

Joint statement: Tunisia's withdrawal of individuals' and NGOs' access to the African Court marks a serious setback for human rights accountability

The undersigned Tunisian and international civil society organizations condemn the Tunisian government's [decision](#) to withdraw its declaration under Article 34(6) of the [Protocol to the African Charter on Human and Peoples' Rights](#). This decision prevents individuals and non-governmental organizations (NGOs) with observer status before the African Commission on Human and Peoples' Rights to directly bring cases against Tunisia before the African Court on Human and Peoples' Rights (the African Court).

This withdrawal is yet another illustration of the rollback on human rights and the rule of law in Tunisia since President Kais Saied's [power grab](#) in July 2021, and the adoption in its aftermath of several decrees that systematically eroded fundamental democratic safeguards.

Since then, the African Court has been at the forefront of exposing and promptly condemning the human rights and democratic backsliding in the country. It has issued several rulings against Tunisia, including:

- Its [ruling](#) in September 2022 ordering the repeal of Presidential Decrees No. 117 and Decrees No. 69 and 109, adopted under the “state of exception”, considering them violations of Article 13 of the African Charter, which, among other things, guarantees the right of citizens to participate freely in the government of their country. The Court ordered Tunisia to return to constitutional democracy within two years, and to establish an independent Constitutional Court within the same period. In [2024](#), the African Court reiterated this order and further ordered Tunisia to repeal Decree-Law No. 2022-11 dissolving the High Judicial Council and to reinstate the latter within six months.
- Its ruling in August 2023 ordering the adoption of urgent measures for detainees' access to medical and legal counsel, family communication, and full disclosure of the legal basis for their detention, citing concerns over their health and due process.
- Its ruling in October 2024 ordering the suspension of Decree-Law No. 2022-35 allowing the President to summarily dismiss judges and Presidential Decree No. 2022-516 dismissing 57 judges, as they posed a threat to the independence of judicial officers and of the judiciary as a whole.

The Tunisian authorities have failed to implement these rulings, showing complete disregard for their legally binding nature.

By depriving apparent victims of human rights violations in Tunisia from direct access to a key regional human rights mechanism, the Tunisian authorities send another clear message of contempt and disregard for the African human rights system and human rights accountability in general. The withdrawal decision limits the ability of victims of human rights violations and human rights defenders in Tunisia to access justice, obtain remedies and redress.

The withdrawal decision, communicated to the African Union Commission on 7 March, will take effect in a year's time, on 7 March 2026. Until then, individuals and NGOs with observer status before the African Commission on Human and Peoples' Rights will be able to continue bringing cases against Tunisia directly to the African Court. After that date, they will continue

to be able to submit communications against Tunisia to the African Commission, a quasi-judicial body issuing recommendations, which, in turn, may seize the Court. Any pending cases filed by individuals and NGOs before 7 March 2026 will continue to proceed as usual and cannot be suspended due to the withdrawal.

The undersigned Tunisian and international civil society organizations urge the Tunisian government to reconsider its decision and reinstate its declaration under Article 34(6) of the Protocol to the African Charter. We call upon the African Commission on Human and Peoples' Rights to take all the necessary steps to persuade Tunisia to reverse its withdrawal decision and, in any event, to maintain close scrutiny over the human rights crisis in the country so as to hold Tunisia to account for violations of its obligations under the African Charter.

Background

Tunisia became a party to the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights on 5 October 2007. On 2 June 2017, Tunisia deposited the declaration under Article 34(6) of the Protocol accepting the jurisdiction of the Court to receive complaints of human rights violations from individuals and NGOs with observer status before the African Commission on Human and Peoples' Rights. At the time, Tunisia was among only eight States of the African Union that had deposited such a declaration, making the country a human rights champion among African States.

Signatories:

International Commission of Jurists (ICJ)
Amnesty International
Word Organization against Torture (OMCT)
Avocats Sans Frontières (ASF)
EuroMed Rights
Human Rights Watch
No Peace Without Justice
Al Bawsala
Intersection Association for Rights and Freedom
Alkhatt Association
Awledna Association
Novact Institute of Nonviolence