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Transitional justice in Tunisia: a critical assessment of the External Actors' Involvement

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Despite the initial consensus and optimism surrounding the Tunisian government's push for transitional justice (TJ) in early 2012, and the enthusiasm of major donors and international organizations to support it, the process faced major challenges. Following the 2011 revolution, Tunisia's civil society scene was soon saturated with a wide range of international actors, including INGOs, UN entities, and donors, promoting a standardized and holistic approach that often overlooked the limited capacity of the newly established transitional justice institutions. Very soon, the recommended technical and top-down interventions revealed their downsides, especially since the TJ process faced significant political hostility starting in 2014, coinciding with the rise of Nidaa Tounes, a political party that united old regime figures and had little interest in ensuring accountability. The transitional justice mechanisms, most notably the Truth and Dignity Commission (TDC) and the Specialized Criminal Chambers (SCC), often lacked the procedural flexibility and resources needed to withstand political pressures. Despite publicized efforts by domestic and international actors, many Tunisians, including victims, remained dissatisfied with the pace and substance of the transitional justice process. The report argues that a critical assessment of international actors' role is essential to ensure that future interventions are context-sensitive, politically informed and responsive to the needs of affected communities.

KEYWORDS

international assistance, transitional justice, Tunisia, democratic transition, international actors

1 Introduction

There was no consistent path to the way countries addressed the legacies of past violations at the beginning stages of transitional justice development. However, over time, the field has seen a shift towards standardizing approaches across contexts, as TJ has become an integral part of the international community's post-conflict agenda (Arthur and Yakinthou, 2018). Middle-income countries such as Argentina, Chile, and South Africa were able to advance a nationally conceived TJ agenda by drawing primarily on their own financial and technical resources, while still drawing on and being influenced by the experiences of other countries. In recent years, however, as TJ has shifted to post-conflict contexts in lower-middle- and lower-income countries, it has become more common for TJ processes to be primarily funded by international donors (Arthur and Yakinthou, 2018). International technical assistance started to play a prominent role in all aspects of the process.

Tunisia is considered the "birthplace" of the Arab Spring. At the end of 2010, Tunisians took to the streets, sparking anti-government protests in large parts of the Arab world. On January 14, 2011, the country experienced the overthrow of its authoritarian regime. Soon, Tunisia, like much of the region, became an experimental ground for transitional justice efforts. International actors poured significant funds into Tunisia's democratic transition. The

EU funds reached about €485 million between 2011 and 2013, with most of the funds earmarked under the European Neighbourhood Policy Instrument (ENPI) (Krüger and Ratka, 2014). For instance, the EU and other donors bodies supported several international organizations that played a crucial role in the Tunisian TJ process by engaging directly with the state and local CSOs. Such INGOs offered technical assistance, capacity-building, and policy guidance.

Although Tunisia's transitional justice process received international praise for being inclusive and comprehensive, it has also been challenged by a variety of factors both for and against reform. The newly established political and transitional justice institutions were overburdened by the amount of work they had to do in line with the holistic approach (Salehi, 2022b). With further shifts in power dynamics and political preferences, the Truth and Dignity Commission increasingly faced hurdles from the political sphere, undermining its authority. Today, TJ efforts in Tunisia have come to a complete standstill following the "coup" led by President Kais Saied on July 25, 2021. Due to a weak sense of local ownership over the transitional justice process, few Tunisians stepped forward to defend it when it began facing serious political obstacles (Nassar, 2022). The same applies to international actors and donors, who massively reduced their support to TJ after 2021.

The following policy report aims to prompt an assessment of the role of international actors in Tunisia's transitional justice and how their involvement has shifted in a fluctuating political context. Given the limitations of political will, institutional incapacity, and the sheer scale of socio-economic issues, the impact of their assistance remained generally limited, compared to an overambitious mandate, and was heavily influenced by elite deal-making and political compromise. The report examines the politics of international assistance in transitional justice, focusing on the strategic interactions between international actors, local civil society, and domestic elites. The analysis argues that international actors are most effective when supporting specific TJ reforms or policy changes where some degree of top-down political will exists, but they are less able to drive broader structural reforms or shift entrenched political decisions. Building on these insights, and looking at the Tunisia case, the report provides targeted recommendations for enhancing the effectiveness of international engagement, emphasizing context-sensitive strategies that align with local priorities.

2 The politics of international technical assistance: the limited capacity of the transitional justice actors

In recent years, international actors have become significant players in many transitional justice processes. However, there is limited research available that can assess the trends in international technical assistance and its effects on TJ processes (Arthur and Yakinthou, 2018). Yet, scholars and practitioners continue to debate the nature and impact of international actors' involvement in various contexts. While internationalization and standardization of TJ have helped hold transitioning states accountable, strengthen local CSOs, and connect them to global advocacy networks, international actors also shape the approach and scope of justice processes. Easily disguised as a form of "technical assistance," transitional justice has

increasingly functioned as a tool of global liberal governance (Mullin et al., 2019). It relies more and more on a technocratic and legalistic approach. However, this standardized model is often ill-equipped to respond to the political reality on the ground, bringing into question the role of international actors.

In the 1990s, transitional justice became an integral part of the global policy agenda. International actors played a key role in embedding it within peacebuilding and democratic transition processes. Over time, the field embraced a holistic approach, one that emphasizes the complementarity among its four core pillars, including truth, justice, reparation and guarantees of non-recurrence. This shift was reinforced by the influential 2004 UN Secretary-General's report, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*. According to the United Nations, effective transitional justice programs should integrate a comprehensive array of both judicial and non-judicial processes and strategies. The legitimacy of this holistic approach lies in its ability to coordinate and align overlapping efforts across the four pillars of transitional justice.

In the early stages of democratization, state governments rely on technical assistance, which is often framed as policy guidance, consultations, and capacity-building. International actors can be viewed as policy transfer agents, aiming to achieve state reconstruction and institutional reform. As argue of Pastor y Camarasa (2023), "Transitional justice has become a discursive arena for policy transfer, through which specific normative models are disseminated through international engagement." The common form of assistance is funding from bilateral and multilateral donors, private foundations, and other sources. These contributions can be important in establishing a holistic approach to TJ, supporting measures such as special courts, truth commissions, and reparations programs.

Another form of policy transfer is technical assistance. It involves providing expertise and support to countries or communities as they address the legacy of human rights violations and navigate the democratization process. It can be understood as the external transmission of ideas, know-how, practices, and technology through expert consultations and capacity-building. As Arthur and Yakinthou (2018) observe, "Technical assistance can be substantial, especially in contexts where TJ is an unknown concept, or where state institutions (professionalization and qualified personnel) have either been decimated by conflict or tainted by repressive policies." Technical assistance may lead to the opening of new funding opportunities for local actors and victim groups. It helps them learn lessons from other contexts and understand the challenges of other contexts' interventions and what can be avoided.

International technical assistance can often undermine the work of civil society actors at various levels. External support can have unintended negative effects by encouraging "NGOization" and the depoliticization of movements to meet donor requirements and agendas. Decisions to fund transitional justice initiatives often come from different entities within government agencies and multilateral donors, often lacking internal coordination and procedural flexibility. Funding for civil society may follow separate channels, which can differ significantly in timing, priorities, planning frameworks, and length of support. As a result, CSOs may become more focused on completing one-off projects and securing new grants than on pursuing broader social change (Arthur, 2018).

International actors tends to promote a rather technocratic approach characterized by a strong focus on legalism. In doing so,

transitional justice experts may deny the inherent political nature of the process (Rubli, 2012). Such depoliticization rests on the premise that the “correct” set of institutions and the “suitable” combination of processes, with minor adjustments, can be implemented in any situation and country (Thoms et al., 2008). Reflecting this tendency, donors are often cautious about funding groups that are too political or projects that might exacerbate political polarization during the democratization period. However, this approach is at times abstracted “from lived realities” of the victims of human rights violations, activists, and the overall population (Nagy, 2008). It also neglects the complexity of post-authoritarian states and the domestic political context that shape opportunities for change. As Nesiah (2016, p. 34) puts it:

“In sum, the technical assistance approach to transitional justice encourages de-politicized and de-contextualized engagements. It defines expertise as professionalized and internationally mobile knowledge rather than knowledge that is situated in activist commitments and knowledge of local context; it favours models that are already legible to the field and its ‘best practices,’ rather than innovations that may extend or challenge the field as we know it.”

When the practice of transitional justice is “stripped of its political genesis” (Arthur, 2018), it tends to overlook the historical legacies that fostered violence, as well as the broader structural violations that should be addressed. It treats the roots of violence, and marginalization as issues confined to domestic or national contexts, thereby denying the influence of colonialism, capitalism, and imperialism in shaping power dynamics (Mullin et al., 2019). In several cases, Western governments that once supported authoritarian regimes later became key sponsors of transitional justice mechanisms, raising questions about the motivations and objectives behind such support.

The liberal governance agenda, centered around the values of democracy, human rights, and the rule of law, often fails to materialize in practice. The focus of transitional justice towards reinforcing political-institutional change makes socio-economic justice take a backseat in terms of the democratic legitimization of the new regime (Miller, 2008). However, liberal-legalism of the field is not the primary underlying reason that transitional justice fails to impact the root causes of socio-economic issues. The limits of transitional justice cannot be fully explained by its legalistic orientation alone. Another obstacle lies in the domestic political economy, specifically, the ability of post-authoritarian elites to co-opt, resist, or shape justice processes to serve their interests (McAuliffe, 2017).

The legal-institutional frameworks do not permit engagement with structural injustices or the types of intervention required to address them. As Rubli (2012) puts it: “This might simply echo the limitations of human rights discourse more generally, in which questions of socioeconomic rights are consistently underplayed while those of civil and political rights are emphasized, or where redistribution is generally backgrounded for the sake of punishing clearly defined crimes under a standard of individual accountability.” Transitional justice process have prioritized visible forms of violence, like genocide or torture, while ignoring structural harms that are as devastating but less immediately visible.

More recently, engaging with the socio-economic question has found support within transitional justice field as it expands beyond its traditional preoccupations with accountability, truth, reconciliation and non-recurrence. However, without concrete proposals for how transitional justice can achieve these outcomes, it is difficult to engage

critically with this new transformative approach. In the words of Haldemann and Kouassi (2014):

“It is one thing to explain why socio-economic rights should be integrated into the transitional justice framework; it is quite another to address the question of how this could be done. This is a crucial issue. If the ESC rights thesis is to be more than an empty abstraction, one should be able to describe the ways and means of putting it into practice.”

One more obstacle exists along with the domestic political economy. It is the capacity of post-authoritarian leadership to follow their own generated interests and reject external pressures that clash with those interests. The invisibilization of economic reforms, social exclusion, inequality and underdevelopment are phenomena that are deliberately sustained by political elites.

3 The methodology

The report is based on qualitative methodology, drawing on 2 months of fieldwork conducted as part of the EMBRACE project (*EMBRACing change—Overcoming Blockages and Advancing Democracy in the European Neighbourhood*). The aim of EMBRACE was to assess the effectiveness of the European Union’s democracy promotion tools and diplomatic efforts (EUDP) in supporting bottom-up actors to achieve incremental democratic gains following popular uprisings.

The project involved a comparative analysis of 22 episodes of post-uprising contentious politics across nine countries that are part of the EU’s neighborhood policy framework: Algeria, Tunisia, Lebanon, Serbia, North Macedonia, Belarus, Georgia, and Armenia. All of these countries benefit from EUDP support, and in each case, the EU has regarded popular uprisings as opportunities to advance democracy, though the extent, resources, and approaches used have varied.

The Tunisia case focused on three key episodes from the broader wave of popular uprisings in the country. The episodes took place during periods of heightened protest and political crisis, when institutional, social, and ideological dynamics were in flux, as well as in the immediate aftermath, when new political configurations were emerging. They were selected as follows: The Feminist Mobilization and Changes to the 2014 Constitution, the Union of Unemployed Graduates’ Mobilization for the Right to Work (2011), and Transitional Justice Mobilization (2011–2013).

While the report centers primarily on the third episode, Transitional Justice Mobilization (2011–2013), data from the other two episodes provided important context for understanding the broader dynamics that shaped the ability of grassroots actors to pursue and sometimes achieve or not democratic gains. The contextual data helped shed light on the unintended consequences of EUDP and other forms of EU engagement on Tunisia’s post-uprising trajectory.

A total of 21 semi-structured interviews were conducted between March and April 2024, both in Tunis and online. Interviewees included social movement actors, political authorities, activists, representatives of political parties from the period in question, journalists, and EU representatives. Sampling began with a targeted selection of individuals directly involved in each episode, and was later expanded through snowball sampling to a diverse pool of interviewees. Interviews lasted between 60 and 90 min and were conducted in Arabic or French, with verbatim transcriptions produced afterward.

All participants provided informed consent prior to the interviews, and anonymity was ensured for those who requested it. The citations were translated into English when writing the report.

In addition to interviews, I bring direct professional experience to this study, having worked as a program officer with ICTJ (Tunis office) from 2019 to 2022, focusing on memorialization, youth, and the role of art in transitional justice processes. This insider perspective informs my understanding of the dynamics between international actors and local stakeholders. The research also builds on the findings of the policy report *How EU Democracy Assistance to Civil Society Can Help Secure Democratic Gains*,¹ and also draws on public statements and materials such as pamphlets, iconography, and press interviews. Additionally, the study incorporates insights from a roundtable discussion with pro-democracy civil society actors on EUDP and Tunisia's democratic transition (online, July 2023), as well as official documents and key statements regarding EUDP and the EU's position towards Tunisia.

4 Background: Tunisia's transitional justice and the past it seeks to address

To grasp the nature of Tunisia's transitional justice process, it is helpful to look back at the legacy of authoritarianism that Tunisians experienced throughout the years. Tunisia was governed by authoritarian regimes from its independence from France in 1956 until the revolution in early 2011. Over five decades, a multitude of human rights violations were committed under the leadership of the country's first president, Habib Bourguiba, who remained in power until 1987, and his successor, Zine el-Abidine Ben Ali. Under Bourguiba, Tunisia developed the appearance of a state corporatist system, entailing the establishment of a single party, Neo-Destour, and eradicating almost all official opposition (Murphy, 2003). Ben Ali's dictatorship style was very centralized. He built a liberal democratic façade over a centralized and insulated technocracy (Wolf, 2023). Ben Ali's rule also excluded political opposition groups. He increasingly relied on the police and coercive apparatus to repress dissent. The violations included arbitrary detention, torture, forced exile, forced disappearances and sexual abuse. Several lesser repressive measures, such as expulsion from universities based on political affiliation and discrimination in employment, were widespread (Lamont et al., 2019).

Both dictators pushed forward the systematic marginalization in the country's southern and interior regions. Their policies systematically excluded these areas from economic development (Sadiki, 2019). Economic growth was mostly confined to Ben Ali's business elites in the capital and along the urban coastal areas to the detriment of the interior regions, which trailed behind. Southern and interior regions became increasingly marginalized over time, evolving into zones marked by profound and multiple forms of exclusion. For years, the gap between the policies proclaimed by those in power and the expectations of local communities only widened, fueling their cynicism toward the "system."

In the years leading up to the Tunisian revolution, economic grievances, political oppression, and excessive corruption fueled

people's dissatisfaction with Ben Ali's rule. At the start of the uprisings, the Tunisian security forces reacted violently to protesters. Demonstrations quickly spread nationwide, demanding freedom and voicing wider grievances against the authorities. Toppling the regime came at a heavy price. Many Tunisians were killed, mostly by security force gunfire, and many others were injured. At least 132 people died and 1,452 were wounded in the revolution (Human Rights Watch, 2015). These victims are commonly referred to as "martyrs and wounded of the revolution." Injured survivors and grieving families have been seeking justice and accountability.

After the fall of Ben Ali, the interim authorities launched two fact-finding committees: the National Fact-Finding Committee on Abuses committed in recent events (since December 17, 2010), and the National Committee to Investigate Cases of Corruption and Embezzlement (El Gantri, 2015). Several lawsuits were filed before the courts against those involved in corruption and bribery, as well as human rights violations related to the revolution. Despite these steps, the country needed a set of transitional justice mechanisms, from truth seeking to institutional reform. In December 2013, the Tunisian National Constituent Assembly almost unanimously passed the Transitional Justice Law, a significant milestone for the region as well as for Tunisia's transition to a democratic society.

5 The Tunisian transitional justice process and international actors: between friction and compromise

The official transitional justice project in Tunisia was highly institutionalized from the start, marked by the creation of the Ministry of Human Rights and Transitional Justice. While the ministry provided a formal framework, civil society organizations played a critical role in shaping the process. They pushed for the Transitional Justice Law, mobilized public support, pressured legislative bodies, and helped design mechanisms such as the Truth and Dignity Commission. International actors were initially welcomed for their technical assistance, but as Tunisia's political landscape evolved, their involvement expanded into forms of limited advocacy. This reinforced a top-down, technocratic approach to transitional justice, in which domestic elites and external actors largely shaped decisions, came often at the expense of youth and victim participation as well as local ownership of the process.

The following section will examine International actors' involvement during two key phases of the transitional justice process: the national consultations held as part of the National Dialogue for Transitional Justice, and the establishment of the Truth and Dignity Commission, including the nomination of its commissioners, as both phases reveal the extent of external influence in shaping transitional justice in Tunisia.

5.1 Consultation phase and the drafting of the TJ law

After the 2011 revolution, Tunisian civil society organizations were among the first to advocate for transitional justice, drafting proposals that reflected their vision for the process even before the Ministry of Human Rights and Transitional Justice was established.

¹ <https://rfpn.fpn.bg.ac.rs/handle/123456789/1514>

With technical support from the international community, in particular ICTJ and two UN agencies, the UNDP and the OHCHR (Robins and Gready, 2023), the Ministry of Human Rights and Transitional Justice and civil society launched a national dialogue on transitional justice geared towards designing a transitional justice process for the country. Although designed to be participatory and inclusive, the national dialogue served to filter and shape local voices within established and pre-fixed normative frameworks.

The dialogue was led by a technical committee composed of civil society representatives and a representative of the Ministry for Human Rights and Transitional Justice. International organizations played a crucial role in assisting the ministry with the establishment of the technical committee, as well as offering support to the regional committees. The UNDP, OHCHR, and ICTJ, among other international organizations, supported the ministry in setting up the technical committee and offered technical expertise. Additionally, the UNDP contributed both financial and technical resources to the committee. As one former staff member who worked closely with an international NGOs remarked:

“I believe that the Tunisian process was one of the first to involve genuine victim and civil society participation through a national consultation. In my experience, even if it’s still a relatively short career, I’ve seen how consultations can sometimes be used merely to legitimize decisions already made. In places like the Central African Republic, for instance, people are brought together for a consultation, but the law is ultimately drafted as originally intended, regardless of their input. Tunisia felt different. There was a kind of energy in the country to do something for Tunisia, to do something Tunisian, suitable for its TJ process.”

The technical committee worked on the preparation and supervision of the national dialogue all over the country. It started creating regional committees to supervise the dialogue in all the governorates. Citizens, victims, CSOs, and political parties had the opportunity to convey their opinions through these meetings and discussions. They used their contributions to inform the design of transitional justice in the country. However, the reliance on nominative participation limited inclusivity, as only representatives of established organizations or coalitions were involved in the consultation process. This effectively excluded unaffiliated victims and independent groups from the process (Centre for the Study of Violence and Reconciliation (CSV), 2023).

Building on the consultations, hundreds of workshops, conferences, training sessions, and seminars have taken place around the themes of transitional justice. Various civil society organizations, victims, politicians, officials, and other stakeholders have received trainings in the tools of transitional justice by various international organizations. The capacity-building exercises often appear to be designed to set the normative and discursive parameters within which “justice” can be pursued in Tunisia’s post-uprising context (Mullin and Patel, 2016).

Another critical factor that supported the consultation was Ennahdha’s political will shaped by its history of repression under both dictatorships. The Islamist party, whose leaders and members had endured some of the harshest violations, pushed for transitional justice. In the aftermath of the revolution, critics of TJ, mainly political figures aligned with the Bourguibist or Destourian tradition, argued

that the regular judiciary was better suited to deliver justice for victims. The Tunisian government, led by the Troika,² acted quickly and in line with international treaties and global human right norms to implement a comprehensive approach of transitional justice. The decision also reflects the intensive training by INGOs in the aftermath of the revolution.

Ennahdha used ministerialization to set the agenda and neutralize resistance from old regime elites, embedding the process within international norms and practices. The creation of the Ministry of Human Rights and Transitional Justice served as a public signal of the party’s commitment to addressing past human rights abuses both to the Tunisian public and the international community (Lamont et al., 2019). Despite initial skepticism from some political and civil society actors particularly those concerned with the minister’s political ties to Ennahdha, the Ministry facilitated the national consultation by creating space for diverse voices, including victims, civil society organizations, and political parties. Yet, the institutionalization placed the transitional justice process firmly under the state’s authority. As noted by a practitioner in the Tunisian TJ process:

“For a political reason, the arrival of Ennahdha really pushed the process forward, in a sense, ‘supported’ the transitional justice process. Because Ennahdha had thousands of victims, it also had an interest in establishing a transitional justice process [...] And this, of course, clearly reflects the political will manifested through a ministry [...] From that moment on, transitional justice was institutionalized. It (the Ministry of Human Rights and Transitional Justice) became a public political institution. It was no longer only the work of civil society organizations, associations, and groups. Now the state itself had a transitional justice component.”

Technocratic measures in transitional justice, like creating the Ministry of Human Rights and Transitional Justice, are neither neutral nor purely technical. While the creation of the ministry was not the result of a direct external normative pressure, it was an attempt to “curry favor” with the international community. The Ministry of Human Rights and Transitional Justice emerged as a focal point that international actors engaged with, allowing global discourse to shape the Tunisian process. It also acted as a channel for international organizations to provide resources, ideas, and technical expertise to support transitional justice in Tunisia (Lamont et al., 2019).

Placing Tunisia’s transitional justice process under a government ministry led some civil society actors to withdraw, as they saw it more as a political initiative driven by the Ennahdha-led government than a response to their grassroots demands (Lamont and Pannwitz, 2016). International actors were often seen as prioritizing the Tunisian government over civil society, given their close collaboration with the ministry. This arrangement reinforced a top-down approach in which decisions and priorities were set by the domestic elite and international experts, sidelining young people and grassroots movements in negotiations (Lamont et al., 2019). Some actors recognized that the main demands of the revolution centered on issues of social justice,

2 The alliance between the three parties (Ennahdha, Ettakatol, and CPR) that ruled in Tunisia after the 2011 Constituent Assembly election.

economic reform were recast within traditional legal frameworks that emphasized civil and political rights. Moreover, meaningful discussions about holding international actors who supported Ben Ali's regime, as well as companies that financed his surveillance machine, accountable were entirely avoided during the consultations (Yakinthou, 2018).

It is within this context that Tunisia adopted the Organic Law on Establishing and Organizing Transitional Justice on 13 December 2013, which in turn established Tunisia's Truth and Dignity Commission. The transitional justice law, then, was drafted by the technical committee, taking into account the questionnaires together with consultations. International actors continued to play a role during the drafting of the law, primarily by offering technical input and expert advice to the committee. While international advice was welcomed, it was not always followed. As recalled by the same former staff member:

"There were moments of deadlock; at times, people would argue that certain provisions might favor one group over another or cause other issues down the line. For instance, ICTJ opposed the arbitration and reconciliation clause, which allowed corrupt businessmen to settle with the state by paying a sum of money. ICTJ opposed this because believed it would open the door to further corruption, including bribes and secret dealings once the truth commission was established."

5.2 The creation of the truth and dignity commission and the nomination of truth commissioners

Established under the Transitional Justice Law of December 2013, the Truth and Dignity Commission began its work in 2014. It was mandated to investigate gross human rights violations committed between 1955 and 2013. Among its core responsibilities, the Commission was entrusted with conducting hearings for victims and establishing accountability by identifying those responsible for violations. It was also tasked with developing a comprehensive reparations program and formulating institutional reform proposals, particularly within the justice sector. However, the transitional justice process soon lost momentum with the rise of Nidaa Tounes.³ Following the creation of the TDC, international actors, and civil society actors, may not have anticipated the fragility of political support, leaving the commission vulnerable to elite obstruction and institutional overburden.

From the beginning, the TDC encountered difficulties, particularly regarding the nomination process for its commissioners. According to Organic Law on Establishing and Organizing Transitional Justice,⁴ the TDC was composed of 15 commissioners who had to be persons known for their neutrality, integrity and

competence. At least one-third had to be of one gender; two had to be representatives of victims' groups; two had to be nominees of human rights organisations; and all had to be appointed by the legislative council.

The original draft of the TJ law included provisions for civil society to participate in the nomination process. However, before passing the law, the National Constituent Assembly, acting as Tunisia's legislature at the time, changed the bill to reserve the nomination power exclusively for its members, excluding civil society actors from this role. When the NCA opened nominations for the TDC commissioners, applicants were granted only 15 days to apply. Civil society organizations and the international community heavily criticized the short application deadline, limited outreach, and the opaqueness of the nomination process (El Gantri, 2015). As confirmed by one interviewee:

"I think that was really a mistake. Perhaps he (the president of the National Constituent Assembly) thought, 'I do not want to spend a year selecting people, so let us choose them ourselves, form a selection committee, and that's it; I do not need civil society participation.' [...] They did not anticipate that this would result in blockages and make it impossible to build a team that could work effectively together [in the TDC]."

During the first 6 months of the TDC's operations, three commissioners resigned, and in August 2015, a fourth commissioner resigned and another commissioner was removed. Although international actors initially supported the involvement of civil society actors in the nomination procedure, some refrained from putting pressure on the politicians to challenge such a decision. At the same time, some civil society actors viewed the international actors' reluctance to intervene as prioritizing stability over addressing civil society's concerns (Salehi, 2022a).

The TDC welcomed international expertise and adopted a holistic approach with their guidance and support. However, the Commission is the clearest example of the gap between ambitious expectations and limited capacities. In its mandate to address almost 60 years of repressive rule and human rights violations, the TDC had investigated human rights abuses, including civil and political rights violations, as well as vote rigging, corruption, embezzlement, forced migration, etc. Including economic crimes was an important innovation and addressed the issues of unemployment, corruption, and economic marginalization that partly drove the revolution. However, it was a very ambitious mandate, supported by international transitional justice professionals and domestic partners.

The holistic approach to transitional justice process was not necessarily the most suitable for the Tunisian case. Transitional justice practitioners overlooked the limited capacity of the newly established political and transitional justice institutions, which slowly became overburdened with the work they aspired to complete especially without sustained political support (Salehi, 2022b). For instance, TDC indicated in its final report that it received a large number of complaints with issues related to corruption from both public and governmental institutions. However, it declared there was not enough time to investigate all of them. Although the Commission was able to carry out arbitration procedures and a public hearing on corruption, it was not able to conduct other key tasks, most importantly the investigation of corruption cases for prosecution in the Specialized Criminal Chambers (Carranza et al., 2021).

³ Nidaa Tounes, created in 2012 by Essebsi, a former official under both Bourguiba and Ben Ali. His party was built by invoking and embracing the legacies of dictatorships. It contributed to authoritarian regression, preserved elements of the old regime, and obstructed transitional justice.

⁴ <http://www.transicion.org/300TransitionsForum/TransitionalJusticeTunisia.pdf>

After the Nidaa Tounes, led by President Essebsi, came to power, the government did not abolish the Truth and Dignity Commission but took several steps to undermine its role. Transitional justice process lost direct ministerial oversight. Its responsibilities became fragmented across ministries and no clear government counterpart for the TDC. The government also delayed replacing resigned commissioners and postponed budget allocations, impacting the Commission's performance. Most importantly, President Essebsi's proposed "reconciliation law" which included amnesty provisions that threatened the TDC's authority over economic crimes, corruption, and civil service vetting. The Nidaa-Ennahda coalition prioritized consolidating power and creating a new elite hegemony, delegitimizing demands for accountability and weakening public engagement with the TJ process (Rigg, 2023). Ironically, Ennahdha who had initially had an interest in seeking accountability started collaborating with those they had wanted to see held to account and slowly abandoned pursuing accountability to secure its political interests and alliances.

Although an amended version of the Reconciliation Law was eventually adopted by the Assembly of the Representatives in September 2017, it faced significant opposition, with civil society playing a major role in contesting the bill. The Manish Msameh (I Won't Forget) social movement viewed it as signalling a renewed alliance between the old regime figures and the state. They also opposed the efforts of political elites to force a sense of reconciliation and unity instead of pursuing accountability. They built a successful campaign where they organized more than eighty protests and demonstrations, on top of various petition signings, seminars, press conferences, media appearances, and cultural events to oppose the bill and its various iterations. Such youth-led social movement was able to intervene in a national political debate that was already framed by the concepts and language of transitional justice, while also creating a space for more radical discussion over the meaning of the revolution and its social and economic demands (Rigg, 2023).

At this stage, international actors found themselves in a situation in which they could not draw a clear line between the provision of technical support for the institutionalised transitional justice project and advocacy work, especially as the TDC came under increasing pressure (Salehi, 2022a). The blurring of roles between technical assistance and advocacy highlights how transitional justice processes are vulnerable to elite interference and political maneuvering, even when international actors are heavily involved. For instance, ICTJ especially became more vocal in criticising political agendas and policy initiatives and publicly declared its opposition to the President's "reconciliation law." Again, international actors were making a concerted effort to support the TDC. They invested a great deal of resources in the process and the TDC specifically. As it faced constant threat from Essebsi's government, they pushed the commission very hard to reach the finish line and publish the final report. Civil society also worked to shield the TDC from efforts to restrict its work and resisted attempts to alter its mandate or obstruct the SCC from prosecuting human rights violations.

6 Conclusion and general recommendations: the need for moderation?

International actors have played a role in Tunisia's transitional justice process, but their impact has been limited within a highly

complex political context. While this discussion focuses on transitional justice, it also reflects broader patterns of international engagement in democratization processes. International actors and donors are the most valuable when interacting with very specific reforms or smaller policy changes that benefit from at least some degree of top-down political will. They are less able to influence decisions set by authorities or indeed promote a larger structural reforms. In the absence of political will on the part of authorities, these actors proved unable, and sometimes unwilling, to shift the dynamic. Yet, these limitations cannot be understood without accounting for the role of political configurations and elite-deal making that often has a direct impact on the role of international actors.

The Tunisian transitional justice process is the perfect example where international actors, SCOs and domestic elites were in a constant state of strategic interaction and tension. Although at the start of the process, the involvement of international actors was generally welcomed by the Tunisian authorities and representatives of civil society. As the political landscape shifted and the balance of power continued to change, the space for international influence narrowed, and the nature of their engagement had to adapt accordingly. Political stability was prioritized at the expense of promoting accountability. International actors neglected to engage beyond formal institutions and failed to connect with social movements, including youth-led initiatives, which could have been leveraged to advance a process of political, economic, and social transformation owned and driven by Tunisian citizens rather than dominated by domestic elites.

Another example of the limitations of international technical assistance is the Truth and Dignity Commission, which highlights the gap between ambitious expectations and constrained capacities. This gap was compounded by reliance on rigid institutional models, leading to a mechanical application of the 'four pillars,' often treated as a pre-packaged framework rather than adaptable tools suited to local realities. As Boås and Jennings (2007) argue:

"Every state is a culmination of unique historical processes. Problematising them not on the basis of their own merits, needs, and particular pathologies of state and regime formation, but against the norms and standards of a specific type of advanced, northern state results in misguided and self-referential policy responses."

International actors and donors, therefore, seems to oscillate between the goal of providing all-encompassing guidance for achieving justice in transition and tailor-made solutions that often pay little attention to the local political context, socio-economic conditions and historical legacies. This pushes aside core issues like unequal distribution of resources and structural violence, reducing debates to narrow institutional reforms. Ignoring economic questions not only protects existing hierarchies but also mirrors global patterns of selective accountability, where powerful states avoid scrutiny. Situating transitional justice in a wider international context helps expose these double standards and recognize shared responsibility for abuses. This is key to building a more inclusive and fair approach to accountability.

In response to these limitations, and drawing on my own experience, international actors can work in collaboration with local human rights activists, organizations, and victim groups to shape

initiatives and set priorities, while avoiding being overshadowed by professionalized expertise. What matters most is moving away from institutional rigidity toward a more strategic, context-sensitive approach (Nesiah, 2016). One that prioritizes commitment to the justice struggles of partners rather than focusing solely on the outcomes of a project or program. I argue that rethinking transitional justice in this way can encourage creative approaches and solutions that genuinely reflect and respond to victims' and citizens' demands. An example is the *Voices of Memory* project,⁵ which I was fortunate to work on. The project drew on participatory action research and co-creation, deliberately avoiding rigid plans and resisting pressures for formulaic, top-down approaches. Emphasizing inquiry and experimentation, The *Voices of Memory* project gave space to marginalized voices, recognized them, and turned that recognition into empathy and action (Ladisch and Yakinthou, 2020).

As influential stakeholders, international actors can use various tools and leverage at both the top-down and bottom-up levels to push for more proactive and sustained engagement with and by victim groups, youth, and civil society organizations. In so doing, they can more meaningfully support transitional justice.

7 General recommendations

7.1 Balance ambition with capacity

The transitional justice process should be designed to match the institutional capacities of the transitional state. Overly ambitious TJ mandates risk failure; a phased or prioritized approach can allow gradual progress without overwhelming fragile institutions.

7.2 Strengthen political support for civil society

A genuine partnership with civil society in the field of transitional justice requires more than economic support, technical assistance, or networking opportunities. It requires using political influence and proactive engagement to defend the voice and position of civil society organizations.

7.3 Provide sustainable Core funding

Relying on project-based funding puts CSOs in a familiar trap: they must constantly compete for new projects just to pay staff and cover basic expenses. This can lead them to drift away from their original mission and adopt a rigid, professionalized project-management approach that weakens their political impact. International stakeholders and donors can help by providing core funding for key roles and by increasing eligibility for operational costs, which would greatly enhance the sustainability and strategic independence of certain organizations.

⁵ <https://www.ictj.org/media/5519>

7.4 Promote flexibility in funding processes

Funding bodies should adapt their requirements to support procedural flexibility. Instead of demanding detailed plans or fixed outcomes, they should allow CSOs and relevant actors to focus on the process itself, for example, how they identify partners, facilitate collaboration, and support the initiative, without specifying the exact results. This approach encourages experimentation, innovation, and the meaningful involvement of local actors or youth in shaping the TJ process.

7.5 Safeguard space for youth political engagement

International actors committed to supporting youth engagement should leverage their power to help open, and keep open, the space for youth to exercise their political agency, particularly at a time when many authoritarian governments are restricting civic space and suppressing civil society and grassroots initiatives.

Data availability statement

The original contributions presented in the study are included in the article/supplementary material, further inquiries can be directed to the corresponding author.

Ethics statement

The studies involving humans were approved by Prof. Dr. Anja Osei, FU Berlin Prof. Dr. Anke Höffler, University of Konstanz Prof. Svend-Erik Skanning, Aarhus University Members of the external steering committee of the Embrace project (Horizon id: 101060809; topic—HORIZON-CL2-2021-DEMOCRACY-01-04). The studies were conducted in accordance with the local legislation and institutional requirements. The participants provided their written informed consent to participate in this study. Written informed consent was obtained from the individual(s) for the publication of any potentially identifiable images or data included in this article.

Author contributions

NJ: Writing – original draft.

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The author declares that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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