



Witnessing the quiet dismantling of the Tunisian human rights system and preparing resilience

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Abstract: Tunisia illustrates how drastic political shifts can disrupt the functioning of national human rights systems. Most public actors have seen their mandates, roles, and interactions undergo significant changes in recent years. Several avenues can be pursued to support the resilience of Tunisia’s human rights actors.

For more than 20 years the United Nations have promoted the establishment and strengthening of robust national human rights systems. Following the Arab spring, Tunisia, Jordan, and Morocco set out to establish or enhance the capacity of their National Human Rights Institutions (NHRIs) and to improve better reporting and follow up on recommendations from UN human rights monitoring mechanisms. This process ultimately led to the creation of National Mechanisms for Implementation, Reporting, and Follow-up (NMIRFs) in the three countries. However, political changes and democratic backsliding have impacted these positive developments.

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Tunisia: a case in point

In a general context of human rights backlash in the region and beyond, Tunisia illustrates how drastic political shifts can disrupt—and eventually paralyse—the functioning of a national human rights system. While some governmental human rights structures remain in place, most public [human rights actors](#) have seen their mandates and roles undergo significant changes in recent years:

- Most independent state bodies have been dismantled or have ceased to function;
- The judiciary is under increased control, and judicial independence is no longer guaranteed, limiting its ability to protect rights and freedoms. Even when administrative judges attempt to check executive overreach, their decisions often go unenforced;
- Parliament has not initiated any significant measures to strengthen rights and freedoms since the beginning of the current legislative term.

Following the 2011 revolution, Tunisia experienced an unprecedented momentum in human rights protection, driven by a vibrant civil society and greater involvement of public actors. The 2014 [Tunisian Constitution](#) enshrined the protection of rights and freedoms as a state duty, distributed across various actors. This included an independent judiciary, a constitutional court—which was never established, and new independent constitutional and legislative bodies with expanded mandates (prevention of torture, access to information, protection of personal data, etc.)

[Exceptional measures](#) taken during the COVID-19 crisis and the [institutional deadlock](#) following the 2019 elections have stalled, or even halted, the creation of the core constitutional mechanisms. [The declaration](#) of a state of exception on July 25, 2021, by President Kais Saied centralised power, sidelining most public human rights actors. The new [2022 constitution](#) and 2023 elections were criticised internationally, including by the [Venice Commission](#) of the Council of Europe, and further weakened democratic checks.

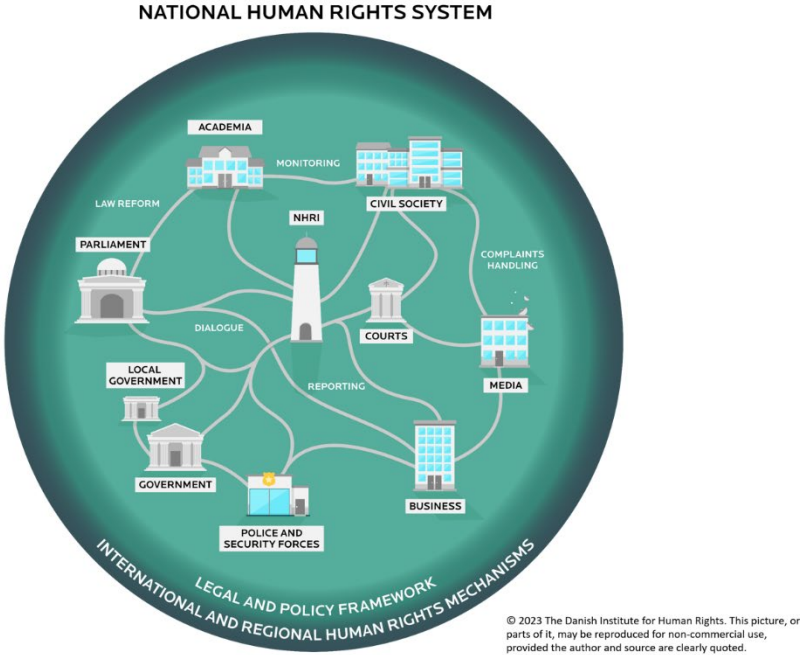
This new political and institutional context has resulted in a marked decline in the protection of human rights. This is evidenced by [measures](#) such as house arrests and travel bans imposed by the Ministry of the Interior as early as August 2021 or [legal action against judges](#) dismissed by the President. This period has also been marked by governance through decree-laws, including the adoption of controversial texts such as the [decree-law of 54](#) on cybercrime, which has raised serious concerns about restrictions on freedom of expression and digital rights.

Dynamics of cooperations and neutralisation of independent human rights bodies

To support the resilience of the Tunisian human rights system, a [new study](#) from the Danish Institute for Human Rights focuses on the evolution experienced by public

actors in the Tunisian human rights system since 2018. Its aim is to analyse the positive dynamics between actors as well as understanding the obstacles to their proper functioning.

A well-functioning national human rights system entails continuous interactions between a complex whole of actors and processes:



In Tunisia, there are [positive dynamics of cooperation](#) among public actors: independent bodies have begun to build practices and jurisprudence for the protection of human rights. For example, the Independent High Authority for Elections ([ISIE](#)) and the audiovisual regulatory authority ([HAICA](#)) have jointly addressed issues related to political campaign communications. These bodies were, for a time, able to receive support from the judiciary and legislative branches, which helped clarify and strengthen their mandates.

However, these dynamics faced several limitations—both political (such as parliamentary gridlock or governmental decisions) and institutional (such as overlapping mandates between institutions or judicial refusal to recognise their authority). Independent public bodies have been progressively neutralised by the executive, often with support from the legislative branch. While some bodies—such as the National Human Rights Institution ([CSDHLE](#)), the anti-corruption authority ([INLUCC](#)), and HAICA—still exist legally and administratively, they no longer perform any meaningful functions.

This neutralisation reflects both a refusal to uphold checks and balances and a misunderstanding of these bodies' roles. These bodies are designed to function as independent administrative authorities that, in addition to their monitoring and

consultative roles, play a critical regulatory role within the state administration and in its interaction with the public.

In practice, when the executive becomes increasingly authoritarian, these independent bodies often emerge as bastions of resistance to executive overreach and the administration that supports it. As a result, they are perceived as countervailing powers—and thus, as threats to those in power. At the same time, in Tunisia, the interruption of the process of creating and consolidating these independent bodies has prevented these new institutions from becoming fully embedded within Tunisian society. Their dismantlement could therefore happen unnoticed, without any significant protest from other public bodies or civil society organizations.

Supporting the resilience of national human rights systems under pressure

Today, it is difficult to affirm that the human rights system in Tunisia is fully operational or that its actors are engaging in a positive dynamic aimed at strengthening human rights. In the event of a return to the normal functioning of state institutions, it will be essential for independent public bodies to resume their operations and fulfil their indispensable role within the state apparatus.

Several avenues can be pursued to consider and support the resilience of Tunisia's human rights system:

(1) The few independent public bodies that remain operational must clearly communicate and explain their roles in monitoring, advising, and regulating with all stakeholders. They must maintain consistent and constructive dialogue with both the executive and legislative branches, especially in times of exceptions, when their role in safeguarding the rights of all individuals becomes more essential.

(2) Cooperation among public actors should be encouraged and supported. Good practices of collaboration—both within Tunisia and [internationally](#)—must be identified and adapted to the Tunisian context.

(3) Independent public bodies should establish dialogue with civil society and academia to raise awareness about their roles, explain their functions, and enable meaningful interactions with all public human rights actors.

Overall, it is important to foster an institutional culture rooted in good governance and human rights among public actors. This can be achieved by incorporating the mandates and roles of independent public bodies into training programs for civil servants and other public administration personnel. Furthermore, government actors and independent institutions must establish regular meetings to coordinate and facilitate effective cooperation within the state apparatus.