

TUNISIA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution declares the country's religion to be Islam but also declares the country to be a "civil state." The constitution designates the government as the "guardian of religion" and obligates the state to disseminate the values of "moderation and tolerance." It 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. The Bahai community's application to form a legal association was twice denied by the prime ministry, which the group said was due to the word "Bahai" in the association's name. The prime minister's office ordered a suspension of the Islamic Hizb al-Tahrir political party (Liberation Party) which was overturned by an administrative court. The office brought a subsequent criminal case against the party, which was being heard in military court. There were reports the government profiled Salafists and others as terrorists based on their appearance then detained and beat them, with one nongovernmental organization (NGO) saying some were tortured. The government continued to allow the Jewish and Christian communities to worship freely.

Christian converts from Islam said threats of violence from members of their families and other persons reflected societal pressure against Muslims leaving the faith.

The U.S. Ambassador, embassy officers, and visiting senior U.S. government officials met with government officials, including at the Ministry of Religious Affairs; the Presidency of the Government; and the Ministry of Relations with Constitutional Bodies, Civil Society, and Human Rights, to encourage continued tolerance of religious minorities. U.S. officials also discussed the government's efforts to control activities in mosques as well as threats to converts from Islam to other faiths. Embassy officers discussed religious diversity and dialogue with leaders of the Muslim, Christian, and Jewish communities. On May 25, the U.S. Special Envoy to Monitor and Combat Anti-Semitism and the U.S. Special Advisor for Religious Minorities in the Near East and South Central Asia participated in the Lag B'Omer Pilgrimage to the El-Ghriba synagogue on the island of Djerba, where they discussed religious pluralism and the safety of the Jewish community with Jewish leaders and civil society.

Section I. Religious Demography

The U.S. government estimates the total population at 11.1 million (July 2016 estimate), of which approximately 99 percent is Sunni Muslim. Christians, Jews, Shia Muslims, Bahais, and nonbelievers constitute less than 1 percent of the population. Roman Catholics comprise approximately 88 percent of Christians, according to NGOs. Catholic officials estimate membership at fewer than 5,000, widely dispersed throughout the country. The remaining Christian population is composed of Protestants, Russian Orthodox, French Reformists, Anglicans, Seventh-day Adventists, Greek Orthodox, and Jehovah's Witnesses. The Jewish community numbers approximately 1,500-2,000 individuals, according to Jewish community leaders. 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. There is a small community of Bahais, but no accurate information on their numbers is available.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution declares Islam is the country's religion, but also declares the country to be a "civil state." The constitution designates the government as the "guardian of religion" and requires the president to be Muslim. The constitution guarantees freedom of belief, conscience, and exercise of religious practices, and the neutrality of mosques and houses of worship from "partisan instrumentalization." It obligates the state to disseminate the values of moderation and tolerance, protect holy sites, and prevent *takfir* (Muslim accusations of apostasy against other Muslims). The constitution lists reasons for potential restrictions on the rights and freedoms it guarantees, including protecting the rights of others, the requirements of national defense, and public order, morality, or health.

The penal code criminalizes speech likely "to cause harm to the public order or morality," as well as acts undermining public morals in a way that "intentionally violates modesty."

Religious groups may form and register associations under the law to establish a bank account and conduct financial activities such as charity work and receive favorable tax treatment, including tax free donations from government approved associations, provided the association does not purport to represent all believers of a religious group, or use the name of a religious group. To establish an

association, a religious group must submit to the secretary general of the government a registered letter providing the purposes of the association; copies of the national identity cards of its founders, who must be citizens; and two copies of the articles of association signed by the association's founders or their representatives. The articles of association must contain the official name of the association in Arabic and any foreign language, if appropriate; its address; a statement of its objectives; membership criteria; membership fees; and a statement of organizational structure, including identification of the decision-making body for the association. The law prohibits associations from engaging in for-profit activities, providing material support for individual political candidates, or adopting bylaws or taking actions to incite violence or promote hatred, fanaticism, or discrimination on religious grounds. Once established, such an association can receive tax exempt income from organizations, including foreign organizations, that have a prior agreement with the government.

Once the association receives the return receipt from the secretary general, it has seven days to submit an announcement of the name, purpose, and objectives of the association to the government press, which has 15 days to publish the announcement in the government gazette, which marks the association's official registration. In the event the government does not return a registered receipt within 30 days, an association may proceed to submit its documents for publication and obtain registration. A foreign association may establish a branch in the country, but the government may also reject its registration request if the government finds the principles or objectives of the foreign association contravene the law.

Violations of the provisions of the law related to associations are punishable first by a warning of up to 30 days from the secretary general of the government, then by a court order suspending the association's activities for up to 30 days if the violations persist. If the association is still in violation of the law, the secretary general may then appeal to the court for dissolution of the association. Under the law, associations have the right to appeal court decisions.

Registered associations have the right to organize meetings and demonstrations, to publish reports and leaflets, to own real estate, and to engage in "all types of civil activities."

A 1964 concordat with the Holy See grants official recognition to the Roman Catholic Church. This agreement allows the Church to function in the country and provides state recognition of the Catholic Church. Catholic schools and charities

are able to operate under the concordat, but their financial activities are conducted through registration as an association.

The law states the government oversees Islamic prayer services by subsidizing mosques and appointing imams and paying their salaries. The grand mufti, appointed by the president, 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 curricula, and studying and writing about Islam. The MRA suggests themes for Friday prayers, but does not regulate their content. The government may initiate administrative and legal procedures to remove imams whom authorities determine to be preaching "divisive" theology.

By law, 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.

It is mandatory for students in public schools 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. Religious groups may operate private schools.

Provisions of law addressing marriage, divorce, and other personal status issues are largely based on principles of civil law, combined with elements of sharia law. Laws of inheritance are principally based on requirements in sharia law, but there are some provisions that allow for exceptions.

The law does not list religion as a prohibited basis for political parties, but prohibits political parties from using religion to call for violence or discrimination.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

The government twice denied the application to form an association submitted by members of the Bahai Faith because the association had the word "Bahai" in its name, according to association members. In response, officials from the Prime Ministry said that the inclusion of the word "Bahai" in the association's name comprised a claim to represent all members of the Bahai Faith, which runs counter to the law on associations.

Salafists said the police profile them on suspicion of terrorism during the Government of Tunisia's continued state of emergency following the 2015 Bardo museum attack because of their dress and long beards, which they said they wore to emulate the Prophet Muhammad. The Tunisian Rights and Freedoms Observatory documented several cases in 2016 in which security forces assaulted and restricted travelers because of their appearance. In August, Abdrahman Mejri was traveling in a collective taxi to visit his family when a police patrol stopped the vehicle during a routine check, asked him for his ID, handcuffed and took him to the police station. He was later released after a four-hour interrogation. He said the incident was based on his appearance. In September a local soccer coach, Mohamed Aziz Siala was suspended from his job for having a beard. Siala told The Rights and Freedoms Observatory that his supervisor called Siala to the supervisor's office to inform him of the decision, saying that firing him had nothing to do with his job performance, but came from the owner of the club who was asked by the Ministry of Interior to dismiss Siala. Amnesty International reported the police targeted these individuals and then detained and at times tortured them. The media also reported some women who chose to wear the *niqab* experienced harassment from police and security forces.

The government publicly urged imams to disseminate messages of moderation and tolerance to counter what it said were threats of violent extremism. During the annual Moulded conference, part of an annual festival held during the week of the Prophet's birthday, on December 3 the Minister of Justice and acting Minister of Religious Affairs Ghazi Jeribi stressed the need to "learn the lessons of humanitarian values and principles of Islam." The imam of the Okba Ibn Nafaa mosque in Kairouan Taieb Ghozi spoke of the strong connection between Islam and universal human rights. The conference was attended by government officials, party presidents, the grand mufti, and senior officials and imams from the MRA.

According to several local mosque committees in charge of mosque operations and chosen by congregation members, the government generally allowed the committees to manage the daily affairs of their mosques and choose their own imams, with the exception of imams for Friday prayers, who were selected exclusively by the MRA. Regional MRA representatives within each governorate had to vet, approve, and appoint both the committees and the imams. According to an official from the MRA, the government standardized and enforced mosque opening and closing times, except for mosques with cultural or historical significance and very small community mosques.

Jewish groups said the government continued to allow the Jewish community to worship freely and paid the salary of the grand rabbi. Members of the Christian community reported the government allowed Christian churches to operate freely.

The government continued to provide security for synagogues and partially subsidized restoration and maintenance costs. Government employees maintained the Jewish cemetery in Tunis.

Authorities said they had increased security for a festival held at the El-Ghriba Synagogue in Djerba in May following advice from the Government of Israel to Jewish pilgrims not to attend because of threats against the festival. At the request of the Jewish community in Djerba, the government installed additional security cameras and personnel around the El-Ghriba Synagogue which operate year-round.

The government continued to permit the Jewish community to operate private religious schools and allowed Jewish children to split their academic day between public schools and private religious schools or go fulltime to either. The government-run Essouani School and the Houmt Souk Secondary School in Djerba remained the only public schools where Jewish and Muslim students studied together. At these schools, Muslim students attended Islamic education lessons on Saturdays while their Jewish classmates could choose to attend classes on religion at a Jewish school in Djerba.

In June the government ordered the suspension of the annual conference of the Islamic Hizb al-Tahrir political party, stating the congress posed a “threat to the public order” because of the party’s advocacy for an installation of an Islamic caliphate in the country. An administrative court overturned the decision. The government then suspended the conference under the state of emergency law, stating the conference could cause a threat to public security. On August 16, an administrative court ordered a 30-day suspension of the party’s activities, which the government stated were violating the 2011 Law of Associations. Those articles the court found the party violated stipulate associations shall, by their bylaws, activities, and funding, observe the principles of the rule of law, democracy, plurality, transparency, equality, and human rights as stipulated in international agreements ratified by the country. The court further found the party violated articles that prohibit associations from adopting in their bylaws, programs, or activities that incite violence, hatred, fanaticism, or discrimination on religious, racial, or regional grounds. An administrative court overturned the suspension on August 30 for “procedural irregularities.” In September the government brought a criminal case against the party, stating it had incited jihad and advocated violence.

A prosecutor referred the case to a military court. Representatives from the party refused to participate in the court hearings. The case against the party remained pending at year end.

Some Christians reported civil procedures for marriage, divorce, and inheritance contained elements of Islamic practice that were not applicable to their faith. The Tunisian Association for Support of Minorities (ATSM) reported at least 10 cases during the last year in which Muslim women were denied requests to marry non-Muslims unless they officially converted to Islam. At an August 16 press conference, ATSM publicly complained about the country's legal restrictions against interfaith marriage, claiming it was inconsistent with the constitution to forbid marriages between a Muslim woman and a non-Muslim man.

Section III. Status of Societal Respect for Religious Freedom

Media reported some Christians who converted from Islam expressed concerns about threats of violence from members of their families or other persons, saying there was societal pressure against Muslims leaving the faith.

In January the Jewish Community of Tunisia denounced statements made by then owner of the Club Sportif Sfaxien soccer team Lotfi Abdennadher, who disparaged a Jewish referee's religion in remarks widely broadcast on Tunisian television and social media saying "you're nothing but a dog, a Jew." Abdennadher publicly apologized for his remarks in a Tunisian radio interview two weeks after the incident.

Section IV. U.S. Government Policy

Embassy officials continued to meet regularly with government officials including in the Ministry of Religious Affairs; the Presidency of the Government; and the Ministry of Relations with Constitutional Bodies, Civil Society, and Human Rights to discuss issues concerning religious minorities. Conversations also focused on the government's efforts to control activities in mosques and on threats to Muslims who had converted to other faiths. On May 23, the U.S. Special Advisor for Religious Minorities in the Near East and South/Central Asia visited Tunis and spoke to government officials about U.S. support for religious freedom and tolerance in the country. On May 25, the Special Advisor was joined by the U.S. Special Envoy to Monitor and Combat Anti-Semitism and a delegation from the U.S. Embassy in Tunis to participate in the Lag B'Omer Pilgrimage to the El-Ghriba synagogue on the island of Djerba. During the visit, the Special Envoy and

Special Advisor met with Jewish leaders and members of civil society and reaffirmed U.S. support for religious diversity and tolerance.

The embassy maintained frequent contact with leaders of religious groups throughout the country to discuss the impact of the security situation on religious groups and the freedom of religious minorities to worship without restrictions from the government or threats from the community. The embassy hosted several speakers to engage youth, women's groups, and civil society representatives in discussions that promoted respect for religious differences. The embassy fostered programs designed to highlight religious tolerance and counter violent extremism, including a series of "cafe talks," informal conversation groups led by youth, to discuss issues of religious tolerance and alternatives to violence; a program working with Tunisian scouts to learn how to recognize and combat signs of radicalization; and several research programs aimed at identifying and countering radicalization and violent extremism, especially in youth.