

TUNISIA 2020 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution declares the country's religion to be Islam. The constitution 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 other houses of worship to advance political agendas or objectives and guarantees freedom of belief, conscience, and exercise of religious practice. Media reported in June that Mounir Baatour, a lawyer and president of Shams, a group that advocates for sexual minorities, fled to France after the government accused him in late 2019 of "incitement to hatred and to animosity between races, doctrines, and religions." Police arrested four foreign nationals in Sousse on February 18 for distributing flyers encouraging conversion to Christianity. On July 14, the First Instance Court of Tunis sentenced blogger Emna Chargui, who since fled the country, to six months in prison and a 2,000-dinar (\$750) fine for a May 2 social media post, "Sura Corona," that mimicked the format of a Quranic verse as a comment on the COVID-19 pandemic. The government may initiate administrative and legal procedures to remove imams whom authorities determine to be preaching "divisive" theology. In spite of continued appeals from the Baha'i community, the government did not recognize the Baha'i Faith or grant its association legal status. On February 21, an administrative court ruled in favor of allowing the Baha'i Faith to establish an association. The General Prosecutor appealed the ruling and the case remained ongoing at year's end. While face coverings used to guard against COVID-19 were permitted and mandated by the government, wearing the *niqab* remained prohibited. Christian citizens stated the government did not fully recognize their rights, particularly as they pertain to the establishment of a legal entity or association that would grant them the ability to establish an Arabic-language church or a cemetery. On May 19, the Minister of Cultural Affairs announced the ministry would include the synagogue of Tataouine in its national heritage registry and would place it under protection to prevent further degradation of the building. The multicultural Attalaki Association for Freedom and Equality reported continued positive exchanges with members of parliament from the Nahda political party, Tahya Tounes political party, and the Reform bloc in parliament, and the Union for Religious Affairs regarding efforts to combat hate speech based on religion and license a Christian cemetery and church.

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

May 3, a neighbor called a woman an infidel and physically assaulted her for wearing a Christian cross. An article published by an international NGO stated that several historical factors “have contributed to a persistent societal perception of religious minorities in Tunisia as foreigners (Christians more than Jews due to the longer presence of the latter), or at least as not fully Tunisian.” Some atheists reported facing societal pressure to conceal their atheism, including by participating in Islamic religious traditions.

The U.S. Ambassador and embassy officials continued to maintain regular contact with government officials, including in the Ministry of Religious Affairs (MRA), Office of the Presidency, and Ministry of Relations with Constitutional Bodies, Civil Society and Human Rights, to discuss issues concerning religious freedom and encourage tolerance of religious minorities. Conversations also focused on government efforts to control activities in mosques, difficulties facing Baha’i Faith and Christian citizens, reports of anti-Semitic acts, and threats to converts from Islam to other faiths. Throughout the year, embassy officers discussed religious diversity and dialogue with leaders of the Muslim, Christian, Jewish, and Baha’i communities. Embassy officers continued to engage, virtually, on a regular basis with a range of religious leaders.

Section I. Religious Demography

The U.S. government estimates the total population at 11.7 million (midyear 2020 estimate), of which approximately 99 percent is Sunni Muslim. Christians, Jews, Shia Muslims, Baha’is, and nonbelievers constitute less than 1 percent of the population. There are approximately 7,000 Christians who are citizens, according to the Christian community, most of whom are Anglicans or Protestants. The MRA estimates there are approximately 30,000 Christian residents, most of whom are foreigners, and of whom 80 percent are Roman Catholic. Catholic officials estimate their church 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, Jehovah’s Witnesses, and members of The Church of Jesus Christ of Latter-day Saints. The Jewish community numbers approximately 1,400, according to the MRA. One-third of the Jewish population lives in and around the capital, and the remainder lives on the island of Djerba and in the neighboring town of Zarzis. There is a small Baha’i community, but reliable information on its numbers is not available.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution declares Islam is the country's religion, but the constitution 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. It guarantees freedom of belief, conscience, and exercise of religious practices. The constitution also states that mosques and houses of worship should be free from partisanship. 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 law requires that all religious services be celebrated within houses of worship or other nonpublic settings. These restrictions extend to public advertisement of religious services. The constitution lists reasons for potential restrictions on the rights and freedoms it guarantees, including protecting the rights of others, requirements of national defense, and public order, morality, or health. The constitution guarantees the right to public education and says the state will "work to consolidate the Arab-Muslim identity in the young generations."

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."

There is no legal prohibition of proselytism, but the law criminalizes forced conversions.

Religious groups may form and register associations under the law to establish a bank account, 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 a registered letter to the Prime Minister's Office stating 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 requires that associations and political parties respect the rule of law and basic democratic

principles. The law prohibits associations from engaging in for-profit activities, providing material support to individual political candidates, or adopting bylaws or taking actions to incite violence or promote hatred, fanaticism, or discrimination on the basis of religion. Once established, an association may receive tax-exempt income from organizations, including foreign organizations that have a prior agreement with the government.

Once an association receives the return receipt from the Prime Minister's Office, it has seven days to submit an announcement of the name, purpose, and objectives of the association to the government press. The government press 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 *modus vivendi* with the Holy See grants official recognition to the Roman Catholic Church. The *modus vivendi* allows the Church to function in the country and provides state recognition of the Catholic Church, although it restricts religious activities and services to the physical confines of authorized churches and prohibits construction of new churches and the ringing of church bells. A limited number of Catholic schools and charities may operate under the *modus vivendi*, but their financial activities are conducted through registration as an association and their affiliation with the Church is not publicized.

The law states that the government oversees Islamic prayer services by subsidizing mosques, 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 sermons 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. The MRA pays for construction of mosques, although private and foreign donors also are able to contribute to construction costs. 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 the principles of Islam for approximately one hour per week. Non-Muslim students generally attend these courses but may seek an exemption. The curriculum for secondary school students also includes references to 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. Laws of inheritance are principally based on requirements in sharia, but there are some provisions that allow for exceptions as outlined in the Code of Personal Status.

Newly married couples must state explicitly in the marriage contract whether they elect to combine their possessions or to keep them separate. Sharia inheritance law in some instances provides men with a larger share of an inheritance. Non-Muslim women and their Muslim husbands may not inherit from each other, unless they seek a legal judgment based on the rights enshrined in the constitution. The government considers all children of those marriages to be Muslim and forbids those children from inheriting from their mothers. Spouses may, however, freely give up to one-third of their estate to whomever they designate in their will.

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

According to a June 9 Reuters report, Mounir Baatour, a lawyer and president of Shams, a group that advocates for sexual minorities, fled to France after the government accused him in late 2019 of “incitement to hatred and to animosity between races, doctrines, and religions,” under the country’s counterterrorism law. According to Human Rights Watch (HRW), the basis for the accusation was that he re-shared a post on his Facebook page that critics considered disparaging of the Prophet Mohammed.

Media reported that police arrested two Indians, an Australian, and a Filipino in Sousse on February 18 for distributing flyers encouraging conversion to Christianity. According to media reports, the individuals were released after interrogation and subsequently deported.

On July 14, the First Instance Court of Tunis sentenced blogger Emna Chargui to six months in prison and a 2,000 dinar (\$750) fine for a May 2 social media post, “Sura Corona,” that mimicked the format of a Quranic verse as a comment on the COVID-19 pandemic. The prosecutor charged Chargui under the press code for “inciting hatred between religions through hostile means or violence” and “offending authorized religions.” Civil society organizations criticized the court’s decision and called on authorities to overturn Chargui’s conviction. Chargui, who told the *New York Times* she identified as an atheist, announced through a Facebook post on August 8 that she had departed the country to seek asylum elsewhere. Her appeal remained under court review at year’s end.

On November 3, following an October attack in Nice, France, in which three persons were stabbed to death at a church, reportedly by a Tunisian, the government’s regional director of local affairs in Bizerte announced the suspension of a local imam who had posted a video on his Facebook page that incited others to kill anyone who offends the Prophet Muhammad. Police arrested and interrogated the imam. He remained in detention pending trial at year’s end. According to HRW, on November 12, a Tunis court sentenced blogger Wajdi Mahouechi to two years in prison for posting a video to Facebook on November 1 criticizing the public prosecutor’s handling of the imam’s case. The police arrested Mahouechi on November 2.

The Attalaki Association reported on incidents of hate speech, including by Rached Khiari, a member of parliament and former al-Karama Coalition member, who wrote on his Facebook page following the October 16 beheading of a teacher in France, “Whoever attacks the prophet must bear the consequences.” The

Ministry of Interior initiated an investigation into the statement. A Counterterrorism Department spokesperson told media that Khiari's action could be classified as a terrorism crime under the antiterrorism law.

On February 20, a member of the political bureau of the People's Movement political party, Moncef Bouazizi, said during a media interview that the People's Movement had been responsible for the removal of then Minister of Tourism Rene Trabelsi from the government. According to Bouazizi, the People's Movement expressed its disapproval of Trabelsi, a Jew, to then Prime Minister Elyes Fakhfakh and accused Trabelsi of "normalizing with the Zionist entity" when he stated that Israelis of Tunisian origin should be allowed to return to the country for the Djerba pilgrimage.

Throughout the year, the High Independent Authority for Audiovisual Communication (HAICA) closed several media outlets for not complying with HAICA licensing requirements. On December 7, demonstrators in Tunis protested the government's closing of the privately owned Radio Quran al-Karim. The HAICA said it ordered the closure because the station lacked an operating license. According to press reports, protestors said the action was rooted in Islamophobia and called for the station to return to the air. On December 31, the HAICA imposed a 100,000 dinar (\$37,300) fine because of the defamatory and insulting content of its programs, saying that the station's programs contained "erroneous" information and broadcast live religious discussions inciting hatred and violence, threatening people's safety, public security, and social peace.

Local Jewish sources reported that the Jewish community respected the government's COVID-19 general lockdown measures from March to May and that in turn, the government provided the Jewish community with flexibility as needed. For example, after the community expressed concern that the prison authority's COVID-19 measures prevented family members from delivering kosher meals to a Jewish pretrial detainee, the courts released the detainee on bail, enabling him to join his family for Passover.

As part of the Ministry of Justice's rehabilitation program for countering violent extremism, the Committee General for Prisons and Rehabilitation maintained an agreement with the MRA to permit vetted and trained imams to lead religious sessions with prisoners identified as extremists. As part of the ministry's measures to counter violent extremism, prisons prohibited organized communal prayers but permitted individual detainees to have religious materials and to pray in their cells.

In contrast with the previous year, Baha'i leaders reported harassment by security force personnel during the year, including while preparing administrative documents at police stations.

On February 21, an administrative court ruled in favor of allowing the Baha'i Faith to establish an association. Baha'i Faith members reported that the General Prosecutor then presented an appeal to the court referencing a nonpublic fatwa issued by the Grand Mufti in 2016, which stated that Baha'i Faith members were apostates and infidels and therefore should not be permitted to practice their faith. The case remained ongoing at year's end.

According to the NGO Minority Rights Group International (MRGI), because the Baha'i community remained unregistered, it could not have a bank account, organize money collection, or establish religious schools. The community petitioned the Minister of Local Affairs to establish a Baha'i cemetery but did not receive a reply by year's end.

The government continued to publicly urge imams to disseminate messages of moderation and tolerance to counter what it said were threats of violent extremism. Since 2015, the MRA has conducted regular training sessions for imams on how to disseminate these messages. According to several local mosque committees in charge of mosque operations that are 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 local mosque committees and the imams. According to an official from the MRA, the government standardized and enforced mosque opening and closing times, except for certain mosques with cultural or historical significance and very small community mosques.

The government mandated the wearing of face masks to prevent the spread of COVID-19, although the *niqab* remained officially prohibited. In 2019, in the immediate aftermath of terrorist attacks in downtown Tunis, the government prohibited the wearing of face coverings in administrative and public institutions, in order to "maintain public security and guarantee optimal implementation of safety requirements." The media subsequently reported police and security forces harassed some women who wore the *niqab*. Government officials denied that the restriction limited religious freedom and stressed that its goal was to promote

improved security. Sources reported that the circular remained valid during the year.

On March 5, President Kais Saied visited the Ghriba Synagogue in Djerba, accompanied by the then Ministers of Defense, Transport and Logistics, a former Minister of Tourism, and regional officials. In a speech, Saied said, “Tunisian Jews are equal with the rest of Tunisians in the eyes of the law, especially in terms of rights and duties.”

Christian citizens continued to state there was strong governmental and societal pressure not to discuss a church’s activities or theology publicly. Christian sources stated that security forces banned a religious conference scheduled for February in a hotel in the city of Hammamat for reasons unrelated to COVID-19 concerns.

Members of the Christian community reported the government allowed churches to operate within set guidelines and provided security for their services. The government generally restricted public religious services or processions outside churches. On August 15, however, the Santa Costa Church held a celebration in the streets of the city of La Goulette in honor of the Catholic Feast of the Assumption. A number of Muslim citizens, including the Mayor of La Goulette, Amal El Imam, and regional Ministry of Interior representative Fathi Hakami, attended the celebration.

Christian citizens reported the government continued to deny them the right to establish a legal entity or association that would give them the ability to establish an Arabic-language church or a cemetery. However, the Christian community again did not submit a formal request for an association or legal status during the year. Christian cemeteries existed for foreign members of the Christian community; Christian citizens, however, continued to need permission from the government to be buried in a Christian cemetery. Citizens reported they generally did not request such permission due to what they said was a pattern of governmental nonresponse. In August, the Attalaki Association reported that local officials refused to bury the body of a child of a Christian father in an Islamic cemetery because the cemetery was designated for use by Muslims only. After the family contacted the mayor of Tunis, the cemetery administration authorized the child’s burial. The Attalaki Association reported continued positive exchanges with members of parliament representing the Nahda political party, Tahya Tounes political party, the Reform bloc in Parliament, and the Union for Religious Affairs to discuss efforts to combat hate speech based on religion and to license a Christian cemetery and church.

On May 19, the mayor of al-Kram established the country's first government-sponsored *zakat* fund (an Islamic religious duty to donate a portion of one's income to the poor) since independence in 1956. Defenders of the country's officially secular nature strongly criticized the creation of the fund, stating that religious initiatives should not replace the government's civic duty and that it was contrary to the constitution. Civil society groups voiced concerns that the fund could benefit Islamist political groups at the expense of the state.

Jewish groups said they continued to worship freely, and the government continued to provide security for synagogues and partially subsidized restoration and maintenance costs. Government employees maintained the Jewish cemetery in Tunis but not those located in other cities, including Sousse and El-Kef.

In accordance with government permits, the Jewish community operated private religious schools, and Jewish children were allowed to split their academic day between public schools and private religious schools or attend either type of school full-time. 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, primarily because of the small size and geographic concentration of the Jewish community. 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.

Representatives from the Jewish community reported that in early November, as a follow-up to applications first filed in 2019, they submitted legal documents related to establishing a Jewish community association to the MRA and to the Minister, who had vowed to support the request. The Jewish community initiated the applications to establish associations to better advocate with the government on behalf of Jewish community interests and serve as an organizing body for the Jewish communities in Gabes, Medenine, and Tunis.

On May 19, the Minister of Cultural Affairs announced the ministry would include the synagogue of Tataouine in its national heritage registry and would place it under protection to prevent further degradation of the building.

On November 15, during a visit to Doha, President Saied and the Qatari Emir proposed the holding of a "Western-Islamic conference...aimed at achieving greater understanding." The President said that the conference would have the aim of avoiding confusion that Westerners might experience in distinguishing between

“Muslims ...[and] those extremists who claim to be Muslims,” and that there was a “need to differentiate between Islam and its true purposes and terrorism, which has absolutely nothing to do with Islam.”

In December, the government reported that 160 persons converted to Islam during the year.

Section III. Status of Societal Respect for Religious Freedom

Some atheists reported receiving family and societal pressure to return to Islam or conceal their atheism, including, for instance, by fasting during Ramadan and abstaining from criticizing Islam. Some converts to Christianity reported strong family and societal rejection, and some of them were reportedly beaten and forced to leave their homes on account of their beliefs.

On May 3, a neighbor called a woman an infidel and physically assaulted her for wearing a Christian cross. The victim pressed charges against the attacker; the court case remained ongoing at year’s end.

According to the MRGI, some civil society organizations reported that there were a growing number of Muslim converts to Christianity, but that social taboos remained so strong and widespread that these individuals generally preferred to keep their conversions secret. Many faced ostracism and even violence from their own families due to the stigma surrounding conversion from Islam. Some members of the Christian community said that citizens who attended church services faced pressure from family members and others in their neighborhood not to attend. Christians reported that family members frequently accused converts of bringing “shame” to the family by their conversion. The Attalaki Association reported that security forces or family members harassed Christians.

Christian sources reported that local churches coordinated with government officials to help the churches’ sub-Saharan congregants pay for rent, food, and basic necessities after many had lost their jobs due to the COVID-19 pandemic.

In a July article on religion, identity, and ethnicity in the country, published in a journal of the Cairo Institute for Human Rights, Sylvia Quattrini, the MRGI’s Middle East and North Africa Coordinator, wrote that several historical factors “have contributed to a persistent societal perception of religious minorities as foreigners (Christians more than Jews due to the longer presence of the latter), or at least as not fully Tunisian.”

Baha'i leaders reported that the Baha'i Faith community held virtual religious gatherings, respecting COVID-19 lockdown and curfew orders. Because of the COVID-19 pandemic, the Baha'i community postponed an event initially scheduled for October 19 to discuss different religions' views on equal inheritance between men and women.

In a poll conducted by the Arab Center of Washington, D.C., and released in November, 57 percent of respondents in the country either strongly agreed or agreed with the statement that "No religious authority is entitled to declare followers of other religions infidels," which compared with 65 percent region-wide.

In a poll conducted by a Dubai-based public relations firm in the first three months of the year and involving a team of international experts, 59 percent of the country's citizens between the ages of 18 and 24 agreed that religion was "the most important" factor to their personal identity, compared to 41 percent overall for youth polled in the 17 Arab states included in the survey.

In a global poll by the Pew Research Center published in July, 91 percent of respondents in the country agreed that "religion is very important in their lives," compared to 24 percent of those polled in all 34 countries included in the survey. On other questions, 99 percent said that "God plays an important role in their life" and 97 percent said that "prayer plays an important role in their life." This compared to results from across 34 countries in the survey where 61 percent say that God plays an important role in their lives and 53 percent say that prayer is important in their daily life. Eighty-four percent of respondents in country agreed that belief in God is necessary to have good values, compared with 45 percent for all 34 countries included in the poll.

Section IV. U.S. Government Policy and Engagement

The Ambassador and embassy officials continued to maintain regular contact with government officials, including in the MRA, the Office of the Presidency, and the Ministry of Relations with Constitutional Bodies, Civil Society, and Human Rights to discuss issues concerning religious freedom and encourage tolerance of religious minorities. Conversations also focused on government efforts to control activities in mosques, difficulties facing Baha'i and Christian citizens, reports of anti-Semitic acts, and threats to converts from Islam to other faiths.

Embassy officials 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 by the government or threats from the community. The embassy supported programs designed to highlight religious tolerance and counter violent extremism related to religion, including informal youth-led conversation groups to discuss issues of religious tolerance and alternatives to violence; a program working with scout troops to learn how to recognize and combat signs of religious radicalization; and several research programs aimed at identifying and countering religious radicalization and violent extremism, especially in youth.