vote, and unreasonable restrictions on universal suffrage include, without be limited to: those based on the following²⁷:

- 1- Economic requirements which are based in particular on real estate ownership.
- 2- Excessive residence conditions.
- 3- Restrictions on voting by naturalized citizens as opposed to natural-born citizens.
- 4- Language requirements.
- 5- Educational requirements.
- 6- Literacy conditions.
- 7- Membership of parties
- 8- Excessive restrictions on the voting rights of convicted felons.
- 9- Disability.

Send feedback

Sectionthree: Periodic voting: Human rights charters and declarations emphasize that elections should be held periodically and, since no period is specified for holding elections, the constitutions of many countries stipulate that They take place once every four years and can be postponed. emergency circumstances²⁸.

To ensure the integrity of elections, the conduct of elections and other public consultations - including the preparation of the electoral list and its periodic review - must be supervised by authorities whose independence and integrity are guaranteed and whose decisions are subject to appeal, such as the judiciary or other impartial independent bodies, and complete freedom must be guaranteed to peacefully express political opposition, as well as regulate the freedom and functioning of political parties and the right to nominate candidates for elections²⁹.

Section Four: Independence in the Management of the Electoral Process: Electoral administration means the process by which election-related work is carried out, such as determining the identity of persons eligible to vote, receiving and approving nominations in the elections of political parties or candidates, as well as the organization and implementation of voting operations, the counting and counting of votes, the collection and preparation of election results, these tasks can generally be carried out at through three different types of organizations: independent electoral administration, government electoral administration and mixed electoral

²⁶Publications of the Office of the United Nations High Commissioner for Human Rights, International Human Rights Standards on Elections, op. cit., p. 45.

²⁷Publications of the Office of the United Nations High Commissioner for Human Rights, International Human Rights Standards on Elections, op. cit., p. 46.

²⁸Alaa Shalabi, op. cit, p. 43.

²⁹Idem.



administration.govern the work of the electoral administration: independence, neutrality, integrity, transparency and efficiency, know-how or professionalism, accountability³⁰.

Even though universal human rights instruments do not explicitly refer to electoral bodies, their obligation to implement an electoral process that respects human rights may arise from the general obligation imposed on them. The State's duty to respect, protect and fulfill human rights applies to all branches of government and offices³¹.

The United Nations Human Rights Committee recommends that electoral bodies ensure that the electoral process is conducted in a fair and impartial manner, in accordance with applicable laws and the provisions of the Covenant, and that they are able to function independently in the face of government and political pressures. or partisan influence of any State, and that these bodies are open. They are transparent and consultative to the greatest extent possible in their decision-making, avoiding corruption and bias and providing secure conditions for these bodies in electoral contexts, particularly for electoral officials³².

Second requirement: Judicial guarantees for the integrity of elections: Judicial control is considered one of the guarantees of the submission of the State to the law, given that it embodies adherence to the law and the extension judicial review to verify the legitimacy of this action. or procedure by submitting it to the law, and given that the transfer of power in the democratic system will only be possible by election, the latter requires procedural legal controls that govern it at each stage of the electoral process in order to ensure its the good proceedings. the conduct and integrity of the electoral process and its compliance with legal legitimacy.

Section One: The existence of an independent and impartial judicial authority: The presence of an independent and impartial judicial authority is considered a factor of electoral integrity and the fundamental guarantee for all citizens to oppose any violation that may accompany the electoral process, and for him the judicial authority must be independent, independent of any influence of any official or political party. Participates unofficially in elections.

The independence of the judiciary has been affirmed by the fundamental principles decreed by the United Nations, which are as follows³³:

- 1- The independence of the judiciary is guaranteed by the State and enshrined in the constitution or law of the State. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.
- 2- The judiciary decides fairly the cases presented to it, on the basis of the facts and in accordance with the law, without any restriction, inappropriate influence, temptation, pressure, threat or interference, direct or indirect, on the part of any part or another. reason.
- 3- The judiciary is competent to hear all matters of a judicial nature and has exclusive jurisdiction to rule on cases presented to it if they fall within the scope of its jurisdiction as specified by law.
- 4- There cannot be any improper or unjustified interference in judicial proceedings, and judicial decisions rendered by the courts are not subject to review, and this principle does not prejudice judicial review or mitigation or mitigation by the competent authorities of decisions rendered by the judiciary in accordance with the law.

5- Everyone has the right to be tried before ordinary courts or judicial bodies in accordance with applicable legal procedures. Courts which do not use duly established procedures for judicial

³⁰Taaiba Ahmed and Bin Daoud Ibrahim: Indicators of electoral integrity between international texts and internal applications, *Journal of Studies and Research*, No. 06, No. 17, Arab Journal for Research in the Humanities and Social Sciences, Zian Ashour University, Djelfa, 2014, p. 16.

³¹Publications of the Office of the United Nations High Commissioner for Human Rights, *International Human Rights Standards on Elections*, op. cit., p. 53.

³²Ibid,p.55.

³³Basic Principles on the Independence of the Judiciary: endorsed by the General Assembly in its resolutions 32/40 of 29 November 1985 and 146/40 of 13 December 1985.



proceedings cannot be established to replace the satellite jurisdiction which belongs to the ordinary court. courts or tribunals.

- 6- The principle of judicial independence empowers and requires the judiciary to ensure that legal proceedings are conducted fairly and respect the rights of the parties.
- 7- It is the duty of each Member State to provide sufficient resources to enable the judiciary to properly fulfill its functions.

In this way, the judiciary becomes the most important guarantee of the procedural integrity of the electoral process.

Section Two: Criminal Liability for Violation of Election-Related Rights: Electoral liability is considered the enforcement of criminal law and procedures, including the provision of necessary legal procedure and protection of all rights, towards the perpetrators acts of electoral fraud or other criminal acts that restrict electoral rights. Criminal liability plays a role. It is important to hold perpetrators of electoral crimes accountable for their actions and to curb abuses, whether they manipulate electoral systems by falsifying voter rolls, stuffing ballot boxes or any form of politically motivated coercion , from vote buying to violence³⁴.

The principle of accountability applies to the role of police in investigating criminal acts that violate election-related rights, and prosecutors also have a role to play in prosecuting electoral crimes, provided that laws criminal law, including the provisions of the electoral law that deal with criminal cases, clearly define the crimes and standards used by prosecutors in prosecutions, particularly in a way that specifies the terms of the prosecutor's discretion, which is an order to eliminate political bias and enforce effective prosecutions³⁵. election-related crimes and requires prosecutors to submit reports on the number of election-related cases prosecuted, their progress, and the number of defendants tried, and this issue has a major impact on accountability³⁶.

CONCLUSION

Finally, these international principles for democratic elections are considered a necessary reference to evaluate the electoral process in each country, because these principles express the democratic approach based on political rights and fundamental freedoms.

Therefore, all countries must establish a more capable and responsive electoral system to implement these principles, and these countries must ensure the integrity and justice of the electoral process to ensure the strengthening of democracy that arises from choice by the people of its representatives in accordance with the legal conditions through which they gain the trust of the people and strengthen their role and the importance of their voice. Influence the electoral process in the interest of democratic, economic and social construction.

Therefore, we ultimately see that there is a close connection between democracy and elections, and that a democratic society is one whose leaders are chosen on the basis of principles and not on the basis of other considerations, and that the failure of elections is better than resorting to deviant methods, and the citizen must take responsibility for immoral practices during the electoral process and avoid all compromises that lead to emptying democratic practice of its content.

SOURCES AND REFERENCES:

- 1- Sources :
 - Report of the Secretary-General: Causes of conflict and the promotion of durable peace and sustainable development in Africa, document No. 871/52/A of 13 April 1998.

³⁴Patrick Merlo, *op. cit.*, p. 21.

³⁵*Ibid.*, p. 22.

³⁶*Idem.*



- Report of the Secretary-General: Causes of conflict and the promotion of durable peace and sustainable development in Africa, document No. 871/52/A of 13 April 1998.
- United Nations General Assembly Resolution 217 A (III) of 10 December 1948 on the Universal Declaration of Human Rights.
- The International Covenant on Civil and Political Rights, adopted by General Assembly resolution 220 L (XXI) of 16 December 1966 and entered into force on 23 March 1976.
- The Convention on the Rights of Persons with Disabilities was adopted on 14 July 2021 by the United Nations General Assembly.
- The Charter of the United Nations was adopted in San Francisco on 26 June 1945 and entered into force on 24 October 1945.
- The Arab Charter on Human Rights, adopted by the 16th Arab Summit in Tunis on May 23, 2004.
- Patrick Merlo: Strengthening Legal Frameworks for Democratic Elections, National Democratic Institute Handbook for International Affairs, published booklet, Washington, 2008.
- General principles on freedom and non-discrimination in political rights, Draft ,adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fourteenth session, 1962.
- Publications of the Office of the United Nations High Commissioner for Human Rights, International human rights standards on elections, published publication, United Nations, 2022, p. 53, available on the website: shop.un.org/ar
- the European Convention on Human Rights states: “Everyone has the right to freedom of peaceful assembly and of association.” Convention for the Protection of Human Rights and Fundamental Freedoms, signed on 4 November 1950, Rome.
- Publications of the Office of the United Nations High Commissioner for Human Rights, International Human Rights Standards on Elections.
- Publications of the Office of the United Nations High Commissioner for Human Rights, International Human Rights Standards on Elections.
- Basic Principles on the Independence of the Judiciary: endorsed by the General Assembly in its resolutions 32/40 of 29 November 1985 and 146/40 of 13 December 1985.

2- References :

- Hafsa Najia, The Role of the United Nations in Establishing Democracy within the Countries of the World, A dissertation for obtaining a master’s degree in international law and international relations, Faculty of Law, University of Algiers, 2002.
- Fahil Jabbar Chalabi: Human rights guarantees in post-conflict societies, “a comparative analytical study,” Qandil Publishing and Distribution, Jordan, 2014.
- Ghaleb Al-Farijat: On the Path to Political Development, first edition, Azmana Publishing and Distribution, Amman, 2005.
- Boutros Boutros Ghali: Human Rights and Democracy, International Politics Journal, No. 113, Al-Ahram Center for Strategic Political Studies, Cairo, 1995.
- Al-Shafi’i Muhammad Bashir: Human Rights Law, “its national and international sources and applications,” third edition, Mansha’at al-Ma’arif, Alexandria, 2004.
- Talib Awad: Free elections in accordance with international standards, published in Alaa Shalabi’s book: Democracy and Elections in the Arab World, “Proceedings of the International Conference on Democracy and Elections in the Arab World,” Arab Organization for Human Rights, Cairo, 2014.
- Rabah Zaghouni: The electoral system as an indicator for measuring the will to political reform in third wave democracies, “Algeria as a model,” Center for Arab Unity Studies, available at: caus.org.lb
- Barakat regime: Arab parties and their role in democratic transformations, published in the book: Hamdi Abdel Rahman: “Democratic transformation in the Arab world during the nineties”, Al al-Bayt University Publications, Amman, 2000.



- Taaiba Ahmed and Bin Daoud Ibrahim: Indicators of electoral integrity between international texts and internal applications, *Journal of Studies and Research*, No. 06, No. 17, *Arab Journal for Research in the Humanities and Social Sciences*, Zian Ashour University, Djelfa, 2014.