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2011 Report on International Religious Freedom - Tunisia

Bureau of Democracy, Human Rights, and Labor
July 30, 2012

[Covers calendar year from 1 January 2011 to 31 December 2011]

Executive Summary

The constitution and other laws and policies largely provide for religious freedom but, in practice, the government enforced some restrictions on this freedom. Nevertheless, the government took concrete steps to promote interfaith tolerance, thereby demonstrating a trend toward improvement in respect for and protection of the right to religious freedom. Moreover, restrictions on association have been greatly eased since the revolution. The 1959 constitution, which remained in force after Zine El-Abdine Ben Ali fled the country in January, stipulates that the official religion is Islam and that the state seeks to "remain faithful to the teachings of Islam." Only a Muslim man can serve as president but the constitution provides for the freedom of conscience and free practice of religion when it "does not disturb public order." The Constituent Assembly, elected in October, started the process of drafting a new constitution at year's end. The government enforced some legal and policy restrictions on religious freedom. Citizens were criminally charged with broadcasting material that "violated sacred values" and religious minorities complained that the state took inadequate steps to protect religious communities. The government did not investigate several attempted attacks and acts of vandalism of places of worship.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Muslims who converted to another religion faced social ostracism. Human rights and political party activists reported defamation campaigns against them in which they or their spouses were accused derogatorily of being Christians or Jews. There were several attempted attacks or incidents of vandalism of churches and synagogues.

The U.S. ambassador, embassy officials, and senior U.S. officials met regularly with Muslim, Christian, and Jewish religious leaders throughout the year. The ambassador hosted a delegation from the American Jewish Committee. Embassy officials met frequently with Jewish communities in Djerba, Tunis, and Zarzis. 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. In all embassy outreach activities and official meetings, the

importance of human rights, including those of religious minorities, was consistently underscored.

Section I. Religious Demography

The population is 99 percent Sunni Muslim. Groups that together constitute the remaining 1 percent of the population include Shia Muslims, Baha'is, Jews, and Christians.

Christianity is the second largest religion and about 88 percent of Christians are Roman Catholic. Catholic officials estimate fewer than 5,000 widely dispersed members; exact numbers are not available. The rest are Protestant, Russian Orthodox, French Reformist, Anglican, Seventh-day Adventist, 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. The remainder lives on the island of Djerba and the neighboring town of Zarzis, where a Jewish community has resided for over 2,500 years.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies largely provided for religious freedom but, in practice, the government enforced some restrictions on this freedom. The preamble of the 1959 constitution, which remained in force after Zine El-Abdine Ben Ali fled the country in January, stipulates that Tunisia's official religion is Islam and that the state seeks to "remain faithful to the teachings of Islam." Only a Muslim can serve as president, but the constitution provides for the freedom of conscience and free practice of religion when it "does not disturb public order." The Constituent Assembly, elected in October, had just begun the process of drafting a new constitution at year's end. Citizens have a right to sue the government for violations of religious freedom.

The government subsidized mosques and paid the salaries of imams (clerics). The Grand Mufti of the Republic, appointed by the president, remained in place after Ben Ali's departure. The 1988 Law on Mosques stipulates that only personnel appointed by the government may lead activities in mosques. In the past, mosques remained closed except during prayer times and authorized religious ceremonies, such as marriages or funerals, though after January local committees manage day-to-day affairs including opening hours and the policy on outside visitors. After the fall of President Zine al-Abidine Ben Ali in January, some imams were ousted by conservative adherents and replaced, in some cases by Salafist imams. The interim government did not interfere. Construction of new mosques is permitted as long as they are built in accordance with national urban planning regulations; however, the mosques become government property upon completion and the government is responsible for maintenance and upkeep.

Codified civil law is based on the Napoleonic code, although judges often used Sharia (Islamic law) as a basis for customary law in family and inheritance disputes. 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 permission for children's travel must be granted by the father.

The government allowed the Jewish community freedom of worship and paid the salary of the grand rabbi. It also provided security for all synagogues and partially subsidized restoration and maintenance costs for some. Government employees, the majority of whom are Muslims, maintained the Jewish cemetery in Tunis.

A new draft law on associations was presented in August and promulgated on September

24. The new draft eliminates the penal dispositions in the previous law as well as the prohibition of belonging to, or serving in an unrecognized or dissolved association, including religious associations. The registration procedure has been eased, and it is more difficult for government entities to hinder or delay the registration process. Most importantly, the Interior Ministry can no longer abolish an association without passing the case through the courts.

Previous government decrees that restricted the wearing of sectarian dress were lifted during the year. An Administrative Court has since ruled that universities can choose whether to ban the niqab (face-covering veil.) Some universities have chosen to restrict the niqab to varying degrees; some only during exams and others completely. Whether female students should be permitted to wear niqab in a public educational institution was a contentious issue that was unresolved at year's end.

The government recognizes all Christian and Jewish religious organizations that were established before independence in 1956. The government permitted Christian churches to operate freely, and formally recognized 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 recognizes land grants signed by the Bey of Tunis in the 18th and 19th centuries that allow other churches to operate. Occasionally Catholic and Protestant religious groups held services in private residences or other locations after receiving formal approval from the government.

Islamic religious education is mandatory in public schools, but the religious curriculum for secondary school students also includes the history of Judaism and Christianity. The Zeitouna Qur'anic School is 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 and in Tunis 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. In order to accommodate the Jewish Sabbath, school authorities determined that Muslim students would attend Islamic education lessons on Saturdays while their Jewish classmates would attend classes on religion at a Jewish school in Djerba. There was also a small private Jewish school in Tunis.

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

Government Practices

There were no reports of abuses of religious freedom by the government during the year.

While the government neither prohibits conversion from Islam to another religion nor requires registration of conversion, officials occasionally harassed and discriminated against converts from Islam.

The constitution does not permit the establishment of political parties based on religious principles, though previously banned parties with "Islamic references" such as Nahda were granted political party registration during the year. However, the interim government denied political party registration to groups such as Hizb Al-Tahreer, a hardline Islamist political party, finding that its platform is based on religion.

Previous restrictions on the freedom of speech and censorship of the press were lifted. Surveillance, restrictions, and harassment of Islamist activists that was previously practiced by the government also ceased during the year.

It remained illegal to proselytize among Muslims, as the government viewed such efforts

as "disturbing the public order." Authorities under the former government deported non-Muslim foreigners suspected of proselytizing and did not permit them to return. However, there were no reported cases of official action against persons suspected of proselytizing during the year.

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.

Following the January 31 arson of a Jewish site in Gabes, government officials refuted the religious nature of the attacks but condemned actions against Tunisia's Jewish community.

President Marzouki, on December 19, held meetings with Christian and Jewish leaders and publicly announced his hope that all Tunisian Jews who had emigrated would return to Tunisia.

Several statements from Nahda party officials condemned anti-Semitic attitudes and supported the idea that Jews are full citizens with "all their rights and duties."

Several historically significant mosques were partially open to tourists and other visitors for a few hours each day, several days a week. In December the government hosted a conference on interfaith dialogue.

Improvements and Positive Developments in Respect for Religious Freedom

A new draft law on associations was presented in August and promulgated on September 24. It eliminates the penal dispositions contained in the previous law as well as the prohibition on belonging to, or serving in, an unrecognized or dissolved association. The registration procedure has been eased, and it is more difficult for government entities to hinder or delay the registration process. Most importantly, the Interior Ministry can no longer abolish an association without passing the case through the courts.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses based on religious affiliation. 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.

On January 31, arsonists attacked a Jewish grave and pilgrimage site in southern Tunisia, which was widely reported in the press as an attack on a synagogue. Government officials and Jewish community leaders refuted that the nature of the attacks was religious but also condemned actions against Tunisia's Jewish community.

On February 14, a small crowd gathered in front of Tunis' synagogue and chanted anti-Semitic slogans. In response, the leader of Tunisia's Jewish community, Roger Bismuth, met with Prime Minister Mohamed Ghannouchi to discuss the incident and anti-Semitism in the country. The Interior Ministry responded by condemning incitements to violence and explicitly referenced the synagogue protests.

There were at least five instances of attacks on Christian churches and graves. In July police arrested a man for setting fire to the front door of a church near Sousse. Several months later, when police were pursuing Salafist demonstrators in downtown Tunis, Salafists entered the Christian cemetery and defaced several Russian graves. The Russian Orthodox Church, in downtown Tunis, was broken into and vandalized. Several church leaders complained that police did not conduct thorough investigations of these incidents and did not adequately protect Christian sites.

There were a few instances of discrimination against women wearing the niqab, based upon a Tunisian legal ban against the wearing of the niqab in public institutions. These incidents led to public demonstrations and, in some cases, physical confrontations. In October, after university officials enforced the ban and refused to enroll a woman wearing a niqab, hundreds of Salafist protestors stormed a university building in protest. This led to further protests and counter-protests and caused one university to be closed. The debate on whether to allow the niqab on campus continued at year's end.

Section IV. U.S. Government Policy

The embassy maintained frequent contact with leaders of religious groups throughout the country, and the ambassador and other embassy officials met regularly with government officials and religious leaders throughout the year.

The ambassador hosted an American Jewish delegation visiting the country, and embassy officials maintained regular contact with members of the Jewish community to reinforce the importance the U.S. government places on religious freedom and tolerance. The embassy hosted several key speakers to engage youth, women's groups, and civil society about mainstream views and religious and cultural diversity in the American experience.

The embassy fostered regular exchanges that included components designed to highlight U.S. traditions of religious tolerance and pluralism. Embassy staff regularly met with Muslim, Jewish, and Christian leaders. The embassy frequently 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.

On Human Rights Day and in roundtable discussions with civil society activists, embassy staff members emphasized the Universal Declaration of Human Rights' international recognition of religious freedom as a fundamental human right and an essential component for building democracy.
