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2010 Report on International Religious Freedom - Tunisia

[Covers the period from July 1, 2009, to June 30, 2010]

The constitution provides for freedom of religion and the freedom to practice the rites of one's religion unless they disturb the public order; however, the government imposes some restrictions on this right. The constitution stipulates the country's determination to adhere to the teachings of Islam, that Islam is the official state religion, and that the president is required to be Muslim.

There was no change in the status of respect for religious freedom by the government during the reporting period. The government prohibited efforts to proselytize Muslims; it also restricted the wearing of "sectarian dress," including the hijab (Islamic headscarf). Domestic and international human rights organizations reported instances of police harassment of women wearing the hijab and men with traditional Islamic dress and beards. The government sponsored three conferences to promote religious tolerance during the reporting period.

Muslims who converted to another religion faced social ostracism. The press published some cartoons depicting derogatory caricatures of Jews to criticize Israel.

During meetings with government officials, the U.S. embassy staff often raised the Universal Declaration of Human Rights as an essential component to democracy building. The embassy hosted several key speakers to engage youth, women's groups, and civil society about mainstream views and practices of Islam in American society as a way to promote religious freedom.

Section I. Religious Demography

The country has an area of 63,170 square miles and a population of 10.5 million. The population is 99 percent Muslim and overwhelmingly Sunni. Groups that constitute less than 1 percent of the population include Shi'a Muslims, Baha'is, Jews, and Christians.

The Christian community, composed of foreign residents and a small group of native-born citizens of European or Arab descent, numbers approximately 25,000 and is dispersed throughout the country. There are an estimated 22,000 Roman Catholics, approximately 500 of whom regularly participate in religious activities. The Catholic Church operated 12 churches, nine schools, several libraries, and two clinics. There are approximately 2,000 Protestant Christians, including a few hundred citizens who have converted to Christianity. The Russian Orthodox Church has a congregation of approximately 100 members and maintained churches in Tunis and Bizerte. The French Reform Church maintains a church in Tunis, with a congregation estimated at 140 primarily foreign members. The Anglican Church has a church in Tunis with several

hundred predominantly foreign members. There are approximately 50 Seventh-day Adventists. The Greek Orthodox Church has an estimated 30 members and maintained three churches (in Tunis, Sousse, and Djerba). There are also approximately 50 Jehovah's Witnesses, of whom half are foreign residents and half are native-born citizens.

Judaism is the country's third largest religion with approximately 1,600 members. One-third of the Jewish population lives in and around the capital. The remainder live on the island of Djerba and the neighboring town of Zarzis, where the Jewish community has been present for 2,500 years.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution provides for freedom of religion and the freedom to practice the rites of one's religion unless they disturb the public order; however, the government imposed some restrictions on this right. The constitution stipulates the country's determination to adhere to the teachings of Islam, that Islam is the official state religion, and that the President is required to be a Muslim. The government prohibited efforts to proselytize Muslims and restricted the wearing of "sectarian dress," including the hijab (Islamic headscarf) by women and beards and the qamis (knee-length shirts) by men. Citizens have a right to sue the government for violations of religious freedom.

The government does not prohibit conversion from Islam to another religion, and the government does not require registration of conversion; however, government officials occasionally harassed and discriminated against converts from Islam to another religion, reportedly using bureaucratic means such as denial of institutional promotions to discourage conversion.

It was illegal to proselytize to Muslims as the government viewed such efforts as disturbing the public order.

The government regarded the Baha'i faith as a heretical sect of Islam and permitted its adherents to practice their faith only in private. The government permitted Baha'is to hold meetings of their national council in private homes, and three Local Spiritual Assemblies--the local governing body--have been elected since 2004.

The government controlled and subsidized mosques and paid the salaries of imams (clerics). The president appointed the Grand Mufti of the Republic, who is the official expounder of Islamic law. The 1988 Law on Mosques stipulates that only personnel appointed by the government may lead activities in mosques and that mosques must remain closed except during prayer times and authorized religious ceremonies, such as marriages or funerals. However, several historically significant mosques were partially open to tourists and other visitors for a few hours each day, several days a week. New mosques may be built in accordance with national urban planning regulations; however, upon completion, they became the property of the government. The authorities have reportedly informed imams that those who used mosques to "spread ideologies" would be prosecuted.

Based on Islamic law, the government forbade domestic marriages between Muslim women and non-Muslim men; however, the government generally recognized such marriages if performed abroad. On occasion, however, the government did not recognize such marriages as legal, forcing the couple to seek a court ruling to legitimize the marriage. If a man converts to Islam, he may marry a Muslim woman. Muslim men and non-Muslim women who are married cannot inherit from each other, and children from those marriages, all of whom the government considers to be Muslim, cannot inherit from their mothers.

In some family cases, courts applied an Islamic law-based interpretation of civil law. Some families avoided the application of Islamic law on inheritance issues by executing

sales contracts between parents and children to ensure that sons and daughters received equal shares of property.

Civil law was codified; however, judges were known to override codified family or inheritance laws if their interpretation of Islamic law contradicted it. For example, codified laws provide women with custody over their minor children; however, when fathers contested cases, judges generally refused to grant women permission to leave the country with their children, maintaining that Islamic law appointed the father as the head of the family and, as such, he must grant permission for the children to travel.

The government observes the following religious holidays as national holidays: Islamic holy days of Eid al-Adha, the Islamic New Year, the birth of the Prophet Muhammad, and Eid al-Fitr.

The government does not permit the establishment of political parties based on religion, and it continued to ban the Islamist movement En-Nahdha. The government asserted that religious parties could be vehicles for extremism and that by preventing political parties from becoming channels for intolerance, hatred, and terrorism, it promoted societal tolerance. The government maintained tight surveillance over Islamists and did not issue passports to some alleged Islamists. It maintained that only the courts possessed the power to revoke passports; however, reports indicated that the government rarely observed this separation of powers in politically sensitive cases and independently revoked and denied renewal of passports.

Religious groups were subject to the same restrictions on the freedoms of speech and the press as nonreligious groups. There is no law requiring the government to approve all locally produced printed material prior to publication or distribution. Christian groups, however, have reported that the government generally did not grant permission to publish and distribute Christian texts in Arabic. Christian groups reported that they were able to distribute previously approved religious publications in European languages without difficulty, but the government allowed only established churches to distribute religious publications to parishioners. It considered other groups' distribution of religious documents to be a "threat to public order" and thus illegal.

Government decrees dating from 1981 and 1986 restricted the wearing of sectarian dress, generally interpreted to mean the hijab, in government offices and discouraged women from wearing it on public streets and at certain public gatherings. In 2006 a lower court ruled that the 1986 decree was unconstitutional, but the ruling was not binding. The government stated that the hijab was a sign of membership in a fundamentalist group that hides behind religion to achieve political ends and that, according to one modern Islamic school of thought, wearing the hijab was not an obligation. The government described the hijab as a sectarian garment of foreign origin and justified its restriction of the hijab in public institutions as necessary to preserve the impartiality of officials.

Both religious and nonreligious nongovernmental organizations (NGOs) were subject to the same legal and administrative regulations that imposed some restrictions on freedom of assembly. For example, all NGOs were required to notify the government of meetings held in public spaces at least three days in advance and to submit lists of all meeting participants to the Ministry of Interior. The government allowed a small number of foreign religious charitable NGOs to operate and provide social services.

The government recognizes all Christian and Jewish religious organizations that were established before independence in 1956. Although the government permitted Christian churches to operate freely as long as they did not proselytize, it has formally recognized only the Catholic Church, through a 1964 concordat with the Holy See. In addition to authorizing 14 churches "serving all sects" of the country, the government recognized land grants signed by the Bey of Tunis in the 18th and 19th centuries that allowed other churches to operate. Occasionally, Catholic and Protestant religious groups held services in private residences or other locations after the government's formal approval.

The government allowed the Jewish community freedom of worship and paid the salary of the Grand Rabbi. It also provides security for all synagogues and partially subsidized restoration and maintenance costs for some. Government employees maintained the Jewish cemetery in Tunis.

Authorities previously deported non-Muslim foreigners suspected of proselytizing and did not permit them to return; however, recent anecdotal evidence suggested that the government instead denied suspected missionaries visa renewal or pressured employers not to extend their contracts. However, there were no reported cases of official action against persons suspected of proselytizing during the reporting period.

Islamic religious education was mandatory in public schools, but the religious curriculum for secondary school students also included the history of Judaism and Christianity. The Zeitouna Qur'anic School was part of the government's national university system, which is otherwise secular.

The government permitted the Jewish community to operate private religious schools and allowed Jewish children on the island of Djerba to split their academic day between secular public schools and private religious schools. The government-run Essouani School and the Houmt Souk Secondary School were the only schools where Jewish and Muslim students studied together. To accommodate Jewish students, who considered Saturday to be holy, the school authorities determined that Muslim students would attend Islamic education lessons on Saturdays, while their Jewish classmates attended classes on religion at a Jewish school in Djerba. There was also a small private Jewish school in Tunis.

Restrictions on Religious Freedom

Since gaining independence in 1956, the government has not permitted any Protestant Christian groups seeking legal status to establish new churches, most Christian groups no longer attempted to apply for registration.

Although the government has not granted the 1999 request of the Association of the Jewish Community of Tunis to be registered, the association's president and board of governors continued to meet weekly and performed religious activities and charity work unhindered.

The government also took disciplinary action to punish imams who failed to follow religious programs approved by the Ministry of Religious Affairs. On January 4, 2010, a local NGO reported that the Delegate-in-Charge of Religious Affairs at the governor's office in the southern city of Gabes fired the imam at the local Sidi Idriss Mosque for failing to abide by the list of religious subjects for Friday public prayers approved by the Ministry of Religious Affairs

There were continued reports of police requiring women to remove veils in offices, on the street, at universities, and at some public gatherings; however, it was nonetheless common to see women wearing the hijab in a variety of public settings and on university campuses.

School officials took disciplinary action on several occasions to punish and deter women wearing the hijab. On May 20, 2010, a local NGO reported that the administration of a high school in the northwestern governorate of Manouba refused to notify 70 female students of their college entry exam results because the students continuously wore hijabs during the school year. Similarly, on January 6, 2010, according to the same local NGO, the principal of a high school in the northern governorate of Nabeul forced a female student to remove her hijab and sign a statement that she would desist from wearing the hijab. The student was subsequently arrested, interrogated at a police station about her religious beliefs, and later released.

Abuses of Religious Freedom

In 2010 there were reports that police harassed or detained men with long beards or who wore traditional Islamic-style clothing. According to human rights lawyers, the government regularly questioned and detained some Muslims who were observed praying frequently in mosques. Human rights lawyers and activists reported that on January 9, 2010, following the Friday prayer at the Taouba Mosque in Tunis, police officers surrounded the mosque and arrested several young men who regularly prayed at the mosque.

In 2007 and 2008, according to allegations of some human rights groups and defense lawyers, the government arrested some men because of their Islamic appearance, their frequent attendance at mosques, or other actions related to their practice of Islam

There were no reports of religious prisoners or detainees during the reporting period.

Forced Religious Conversion

There were no reports of forced religious conversion.

Improvements and Positive Developments in Respect for Religious Freedom

The government promoted interfaith understanding by sponsoring regular conferences and seminars on religious tolerance. For example, on October 6 to 8, 2009, the government with assistance from the Konrad Adenauer Foundation hosted an international seminar to promote religious tolerance entitled "Religions and World Peace Culture."

In 2007 the governor of Medenine approved the request of a Jewish organization in Djerba for registration. The group performed religious activities and charitable work unobstructed both before and after receiving official approval.

Section III. Status of Societal Respect for Religious Freedom

Although religious conversion was legal, there was great societal pressure against the conversion of Muslims to other religious groups. Muslims who converted to another religion faced social ostracism.

Some cartoons depicted derogatory caricatures of Jews to portray Israel and Israeli interests. Cartoonists drew most of these cartoons outside of the country, and they were reprinted locally in mainstream daily newspapers.

Section IV. U.S. Government Policy

The U.S. embassy discusses religious freedom with the government and state institutions as part of its overall policy to promote human rights. The embassy maintains good relations with leaders of majority and minority religious groups throughout the country, and the U.S. ambassador and other embassy officials met regularly with government officials and religious leaders throughout the reporting period.

The embassy scheduled meetings for high-level Washington visitors with interfaith leaders and influential members of various religious communities. The ambassador hosted several Jewish delegations visiting the country, and embassy officials accompanied many of these delegations to Jewish communities in various parts of the country. The ambassador and other embassy officials visited the El-Ghriba Synagogue in Djerba during the Jewish Passover celebration and met with local religious leaders. The Special Envoy to Monitor and Combat Anti-Semitism visited Djerba during the annual Lag B'Omer pilgrimage and also met with local Jewish leaders.

The embassy fostered regular exchanges that included components designed to highlight U.S. traditions of religious tolerance and pluralism. The embassy engaged with civil

society groups such as women's organizations, civil society associations, educational institutions, and student organizations. The embassy regularly engaged younger citizens of the country, as active participants in shaping the public policy and religious perception of their country, in discussions on the varied ways religion informs political life. The embassy hosted several key speakers to engage youth, women's groups, and civil society about mainstream views and practices of Islam in American society as a way to promote religious freedom.

During meetings with government officials, embassy staff often raised the Universal Declaration of Human Rights. Specifically, on Human Rights Day and in roundtable discussions with civil society activists, embassy staff emphasized the Universal Declaration of Human Rights' international recognition of religious freedom as a fundamental human right and an essential component for building democracy.