TUNISIA 2021 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The 2014 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. Press reported in August that Slimane Bouhafs, an Algerian Christian refugee living in Tunisia since 2018, was forcibly returned to Algeria on August 25 to face terrorism charges. Bouhafs previously served two years in prison in Algeria on charges including "offending Islam." The High Independent Authority for Audiovisual Communications (HAICA) ordered the closure of several news outlets, including some with religious affiliations, for not complying with HAICA licensing requirements. HAICA regulations prohibit outlets with political or religious affiliation from broadcasting. On October 5, the Ministry of Interior enforced HAICA's order to close Zitouna TV, which frequently broadcasts religious programming, for violating its operating license by being affiliated with the Nahda political party, which describes itself as being comprised of Muslim democrats. On November 2, the government ordered the closure of Quran Kareem, a religious radio station for also operating without a license. In announcing the decision, HAICA said that Quran Kareem was "promoting hate speech to incite violence and hatred." On November 18, a Tunisian court overturned HAICA's decision to confiscate Zitouna TV and Radio Quran broadcasting equipment, but upheld HAICA's decision to confiscate Nessma TV's equipment. HAICA announced plans to appeal the court's decision to ensure all media outlets are treated equally under the authority's regulatory mandate. The government continued not to recognize the Baha'i Faith or grant its association legal status, despite a 2020 administrative court ruling in favor of allowing the Baha'i Faith to establish an association. The General Prosecutor appealed the ruling in 2020 and the case remained ongoing at year's end. Wearing the niqab remained prohibited, although this law was generally not enforced. Christian sources and the multicultural Attalaki Association for Freedom and Equality (Attalaki Association) continued to state there was strong governmental and societal pressure not to discuss a church's activities or theology publicly and reported several instances of security forces

banning Christians from meeting in hotels or private homes. 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. The Attalaki Association reported continued positive exchanges with members of parliament regarding efforts to combat hate speech based on religion and license a Christian cemetery and Arabic-language church, prior to President Kais Saied's suspension of Parliament on July 25. Jewish groups said they continued to worship freely, and the government continued to provide security for synagogues and partially subsidized restoration and maintenance costs, but the government continued to fail to act on a 2019 petition to establish a Jewish community association. In February, the municipal government of Dar Chaaban in Nabeul evicted Shia residents who were using residential property for religious meetings.

Christian converts from Islam said threats from members of their families and other persons reflected societal pressure against Muslims leaving the faith. Some atheists reported facing societal pressure to conceal their atheism, including by participating in Islamic religious traditions. On March 9-10, Free Constitutional Party (PDL) members allegedly attempted to break into the Qatar-based International Union for Muslim Scholars (IUMS) national headquarters in Tunis, which PDL president Abir Moussi called a Muslim Brotherhood-sponsored terrorist organization. The Karama Coalition political grouping, described by some think tanks and NGOs (nongovernmental organizations) as a coalition that includes Islamists, organized a counterprotest and there were violent clashes among PDL, IUMS, Karama Coalition, and some Nahda supporters until security forces used tear gas to disperse the crowds. In April, Jewish leaders and Attalaki stated that there were several assaults targeting Jews during Passover. 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.

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 and Christian citizens, reports of antisemitic 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.

Section I. Religious Demography

The U.S. government estimates the total population at 11.8 million (midyear 2021), 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 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, 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 younger 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 constitutes 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, who reports directly to the Prime Minister, 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, including offering religious guidance and issuing fatwas. 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 are also able to contribute to construction costs. Mosques become government property upon completion, after which the government must maintain them.

Students in public schools attend mandatory 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. Some families avoid the application of sharia by executing sales contracts between parents and children to ensure that daughters receive shares of property equal to that given to sons. 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.

Military service is required for males 20-23 years of age for compulsory one-year service, and males 18-23 years of age may volunteer for military service. There is no option for alternative service for conscientious objectors.

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

Government Practices

Press reported that Slimane Bouhafs, an Algerian Christian refugee living in Tunisia since 2018, was forcibly returned to Algeria on August 25 to face terrorism charges. Bouhafs previously served two years in prison in Algeria on charges including “offending Islam.” The Office of the UN High Commissioner for Refugees granted Bouhafs refugee status in 2019. On August 30, several civil society organizations issued a joint statement condemning Bouhafs’ expulsion. On September 3, President Saied reportedly told the Tunisian League of Human Rights (LTDH), a local human rights organization, that the government would

investigate the incident, but as of December, there were no updates to the investigation.

HAICA ordered the closure of several media outlets, including some with religious affiliations, for not complying with HAICA licensing requirements. HAICA regulations do not permit media outlets to be affiliated with political parties or religious groups. On October 5, the Ministry of Interior enforced HAICA's order to close Zitouna TV, which frequently broadcast religious programming, for violating its operating license by being affiliated with the Nahda political party, which describes itself as being comprised of Muslim democrats. HAICA said it ordered the closure because the station lacked an operating license. On November 2, HAICA ordered the closure of Quran Kareem, a religious radio station, also for operating without a license. In announcing the decision, HAICA said that Quran Kareem was "promoting hate speech to incite violence and hatred." On November 18, a court overturned HAICA's decision to confiscate Zitouna and Radio Quran's equipment. HAICA announced it was considering an appeal to ensure all media outlets are treated equally, under the authority's regulatory mandate.

As part of the Ministry of Justice's ongoing rehabilitation program for countering violent extremism, the Committee General for Prisons and Rehabilitation continued to maintain 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 November, Minister of Religious Affairs Brahim Chaibi chaired a three-day workshop in partnership with the Office of the United Nations High Commissioner for Human Rights to promote the role of religious leaders in disseminating values of tolerance, the right to difference, the fight against violence, and upholding freedom of expression. The workshop also addressed ways to combat incitement to hatred, violent speech, and the role of imams in eradicating such speech.

Baha'i leaders again reported harassment by security force personnel during the year. Baha'i leaders reported that some community members received phone calls from individuals claiming to be security forces. One leader said that a security officer called him and asked him to go to the police station without providing any official authorization.

The Baha'i community's efforts to establish an association remained ongoing at year's end. After a 2020 court ruling in favor of allowing Baha'is to form an association, the General Prosecutor 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 appeal remained pending at year's end.

According to a 2020 NGO Minority Rights Group International (MRGI) report, because the Baha'i community remained unregistered, it could not have a bank account, organize money collection, or establish religious schools. In 2020, the Baha'i 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 continued to mandate the wearing of face masks to prevent the spread of COVID-19, although the niqab remained officially prohibited. The government prohibited the wearing of niqabs in administrative and public institutions in order to "maintain public security and guarantee optimal implementation of safety requirements," although women who wore niqabs in these settings were generally not detained. Government officials denied that the restriction limited religious freedom and stressed that its goal was to promote improved security.

In April, in response to the increase in COVID-19 cases and government restrictions to prevent the spread of the disease, the annual Lag B'Omar Pilgrimage to the Ghriba Synagogue in Djerba, the oldest synagogue in Africa, was closed to

the public, with attendance limited to an invitation-only basis. A small, private ceremony for worshippers was held and attended by religious observers.

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 meeting of 25 Christians in September in a hotel in the city of Hammamat for reasons unrelated to COVID-19 concerns. According to the Attalaki Association, police reportedly interrogated a Tunisian pastor in Nabeul Governorate for holding a religious gathering. After interrogating him for five hours without his attorney present, they released him. Police told him he was banned from holding future religious gatherings in the Nabeul Governorate.

The Attalaki Association reported that in March, security forces detained a Canadian pastor for reportedly hosting a gathering of Christian students at his residence in Nabeul. Police reportedly told him to sign papers stating he would not hold religious gatherings of any type in the future.

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 as agreed under the 1964 modus vivendi with the Vatican. The Santa Costa Church did not hold a celebration in August in the streets of the city of La Goulette in honor of the Catholic Feast of the Assumption due to government COVID-19 restrictions on gatherings.

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. The Christian community, however, again did not submit a formal request for an association or legal status during the year, due in part to COVID-19-related restrictions. Christian cemeteries existed for foreign members of the Christian community; Christian citizens, however, continued to need permission from the government to be buried in any of these cemeteries. Citizens reported they generally did not request such permission due to what they said was a pattern of governmental nonresponse. Prior to President Saied's suspension of Parliament on July 25, the Attalaki Association reported continued 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 Arabic-language church.

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. According to Jewish community representatives, the synagogue of Tataouine, which was placed on the national heritage registry in 2020, remained under state protection to prevent further degradation of the building.

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 October, as a follow-up to the application they 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. There were no additional updates to the petition, however. The Jewish community initiated the applications to establish associations in order 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.

According to the Attalaki Association, in February, the municipality of Dar Chaaban in Nabeul told Shia residents of a house to vacate the premises because the land permit authorized the property for habitation, not for religious services by members of the Shia community. The municipality demolished the building.

Media reported that in January, the Conference of European Rabbis (CER) accused President Saied of using language that blamed Jews for “the instability of the country” in a video posted on Facebook during which he spoke to citizens following unrest in several townships outside Tunis. The CER issued a statement on January 19 saying such talk “constitutes an immediate threat for the physical and moral integrity of Tunisian Jewish Citizens.” On January 20, the Presidency denied that Saied had mentioned any religion in his speech and said “there was no reasonable motive to deal with the question of religion in the context of protests.”

The Presidency said Saied spoke with Chief Rabbi of Tunisia Haim Bittan to reassure him Tunisian Jews enjoyed the same "solicitude and protection" from the state as other citizens.

On May 18, the parliament issued a statement protesting Israeli actions targeting Hamas and expressing its solidarity with the Palestinian people against the "brutal aggression of the usurping Zionist entity against the Palestinian people in Jerusalem, Gaza, the West Bank and within the territories occupied in 1948, and the accompanying destruction, displacement, Judaization and brutal and racist terrorist acts targeting Palestinian civilians." In a plenary session of Parliament, deputies condemned Israeli attacks, describing them as "brutal" and "terrorist." They also condemned "the policy of settlement, siege and racial discrimination practiced by the Zionist entity against the Palestinian people."

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, including threats, and some of them were reportedly beaten and forced to leave their homes on account of their beliefs.

On March 9-10, PDL members allegedly attempted to break into the International Union for Muslim Scholars (IUMS) national headquarters in Tunis. Referring to Qatar-based IUMS as a Muslim Brotherhood-sponsored terrorist organization, PDL president Abir Moussi called on Governor of Tunis Chedly Boualleague to shut down the organization. The Karama Coalition political grouping, described by some think tanks and NGOs as a coalition that includes Islamists, organized a counterprotest outside IUMS headquarters. The confrontation between PDL, on one hand, and IUMS, Karama Coalition, and some Nahda supporters, on the other, resulted in violent clashes between demonstrators until security forces used tear gas to disperse the crowds. Tunis Governor Boualleague authorized security forces on March 10 to disassemble sit-in tents erected by PDL, IUMS, and Karama Coalition supporters. Qatari IUMS Secretary General Ali Al-Qaradaghi described Moussi's actions as criminal and told media he planned to sue Moussi for attacking a legally authorized organization. On March 10, Nahda issued a statement condemning PDL's "authoritarian" actions against a "legal association that is licensed and operates within the rules established by the Associations Decree."

In April, Jewish leaders stated that there were assaults targeting members of the community during Passover. In Djerba, a man allegedly beat a child (with reports differing as to whether the victim was a 10- or 16-year-old), and two men allegedly attempted to strangle a young woman near her home in a separate incident. The young woman's family filed a complaint with police. The Attalaki Association issued a statement on April 7 describing two additional incidents targeting the Jewish community: a man who allegedly shouted, "get out of our country!" to a Jewish man, and a Customs officer who reportedly beat and removed the pants of a merchant and said, "see how we treat the Jews!" Attalaki's statement emphasized solidarity with the Jewish community and the rejection of all forms of discrimination, violence, and hate. The statement also called on law enforcement to investigate each of the incidents and hold those responsible accountable.

According to the Anti-Defamation League, on May 19, at a demonstration in Tunis protesting Israeli actions against Hamas, participants carried a banner with the Star of David and the phrase "COVID1948." Other banners included a swastika over the word "Zionism" and another with the phrase "Genocide in Gaza."

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 family members frequently accused converts of bringing "shame" to the family by their conversion. The Attalaki Association reported that non-Christian family members harassed Christians.

Christian sources reported that local churches continued to coordinate 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.

Baha'i leaders reported that the Baha'i Faith community held virtual religious gatherings, respecting COVID-19 pandemic lockdown and curfew orders.

In a poll conducted by a Dubai-based public relations firm in June and involving a team of international experts, 19 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 with 34 percent overall for youth polled in the 17 Arab states included in the survey.

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 antisemitic acts, and threats to converts from Islam to other faiths.

Embassy officials maintained frequent contact with leaders of religious groups, including members of the Baha'i, Christian, and Jewish communities, 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 continued to support 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. An embassy representative attended the private worship service in the Ghriba Synagogue in Djerba in April.

The embassy granted its first award directly to a Tunisian NGO in early March. The $177,000 program is designed to promote religious diversity through interfaith dialogues, start a social media campaign to raise awareness of religious freedom, and advocate for reforms to improve freedom of religion in the country.