

2013 Report on International Religious Freedom - Tunisia

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Executive Summary

The law largely provides for religious freedom. In practice, the government enforced some restrictions on this freedom, including imprisoning citizens for disseminating material deemed "offensive" to religious sensibilities. Following the January 2011 revolution, the 1959 constitution was suspended, but provisions related to fundamental rights remain in force. These provisions provide for freedom of conscience and free practice of religion when it "does not disturb public order." These provisions also stipulate that the official religion is Islam and the state seeks to "remain faithful to the teachings of Islam." Meanwhile, the National Constituent Assembly, elected in October 2011, continued to draft a new constitution. The government sought to reassert control over mosques and prevent imams from teaching "divisive" theology. Some religious minorities complained that the government took inadequate steps to protect their communities from harassment, vandalism, and intimidation, but the government continued to promote interfaith tolerance and ease restrictions on religious association.

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Salafists (fundamentalist Sunni Muslims) attacked targets they deemed "un-Islamic," setting ablaze mausoleums around the country. Salafist groups also issued death threats against individuals they accused of blasphemy and attacked artists for participating in events they deemed critical of Islam. Salafists also issued anti-Semitic messages, as did some imams during prayer sermons.

The Ambassador, embassy officials, and senior U.S. government officials met regularly with Muslim, Christian, and Jewish religious leaders throughout the year. Embassy officials met with Jewish communities from Djerba, Tunis, and Zarzis. In embassy outreach activities and official meetings, U.S. officials consistently underscored the importance of religious freedom and the rights of religious minorities.

Section I. Religious Demography

The U.S. government estimates the total population at 10.8 million (July 2013 estimate), of which 99 percent is considered Sunni Muslim. Groups that together constitute the remaining 1 percent of the population include Christians, Jews, Shia Muslims, and Bahais. Christianity is the second largest religion, with Roman Catholics comprising 88 percent of Christians. Roman Catholic officials estimate that they have fewer than 5,000 members, widely dispersed. The remaining Christian population is composed of Protestants, Russian Orthodox, French Reformists, Anglicans, Seventh-day Adventists, Greek Orthodox, and Jehovah's Witnesses. Judaism is the country's third largest religion with approximately 1,500 members. One-third of the Jewish population lives in and around the capital and the remainder lives on the island of Djerba and the neighboring town of Zarzis. A Jewish community has resided in the country for more than 2,500 years.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Although the 1959 constitution is suspended, provisions pertaining to fundamental rights, including religious freedom, remain in force. These provisions provide for freedom of conscience and free practice of religion when it "does not disturb public order." These provisions also stipulate that the official religion is Islam and the state seeks to "remain faithful to the teachings of Islam." In addition, laws and policies generally protect religious freedom. Speech that is deemed offensive to traditional religious values is prosecuted under provisions of the penal and telecommunications codes. The penal code criminalizes speech likely "to cause harm to the public order or public morals," as well as acts that undermine public morals by "intentionally disturbing other persons in a way that offends the sense of public decency." The telecommunications code criminalizes "harming others or disrupting their lives through public communication networks." Citizens retain the right to sue the government for violations of religious freedom.

The law stipulates that the government oversees Islamic prayer services by subsidizing mosques and appointing imams and paying their salaries. Following the revolution, however, the government did allow many local committees to manage the daily affairs of mosques and appoint their own imams -- practices that continue to this day, although with less frequency. The grand mufti is appointed by the president and is charged with declaring religious holidays, issuing certificates of conversion to Islam, attending to citizens' inquiries, representing the country at international religious conferences, providing opinions on school curricula, and studying and writing about Islam. The government initiates administrative and legal procedures to remove imams who authorities claim are preaching "divisive" theology. New mosques may be constructed provided they are built in accordance with national urban planning regulations. Mosques become government property upon completion, after which the government must maintain them. In a departure from previous practice, however, many mosques control their own visitor policies and remain open outside of prayer times and authorized religious ceremonies.

Codified civil law is based on the Napoleonic code, although judges often appeal to notions of sharia (Islamic law) as a basis for customary law in family and inheritance disputes. For example, codified laws grant women custody of their minor children. When fathers contest cases, however, judges have sometimes refused to grant mothers permission to leave the country with their children, maintaining that sharia appoints the father as the head of the family and the father must grant

permission for the children's travel. Despite this practice, some fathers have also been barred from taking their family abroad without the consent of the mother in cases of disputed custody.

The government allows the Jewish community to worship freely and pays the salary of the grand rabbi. It also provides some security for all synagogues and partially subsidizes some restoration and maintenance costs. Government employees, the majority of whom are Muslim, maintain the Jewish cemetery in Tunis.

The government recognizes all Christian and Jewish religious organizations established before independence in 1956. The government permits Christian churches to operate freely and formally recognizes the Roman Catholic Church through a 1964 concordat with the Holy See. In addition to authorizing 14 churches "serving all sects" in the country, the government also recognizes land grants the Bey of Tunis signed with the Catholic church in the 18th and 19th centuries. Occasionally, Roman Catholic and Protestant religious groups hold services in private residences or other locations after receiving formal government approval.

Islamic religious education is mandatory in public schools. The religious curriculum for secondary school students also includes the history of Judaism and Christianity.

The government permits the Jewish community to operate private religious schools and allows Jewish children on the island of Djerba and in Tunis to split their academic day between public schools and private religious schools. The government-run Essouani School and the Houmt Souk Secondary School are the only schools where Jewish and Muslim students study together. To accommodate the Jewish Sabbath, Muslim students attend Islamic education lessons on Saturdays while their Jewish classmates attend classes on religion at a Jewish school in Djerba. There is also a small, private Jewish school in Tunis.

Government Practices

The government continued to imprison individuals for speech it deemed blasphemous or offensive to the country's Islamic norms. The government sought to assert control over mosques and prevent imams from teaching "divisive" theology.

Jabeur Mejri, a self-described atheist who was sentenced to seven and a half years in prison for posting cartoons of a naked Prophet Muhammad online, remained in prison for blasphemy following an unsuccessful appeal. President Marzouki pledged to pardon Mejri in November, but has yet to do so.

A decree-law, from September 2011, lifted a previous ban on parties based on religious affiliation. The government accredited four explicitly religious parties. Since 2011, a total of nine Islamic parties have been established, although Nahda is the only religious party with significant popular support. The Prime Ministry rejected an application made by a party named Hezbollah Tunisia on grounds that it sought to establish a caliphate.

The government monitored, isolated, and confronted some Salafists they considered violent. In May, Islamists and security forces clashed in Kairouan after the Interior Ministry outlawed Ansar al-Sharia in Tunisia's (AAS-T) annual conference on the grounds it posed a threat to public security. AAS-T then tried to hold the conference in al-Tadamon, a suburb outside the capital Tunis, where

violence between security personnel and protestors left one person dead. The government designated AAS-T a terrorist organization in August after linking it to two political assassinations during the year.

In June, six Islamists were sentenced to five years in prison for attacking a Sufi shrine in the Manouba governorate in October 2012. Following a January 12 attack on a shrine in Sidi Bou Said, the government established a department at the National Institute of Patrimony, under authority of the Ministry of Culture, to protect historic and cultural monuments. According to the Ministry of Culture, as many as 26 shrines were vandalized during the year, but their locations in remote areas made it difficult to identify the perpetrators.

According to media reports, independent Islamist groups took control of as many as one-fifth of the country's 5,000 mosques following the 2011 revolution. The government has since retaken control of most of these. In May 2013, Minister of Religious Affairs Nourredine Khadmi cited a figure of 100 mosques outside of government control and in November lowered that figure to 40. Independent analysts, however, question the extent to which the government exercises authority over the sermons and activities of mosques it claims to control. The Ministry of Religious Affairs continued to monitor and remove imams accused of preaching "divisive" theology. For example, in September the ministry accused a Salafist activist of illegally declaring himself imam of al-Omran mosque in Monastir. A judge agreed and found Bilel Chaouachi guilty, but suspended his three-month prison sentence. In June, eight imams from Gulf states were denied entry in an effort to counteract "extremist ideology," according to local media. The government also enlisted the support of mosque congregations to ensure that the values of moderation and tolerance were upheld and to counter threats of violent extremism.

Some members of the Jewish community expressed concern about their safety, but others downplayed reports of a growing threat. In October, the Grand Rabbi of Tunisia dismissed as isolated incidents events the head of a minority rights group had described as serious anti-Semitic crimes. Members of the Association of the Jewish Community of Tunis continued to meet weekly and perform religious activities and charity work unhindered despite the government not granting its 1999 registration request. Government leaders continued to denounce acts of anti-Semitism. After Jewish graves in Sousse were desecrated in January, then-Prime Minister Hamadi Jebali expressed "deep indignation at any criminal act undermining Tunisia's cultural and historical heritage."

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses based on religious affiliation, belief, or practice. Individuals believed to be Salafists attacked targets across the country they deemed "un-Islamic." Objecting to the practice of praying at the graves of venerated Sufi scholars as idolatrous, individuals believed to be Salafists vandalized at least 26 Sufi shrines.

In March a group of 10 Salafists attacked a police station in Siliana in northwest Tunisia for providing refuge to a man they accused of blasphemy. That same month, 30 to 40 Salafists blocked the entrance to a theater and told an Italian actress there is no place for Jewish women in Tunisia, according to press reports.

After the fall of the previous regime in January 2011, many Islamic congregations ousted their imams and in some cases replaced them with Salafist imams, some of whose sermons included anti-Jewish and anti-Christian messages, including calling for the killing of non-Muslim citizens. In August the prominent Sufi cleric Sherif El-Beji claimed to have received death threats from Salafist groups because of his opposition to more strident interpretations of Islam. El-Beji has become known in some circles as "the secular imam" for his criticism of religious figures who were engaged in political matters and were supporting the Islamist Nahda party.

There were incidents of anti-Semitic speech during the year. For example, during a Salafist rally in March some participants engaged in anti-Semitic chants and calls for violence against Jews. Government officials and religious figures roundly condemned these statements. Nonviolent Salafists have complained about police profiling and what they perceive is a general suspicion on the part of many Tunisians because of their dress and long beards.

Although religious conversion was legal, there was significant societal pressure against the conversion of Muslims to other religions. Some Tunisian Christians who converted from Islam expressed concerns about threats of violence from members of their families or others.

Section IV. U.S. Government Policy

The embassy maintained frequent contact with leaders of religious groups throughout the country. The Ambassador met with leaders of the Jewish community in Djerba in March, and embassy officials continued to meet regularly with government officials and religious leaders throughout the year to reinforce the importance the U.S. government places on religious freedom and tolerance. The embassy worked with civil society organizations such as Nida Rahman and the Social Development and Empowerment Center to encourage sermons in mosques that promote mutual respect and tolerance. In addition, the embassy hosted several key speakers to engage youth, women's groups, and civil society about religious and cultural diversity in the American experience.

The embassy fostered regular exchanges that included programs designed to highlight U.S. practices of religious tolerance and pluralism. Embassy staff regularly met with Muslim, Jewish, and Christian leaders. The embassy frequently engaged younger citizens, as active participants in shaping the public policy and religious perception of their country, in discussions on how religion relates to political life.
