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2017 Report on International Religious Freedom - Tunisia

Executive Summary

The constitution declares the country's religion to be Islam but also declares the country to be a "civil state." The constitution designates the government as the "guardian of religion" and obligates the state to disseminate the values of "moderation and tolerance." It prohibits the use of mosques and other houses of worship to advance political agendas or objectives, and guarantees freedom of belief, conscience, and exercise of religious practice. Laws require that associations and political parties respect the rule of law and basic democratic principles and prohibit them from encouraging violence, hatred, intolerance, or discrimination on the basis of religion. Local and international nongovernmental organizations (NGOs) reported that police used arrests, house searches, and travel restrictions to target Salafists and others, some of whom, according to the NGOs, were profiled as terrorists due to the perception they were radicalized based on their appearance or religious beliefs. In May a court in Tozeur sentenced two journalists – a brother and sister – to six months in prison for "insulting a public servant" after they criticized security forces for regularly raiding their home, allegedly on suspicion their sibling was affiliated with extremist religious groups. In June during Ramadan, police arrested five individuals in Bizerte, who were subsequently sentenced to one month in prison for public indecency for eating or smoking in public during the daytime. Several protests in Tunis against what the protestors described as the violation of personal freedoms followed these arrests. A court in Tunis ordered a one-month suspension of the Hizb Ettahrir political party (Liberation Party) in June, concurring with the government's determination the party had violated the law by inciting hatred and advocating the establishment of an Islamic caliphate. In September community leaders reported police detained a Bahai student without a criminal record and interrogated him at the Monastir police station for three hours before releasing him without charge; the majority of the questions related to his religious beliefs, practices, and connections in the Bahai community. In spite of continued appeals from the Bahai community, the government has not recognized the Bahai Faith or granted its association legal status. The government, however, allowed the Bahai to worship within their own homes and hold a public celebration, including ritual singing, in honor of the founder of the Bahai Faith. The government continued to allow the Jewish and Christian communities to worship within authorized houses of worship. In September the government cancelled a 1973 provision of law preventing the marriage of Muslim women to non-Muslim men. In October the government approved an application for the creation of the Tunisian Council of Secularism, an openly atheist association that has a stated mission to fight for individual rights and liberties, social justice, and peace.

Christian converts from Islam said threats of violence from members of their families and other persons reflected societal pressure against Muslims leaving the faith. Some atheists reported facing societal pressure to conceal their atheism, including by participating in Islamic religious traditions.

The Ambassador and embassy officers met with government officials, including at the Ministry of Religious Affairs (MRA); the Presidency of the Government; and the Ministry of Relations with Constitutional Bodies, Civil Society, and Human Rights (MRCB), to encourage continued tolerance of religious minorities. Officials also discussed the government's efforts to control activities in mosques, threats to converts from Islam to other faiths, and the status of the Bahai Faith in the country. Embassy officers discussed religious diversity and dialogue with leaders of the Muslim, Christian, Jewish, and Bahai communities. In May the Ambassador and other embassy officers participated in the Lag B'Omer Pilgrimage to the El-Ghriba Synagogue on the island of Djerba, where they discussed religious pluralism and the safety of the Jewish community with Jewish leaders and civil society. Embassy officials attended an October seminar organized by the MRA in conjunction with Muslim, Christian, and Jewish leaders to discuss the importance of religious tolerance and coexistence to the country's democracy and efforts to counter violent extremism. On October 28, the Ambassador attended the public celebration of the 200th^t anniversary of the birth of the Bahai Faith's messenger, the Baha'u'llah.

Section I. Religious Demography

The U.S. government estimates the total population at 11.4 million (July 2017 estimate), of which approximately 99 percent is Sunni Muslim. Christians, Jews, Shia Muslims, Bahais, and nonbelievers constitute less than 1 percent of the population. Roman Catholics comprise approximately 88 percent of Christians, according to NGOs. Catholic officials estimate membership at fewer than 5,000, widely dispersed throughout the country. The remaining Christian population is composed of Protestants, Russian Orthodox, French Reformists, Anglicans, Seventh-day Adventists, Greek Orthodox, and Jehovah's Witnesses. The Jewish community numbers approximately 1,400, according to the MRA. 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. There is a small Bahai community, but no reliable information on its numbers is available.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution declares Islam is the country's religion, but also declares the country to be a "civil state." The constitution designates the government as the "guardian of religion" and requires the president to be Muslim. The constitution guarantees freedom of belief, conscience, and exercise of religious practices. The constitution also states

that mosques and houses of worship should be free from “partisan instrumentalization.” It obligates the state to disseminate the values of moderation and tolerance, protect holy sites, and prevent *takfir* (Muslim accusations of apostasy against other Muslims). The constitution lists reasons for potential restrictions on the rights and freedoms it guarantees, including protecting the rights of others, requirements of national defense, and public order, morality, or health.

The penal code criminalizes speech likely “to cause harm to the public order or morality,” as well as acts undermining public morals in a way that “intentionally violates modesty.”

Religious groups may form and register associations under the law to establish a bank account and conduct financial activities such as charity work and receive favorable tax treatment, including tax-free donations from government-approved associations, provided the association does not purport to represent all believers of a religious group, or use the name of a religious group. To establish an association, a religious group must submit to the Prime Minister’s Office a registered letter providing the purposes of the association; copies of the national identity cards of its founders, who must be citizens; and two copies of the articles of association signed by the association’s founders or their representatives. The articles of association must contain the official name of the association in Arabic and any foreign language, if appropriate; its address; a statement of its objectives; membership criteria; membership fees; and a statement of organizational structure, including identification of the decision-making body for the association. The law requires that associations and political parties respect the rule of law and basic democratic principles. The law prohibits associations from engaging in for-profit activities, providing material support for individual political candidates, or adopting bylaws or taking actions to incite violence or promote hatred, fanaticism, or discrimination on the basis of religion. Once established, such an association may receive tax-exempt income from organizations, including foreign organizations that have a prior agreement with the government.

Once the association receives the return receipt from the prime minister, it has seven days to submit an announcement of the name, purpose, and objectives of the association to the government press. The government press has 15 days to publish the announcement in the government gazette, which marks the association’s official registration. In the event the government does not return a registered receipt within 30 days, an association may proceed to submit its documents for publication and obtain registration. A foreign association may establish a branch in the country, but the government may also reject its registration request if the government finds the principles or objectives of the foreign association contravene the law.

Violations of the provisions of the law related to associations are punishable first by a warning of up to 30 days from the secretary general of the government, then by a court order suspending the association’s activities for up to 30 days if the violations persist. If

the association is still in violation of the law, the secretary general may then appeal to the court for dissolution of the association. Under the law, associations have the right to appeal court decisions.

Registered associations have the right to organize meetings and demonstrations, to publish reports and leaflets, to own real estate, and to engage in “all types of civil activities.”

A 1964 modus vivendi with the Holy See grants official recognition to the Roman Catholic Church. This concordat allows the Church to function in the country and provides state recognition of the Catholic Church, although it restricts religious activities and services to the physical confines of authorized churches, and prohibits construction of new churches and the ringing of church bells. A limited number of Catholic schools and charities may operate under the concordat, but their financial activities are conducted through registration as an association and their affiliation with the Church is not publicized.

The law states the government oversees Islamic prayer services by subsidizing mosques, appointing imams, and paying their salaries. The grand mufti, appointed by the president, 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 MRA suggests themes for Friday prayers, but does not regulate their content. The government may initiate administrative and legal procedures to remove imams whom authorities determine to be preaching “divisive” theology.

By law, new mosques may be constructed provided they are built in accordance with national urban planning regulations. The MRA pays for construction of mosques, although private and foreign donors also are able to contribute to the cost of construction. Mosques become government property upon completion, after which the government must maintain them.

It is mandatory for students in public schools to attend courses on Islam approximately one hour per week. The curriculum for secondary school students also includes references to the history of Judaism and Christianity, according to the Ministry of Education. Religious groups may operate private schools.

Provisions of law addressing marriage, divorce, and other personal status issues are largely based on principles of civil law, combined with elements of sharia. Laws of inheritance are principally based on requirements in sharia, but there are some provisions that allow for exceptions as outlined in the Code of Personal Status.

The law does not list religion as a prohibited basis for political parties, but prohibits political parties from using religion to call for violence or discrimination.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

Amnesty International released a report in February that said police used arrests, house searches, and travel restrictions to target individuals they perceived as radicalized due to their appearance or religious beliefs.

On May 10, a court in Tozeur sentenced two journalists – a brother and sister – to six months in prison for “insulting public servants during the performance of their duties,” after the brother and sister criticized security forces for regularly raiding their home, allegedly on suspicion that their sibling was affiliated with extremist religious groups.

According to media reports, in April authorities in Nabeul shut down a nightclub and detained its owner after videos appeared in social media of a British DJ playing a remix of the Islamic call to prayer at the club. A court sentenced the DJ to one year in prison for public indecency and offending public morality, although he had already left the country by the time of the sentence. He reportedly deleted his Facebook account after receiving death threats.

On June 1, during Ramadan, police arrested four individuals in Bizerte for public indecency for eating in public during daytime, and a court subsequently sentenced them to one month in prison. The same court in Bizerte issued the same sentence to an individual who was arrested for smoking in public during Ramadan. Following these arrests, there were several protests in Tunis against what the protestors described as the violation of personal freedoms. While the Tunis governor stated publicly on May 29 there was no campaign to close cafes during Ramadan, and the minister of interior reiterated this during his June 2 public condemnation of the court’s decision to jail the four men, media reported sporadic harassment of restaurant and cafe owners, and individuals eating in public during daylight hours.

On September 15, community leaders reported police detained a 20-year-old Bahai student without a criminal record and interrogated him at the Monastir police station for three hours, with the majority of the questions related to his religious beliefs, practices, and connections in the Bahai community. The youth was released without charge. Bahai community leaders stated this case represented the lack of government acceptance of their faith.

The court of first instance of Tunis announced on June 6 a one-month suspension of Hizb Ettahrir Party activities for violating the law requiring associations and political parties to respect the rule of law and basic democratic principles, and prohibiting them from encouraging violence, hatred, intolerance, or discrimination on the basis of religion. Hizb Ettahrir’s platform includes the establishment of an Islamic caliphate that, according to media reports, would impose its religious beliefs on other citizens in

contravention of the protections of religious freedom established in and provided by the constitution. The court concurred with the claim submitted by the office in charge of political parties and associations that the party had incited hatred and advocated the establishment of an Islamic state. The party resumed its activities following the one-month suspension. This followed a number of earlier cases against the party, including warnings that it violated the law. The party is banned in a number of other countries in the region, but successfully challenged a previous attempt by the government to ban it. At that time, the party released a statement saying the government would “soon have its hands and heads cut (off).” The party maintained a limited following, with no elected office holders or representation in parliament.

Members of the Bahai Faith cited several instances of restrictions on their ability to practice their faith. In spite of appeals to the government to grant them approval to establish an official association, most recently in 2014, the Prime Minister’s Office twice denied their application. Members of the Bahai Faith noted it was not possible for their community to establish houses of worship or conduct some religious activities while they lacked official recognition. Early in the year, the Bahai community submitted a formal request to the Ministry of Interior for permission for a dedicated cemetery to bury their dead. Without a dedicated cemetery, the Bahais have had to hide their religious affiliation to use cemeteries reserved for adherents of other, recognized faiths. As of the end of the year the ministry had not responded to the Bahai community’s request.

In October Bahais submitted a new request to the government (including the Prime Minister’s and President’s Offices) to recognize the Bahai Faith. Although the government did not officially respond to their request, members of the community noted increased government interest in learning about the Bahai Faith, and they said several constructive dialogues with government officials transpired since the submission of their request and the two public events the community hosted in October. In a November meeting, members of the Bahai Faith provided information about the faith to the Individual Freedoms and Equality Committee, an independent committee tasked by President Beji Caid Essebsi to provide recommendations on changes to existing laws and suggestions for new laws to ensure the country’s legislation protects individual freedoms and human rights.

Salafists said police profiled them on suspicion of terrorism under the continued state of emergency because of their dress and long beards, which they said they wore to emulate the Prophet Muhammad. Since 2014 more than 500 individuals filed complaints with the Tunisian Observatory for Rights and Freedoms, saying the government prevented them from traveling due to suspicion of extremism, and in some cases apparently based on their religious attire. The media also reported police and security forces harassed some women who wore the *niqab*.

The government publicly urged imams to disseminate messages of moderation and tolerance to counter what it said were threats of violent extremism. On March 20, the MRA launched a public campaign titled “Tomorrow Is Better” to fight extremism and

promote tolerance. During the ministry's press conference, then minister Mohamed Khalil urged imams and religious preachers to promote peace and tolerance as representative of true Islamic values. On October 26, during a seminar organized by the ministry on religious tolerance and coexistence, his successor Minister Ahmed Adhoum emphasized that peace and religious tolerance were essential to countering terrorism. According to several local mosque committees in charge of mosque operations and chosen by congregation members, the government generally allowed the committees to manage the daily affairs of their mosques and choose their own imams, with the exception of imams for Friday prayers, who were selected exclusively by the MRA. Regional MRA representatives within each governorate had to vet, approve, and appoint both the committees and the imams. According to an official from the MRA, the government standardized and enforced mosque opening and closing times, except for certain mosques with cultural or historical significance and very small community mosques.

On December 12, the MRA officially launched its “Hand in Hand” initiative managed by the Center for the Study of Islam and Democracy and funded with support by the Canadian government. The initiative began in mid-year with a series of training sessions for imams and other religious figures that focused on strategies for youth engagement and on the promotion of democratic values through dialogues on religion in an effort to counter extremism and terrorism.

Members of the Christian community reported the government allowed churches to operate freely in addition to providing security. The government, however, restricted public religious services or processions outside the churches.

Church members reported several instances of harassment, including prolonged questioning of a Christian during a routine renewal of a passport.

Some Christians reported undergoing mandatory civil procedures for marriage, divorce, and inheritance that contained elements of Islamic practice and thus were not applicable to their faith.

On September 14, the government cancelled a provision of law from 1973 that had prevented the marriage of Muslim women to non-Muslim men unless they presented proof of conversion to Islam. Until then, non-Muslim men – almost exclusively foreigners – who wished to marry Muslim women had to convert to Islam and submit a certificate of their conversion.

Jewish groups said they continued to worship freely, and the government continued to pay the salary of the grand rabbi. The government continued to provide security for synagogues and partially subsidized restoration and maintenance costs. Government employees maintained the Jewish cemetery in Tunis.

Authorities provided a heightened level of security for the annual festival held at the El-Ghriba Synagogue in Djerba in May, including security cameras and personnel around the synagogue.

In accordance with government permits, the Jewish community operated private religious schools, and Jewish children were allowed to split their academic day between public schools and private religious schools or attend either school fulltime. The government-run Essouani School and the Houmt Souk Secondary School in Djerba remained the only public schools where Jewish and Muslim students studied together, primarily because of the small size and geographic concentration of the Jewish community. At these schools, Muslim students attended Islamic education lessons on Saturdays while their Jewish classmates could choose to attend classes on religion at a Jewish school in Djerba.

In October the government approved an application for the creation of the Tunisian Council of Secularism, an openly atheist association with a stated mission to fight for individual rights and liberties, social justice, and peace.

Section III. Status of Societal Respect for Religious Freedom

In December the Tunisian National Library, in cooperation with the Laboratory for Tunisian Cultural Heritage at the University of Manouba, organized an exhibition on the lessons of Nazi propaganda and reducing susceptibility to extremist messaging. The exhibition was linked to the commemoration of the round-up of Tunisian Jews under the Nazi occupation during World War II. According to media reports, the timing of the December opening of the exhibition was changed after a small number of primarily university staff staged a demonstration to denounce the exhibition launching at their university. During the ensuing demonstration, the protesting staff members shouted “Free Palestine, out with the Zionists,” and exploited the media presence to express their personal beliefs denying the Holocaust. The incident was not covered by local media and, following its opening in Tunis, the organizers of the exhibit continued a planned tour of the country where the exhibit and the accompanying educational programming and workshops for teachers were hosted by schools and cultural centers.

According to media reports, some atheists reported receiving family and societal pressure to return to Islam or conceal their atheism, including, for instance, by participating in fasting during Ramadan and abstaining from discussing religion and criticizing Islam. Converts to Christianity reported strong family and societal rejection and some of them were reportedly beaten and forced to leave their homes on account of their beliefs.

In October the Bahai Faith community hosted for the first time two public events in Tunis, including a celebration of the 200th birthday of Baha’u’llah, which were attended by journalists, leaders of local human rights groups, religious leaders of different faiths, and some government officials and parliamentarians.

Section IV. U.S. Government Policy and Engagement

Embassy officials continued to meet regularly with government officials including in the MRA, the Presidency of the Government, and the MRCB to discuss issues concerning religious minorities. Conversations also focused on government efforts to control activities in mosques and on threats to Muslims who had converted to other faiths. On May 14-15, a delegation from the embassy including the Ambassador participated in the Lag B’Omer Pilgrimage to the El-Ghriba synagogue on the island of Djerba. During the visit, the delegation met with Jewish leaders and members of civil society and reaffirmed support for religious diversity and tolerance. Embassy officials attended the October 26 seminar organized by the MRA in conjunction with Muslim, Christian, and Jewish leaders to discuss the importance of religious tolerance and coexistence to the country’s democracy and efforts to counter violent extremism. On October 28, the Ambassador attended the public celebration of the 200th anniversary of the birth of the Bahai Faith’s messenger, the Baha’u’llah.

The embassy maintained frequent contact with leaders of religious groups throughout the country to discuss the impact of the security situation on religious groups and the freedom of religious minorities to worship without restrictions from the government or threats from the community. The embassy hosted several U.S.-based speakers to engage youth, women’s groups, and civil society representatives in discussions that promoted respect for religious differences. The embassy fostered programs designed to highlight religious tolerance and counter violent extremism, including informal conversation groups led by youth to discuss issues of religious tolerance and alternatives to violence; a program working with Tunisian scouts to learn how to recognize and combat signs of radicalization; and several research programs aimed at identifying and countering radicalization and violent extremism, especially in youth.

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