



## Tunisia

### International Religious Freedom Report 2005

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

The Constitution provides for the free exercise of religions that do not disturb the public order, and the Government generally respects this right; however, there were some restrictions on religious freedom. The Constitution declares that Islam is the official state religion, and the President must be Muslim. The Government does not permit the establishment of political parties on the basis of religion and prohibits proselytizing. It restricts the wearing of Islamic headscarves (hijab) in government offices and it 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 during the reporting period, and government policy continued to contribute to the generally free practice of religion.

The generally amicable relationship among religions in society contributed to religious freedom.

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 its population is approximately 10 million. Approximately 99 percent of the population is Muslim. There is no reliable data on the number of practicing Muslims. There is a small indigenous "Maraboutic" Muslim community that belongs to spiritual brotherhoods known as "turuq;" however, there are no statistics regarding its size. Reliable sources report that many members of these brotherhoods left the country shortly after independence when the Government appropriated their religious buildings and land (and those of Islamic foundations). Although these communities are small, the tradition of mysticism permeates the practice of Islam throughout the country. During annual Ramadan festivals, members of these brotherhoods provide public cultural entertainment by performing religious dances. There are also approximately 150 members of the Baha'i Faith.

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. According to church leaders, the practicing Christian population is approximately 2,000 and includes a few hundred native-born citizens who have converted to Christianity. The Catholic Church operates 12 churches, 9 schools, several libraries, and 2 clinics. There are approximately 500 practicing Catholics. In addition to holding religious services, the Catholic Church also freely organizes cultural activities and performs charitable work throughout the country. In March, the Government permitted the reopening of a Catholic church in Djerba following requests from European nations with substantial tourist travel to the country. 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 a few hundred predominantly foreign members. There is a small Seventh-day Adventist community with approximately 50 members. The 30-member Greek Orthodox Church maintains 3 churches (in Tunis, Sousse, and Djerba). On an occasional basis, Catholic and Protestant religious services also are held in a few other locations, such as private residences. There are also 50 Jehovah's Witnesses, of which approximately half are foreign residents and half are native-born citizens. The Government also allowed a small number of religious charitable nongovernmental organizations (NGOs) to operate and provide social services.

Judaism is the country's third largest religion with approximately 1,500 members. One-third lives in and around the capital and is descended predominantly from Italian and 16th-century Spanish immigrants. The remainder lives on the island of Djerba where the Jewish community dates back 2,500 years.

Foreign missionary organizations and groups operate in the country; however, they are not permitted to proselytize.

#### Section II. Status of Religious Freedom

*Legal/Policy Framework*

The Constitution provides for the free exercise of religions that do not disturb the public order, and the Government generally respects this right; however, it does not permit the establishment of political parties based on religion, forbids proselytizing, and restricts the wearing of the Islamic headscarf (hijab). The Constitution declares that Islam is the official state religion and stipulates that the President must be a Muslim.

No statutory prohibitions against conversion from Islam to another faith exist, and the Government does not require registration of conversion; however, due to personal bias, lower-level civil servants occasionally discriminate against converts, including using bureaucratic hurdles to discourage conversion.

The Government controls and subsidizes mosques and pays the salaries of prayer leaders. 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 also partially subsidizes the Jewish community.

The following Islamic holy days are considered national holidays: Eid el-Kebir, Ras el-Am el-Hejri, Mouled, and Eid Es-sighir. The Government also recognizes the sanctity of non-Muslim religious holidays.

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 has not acted on a request for registration of a Jewish religious organization in Djerba; however, the group continues to operate and perform religious activities and charitable work unobstructed.

The Government allows the Jewish community freedom of worship and pays the salary of the Grand Rabbi. It also partially subsidizes restoration and maintenance costs for some synagogues. In 1999 the president of the Provisional Committee of the Jewish community and his board of governors submitted registration papers to the Ministry of Interior for permanent registration as the Association of the Jewish Community of Tunisia. Although the Government has yet to register the new association, the president and board of governors continue to meet weekly. During the reporting period, the Government permitted the association to operate and perform religious activities and charity work unhindered.

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. The Government also encourages Jewish émigrés to return for the annual Jewish pilgrimage to the historic El-Ghriba Synagogue on Djerba. There also is a small private Jewish school in Tunis.

The Government promotes interfaith understanding by sponsoring regular conferences and seminars on religious tolerance and by facilitating and promoting the annual Jewish pilgrimage to the El-Ghriba Synagogue in Djerba, celebrated on the Jewish holiday of Lag B'Omar. In December 2004, the Ministry of Religious Affairs hosted a Colloquium aimed at fostering tolerance among the three Abrahamic faiths and has introduced a university program on intercivilizational dialogue between all major world religions.

The Government also announced that travel restrictions on Israelis would be eliminated, a former Hebraic school would be restored and made into an arts training center for the handicapped, and the Government would help clean up the dilapidated Jewish cemetery of Tunis. In the past, passport restrictions, as well as concerns about possible retribution, discouraged Israelis from visiting, despite the fact that the Government has encouraged foreign Jewish visitors to participate in the Ghriba pilgrimage. The number of Jewish pilgrims to Ghriba in May increased dramatically from previous years; estimates ranged between 3,000 and 5,000. According to local Jewish leaders, approximately 1,000 of these pilgrims were Israeli citizens traveling under the recently relaxed travel policies.

*Restrictions on Religious Freedom*

Although the Government generally respects the right to practice religion freely, there were some restrictions. Baha'is regard their faith as a religion distinct from Islam; however, 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, but it prohibits them from organizing local councils. The Ministry of Interior periodically met with prominent Baha'is to discuss their activities, and Baha'i leaders said that, as a result, their community's relationship with the Government improved during the reporting period.

The Government does not permit the establishment of political parties on the basis of religion, and it refused to register the Islamist party An-Nahdha and prosecuted suspected party members on these grounds. The Government maintained tight

surveillance over Islamists. The Government continued to refuse to re-issue the identity cards it reportedly revoked in previous years from 10,000 to 15,000 alleged Islamists, which among other consequences effectively barred them from legal employment. The Government also refused to issue passports to a number of alleged Islamists. The Government maintained that only the courts possess the power to revoke passports; however, reports indicate that it rarely observed this separation of powers in politically sensitive cases.

Notwithstanding the reopening of the church in Djerba mentioned above, the Government generally did not permit Christian groups to establish new churches, and proselytizing is viewed as an illegal act against public order. Foreign missionary organizations and groups were active; however, they are not permitted to proselytize. Theoretically, authorities deport foreigners suspected of proselytizing and do not permit them to return, but there were reports that the Government preferred to deny suspected missionaries visa renewal not 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 during the reporting period.

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 3 days in advance and to submit lists of all meeting participants to the Ministry of Interior.

Religious groups are subjected to the same restrictions on freedom of speech and the press as secular groups. Primary among these restrictions is "dépôt légal," which requires that printers and publishers provide copies of all publications except printed news media to Ministry of Interior censors prior to publication. For publications printed abroad, distributors must deposit copies with the Chief Prosecutor and other ministries prior to their public release. Although Christian groups reported that they were able to distribute previously approved religious publications in European languages without difficulty, they said the Government generally did not grant permission to publish and distribute Arabic-language Christian texts. Moreover, the Government allowed only established churches to distribute religious publications to parishioners. It considered other groups' distribution of religious documents to be an illegal "threat to public order."

The Government discourages the wearing of a hijab in government offices, and there were reports of police requiring women to remove their hijabs in offices, on the street, and at certain public gatherings; however, some female government employees wore hijabs in their offices. The Government characterized the hijab as a "garment of foreign origin having a partisan connotation" and prohibits its use in public institutions to "observe impartiality required of officials in their professional relations with others." There also were frequent reports that police sometimes harassed or detained men with beards whom the Government suspected because of their "Islamic" appearance and sometimes compelled them to shave off their beards.

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.

Customary law based on Shari'a forbids Muslim women from marrying outside their religion. Marriages of Muslim women to non-Muslim men abroad are considered common law unions and thus void when the couple returns to the country. The Government does not permit the marriage of Muslim women to non-Muslim men inside the country; however, if a man converts to Islam, he may marry a Muslim woman. Muslim men and non-Muslim women who are married may not 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 are known to override codified family or inheritance laws if their interpretation of Shari'a contradicts it. For example, codified laws provide women with custody over their minor children; however, judges have refused to grant women permission to leave the country with them, holding that Shari'a appoints the father as the head of the family, and he must grant permission for the children to travel.

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.

There were frequent reports that the Government did not allow married couples to register the birth of their children and receive birth certificates if the mother was Christian and the father was Muslim and the parents tried to give their children non-Muslim names.

The Government announced that it would help clean up the dilapidated Jewish cemetery in Tunis; government employees were responsible for lawn upkeep of the cemetery, although the Jewish community had responsibility for the restoration of tombs and monuments and large structural rehabilitation.

There were no reports of religious prisoners or detainees.

#### *Abuses of Religious Freedom*

In 2004, credible sources estimated that approximately 600 persons were serving prison sentences because of their suspected membership in the illegal Islamist political party An-Nahdha or for their alleged Islamist sympathies; however, there were no reports of cases in which the Government arrested or detained persons based solely on their religious beliefs.

According to human rights lawyers, the Government regularly questioned Muslims who were observed praying frequently in mosques. The authorities instruct imams to espouse government social and economic programs during prayer times in mosques.

#### *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.

#### *Abuses by Terrorist Organizations*

There were no reported abuses targeted at specific religions by terrorist organizations during the reporting period.

### **Section III. Societal Attitudes**

The generally amicable relationship among religions in society contributed to religious freedom.

During the reporting period, the public university system for the first time established a department of comparative religion designed to promote broader understanding of diverse religions.

There is great societal pressure against Muslim conversion to other religions, and it is relatively rare. Muslims who convert may face social ostracism.

Despite a history of social pressure by middle and upper class secularists to discourage women from wearing the hijab, anecdotal evidence suggests that the number of young middle class urban women choosing to wear the hijab continued to rise during the reporting period. Many observers consider this trend to be less a sign of increasing religiosity among young citizens than a reaction to perceived increasing pressure from on traditional Arab/Muslim culture to modernize.

Privately owned newspapers on occasion published cartoons and articles critical of Israel. Some cartoons used derogatory images of orthodox Jews to portray the state of Israel and Israeli interests. These cartoons were drawn by cartoonists outside of Tunisia and reprinted locally.

### **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 Embassy fostered regular exchanges that included components designed to highlight U.S. traditions of religious tolerance and pluralism and regularly disseminated the publication "Muslim Life in America."

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