



## Tunisia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### **International Religious Freedom Report 2009**

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The Constitution provides for freedom of religion and the freedom to practice the rites of one's religion 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 a Muslim.

There was no change in the status of respect for religious freedom by the Government during the reporting period. The Government prohibits efforts to proselytize Muslims; it also restricts the wearing of "sectarian dress," including the hijab (Islamic headscarf). Domestic and international human rights organizations reported instances of police harassment of women wearing the hijab and men with traditional Islamic dress and beards. The Government sponsored a number of conferences to promote religious tolerance during the reporting period.

Muslims who converted faced social ostracism. Middle and upper class secularists discouraged women from wearing the hijab. The press published some cartoons depicting derogatory caricatures of Jews to criticize Israel.

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights.

#### Section I. Religious Demography

The country has an area of 63,170 square miles and a population of 10.5 million. The population is 99 percent Muslim and overwhelmingly Sunni. Groups that constitute less than 1 percent of the population include Shi'a Muslims, an indigenous "Maraboutic" Muslim community that belongs to spiritual brotherhoods known as "turuq," Baha'is, Jews, and Christians.

The Christian community, composed of foreign residents and a small group of native-born citizens of European or Arab descent, numbers approximately 25,000 and is dispersed throughout the country. There are an estimated 20,000 Roman Catholics, 500 of whom regularly practice. The Catholic Church operates 12 churches, nine schools, several libraries, and two clinics. There are approximately 2,000 practicing Protestant Christians, including a few hundred citizens who have converted to Christianity. The Russian Orthodox Church has approximately 100 practicing members and maintains churches in Tunis and Bizerte. The French Reform Church maintains a church in Tunis, with a congregation estimated at 140 primarily foreign members. The Anglican Church has a church in Tunis with several hundred predominantly foreign members. There are approximately 50 Seventh-day Adventists. The Greek Orthodox Church has an estimated 30 members and maintains three churches (in Tunis, Sousse, and Djerba). There are also approximately 50 Jehovah's Witnesses, of whom half are foreign residents and half are native-born citizens.

Judaism is the country's third largest religion with 1,500 members. One-third of the Jewish population lives in and around the capital. The remainder lives on the island of Djerba, where the Jewish community dates back 2,500 years.

## Section II. Status of Government Respect for Religious Freedom

### Legal/Policy Framework

The Constitution provides for freedom of religion and the freedom to practice the rites of one's religion 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 a Muslim. The Government prohibits efforts to proselytize Muslims and restricts the wearing of "sectarian dress," including the hijab (Islamic headscarf) by women and beards and the qamis (knee-length shirts) by men.

The Government does not permit the establishment of political parties based on religion, and it continued to ban the Islamist party An-Nahdha. The Government asserts that religious parties could be vehicles for extremism and that by preventing political parties from becoming channels for intolerance, hatred, and terrorism, it promotes societal tolerance. The Government maintains tight surveillance over Islamists and does not issue passports to some alleged Islamists. It maintains that only the courts possess the power to revoke passports; however, reports indicated that it rarely observed this separation of powers in politically sensitive cases.

Government decrees dating from 1981 and 1986 restrict the wearing of sectarian dress, generally interpreted to mean the hijab, in government offices and discourage women from wearing it on public streets and at certain public gatherings. In 2006 a lower court ruled that the 1986 decree was unconstitutional, but the ruling is not binding. The Government stated that the hijab is a sign of membership in a fundamentalist group that hides behind religion to achieve political ends and that, according to the Modern Islamic school of thought, wearing the hijab is not an obligation. The Government describes the hijab as a sectarian garment of foreign origin and justifies its restriction of the hijab in public institutions as necessary to preserve the impartiality of officials.

No statutory prohibitions against conversion from Islam to another faith exist, and the Government does not require registration of conversion; however, government officials occasionally harass and discriminate against converts from Islam to another religion, using bureaucratic means to discourage conversion.

Efforts to proselytize Muslims are viewed as disturbing the public order and are thus illegal. Whereas the authorities previously deported non-Muslim foreigners suspected of proselytizing and did not permit them to return, recent reports indicate that the Government prefers to deny suspected missionaries visa renewal or to pressure their employers not to extend their contracts.

Applying customary law based on Shari'a, the Government forbids Muslim women from marrying outside their religion inside the country; however, the Government generally recognizes marriages of Muslim women to non-Muslim men performed abroad. On occasion, however, the Government does not recognize such marriages as legal, forcing the couple to seek a court ruling. If a man converts to Islam, he may marry a Muslim woman. 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.

Generally, Shari'a-based interpretation of civil law is applied only in some family cases. Some families avoid the strictures of Shari'a on inheritance by executing sales contracts between parents and children to ensure that sons and daughters receive equal shares of property.

Civil law is codified; however, judges were known to override codified family or inheritance laws if their interpretation of Shari'a 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 Shari'a appoints the father as the head of the family and as such he must grant permission for the children to travel.

The Government controls and subsidizes mosques and pays the salaries of imams (clerics). The President appoints the Grand Mufti of the Republic. 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 are partially open to tourists and other visitors for a few hours per day, several days a week. New mosques may be built in accordance with national urban planning regulations; however, upon completion, they become the property of the Government. The authorities have reportedly informed imams that those who used mosques to "spread ideologies" would be prosecuted.

The Government recognizes all Christian and Jewish religious organizations that were established before independence in 1956. Although the Government permits Christian churches to operate freely as long as they do 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 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 hold services in private residences or other locations.

Religious groups are subject to the same restrictions on the freedoms of speech and the press as secular 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 does not grant permission to publish and distribute Arabic-language Christian texts. Christian groups report that they are able to distribute previously approved religious publications in European languages without difficulty but that the Government allows only established churches to distribute religious publications to parishioners. It considers other groups' distribution of religious documents to be a "threat to public order" and thus illegal.

The Government allows the Jewish community freedom of worship and pays the salary of the Grand Rabbi. It also provides security for all synagogues and partially subsidizes restoration and maintenance costs for some. Government employees were responsible for lawn upkeep of the Jewish cemetery in Tunis.

The Government permits the Jewish community to operate private religious schools and allows Jewish children on the island of Djerba to split their academic day between secular public schools and private religious schools. In June 2008 *Magharebia* reported that the government-run Essouani School was the only school where Jewish and Muslim students studied together. To accommodate Jewish students, who consider Saturday to be holy, the 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 is also a small private Jewish school in Tunis.

The Government regards the Baha'i faith as a heretical sect of Islam and permits its adherents to practice their faith only in private. The Government permits Baha'is to hold meetings of their national council in private homes, and three Local Spiritual Assemblies, the local governing body, have been elected since 2004.

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.

Both religious and secular NGOs are governed by the same legal and administrative regulations that impose some restrictions on freedom of assembly. For example, all NGOs are required to notify the Government of meetings held

in public spaces at least three days in advance and to submit lists of all meeting participants to the Ministry of Interior. The Government allows a small number of foreign religious charitable non-governmental organizations (NGOs) to operate and provide social services.

The Government observes the Islamic holy days of Eid al-Adha, the Islamic New Year, the birth of the Prophet Muhammad, and Eid al-Fitr as national holidays.

#### 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, so most Christian groups no longer attempt 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. On April 2, 2007, the Governor of Medenine approved the request of a Jewish organization in Djerba for registration. The group performed religious activities and charitable work unobstructed both before and after receiving official approval.

There were reports of police requiring women to remove the veil 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.

School officials took disciplinary action on several occasions to punish and deter wearing the hijab. On July 3, 2008, local NGOs reported that the administration of Lycee November 7 in Dar Chaabane El Fehri asked female students to remove their hijabs before receiving awards for their performance. According to a local NGO, on September 13, 2008, the head of the Superior Institute for Technological Studies in Sidi Bouzid asked female students wearing the hijab to sign statements saying that they would thereafter desist from wearing it, and acknowledging that they would be expelled if they violated the agreement. In May 2009, domestic NGOs reported that administrators of the Higher Institute of Biotechnology in Sfax suspended six female students on April 30 and made them sign a pledge to no longer wear the hijab.

There were also frequent reports that police harassed or detained men with beards and/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.

#### Abuses of Religious Freedom

In 2007 and 2008, according to allegations of some human rights groups and defense lawyers, the Government arrested some men because of their Islamic appearance, their frequent attendance at mosques, or other actions related to their practice of Islam.

There were no reports of religious prisoners or detainees in the country.

#### Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

#### 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, on February 16-17, 2009, the Government hosted an international seminar to promote religious tolerance entitled "Religious Information and the Challenges During our Time."

The Government also facilitated and promoted the annual Jewish pilgrimage to the El-Ghriba Synagogue in Djerba, celebrated on the Jewish holiday of Lag B'Omer on May 11-12, 2009. According to press reports and eyewitnesses, approximately 6,000 Jews, most with ties to the country, traveled from abroad to participate in the pilgrimage. According to the Djerban Jewish community's president, attendance was the largest since al-Qa'ida attacked the synagogue in 2002, killing 21 persons. Local Jewish leaders stated that 20 to 25 percent of these pilgrims were Israeli citizens traveling under the relaxed travel policies that went into effect in 2004.

### Section III. Status of Societal Respect for Religious Freedom

Although religious conversion is legal, there is great societal pressure against the conversion of Muslims to other religious groups. Muslims who converted faced social ostracism.

Despite a history of middle and upper class secularists discouraging women from wearing the hijab, anecdotal evidence suggested that, for a variety of social and religious reasons, the number of young middle class urban women choosing to wear the hijab continued to rise during the reporting period.

Some cartoons 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.

### Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights. The U.S. 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 Muslim, Christian, and Jewish religious leaders throughout the reporting period. The Ambassador and other Embassy officials visited the El-Ghriba Synagogue in Djerba during the annual Jewish pilgrimage celebrated on the Jewish holiday of Lag B'Omer and met with local religious leaders. The Embassy fostered regular exchanges that included components designed to highlight U.S. traditions of religious tolerance and pluralism.