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Tunisia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

July-December, 2010 International Religious Freedom Report

Report

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The constitution and other laws and policies protect the freedom to practice one's religious rites 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.

The government generally enforced legal and policy restrictions on religious freedom. 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 and restricted the wearing of "sectarian dress" for both men and women. Domestic and international human rights organizations reported instances of police harassment of women wearing the hijab (women's headscarf) and men with traditional Islamic dress and beards.

There were reports of societal abuses based on religious affiliation. 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, U.S. embassy staff often raised the Universal Declaration of Human Rights as an essential component to democracy building. The ambassador hosted a delegation from the American Jewish Committee, an international Jewish advocacy organization that works to safeguard and strengthen Jews and Jewish life worldwide. 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 10.6 million. The population is 98 percent Muslim and overwhelmingly Sunni. Groups that constitute less than 2 percent of the population include Shia Muslims, Bahais, Jews, and Christians.

Christianity is the country's second largest religion with approximately 25,000 widely dispersed members, 88 percent of whom are Roman Catholic. The remaining 12 percent 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 1,600 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 the Jewish community has resided for over 2,500 years.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Please refer to Appendix C in the *Country Reports on Human Rights Practices* for the status of the government's acceptance of international legal standards <http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution and other laws and policies protect the freedom to practice one's religious rites 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. Citizens have a right to sue the government for violations of religious freedom.

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, reportedly using bureaucratic means such as denial of institutional promotions to discourage conversion.

The government regarded the Bahai faith as a heretical sect of Islam but permitted its adherents to practice their faith and hold national council meetings privately. Since 2004 three Local Spiritual Assemblies -- the local governing bodies of the Bahai faith -- have been elected.

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 become 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 forbids domestic marriages between a Muslim woman and a non-Muslim man, unless the man converts to Islam or the marriage is performed abroad. On occasion, the government did not recognize the legality of such marriages, forcing the couple to seek a court ruling to legitimize the marriage. Cases are decided arbitrarily, particularly when the family in Tunisia contests the foreign marriage. In some family cases, courts applied an Islamic law based interpretation of civil law. 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.

Civil law is 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 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.

Both religious and nonreligious nongovernmental organizations (NGOs) were subject to the same legal and administrative regulations that imposed 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 submit lists of all meeting participants to the Ministry of Interior. Organizations were subject to government surveillance and infiltration into their membership. The government allowed a small number of foreign religious charitable NGOs to operate and provide social services.

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

Government decrees restricted the growing of beards and the wearing of sectarian dress, such as the hijab (women's headscarf) and the qamis (men's knee-length shirt) in government offices, on public streets, and at certain public gatherings.

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 receiving formal approval from the government.

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.

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.

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 Jewish students, who considered Saturday to be holy, 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.

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 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.

The constitution does not permit the establishment of political parties based on religion, and the government continued to ban the Islamist movement En-Nahdha. The government maintained tight surveillance over Islamists and did not issue passports to some alleged Islamists. Police regularly summoned suspected Islamists to police stations to update their individual locator information cards. These cards are regularly updated and register locator information of all suspected Islamists including home addresses, travel information, and addresses of family dwellings. The government 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.

Restrictions on Religious Freedom

The government generally enforced legal and policy 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, and 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.

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 September 15 an independent news outlet reported that the administration of several local schools in the southern governorate of Monastir denied access to school grounds to more than 60 female students because the students wore hijabs. According to the same news station, at the Fatotouma Bourguiba high school, the principal allegedly instructed one of his staff to forcefully remove the hijab from a female student. Several students, in solidarity with the female student, protested the principal's actions. There were no reports of ensuing legal or disciplinary action against the principal or the students.

Abuses of Religious Freedom

There were reports of abuses of religious freedom in the country, including religious detainees.

Throughout 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 November 2, police officers in Menzel Bourguiba, a city in the northern governorate of Bizerte, arrested a group of four young men who regularly prayed at the local mosque. Human rights lawyers stated that the four men were detained, taken to an unknown destination, and released several days later.

According to allegations of some human rights groups and defense lawyers, on September 3, the government detained 17-year-old Ali Ben Abdelkader Jerradi for more than two hours. Jerradi was on his way to the mosque for Friday prayers. Defense lawyers reported Jerradi, while in detention, was verbally and physically assaulted for his strong religious convictions and regularly wearing a qamis. Jerradi was subsequently released after the police filed a locator information card on Jerradi.

On August 8 the government cancelled a highly anticipated religious procession of the Madonna of Trapani, organized by the Roman Catholic diocese in Tunis. The procession, which would have been the first of its kind in 40 years, was scheduled to mark the close of a three-day government-sponsored conference on interfaith dialogue. The government informed the Catholic diocese of the cancellation the day of the planned procession, stating as cause the organizers' failure to seek appropriate official approval.

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, from August 6-8, the government sponsored a three-day conference on interfaith dialogue. The conference focused on Tunisia's history as a land of "religious and cultural pilgrimages" and was attended by representatives of Tunisia's three monotheistic religions.

Section III. Status of Societal Action Affecting Enjoyment of 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.

Some cartoons, particularly following the Gaza flotilla incident, 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 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. In addition the embassy's Information Resource Center distributed documentary programs on diverse religious communities and their peaceful co-existence in the United States to students, women, embassy contacts, civil society, and other interested visitors.

The embassy fostered regular exchanges that included components designed to highlight U.S. traditions of religious tolerance and pluralism. The embassy held roundtable discussions with alumni of student exchange programs to discuss their cultural and religious experiences while living on U.S. university campuses. 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.

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.

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