

TUNISIA 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution and other laws and policies largely provide for religious freedom so long as its practice “does not disturb public order.” In practice, the government enforced some restrictions on this freedom, including pressing charges against citizens for disseminating material deemed “offensive” to religious sensibilities. The 1959 constitution remains in force and stipulates that Islam is the official religion and the state seeks to “remain faithful to the teachings of Islam.” The National Constituent Assembly (NCA), elected in October 2011, continued its work to draft a new constitution. Religious minorities complained that the government took inadequate steps to protect their communities from harassment, vandalism, and intimidation. The government took steps to promote interfaith tolerance and ease restrictions on religious association. The trend in the government’s respect for religious freedom did not change significantly during the year.

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Salafists (fundamentalist Sunni Muslims) attacked targets they deemed “un-Islamic,” such as a Russian Orthodox Church, synagogues, and dozens of Sufi shrines including the Saida Manoubia Shrine. Salafists also issued anti-Semitic messages, as did some imams during Friday prayer sermons.

The U.S. ambassador, embassy officials, and senior U.S. officials met regularly with Muslim, Christian, and Jewish religious leaders throughout the year. Embassy officials met with Jewish communities in Djerba, Tunis, and Zarzis. In embassy outreach activities and official meetings U.S. officials consistently underscored the importance of religious freedom and the rights of minorities.

Section I. Religious Demography

According to the U.S. government, the population is approximately 10,733,900, of which 99 percent is Sunni Muslim. Groups that together constitute the remaining 1 percent of the population include Christians, Jews, Shia Muslims, and Bahais. Christianity is the second largest religion, with Roman Catholics comprising 88 percent of Christians. Roman Catholic officials estimate that they have fewer than 5,000 members, widely dispersed. The remaining Christian population is composed of Protestants, Russian Orthodox, French Reformists, Anglicans,

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Seventh-day Adventists, 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 and the remainder lives on the island of Djerba and the neighboring town of Zarzis. A Jewish community has resided in the country for more than 2,500 years.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies largely provide for religious freedom. The preamble of the 1959 constitution, which remains in force while the NCA drafts a new constitution, stipulates that the official religion is Islam and the state seeks to "remain faithful to the teachings of Islam." Only a Muslim can serve as president. The constitution provides for freedom of conscience and free practice of religion when it "does not disturb public order." It is illegal for non-Muslims to proselytize Muslims, as the government views such efforts as "disturbing the public order." Citizens have the right to sue the government for violations of religious freedom.

The penal code criminalizes speech likely "to cause harm to the public order or public morals." Another provision of the penal code criminalizes undermining public morals by "intentionally disturbing other persons in a way that offends the sense of public decency." The telecommunications code criminalizes "harming others or disrupting their lives through public communication networks." Speech that is deemed offensive to traditional religious values, including speech deemed blasphemous, is prosecuted under these provisions.

The government subsidizes mosques and pays the salaries of imams (clerics). The Grand Mufti of the Republic, whom the president appoints, remains in place after the 2011 revolution and the departure of the previous president. The Grand Mufti 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 curriculum, and studying and writing about Islam. The law stipulates that only personnel the government appoints may lead activities in mosques. However, local committees increasingly manage the daily affairs of mosques, including opening hours and the outside visitor policy, a departure from the past practice of government-mandated closure of mosques except during prayer times and authorized religious ceremonies. The

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government initiates administrative and legal procedures to remove imams who authorities claim are preaching “divisive” theology. New mosques may be constructed provided they are built in accordance with national urban planning regulations. Mosques become government property upon completion, after which the government must maintain them.

Codified civil law is based on the Napoleonic code, although judges often use Sharia (Islamic law) as a basis for customary law in family and inheritance disputes. For example, codified laws provide women with custody of their minor children; however, when fathers contest cases, judges generally refuse to grant women permission to leave the country with their children, maintaining that Islamic law appoints the father as the head of the family and the father must grant permission for the children’s travel.

The government allows the Jewish community to worship freely and pays the salary of the grand rabbi. It also provides some security for all synagogues and partially subsidizes some restoration and maintenance costs. Government employees, the majority of whom are Muslims, maintain the Jewish cemetery in Tunis.

The government recognizes all Christian and Jewish religious organizations established before independence in 1956. The government permits Christian churches to operate freely, and formally recognizes the Roman Catholic Church through a 1964 concordat with the Holy See. In addition to authorizing 14 churches “serving all sects” in the country, the government also recognizes land grants the Bey of Tunis signed in the 18th and 19th centuries. Occasionally, Roman Catholic and Protestant religious groups hold services in private residences or other locations after receiving formal government approval.

Islamic religious education is mandatory in public schools. The religious curriculum for secondary school students also includes the history of Judaism and Christianity.

The government permits the Jewish community to operate private religious schools and allows Jewish children on the island of Djerba and in Tunis to split their academic day between public schools and private religious schools. The government-run Essouani School and the Houmt Souk Secondary School are the only schools where Jewish and Muslim students study together. To accommodate the Jewish Sabbath, Muslim students attend Islamic education lessons on Saturdays

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while their Jewish classmates attend classes on religion at a Jewish school in Djerba. There is 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 reports of abuses of religious freedom during the year. The government occasionally prosecuted individuals for speech that it deemed blasphemous or offensive to the country's Islamic norms.

In March the government brought a criminal lawsuit against two atheists, Ghazi El-Beji and Jabeur Mejri. El-Beji published an online article criticizing the Prophet Mohamed, excerpts of which Merji posted on his Facebook page. El-Beji and Mejri were tried and sentenced to seven years in prison. Both were convicted under the penal and telecommunications codes of "immoral actions that harmed the public and disrupted public order" by publishing material deemed offensive to Islamic values. Romania granted asylum to El-Beji after he fled the country. An appellate court upheld Mejri's conviction and he remained in prison.

On June 11, there were disturbances in several districts of Tunis, sparked by opposition to an art exhibition in La Marsa that Salafists found offensive to Islam. The government arrested 153 persons for involvement in the clashes and subsequent vandalism. Most were released with a small fine, although a Salafist leader was sentenced to one year in jail. The government levied legal charges of "disturbing public order" against several of the artists. The government dropped the charges in September after the Ministry of Culture encouraged the prosecuting attorneys to do so.

The constitution does not permit the establishment of political parties based on religious principles. However, the government allowed previously banned parties with "Islamic references" to register during the year, including the Salafist-leaning parties of Asalah, Jabhat Al-Islah, Al-Rahma, and Hizb Al-Tahreer.

In March Salafists vandalized the Russian Orthodox Church, desecrated graves, and threatened the bishop. Church authorities sent a letter to the Ministry of Interior and the Ministry of Foreign Affairs requesting police protection, as they

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had after similar attacks in 2011. The government did not provide police protection until May and only after the media reported the incidents. Several church leaders complained that police did not conduct thorough investigations of these incidents. There also were complaints throughout the year that the government decreased the amount of security accorded to Jewish and Christian places of worship, and failed to protect Sufi sites. Government investigations of attacks on religious sites resulted in arrests and prosecutions in only a minority of cases.

The government monitored, isolated, and confronted some Salafists they considered violent. The government initiated administrative and legal procedures to remove imams who authorities claimed preached “divisive” theology, including Salafi imams. The government enlisted the support of mosque congregations to ensure that the country’s values of moderation and tolerance were upheld and to counter threats of violent extremism.

The Association of the Jewish Community of Tunis, the association’s president, and board of governors continued to meet weekly and perform religious activities and charity work unhindered despite the government not granting its 1999 registration request. President Marzouki visited the Djerba Jewish community in April in remembrance of a 2002 bombing targeting the island and stated his commitment to the security of Jews. Other government and political leaders repeatedly spoke out against anti-Semitism and affirmed that Jews are full and equal citizens. On January 9, Rachid Ghanouchi, the head of the Nahda party, condemned anti-Semitic slogans a handful of ultraconservative Muslims chanted during the visit of a Hamas official. Similarly, the Religious Affairs Minister denounced March 25 calls to fight against the Jews as “absurd,” and emphasized that “Tunisian Jews are full citizens” following a March rally demanding the imposition of Islamic law.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses based on religious affiliation, belief, or practice. Individuals believed to be Salafists attacked targets across the country they deemed “un-Islamic,” including a church and synagogues. Objecting to the presence of graves of venerated Sufi scholars in mosques, individuals believed to be Salafists attacked dozens of Sufi religious shrines they believed were idolatrous. For example, the police arrested five Salafist violent extremists for vandalizing, burglarizing, and setting fire to the Sufi Saida Manoubia Shrine on October 15.

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Salafists also attacked hotels and individuals that sell alcohol on September 3 in Sidi Bouzid and October 27 in Tunis. Salafists threatened and attacked events they associated with Shia Islam. For example, on August 17 Salafists attacked a pro-Palestinian meeting an association of Tunisian Shiites organized. Salafist harassment of the Russian Orthodox Church continued throughout the year. In addition to the March attack, a Salafist forced his way into the church in April and demanded that the bishop embrace Islam and remove Christian crosses and iconography from the church.

After the fall of the previous regime in January 2011, many Islamic congregations ousted their imams and in some cases replaced them with Salafist imams. Certain Salafist imams preached anti-Jewish and anti-Christian messages, including calling for the killing of non-Muslim citizens. Police arrested five persons, including one police officer, for allegedly plotting to kidnap Jews in Zarzis in October for ransom. Members of the Jewish community called on the government to provide them with additional protection.

There were incidents of anti-Semitic speech during the year. For example, during a Salafist rally in March some participants engaged in anti-Semitic chants and calls for violence against Jews. Government officials and religious figures roundly condemned these statements.

Although religious conversion was legal, there was significant societal pressure against the conversion of Muslims to other religious groups.

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. 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 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

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engaged younger citizens, as active participants in shaping the public policy and religious perception of their country, in discussions on how religion relates to political life.