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2018 Report on International Religious Freedom: Tunisia

Executive Summary

The constitution declares the country's religion to be Islam. The constitution 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 based on their appearance or religious beliefs. According to an October report by Amnesty International (AI), the government imposed restrictions on both travel within the country and abroad “on the basis of perceived religious beliefs or practices ...” One Christian citizen said he was detained and later released by police after displaying books pertaining to Christian theology at a book fair. The newly-elected mayor of Tunis suburb El Kram, citing constitutional provisions identifying Islam as the state religion, told media his municipality would not validate marriages between a Muslim woman and a non-Muslim man, as required following the 2017 repeal of the 1973 ban on such marriages. Then Minister of Local Affairs Riadh Mouakher said he would sanction the mayor if he failed to uphold the law. Civil society groups reported anecdotal evidence this was not the only mayor to refuse to sign marriage contracts between Muslim women and non-Muslim men or between two Christian citizens. In spite of continued appeals from the Baha'i community, the government did not recognize the Baha'i Faith or grant its association legal status. In August the Baha'i community received information that a court had denied the community's court case pertaining to its petition to be a registered association; the Baha'is planned to appeal the court's decision. Christian citizens stated the government did not fully recognize their rights, particularly as they pertain to the establishment of a legal entity or association that would grant them the ability to establish an Arabic-language church or a cemetery. Unlike the Baha'is, however, the country's local Christian community did not submit a formal request for an association or legal status. On June 12, the presidentially-appointed Committee on Individual Freedoms and Equality recommended changes to the law that included inheritance equality between genders with the option to follow

Islamic principles favoring male heirs; equality among men and women in marriage and parenting; cancellation of government circulars that continued to be used to justify closing cafes during Ramadan; and a prohibition on the degradation of another's religion, including criminalization of “all contempt of others' religions with the aim to incite violence and hatred.” On November 28, President Beji Caïd Essebsi submitted a draft law to parliament revising the 1956 Personal Status Code to allow inheritance equality, but leaving the option for families to follow Islamic principles favoring male heirs if they choose.

The Association of Free Thinkers, which was established in 2017 to promote secularism in the country, organized a demonstration in late May in downtown Tunis demanding the right to drink and eat in public spaces during Ramadan periods of fasting. The demonstration took place without incident. Two men, however, had earlier attacked the president of the association, Hatem Limam, outside a Tunis bar in late February, and three individuals attacked Limam in his Tunis office on June 2. On January 10, during country-wide protests of social conditions, attackers threw Molotov cocktails at two synagogues in Djerba in an apparent attempt to set fire to the buildings. Police and the fire department responded to put out the fires before significant damage was done. Christian converts from Islam said threats 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 at the Ministry of Religious Affairs (MRA), the Presidency, and the Ministry of Relations with Constitutional Bodies, Civil Society, and Human Rights (MRCB) and encouraged continued tolerance of religious minorities. Embassy 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 Baha'i Faith in the country. Embassy officers discussed religious diversity and dialogue with leaders of the Muslim, Christian, Jewish, and Baha'i 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 a January 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 religiously-motivated violent extremism.

Section I. Religious Demography

The U.S. government estimates the total population at 11.5 million (July 2018 estimate), of which approximately 99 percent is Sunni Muslim. Christians, Jews, Shia Muslims, Baha'is, and nonbelievers constitute less than 1 percent of the population. There are approximately 7,000 Christians who are citizens, according to the Christian community, most of whom are Anglicans or other Protestants. The MRA estimates there are approximately 30,000 Christians residing in the country, most of whom are foreigners, and of whom 80 percent are Roman Catholic. Catholic officials estimate their church

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 in the neighboring town of Zarzis. There is a small Baha'i 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 the constitution 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 law requires that all religious services be celebrated within houses of worship or other nonpublic settings. These restrictions extend to public advertisement of religious services. 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.”

There is no legal prohibition of proselytism, but the law criminalizes forced conversions.

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 a registered letter to the Prime Minister's Office stating 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 to 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’s Office, 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. The 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 sermons 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 construction costs. 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 the principles of Islam approximately one hour per week. Non-Muslim students generally attended these courses but could seek an exemption. 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

According to an October report by Amnesty International (AI), “They Never Tell Me Why,” the government imposed restrictions on domestic travel or bans on travelling abroad for some of its citizens, due to security concerns. According to the AI report, in some cases, “authorities appear to have targeted individuals ... on the basis of their perceived religious beliefs or practices, physical appearance, such as having a beard and wearing religious clothing....” The media also reported police and security forces harassed some women who wore the *niqab*.

The 1964 *modus vivendi* with the Holy See effectively limits the Catholic Church’s interactions with citizens, and Christian citizens said there was strong governmental and societal pressure not to advertise publicly about the Church’s activities or theology. One Christian citizen reported police detained him for displaying books pertaining to Christian theology at a book fair. He was released without charge, but authorities cited Article 1 of the constitution, which states that the country’s religion is Islam, as the justification for shutting down his book stall.

Fathi Laayouni, the mayor of Tunis suburb El Kram, sparked a debate when he told media on August 16 that his municipality would not validate marriages between a Muslim woman and a non-Muslim man, as required following the September 2017 repeal of the 1973 ban on such marriages. In justifying his position, Laayouni cited Articles 1 and 6 of the constitution stipulating that the state religion is Islam and that the government is the guardian of religion. His statement received a strong rebuke from then Minister of Local Affairs Riadh Mouakher, who promised “sanctions” against Laayouni, adding the mayor had an obligation to uphold the law. Civil society groups

reported anecdotal evidence that Laayouni was not the only mayor to refuse performing marriage services between Muslims and non-Muslims. Anecdotal evidence provided by members of the Christian community suggested that some mayors' offices refused to marry two Christian citizens.

In August the Baha'i community received information through its lawyer that the First Instance Court of Tunis had denied the community's court case pertaining to its petition to be a registered association. As of December the court had not provided a written judgement outlining the legal grounds for its refusal; the Baha'is stated they planned to appeal the court's decision. Baha'is also stated it was not possible to establish houses of worship or conduct some religious activities while they lacked official recognition. In early 2017, the Baha'i community submitted a formal request to the Ministry of Interior for permission for a dedicated cemetery. Without a dedicated cemetery, Baha'is 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 Baha'i community's request.

Members of the Baha'i community said there was increased government interest in learning about the Baha'i Faith. They expressed concern, however, about discrimination by individual security force personnel. During the year they said that police officers in different cities interrogated members of the community about their religious practices and beliefs in the course of routine security checks. Although the individuals were all released from police custody without charge, community members said they believed the individuals faced increased and undue scrutiny due to their faith.

The government publicly urged imams to disseminate messages of moderation and tolerance to counter what it said were threats of violent extremism. Since 2015, the MRA has conducted regular training sessions for imams on how to disseminate these messages. 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. In the run-up to May 6 municipal council elections, in keeping with national law, the Ministry of Local Affairs issued a public statement stating it had reminded imams and other religious leaders not to make political statements inside of mosques prior to the elections.

Members of the Christian community reported the government allowed churches to operate freely and provided security for their services. The government, however, restricted public religious services or processions outside the churches. Christian citizens reported the government did not fully recognize their rights, particularly regarding the establishment of a legal entity or association that would grant them the ability to establish an Arabic-language church or a cemetery for Christian citizens. The local Christian community did not submit a formal request for an association or legal

status during the year. There are existing Christian cemeteries for foreign members of the Christian community; Christian citizens, however, need permission from the government to be buried in a Christian cemetery. Citizens reported they generally did not request this permission due what they said was a pattern of governmental nonresponse. Church leaders stated that while there did not appear to be organized discrimination against Christians, there were also few protections. If an individual police officer or administrative official treated a member of the Christian community poorly, church leaders said authorities were slow to investigate these abuses or to provide redress in cases of wrongdoing.

Jewish groups said they continued to worship freely, and the government continued to provide security for synagogues and partially subsidized restoration and maintenance costs. Government employees maintained the Jewish cemetery in Tunis, but did not maintain those located in other cities, including Sousse and El Kef.

The Tunisian Association for the Support of Minorities issued a statement on August 18, condemning the refusal by the management of El Mornaguia prison in Mornaguia, southwest of Tunis, to apply an authorization granted by an investigating judge for a Jewish prisoner to receive kosher meals. According to members of the Jewish community, however, once the prison was made aware of the prisoner's family's request to bring kosher meals more frequently than the three days normally allowed by the prison to accept meals from family members, the prison accommodated this request.

Minister of Religious Affairs Ahmed Adhoum hosted two conferences on religious tolerance and coexistence, the first in Tabarka on January 30-February 1 and the second held in connection with the Lag B'Omer Pilgrimage in Djerba May 3-4. During the conferences, Adhoum, the minister of tourism, and the minister of cultural affairs emphasized that peace and religious tolerance were essential to countering terrorism. On May 31, then Minister for Human Rights, Constitutional Bodies, and Civil Society Mehdi Ben Gharbia hosted an interfaith iftar with the grand mufti, grand rabbi, and archbishop of the Roman Catholic Church.

On June 12, the presidentially-appointed Committee on Individual Freedoms and Equality published a report that presented a series of recommended changes to the country's laws that would align them with the 2014 constitution and international human rights laws and treaties to which the country is a signatory. The committee's recommendations included decriminalization of homosexuality; allowing inheritance equality between genders; equality between men and women in marriage and parenting; cancellation of government circulars that continue to be used to justify closing cafes during Ramadan; and a prohibition on the degradation of another's religion, including a criminalization of “all contempt of others' religions with the aim to incite violence and hatred.” In addition, the report stated that discrimination in all of its forms violated existing provisions of the constitution and international laws. The report recommended changes to legislation to prohibit discrimination based on religion and belief. Legislation based on the report's recommendations was introduced in parliament in October and remained pending at the end of the year.

On August 13, in his annual Tunisian Women’s Day address, President Caid Essebsi announced plans to present a draft law to parliament revising the 1956 Personal Status Code to allow inheritance equality, but leaving the option for families to follow Islamic principles favoring male heirs if they chose. During his speech, he said there was a moral and legal imperative to work for this change using an approach that is based on the country’s constitution, not religious texts.

During an April 9-19 visit, UN Special Rapporteur on Freedom of Religion or Belief Ahmed Shaheed examined the extent to which the right to freedom of thought, conscience, and religion and belief was being respected, protected, and promoted. In his preliminary findings, he concluded the government had a strong commitment to equality and freedom of religion or belief but identified several legal provisions, legislative gaps, and deficits in the rule of law that could undermine the protection of religion or belief, such as the use of public morality laws to enforce religious tenets.

Authorities again provided a heightened level of security for the annual Lag B’Omer 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 type of school full-time. 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.

Section III. Status of Societal Respect for Religious Freedom

On May 23, the Association of Free Thinkers, which was established in 2017 to promote secularism in the country, organized a demonstration in downtown Tunis demanding the right to drink and eat in public spaces during Ramadan periods of fasting. The demonstration took place without incident. In late February a member of the Free Thinkers reported on Facebook that two men stabbed and assaulted association president Hatem Limam in Tunis. Limam reported to media a second attack on June 2 in which three individuals physically assaulted him after forcing their way into his office in. Limam filed a complaint at the local police station following the second attack, and police arrested three men and charged one. According to a March press report, the Free Thinker who reported the February attack stated members of the association had been previously attacked and that he had received death threats. The Italian wire service ANSA reported on October 30 that some members of the Free Thinkers were threatened and attacked by Islamic extremists.

On January 10, unknown individuals threw Molotov cocktails at two synagogues in Djerba in an apparent attempt to set fire to the buildings. Police and the fire department responded before significant damage was done. Members of the Jewish community said the perpetrators were known to them and the individuals were subsequently arrested. They were released from prison after having served a sentence of several months. Some Jewish community leaders in Djerba said they considered the attack to be the work of opportunists taking advantage of violent riots, including other arson attacks around the country, over economic conditions. According to a report by the German network *Deutsche Welle*, others in the Jewish community attributed the attack to criminals acting on the orders of a radical extremist movement. Some media reported that leading up to the Lag B’Omer pilgrimage, calls for inciting violence against Jews in Tunisia were published on social media networks. One post reportedly included: “We must drive the Jews out of Tunisia and set fire to the synagogue in Djerba.”

Simon Slama, the only Jewish candidate for office in the May municipal elections, was on the electoral list for the Nahda Party in the Monastir Governorate, although he ultimately was not elected to the municipal council. On September 7, the municipality of Sousse named three of its streets after Jewish citizens in order to honor their work within the city. Social media commentators praised the city’s recognition of the contributions made by the country’s Jewish community. On November 5, Prime Minister Yousef Chahed appointed Rene Trebelsi as Minister of Tourism during a partial government reshuffle, making him the third Jewish minister in the country’s history (after two others in 1955 and 1957). Parliament confirmed the appointment on November 12.

According to media reports, some atheists reported receiving family and societal pressure to return to Islam or conceal their atheism, including, for instance, by fasting during Ramadan and abstaining from criticizing Islam. Some 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. Some members of the Christian community said that citizens who attended church services faced pressure from family members and others in their neighborhood not to attend.

Section IV. U.S. Government Policy and Engagement

Embassy officials continued to meet regularly with government officials, including in the MRA, the Presidency, and the MRCB to discuss issues concerning religious freedom. Conversations also focused on government efforts to control activities in mosques, the difficulties facing citizens of the Baha’i Faith and Christian citizens, reports of anti-Semitic acts, legislative reform, and threats to converts from Islam to other faiths. Embassy officials attended and spoke at the January conference hosted by the MRA on the subject of interfaith coexistence. On May 1-4, 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.

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. Through a microscholarship program, the embassy engaged with youth in discussions on religious diversity and tolerance. The embassy hosted a former participant of a U.S. exchange program to engage youth, women’s groups, and civil society representatives in discussions about her experience researching televangelism in the United States. The embassy supported programs designed to highlight religious tolerance and to counter violent extremism, including informal youth-led conversation groups to discuss issues of religious tolerance and alternatives to violence; a program working with scout troops to learn how to recognize and combat signs of religious radicalization; and several research programs aimed at identifying and countering religious radicalization and violent extremism, especially in youth.

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