



## Tunisia

### International Religious Freedom Report 2007

Released by the Bureau of Democracy, Human Rights, and Labor

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 declares the country's determination to adhere to the teachings of Islam, stipulates that Islam is the official state religion, and that the President be Muslim. The Government does not permit the establishment of political parties on the basis of religion and prohibits efforts to proselytize Muslims. It restricts the wearing of Islamic headscarves (hijab) in government offices, and discourages women from wearing the hijab on public streets and at certain public gatherings.

There was no overall change in the status of respect for religious freedom by the Government during the reporting period. Domestic and international human rights organizations reported an increase in reports of police harassment of women wearing the hijab and men with traditional Islamic dress and beards.

Although changing religions is legal, there is great societal pressure against conversion of Muslims to other religions. Muslims who convert face social ostracism. There were reports of expulsion of a convert from home and several reports of beatings by family members or acquaintances.

The U.S. Government discusses religious freedom issues 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 million. The population is 99 percent Muslim. There is a small indigenous "Maraboutic" Muslim community that belongs to spiritual brotherhoods known as "turuq." There are 200 Baha'is in the country, and their presence dates back a century.

The Christian community, composed of foreign residents and a small group of native-born citizens of European or Arab descent, numbers 25,000 and is dispersed throughout the country. According to a reliable source, there are 20,000 Catholics, 500 of whom regularly practice. The Roman Catholic Church operates 12 churches, 9 schools, several libraries, and 2 clinics. In addition to holding religious services, the Catholic Church opened a monastery, freely organized cultural activities, and performed charitable work throughout the country. According to church leaders, there are 2,000 Protestant practicing Christians, including a few hundred citizens who have converted to Christianity. The Russian Orthodox Church has approximately 100 practicing members and operates a church in Tunis and another in Bizerte. The French Reform Church maintains a church in Tunis, with a congregation of 140 primarily foreign members. The Anglican Church has a church in Tunis with several hundred predominantly foreign members. There are 50 Seventh-day Adventists. The 30-member Greek Orthodox Church maintained 3 churches (in Tunis, Sousse, and Djerba). There are also 50 Jehovah's Witnesses, of whom half are foreign residents and half are native-born citizens. Occasionally, Catholic and Protestant religious groups held services in private residences or other locations.

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

The Government allows a small number of foreign religious charitable nongovernmental organizations (NGOs) to operate and provide social services.

#### Section II. Status of 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 declares the country's determination to adhere to the teachings of Islam, stipulates that Islam is the official state religion, and that the President be Muslim. The Government does not permit the establishment of political parties on the basis of religion and prohibits proselytizing by non-Muslims. A 1981 government decree restricts the wearing of the hijab in government offices, and discourages women from wearing it on public streets and at certain public gatherings.

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

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 provides that only personnel appointed by the Government may lead activities in mosques and stipulates 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 Government recognizes all Christian and Jewish religious organizations that were established before independence in 1956. Although the Government permits Christian churches to operate freely, it has recognized formally only the Catholic Church, via 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.

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. There is also a small private Jewish school in Tunis.

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.

The Government promoted interfaith understanding by sponsoring regular conferences and seminars on religious tolerance. For example, on May 7-9, 2007, the Government organized an international symposium to promote religious tolerance with the theme of "Reason and Faith for a World of Solidarity." It also facilitated and promoted the annual Jewish pilgrimage to the El-Ghriba Synagogue in Djerba, celebrated on the Jewish holiday of Lag B'Omer.

In January 2007 the government-funded "University Chair for Dialogue Between Civilizations and Religions" held a seminar featuring a lecture and panel discussion on interreligious understanding led by a notable British priest which promoted religious tolerance.

The number of Jewish pilgrims to the annual Ghriba pilgrimage continued to rise. Four to five thousand Jewish pilgrims participated in May 2007. According to local Jewish leaders, 20 to 25 percent of these pilgrims were Israeli citizens traveling under the relaxed travel policies that went into effect in 2004.

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

## Restrictions on Religious Freedom

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.

The Government does not permit the establishment of political parties on the basis of religion, and it continued to refuse to register the Islamist party An-Nahdha. The Government maintained tight surveillance over Islamists. The Government refused to issue passports to some alleged Islamists. The Government 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.

The Government recognizes all Christian religious organizations that were established before independence in 1956, but did not permit other Christian groups to establish new churches. Efforts to proselytize Muslims were viewed as disturbing the public order and thus illegal. Foreign missionaries operated in the country, but were not permitted to proselytize. Whereas authorities previously deported non-Muslim foreigners suspected of proselytizing and did not permit them to return, more recent reports indicated that the Government preferred to deny suspected missionaries visa renewal or to pressure their employers not to extend their contracts. However, during the reporting period there were no reported cases of official action against persons suspected of proselytizing.

While there are no legal restrictions against conversion from Islam to other religions, some local officials occasionally harass converts to discourage conversion. In 2006 there was a report that a Christian citizen was told by a local security official that it was illegal to be a Christian, and threatened with imprisonment.

In previous years there were occasional reports that when seeking renewal of passports, the process was inexplicably delayed for some Christians, although passports were subsequently issued. There were no reports of such incidents during the reporting period.

Although the Government has not granted the 1999 request of the Association of the Jewish Community of Tunisia to be registered, the President and board of governors continued to meet weekly, in keeping with the law covering the application process. During the reporting period, the Government permitted the association to operate and perform religious activities and charity work unhindered. By the end of the reporting period the Government had not acted on a request for registration by a Jewish religious organization in Djerba; however, the group continued to operate and perform religious activities and charitable work unobstructed.

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 to be held in public spaces at least three days in advance and to submit lists of all meeting participants to the Ministry of Interior.

Religious groups are subject to the same restrictions on freedom of speech and the press as secular groups. There is no law requiring that the Government approve all locally produced printed material prior to publication or distribution. However, Christian groups said the Government generally did not grant permission to publish and distribute Arabic-language Christian texts. For publications printed abroad, distributors must deposit copies with the chief prosecutor and other ministries prior to their public release. 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 considers other groups' distribution of religious documents to be a "threat to public order," and thus illegal.

On occasion the Government banned foreign print media that contained what it considered offensive or sensitive articles on Islam. For example, the Government banned the September 19, 2006, issue of the French daily *Le Figaro* that contained an opinion piece about remarks on Islam made by Pope Benedict XVI.

The Government restricts the wearing of the hijab in government offices, and there were reports of police requiring women to remove them 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. The Government characterizes the hijab as a "garment of foreign origin having a sectarian connotation" and restricts its use in public institutions to "observe impartiality required of officials in their professional relations with others."

In September 2006, in conjunction with a campaign by government officials to speak publicly against use of the hijab, the police intensified efforts to apply the 1981 decree prohibiting women from wearing it in official buildings, schools, and universities. In addition, some women were stopped in public places, detained, and told to remove their hijab. During an October 27, 2006 meeting of the government-loyal NGO National Union of Tunisian Women (UNFT), senior UNFT officials demanded that all women in the audience remove their veils, on occasion tugging at their veils and verbally abusing them. In several cases school officials took disciplinary action to punish and deter hijab use by attempting to have women sign written oaths renouncing its use.

There also were 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.

The authorities have instructed imams to espouse government social and economic programs during prayer times in mosques and informed them that those who used mosques to "spread ideologies" would be prosecuted.

Applying customary law based on Shari'a, the Government forbids Muslim women from marrying outside their religion inside the country; however, if a man converts to Islam, he may marry a Muslim woman. Marriages of Muslim women to non-Muslim men performed abroad are generally recognized by the Government. However, on occasion the Government did not recognize such marriages as legal, forcing the couple to seek a court ruling. While on most occasions judges ruled that marriages performed abroad were legal, judges sometimes declared them void in the country. 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 Shari'a contradicted it. For example, codified laws provide women with custody over their minor children; however, when a case was contested by the father, judges generally refused to grant women permission to leave the country with their children, holding that Shari'a appoints the father as the head of the family, and that he must grant permission for the children to travel.

Generally, Shari'a-based interpretation of civil law was 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.

#### Abuses of Religious Freedom

According to international NGOs and domestic human rights organizations, scores of persons were arrested by police beginning in late December 2006 following exchanges of gunfire between security forces and members of a "Salafist" armed group. Some human rights groups and defense lawyers alleged that more than one thousand mostly young men had been arrested on terrorism charges after the "Salafist" incidents. Without offering proof of their claims, these groups also asserted that there was not sufficient evidence for some of the arrests, that security forces may have extracted confessions under torture, and that some of those arrested had reportedly been targeted because of their Islamic appearance, their frequent attendance at mosques, or other actions related to their practice of Islam.

#### 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.

#### Anti-Semitism

Privately owned newspapers on occasion published cartoons and articles critical of Israel. Some cartoons used derogatory caricatures of Jews to portray the State of Israel and Israeli interests. These cartoons were all drawn by cartoonists outside of the country and reprinted locally.

#### Section III. Societal Abuses and Discrimination

Although changing religions is legal, there was great societal pressure against Muslim conversion to other religions. Muslims who converted faced social ostracism. There were reports of expulsion of a convert from home and several reports of beatings by family members or acquaintances.

Despite a history of social pressure by middle and upper class secularists to discourage 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.

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

The U.S. Government discusses religious freedom issues 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 U.S. Special Envoy to Combat and Monitor Anti-Semitism

visited in December 2006 and met with religious and government officials and members of the Jewish community. The Embassy fostered regular exchanges that included components designed to highlight U.S. traditions of religious tolerance and pluralism.

Released on September 14, 2007

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