

TUNISIA 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution, passed in January, states that the country's "religion is Islam" and designates the government as the "guardian of religion." The constitution establishes the country as a civil state based on citizenship, prohibits the use of mosques and houses of worship to advance political agendas or objectives, and guarantees freedom of belief, conscience, and exercise of religious practice. Civil law is not religious in nature, but family and inheritance laws do, in some circumstances, draw from sharia. The Ministry of Religious Affairs (MRA) stated it had re-established control over mosques that had been operating outside government oversight and closed broadcasting outlets it accused of preaching religious intolerance and having ties to extremist organizations. The government arrested several individuals in connection with violent attacks against security personnel.

The number of attacks against events or groups deemed "un-Islamic" by some fell considerably compared to 2013. Salafists complained of being profiled and disproportionately subjected to arrest by security personnel, who increased their efforts to counter activities by violent groups advocating radical religious doctrines. Judaism and Christianity are more widely practiced and more readily accepted by the Muslim majority than other faiths.

The Ambassador, U.S. embassy officials, and senior U.S. government officials discussed and promoted religious freedom with leaders of the Muslim, Christian, and Jewish communities. In May the Ambassador attended the Lag B'Omer pilgrimage to the El-Ghriba synagogue on the island of Djerba. Embassy officers met with members of the principal religious communities to discuss religious freedom and engaged officials at the MRA and Ministry of Justice, stressing the role of religious tolerance as a central pillar of democratic societies.

Section I. Religious Demography

The U.S. government estimates the total population at 10.9 million (July 2014 estimate), of which approximately 99 percent is Sunni Muslim. Groups that together constitute the remaining 1 percent of the population include Christians, Jews, Shia Muslims, and Bahais. Roman Catholics comprise 88 percent of Christians. Catholic officials estimate membership at fewer than 5,000, widely dispersed throughout the country. The remaining Christian population is

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composed of Protestants, Russian Orthodox, French Reformists, Anglicans, Seventh-day Adventists, Greek Orthodox, and Jehovah's Witnesses. The Jewish population numbers approximately 1,500. 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. There is no official data on nonbelievers.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

Consistent with the previous 1959 constitution, the new constitution, promulgated in January, states the country's "religion is Islam." It designates the government as the "guardian of religion" and requires that the president be Muslim. A new element in the constitution is the stipulation that the country is a civil state, based on citizenship. The constitution also guarantees freedom of belief, conscience, and exercise of religious practices, and the neutrality of mosques and houses of worship from partisan exploitation. The constitution stipulates the state's commitment to disseminate the values of moderation and tolerance, protect holy sites, and prevent *takfir* (Muslim accusations of apostasy against other Muslims). The constitution lists general reasons for potential restrictions on religious freedom such as protecting the rights of third parties, national defense, and public security, morality, and health.

Speech deemed offensive to traditional religious values can be prosecuted under provisions of the penal and telecommunications codes. The penal code criminalizes speech likely "to cause harm to the public order or public morals," as well as acts that undermine 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." Citizens retain the right to sue the government for violations of religious freedom.

The law stipulates that the government oversee Islamic prayer services by subsidizing mosques and appointing imams and paying their salaries. The government allows local committees to manage the daily affairs of their mosques and choose their own imams, but both committees and imams must be vetted, approved, and formally appointed by the religious affairs directorate within the governorate. The grand mufti, appointed by the president, is charged with

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declaring religious holidays, issuing certificates of conversion to Islam, attending to citizens' inquiries, representing the country at international religious conferences, providing opinions on school curricula, and studying and writing about Islam. The 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. Except for a few landmark mosques and very small community mosques, the government in March standardized and enforced mosque opening and closing times, according to an employee of the Ministry of Foreign Affairs.

Codified civil law is generally based on the Napoleonic Code, with sharia the basis for family and inheritance laws. As of 2011, religious associations are treated like other civil society organizations. Registration of these groups is handled by the prime minister's office. The government permits Christian churches to operate freely and formally recognizes the Roman Catholic Church through a 1964 concordat with the Holy See.

Students in public schools are required to attend courses on Islam roughly one hour per week. The religious curriculum for secondary school students also includes the history of Judaism and Christianity. Other religious groups are allowed to operate private schools.

Government Practices

Following an increase in attacks against the army and security forces, the government conducted widespread anti-terrorist operations and arrested numerous suspects. Following a deadly attack on July 16 against army soldiers, the prime minister's office created a "crisis unit" to coordinate efforts to combat terrorism. On July 19, the ministry closed two religious radio stations and one television channel it accused of spreading hate speech and advocating violence. The High Authority for Audiovisual Communication (HAICA), a constitutionally mandated audiovisual oversight authority, rejected the government's claim that it consulted HAICA before taking the decision. On July 22, the crisis unit closed 157 associations because of alleged links with terrorism and incitement to violence. These associations were predominantly Islamic and all contested the government allegations. Human Rights Watch called these suspensions disproportionate and arbitrary.

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National Guard troops arrested two Salafists suspected of breaking into a Sufi shrine in Jedaida on February 24. The case was not pursued after one of the accused was deemed to be of feeble mind and authorities learned that both live in abject poverty.

Jabeur Mejri, a self-described atheist who was sentenced to seven and a half years in prison in March 2012 for posting on the internet cartoons depicting a naked Prophet Muhammad, received a presidential pardon in March. He subsequently received an eight-month prison term for insulting a court clerk, for which he was also pardoned, and released from prison October 15.

The MRA announced in December it had re-asserted state control over all mosques in Tunisia and in cooperation with civil society organizations, trained imams in moderate discourse when delivering sermons. The law on political parties does not prohibit parties based on religious affiliation, but does prohibit parties from using religion to call for violence or discrimination. The prime minister's office issued a warning to Hizb al-Tahrir (Liberation Party) on July 10 for displaying a banner with the phrase "Establishing the Caliphate and Uprooting Colonialism" during its June national congress. The office accused Hizb al-Tahrir of seeking to change the republican nature of the state and of not accepting democracy by calling for a caliphate and a boycott of elections.

The prime minister's office stated that it prohibited imams who were running in the legislative elections from preaching during the campaign to maintain the constitutionally-mandated political neutrality of mosques. The government on more than one occasion urged imams to disseminate messages of moderation and tolerance to counter threats of violent extremism. Khamis El Mejri, a Salafist imam, was arrested on March 10 for preaching in a mosque without government permission. The arrest was part of an effort by the government to exert control on mosques and imams the government deemed "extremist."

Nonviolent Salafists complained about police profiling and what they perceive as a general suspicion on the part of many citizens because of their dress and long beards, which they said they were wearing to emulate the Prophet Muhammad.

The government allowed the Jewish community to worship freely and paid the salary of the grand rabbi. It also provided security for synagogues and partially subsidized some restoration and maintenance costs. Government employees

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maintained the Jewish cemetery in Tunis. The government permitted the Jewish community to operate private religious schools and allowed Jewish children to split their academic day between 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. To accommodate the Jewish Sabbath, Muslim students attended 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.

The law grants women custody of their minor children. When fathers contest cases, however, judges sometimes refused to grant mothers permission to leave the country with their children, maintaining that sharia appointed the father as the head of the family and the father must grant permission for the children's travel. Some fathers, however, were also barred from taking their family abroad without the consent of the mother in cases of disputed custody.

Section III. Status of Societal Respect for Religious Freedom

The number of attacks on shrines fell considerably relative to 2013, but sporadic vandalism continued such as the incident in Jedaida. According to an online newspaper, vandals scratched out Quranic inscriptions and names on headstones of a cemetery in Sbeitla in February for violating an asserted proscription in Islamic law against marked graves.

Vandals ransacked a synagogue in Sfax April 30. Government officials and religious figures condemned the vandalism.

Some members of the Jewish community expressed concern about their safety, but others downplayed reports of a growing threat after a Jewish merchant was stabbed April 14 on the southern island of Djerba. Some Jewish gold traders held a two-day strike to protest the attack. Jewish community leaders on the island expressed regret about the attack, but described it as an isolated incident rather than part of a larger pattern.

Although religious conversion was legal, there was significant societal pressure against Muslims leaving the faith. Some Christians who converted from Islam expressed concerns about threats of violence from members of their families or others.

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Section IV. U.S. Government Policy

The embassy maintained frequent contact with leaders of religious groups throughout the country. The Ambassador in May attended the Lag B'Omer pilgrimage to El-Ghriba Synagogue, North Africa's oldest, and met with leaders of the Jewish community in Djerba. Embassy officials continued to meet regularly with government officials throughout the year to reinforce the importance the U.S. government places on religious freedom and tolerance. Conversations focused on government efforts to re-establish control over mosques and reported threats to Muslims who had converted to other faiths. The embassy hosted several speakers to engage youth, women's groups, and civil society about religious diversity in the American experience.

The embassy fostered regular exchanges that included programs designed to highlight U.S. practices of religious tolerance and pluralism. Embassy staff regularly met with Muslim, Jewish, and Christian leaders. The embassy 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.