



GIJTR
Global Initiative for Justice
Truth & Reconciliation

PILPG
A Global Pro Bono Law Firm

POLICY PAPER: IDENTIFYING BEST PRACTICES TO ADDRESS POLITICAL REGRESSION

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Executive Summary

The Global Initiative for Justice, Truth and Reconciliation (GIJTR) discerns a disquieting global trajectory marked by heightened authoritarianism and escalating human rights transgressions. This paper examines four discernible typologies encapsulating political regression: unconstitutional grabs of power, eruptions of violence, counterrevolutions, and lack of implementation of transitional justice mechanisms. A focal point is placed on the domestic determinants of these regressions, culminating in strategic recommendations tailored for civil society, governmental entities, and international institutions to forestall and counteract this disconcerting trend.

The case studies of Iraq, Sri Lanka, and Syria exemplify typologies such as unconstitutional grabs of power, eruptions of violence, counterrevolutions, and the lack of implementation of transitional justice recommendations. In Iraq, historical authoritarian rule, violence, and a lack of effective transitional justice mechanisms contribute to ongoing political regression. Sri Lanka faces challenges in implementing recommendations post-civil war, leading to political backsliding amid economic decline. Syria's case highlights unconstitutional grabs of power and eruptions of violence, with ongoing human rights violations in the context of civil war.

The overall recommendations aim at fostering tolerance, understanding, and reconciliation, particularly in regions marked by unresolved ethnic and religious tensions. Civil society organizations should take the lead in promoting initiatives to reduce these tensions, integrating disenfranchised communities and implementing programs to foster acceptance across various sectors. This includes specific efforts in Sri Lanka to address lingering divides from the civil war, reconciliatory dialogues in Syria, and tailored programs for Iraq's large youth population. International civil society organizations are encouraged to support domestic counterparts, ensuring a partnership that values local perspectives.

This paper also underscores the importance of addressing domestic factors contributing to political regression. By advocating for democratic values, supporting civil society, and implementing effective transitional justice measures, the international community can play a crucial role in preventing and mitigating the global trend of increased authoritarianism and human rights violations.

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POLICY PAPER: POLITICAL REGRESSION

Statement of Purpose

The Global Initiative for Justice, Truth and Reconciliation (GIJTR) has recently identified a global trend wherein the human rights situations in several contexts in which it operates have regressed, meaning there is an increase or recurrence of grave human rights violations and that authoritarianism is on the return. GIJTR Consortium partners have grouped the many manifestations of political regression in relation to this trend into four key typologies, or manners in which power is consolidated and states move away from democracy: unconstitutional grabs of power, the eruption of violence, counter revolutions, and a lack of implementation of recommendations initially provided by transitional mechanisms. GIJTR research reveals that the conditions for the emergence of each of these typologies, and therefore the driving factors for political regression, are very similar, requiring consistent interventions to promptly prevent their manifestation and avert political regression. While international and geopolitical factors also have an influential role in how this phenomenon develops and is observed in various states, the focus of the research in this paper is primarily on domestic factors, with an aim toward providing recommendations to civil society, governments, and international bodies for the prevention of political regression.

Background

Today, the global rise in authoritarianism is presenting a multifaceted challenge to the principles of democracy and human rights. A growing skepticism toward established political processes in various countries has led to a concerning trend of the election of right-wing and extremist leaders who often prioritize nationalism over democratic values. This shift is accompanied by a disturbing crackdown on freedom of speech and freedom of assembly and association, with governments tightening control over media and silencing dissenting voices. Simultaneously, there is a noticeable tightening of civic space, limiting the activities of civil society organizations and curtailing the avenues for citizens to engage in open dialogue and advocacy. This confluence of factors raises profound concerns about the erosion of democratic norms and the protection of fundamental human rights on a global scale.

GIJTR Consortium partners have conducted research into four identified typologies of political regression to identify the conditions and driving factors for each of these typologies through the development of a compendium, four case studies, and a roundtable discussion among representatives of civil society organizations and academia. The compendium is organized into four main chapters, one for each typology. Each chapter aims to provide a definition of the typology, its main forms of manifestation with practical examples, and a set of recommendations

to prevent the materialization of the driving factors for that typology as it relates to political regression. The case studies, on Iraq, Sri Lanka, and Syria, analyze specific contexts in which multiple, if not all, typologies for political regression have manifested.

Representatives of civil society organizations and academia met for three days to discuss the concept of political regression and its manifestations, and GIJTR Consortium partners conducted one-on-one interviews with representatives of civil society organizations to discuss their views on political regression in greater, context-specific detail.

This policy paper assesses research findings pertaining to Iraq, Sri Lanka, and Syria, which exemplify the unconstitutional grabs of power, eruptions of violence, and lack of implementation of recommendations initially provided by transitional mechanisms typologies. From such research, the GIJTR Consortium partners developed this policy paper to identify and propose a set of actionable recommendations for civil society, governments, and international institutions.

Theoretical Framing

This policy paper takes the position that liberal democracies are the form of government most capable of securing human rights within a state. This position aligns with that of the United Nations, which, since its creation, has consistently promoted the democratic model of government.¹ Article 21 of the Universal Declaration of Human Rights, which was ratified by the UN General Assembly in 1948, is a landmark document in the field of international human rights law. It affirms the universal right to participate in one's government, thus linking a core tenet of the democratic model to an understanding of fundamental rights.² The UN Office of the High Commissioner more explicitly links the democratic model to human rights, characterizing them as "interdependent and mutually reinforcing" and asserting, "Democracy as a form of government is a universal benchmark for human rights protection."³

Specifically, key characteristics of democratic governments include both affirmative rights, guaranteeing individual freedoms such as speech, assembly, association, universal suffrage, and expression, among others, and negative rights that protect individuals from arbitrary and capricious actions by the state through structural characteristics such as the separation of powers, an independent judiciary, and an independent press. These rights provide an environment that helps ensure the equitable distribution of resources to, and advancement of interests for, all people within a given state and not merely an elite subset.

Democracy provides a mechanism for the electorate to have a say in decision-making and hold elected representatives accountable.⁴ Democracy provides the normative framework for the effective realization of human rights. From this position, this paper proceeds to analyze the erosion of human rights in three case studies wherein democratic advancements, and therefore rights protections for the full population, were halted and reversed as a result of unconstitutional grabs of power, eruptions of violence, counter revolutions, a lack of implementation of recommendations initially provided by transitional mechanisms, or combinations of these typologies.

CASE STUDIES

Iraq

The case of Iraq demonstrates three typologies: unconstitutional grabs of power, eruptions of violence, and lack of implementation of recommendations initially provided by transitional mechanisms created under the Coalition Provisional Authority (CPA) during the de-Ba'athification process and other UN investigatory bodies discussed below.

Background

The roots of Iraq's present-day political backsliding can be found in the country's decades of authoritarian rule under Saddam Hussein, who rose to power in a military coup. Hussein's regime, which lasted from 1979 to 2003, was marked by mass executions, torture, the use of chemical weapons, and the sowing and application of gender-based and ethnic-based violence in order to maintain control.⁵ In 2003, the US and allies invaded Iraq and overthrew Hussein's government, creating a power vacuum that was filled by armed extremist religious militias such as the Islamic State of Iraq and the Levant (ISIL).⁶ Subsequently, extremist action and government responses have perpetuated the cycle of violence that started under the Hussein regime.⁷ Amidst these tumultuous developments, Iraq's civilian populace has been the most afflicted victims, suffering human rights violations at the hands of both extremist militias and the state itself.⁸

Existing Transitional Justice Mechanisms

Both domestic and international bodies continue to pursue transitional justice in post-2003 Iraq. Foremost among these bodies is the Iraqi High Tribunal, a domestic judicial body created in the aftermath of the US-led invasion.⁹ The Iraqi High Tribunal is flanked by the United Nations Assistance Mission for Iraq (UNAMI), which reports to the UN Secretariat,¹⁰ and the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD), which reports to the UN Security Council.¹¹

At the domestic level, the Iraqi High Tribunal has jurisdiction over war crimes, crimes against humanity, and genocide committed by Iraqi nationals and/or residents during the period of Ba'ath party rule over Iraq.¹² While non-Iraqis may be appointed as judges to the Iraqi High Tribunal,¹³ no such foreign judges have been disclosed thus far. The Iraqi High Tribunal has issued convictions for figures such as Saddam Hussein and Ali Hassan al-Majid (Iraqi politician, cousin of Saddam Hussein and known for his repeated use of outlawed chemical warfare), but has been accused of lacking true impartiality in judgment by the international community.¹⁴ These accusations erode civilian trust in the Tribunal and subsequently hampers the body's effectiveness as a mechanism of transitional justice. Ongoing violence and civic insecurity in Iraq serve as additional obstacles to effective implementation of this mechanism, as witnesses are threatened and in some

cases harmed by political or armed groups, and would-be witnesses are deterred from participating in the judicial process over justified concerns for their own safety.¹⁵

In contrast to the Iraqi High Tribunal, transitional justice mechanisms at the international level primarily serve as support and watchdog functions without providing direct avenues for victims to seek accountability or redress. UNAMI, the oldest of the international mechanisms, was established by a UN Security Council resolution in 2003 to provide advice and support on reconciliation, the electoral process, inter-regional dialogue, and the protection of human rights and related reforms.¹⁶ Though UNAMI works with the Iraqi government and Iraqi civil society organizations, it does not administer transitional justice programs on its own, serving mainly as a liaison between Iraqi entities and the international community.¹⁷ Like UNAMI, UNITAD is a support body that does not provide direct redress. UNITAD was created by a UN Security Council resolution in 2017 in response to the Iraqi government's call for aid against ISIL.¹⁸ UNITAD investigates war crimes, crimes against humanity, and genocide by ISIL, prepares reports, and stores potential evidence to aid the Iraqi government in prosecuting ISIL members.¹⁹

Political Backsliding

Although the Ba'athist regime was overthrown over 20 years ago, conditions in Iraq remain much the same as they were in 2003.²⁰ Much of the country must be physically rebuilt, an effort the Iraqi government estimates will cost upwards of \$88 billion, an amount the Iraqi government seeks primarily from foreign investors and donors.²¹ Ongoing sectarian tension between the Shia majority and the Sunni minority impedes work to restore the country on a physical and societal level.²² Competing ethnic and tribal associations also work to undermine social cohesion and transitional justice and the democratic process.²³ In the aftermath of the US invasion, ISIL posed a significant threat to Iraq's civilian population; now, as ISIL has weakened, Iraqi civilians, particularly civilian activists, face violence at the hands of the Iraqi government.²⁴ Diminished infrastructure (particularly housing),²⁵ social divisions, high youth unemployment, and ongoing violence have all contributed to the erosion of transitional justice efforts in Iraq.

Recommendations

GIJTR recommends a two-pronged approach to addressing transitional justice work that can be accomplished by civil society and governmental actors. Civil society organizations are likely in a better position to investigate transitional justice issues, provide support to victims and harmed communities, as well as implement educational campaigns due to low trust in the government, all in a way that is more inclusive and reflective of local values.²⁶ Thus, international organizations should provide long-term support to Iraqi non-governmental organizations, particularly funding for programs that support Iraq's large youth population.²⁷ International organizations should also support transitional justice education and training programs to address knowledge gaps between local Iraqi communities and the international transitional justice community.²⁸ On the government side, the Iraqi state must conduct "thorough, unbiased, and transparent investigations, conducted promptly and independently, into all reported

human rights violations and abuses,”²⁹ with a focus on providing redress to victims. Toward that end, the international community should provide monetary support and/or incentives to oversight programs that ensure the Iraqi government acts in compliance with international human rights laws as it engages in transitional justice efforts.³⁰ The international community can also provide direct assistance to the Iraqi government when required for investigation and redress.³¹

Sri Lanka

The case of Sri Lanka demonstrates the lack of implementation of recommendations initially provided by transitional mechanisms, spurred on by past violence and dire economic decline.

Background

Sri Lanka was embroiled in civil war between 1983 and 2009, fought along religious and ethnic lines between the majority Buddhist Sinhalese and minority Hindu Tamil people. By the time the war ended in May 2009 with the Sri Lankan military’s defeat of the Tamil Tigers, the UN estimated the death toll to be between 80,000 and 100,000 people—including up to 40,000 civilians.³² The conflict was further marked by enforced disappearances, torture, rape, sexual and gender-based violence, arbitrary detentions, and indiscriminate killings.³³ Although the conflict formally concluded in 2009, tensions persist between the majority Sinhalese and minority Tamil people due to social and political inequalities that first arose during British imperial rule over Sri Lanka.³⁴

Existing Transitional Justice Measures

Following the end of the war, the Sri Lankan government, at the time headed by then-president Mahinda Rajapaksa, introduced the Lessons Learnt and Reconciliation Commission, which was subsequently lambasted by civil society and the broader international community “for its lack of impartiality, independence, transparency” and actual implementation of its recommendations.³⁵ More robust overtures toward transitional justice followed in 2015 with the new government under Maithripala Sirisena. The Sirisena government established the Consultation Taskforce, intended to guide the implementation of transitional justice mechanisms. However, like its predecessor, the Sirisena government failed to implement many of the Consultation Taskforce’s recommendations.

To date, transitional justice mechanisms in Sri Lanka remain few and piecemeal. The Office of Missing Persons is perhaps the most successful of these mechanisms, although it primarily serves to search for missing persons and issue death certificates and does not prosecute enforced disappearances and abductions.³⁶ The Office on Reparations has not fully operationalized its mandate.³⁷ Per a report from the UN Office of the High

Commission for Human Rights, other government bodies ostensibly created to design and implement transitional justice mechanisms have yet to produce a cohesive national strategy.³⁸ These ministries were dissolved in 2019 with Gotabaya Rajapaksa's presidency.³⁹

Victims seeking resolution have found limited success through Sri Lanka's judicial system, although such attempts have been overwhelmingly frustrated by "excessive delays, evidence tampering, weak victim/witness protection and political interference."⁴⁰ Where judgments were issued despite such barriers to resolution, presidential pardons frustrated victims' ultimate resolution. Overall, the Sri Lankan government's reluctance to hold perpetrators accountable⁴¹ has defanged the judicial system of its ability to implement transitional justice.

Political Backsliding

Limited gains in transitional justice have halted and, in some instances, reversed due to economic collapse.⁴² In response to popular protests against austerity measures, government corruption, and mismanagement, the Sri Lankan government has resorted to excessive violence.⁴³ Human rights violations such as abductions, torture, and sexual violence continue, largely unabated, at the hands of the government,⁴⁴ although the extent to which such violations persist is difficult to determine due to the government's censoring of the press through repressive anti-terrorism laws and violence.⁴⁵

Recommendations

Local activism and civic engagement must be supported internationally, particularly in the forms of maintaining focus on the government's actions and applying pressure for it to uphold its obligation to respect human rights.⁴⁶ Domestically, considerable work in the area of reconciliation is needed in order to fully address tensions and divides that remain despite the conclusion of the civil war 15 years ago.⁴⁷ Training and policies that promote tolerance and acceptance along ethnic and religious lines are needed in all sectors of society, both public and private—particularly with respect to the media, religious institutions and religious leadership.⁴⁸ While, ideally, these initiatives will come from the government, civil society organizations can take the lead wherever the government is unwilling to proceed.⁴⁹

Syria

The case of Syria exemplifies the unconstitutional grabs of power and eruptions of violence typologies.

Background

The immediate antecedents for Syria's present humanitarian crisis can be traced to 1970, when Hafez al-Assad's faction of Syria's Baath political party conducted a coup d'état,

imprisoning then-leader of Syria Salah Jadid and assuming control of the country.⁵⁰ In order to maintain control, Assad installed allies from his own minority group to key government positions; subsequently, Syria became a one-party authoritarian state in which the Alawite ethno-religious minority ruled over a diverse yet predominantly Sunni Muslim populace.⁵¹ While the initial coup d'état itself was bloodless, the Assad family's regime has been characterized by state-sanctioned violence against political opposition.⁵² One of the most renowned massacres ordered by Hafez al-Assad is the Hama massacre, which occurred in 1982 when the army besieged the town of Hama for almost 30 days to violently quell an uprising of the Muslim Brotherhood, killing tens of thousands of people. The son of Hafez al-Assad, Bashar al-Assad, who succeeded Hafez, continued perpetrating this regime of violence and terror. Bashar came into power in 2000 with an unconstitutional grab of power, with the constitution being rewritten overnight in order to allow Bashar to become president.⁵³

While, initially, Bashar al-Assad showed some signs of openness to the opposition and to democratic values, as the Arab Spring came to Syria in March 2011, it became clear that the al-Assad regime had not reformed its authoritarian and repressive nature.⁵⁴ Since 2011, systematic repressions of peaceful protests have led Syria into a brutal civil war that has killed or led to the arbitrary detainment of hundreds of thousands of people. Violations of human rights have largely been committed by the Syrian regime and its affiliates, which have intentionally targeted civilian buildings and systematically kidnapped and detained anyone suspected of opposition. Atrocities and other such crimes, including genocide, also have been committed by several non-state actors involved in the conflict, namely armed terrorist groups such as Daesh and Jabhat al-Nusra. Unfortunately, both the regime and the opposition have benefited from the interference of foreign powers, including Iran, Russia, and Turkey.

Existing Transitional Justice Initiatives

Given that Syria is still under authoritarian control, there is no cohesive transitional justice strategy for the country. Rather, disparate transitional justice initiatives are taking place at the international level and within courts outside Syria. At the international level, while UN organs monitor, fact-find, and draw attention to humanitarian issues on the ground, they lack the ability to provide redress to victims or hold perpetrators accountable. Within foreign domestic courts, victims can hold individual perpetrators directly accountable, but cannot hold the Syrian state itself responsible for state-sanctioned war crimes and human rights violations.

The earliest international mechanism, the Independent International Commission of Inquiry on the Syrian Arab Republic, was established in August 2011 by the Human Rights Council.⁵⁵ This mechanism serves an investigative role, primarily to inform the public on human rights violations in Syria.⁵⁶ Five years later, the UN General Assembly created a similar mechanism, the Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 (IIIM), to circumvent inaction in the UN Security Council caused by Russia's and China's opposition to referring the

Syrian conflict to the International Criminal Court (ICC) or creating an international criminal tribunal to investigate Syria.⁵⁷ While similar to its Human Rights Council-created precedent, the IIIM also preserves and shares evidence and related analyses with courts in which perpetrators can or will be prosecuted.⁵⁸ In late 2023, Canada and the Netherlands opened a case against Syria in the International Court of Justice (ICJ), accusing the Syrian government of systematic and institutionalized use of torture against Syrian citizens.⁵⁹ The case is still underway in the ICJ, but notably, while ICJ orders are legally binding, they are difficult to enforce against non-compliant states.⁶⁰

Victims also seek redress through the judicial system, albeit in the domestic courts of countries that recognize the principle of universal jurisdiction. In 2021, the High Regional Court of Koblenz in Germany found a former member of the Syrian intelligence services guilty of complicity in crimes against humanity, sentencing him to four and a half years in prison.⁶¹ Crucially, the court also found the Assad regime guilty of crimes against humanity, although this victory was primarily symbolic. Two years later, the French Court of Cassation permitted a case against two Syrians, who are not French citizens, to go forward, with the defendants accused of war crimes and crimes against humanity. As of April 2023, similar cases had been initiated in the US, Netherlands, Germany, France, Austria, Hungary, and Sweden, with 50 cases each filed in Germany and Sweden alone.⁶²

Recommendations

As previously noted, Syria is still under the control of an authoritarian regime and embroiled in civil war. The state and non-state armed groups commit grave human rights violations against civilians, resulting in the displacement, disappearance, and deaths of thousands.⁶³ Despite the detailed documentation of state-sanctioned violence, the Assad regime has been restoring diplomatic ties with its key allies, including Syria's neighboring Arab countries, Russia, and China.⁶⁴ In particular, Russia and China obstruct any effort to hold the Syrian government accountable for its human rights violations in the UN Security Council.⁶⁵ All these factors make it difficult and dangerous to engage in transitional justice measures, especially for local civil society organizations. The international community should focus on supporting the work of civil society organizations by foregrounding their perspectives and ensuring Syrian policymakers lead transitional justice efforts.⁶⁶ The international community should also fund efforts to establish reconciliatory dialogue across ethnic divides in order to reduce the likelihood of violence.⁶⁷ Similarly, the international community should look to increase security for on-the-ground civil society organizations, particularly those involved in fact-finding, documentation, and advocacy.⁶⁸ Lastly, the international community should not be silent about the human rights violations committed by the Assad regime as it attempts to unthaw political and economic relationships.⁶⁹

Overall Recommendations to Civil Society

These case studies demonstrate the importance of promoting tolerance, understanding, and reconciliation. Unresolved tensions along ethnic and religious lines can seriously impede transitional justice efforts and lead to non-state violence. Ideally, these initiatives should come from the government; however, civil society organizations can take the lead when or where the government is unwilling or unable to proceed. Toward that end, domestic civil society organizations, to the extent their limited resources allow, may focus on programs and initiatives that will reduce ethnic and/or religious tension and integrate disenfranchised communities into ordinary social and political life. In the case of Sri Lanka, considerable work in the area of reconciliation is needed in order to fully address tensions and divides that remain despite the conclusion of the civil war 15 years ago.⁷⁰ Training and policies that promote tolerance and acceptance along ethnic and religious lines are needed in all sectors of society, both public and private—particularly with respect to the media, religious institutions, and religious leadership.⁷¹ Civil society organizations may consider undertaking similar efforts, where possible, as reconciliatory dialogue across ethnic divides is needed to reduce the recurrence of violence.⁷² In Iraq, such programs should be tailored for the nation's large youth population.⁷³ International civil society organizations should support domestic civil society organizations in this effort. A synergistic partnership might combine a domestic organization's experiential knowledge of on-the-ground conditions with the resources of an international organization. In all instances, international organizations should take care that domestic perspectives are foregrounded, and domestic actors are able to take the lead in decision-making.

Domestic civil society organizations should continue to investigate, document, preserve evidence relating to, and raise awareness for human rights violations, as is the case in all three case studies. International civil society organizations can and should provide considerable support to domestic organizations leading the charge in these areas. In the case of Syria especially, the international community should look to increase security for domestic civil society organizations, particularly those involved in fact-finding, documentation, and advocacy.⁷⁴ Likewise, in Iraq, civil society organizations are often better positioned to investigate transitional justice issues, provide support to victims and harmed communities, and implement educational campaigns due to low trust in the government.⁷⁵ In addition to supporting domestic organizations in investigation, documentation, and awareness-raising efforts, the international community can raise awareness on its own. For instance, to the degree that physical safety is ensured, international organizations should not be silent about the human rights violations committed by the Assad administration as it attempts to unthaw political and economic relationships,⁷⁶ and can organize protests and information campaigns to ensure the Assad government's human rights violations are not forgotten for the sake of political and economic convenience. Critically, and given the possibly limited efficacy of shame as a mechanism of international human rights law enforcement against repeatedly non-compliant actors,⁷⁷ awareness campaigns should be oriented toward garnering more support and resources for victims and transitional justice programs, as well as educating the broader community about human rights violations, to reinforce and develop human rights norms among compliant and partially compliant actors.

Overall Recommendations to Governments

Governments have an obligation to protect and uphold human rights—this obligation applies not only to citizens of a nation but also to non-citizens as well. While concerned governments within the international community have limited opportunity to intervene where neighboring nations violate the human rights of those residing within their territory, bystander governments can and should intervene to the fullest extent possible under international law. For instance, concerned governments should bring cases of genocide to the ICJ, minding the more exacting legal standard for genocide as opposed to crimes against humanity and war crimes. Concerned governments can also raise awareness and apply pressure through UN organs, particularly the General Assembly—through the introduction and defense of resolutions that reinforce human rights norms against violators—and diplomatic dialogue with the Secretariat. Where possible, governments should also seek to act through the Security Council, particularly to refer states that violate human rights to the ICC, which can investigate and prosecute a broader array of human rights violations beyond genocide, such as crimes against humanity and war crimes. Concerned governments should also support transitional justice-related cases that arise in their domestic courts, where victims seek redress from individual perpetrators of violence, by providing resources and education in navigating their domestic judicial systems, along with free legal aid. Finally, concerned governments should fund civil society organizations, particularly with regard to secure lodging and transportation, logistical and technical support, and security and medical training through increased funding to and expansion of grant programs.

With respect to domestic governments, the scope of viable recommendations depends on a government's willingness to comply with international human rights law. In the case of Iraq, GIJTR's recommendations align with those of Iraqi civil society organizations, which call for the Iraqi government to conduct "thorough, unbiased, and transparent investigations, conducted promptly and independently, into all reported human rights violations and abuses,"⁷⁸ with a focus on providing redress to victims. Conversely, as previously noted, in the case of Sri Lanka and, to an even greater extent, Syria, it is difficult to make recommendations when the government is primarily responsible for human rights and has a history of disregard for human rights norms. Syria in particular is still under the control of an authoritarian administration and embroiled in civil war. State and non-state armed groups commit grave human rights violations against civilians, resulting in the displacement, disappearance, and deaths of thousands.⁷⁹ Despite the detailed documentation of state-sanctioned violence, the Assad administration has been restoring diplomatic ties with its key allies, including Syria's neighboring Arab states, Russia, and China.⁸⁰ In particular, Russia and China obstruct any effort to hold the Syrian government accountable for its human rights violations in the UN Security Council.⁸¹ All these factors frustrate meaningful accountability for perpetrators within the Syrian government. While concerned governments should not cease their efforts to engage the Syrian government in good faith, they may find focusing their efforts on supporting civil society and international bodies to be more productive.

Overall Recommendations to International Bodies

International intervention may indeed be difficult, as states must consent to jurisdiction from most accountability mechanisms. For instance, Syria is not party to the International Convention for the Protection of All Persons from Enforced Disappearance or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and thus is not beholden to those treaties' provisions. Even when nations are party to human rights treaties, it is difficult to obtain compliance. Here, international bodies can play a unique role in fostering compliance. For instance, Syria is in the process of acceding to the World Trade Organization, which can condition such accession on Syria's compliance with international human rights law.⁸² In a similar vein, Iraq, Sri Lanka, and Syria are all parties to the International Labor Organization (ILO). The ILO can support and release reports and other publications that raise awareness of the human rights violations of member states and can also add agenda items discussing such violations, as they intersect with labor conditions and rights during official meetings. In this way, international bodies can use their status as consent-based, voluntary, yet no less influential organizations as leverage for compliance.

Conclusion

The findings presented in this policy paper by the GIJTR underscore the pressing need to address the alarming global trajectory characterized by heightened authoritarianism and escalating human rights transgressions. The identified typologies of political regression, demonstrated through case studies of Iraq, Sri Lanka, and Syria, reveal a concerning pattern of unconstitutional grabs of power, eruptions of violence, and a lack of implementation of transitional justice mechanisms. The recommendations provided in this paper emphasize the pivotal role of civil society, governments, and international bodies in fostering tolerance, understanding, and reconciliation to counteract this disconcerting trend. The importance of addressing domestic factors contributing to political regression is highlighted, calling for advocacy for democratic values, support for civil society, and the implementation of effective transitional justice measures. As the international community faces a critical juncture in safeguarding democratic norms and human rights on a global scale, the urgency of implementing these recommendations cannot be overstated. Failure to act promptly may further exacerbate the erosion of fundamental principles, emphasizing the imperative for collective and decisive action to prevent and mitigate the rise of authoritarianism.

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