

TUNISIA 2015 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. Following deadly terrorist attacks in March and June, the government closed 80 mosques, which it said were built without proper authorization or whose imams it accused of preaching extremist theology, as well as 80 Islamic associations it accused of extremism. The Ministry of Religious Affairs (MRA) dismissed 20 imams it accused of preaching radical ideology or conducting inappropriate activities inside mosques. The prime minister's office issued a warning it might suspend the Hizb al-Tahrir political party (Liberation Party) if the party did not cease its activities aimed at creating an Islamic caliphate ruled by Islamic law. The government continued to allow the Jewish and Christian communities to worship freely.

Terrorist attacks on March 18 at the Bardo Museum in Tunis and on June 26 at two hotels in Sousse resulted in the deaths of 22 and 38 people respectively, many of them foreigners. A terrorist attack on November 24 in Tunis killed 12 members of the presidential guard. Da'esh (Islamic State of Iraq and the Levant) claimed responsibility for the attacks, although reports suggested members of local terrorist groups had perpetrated them.

Christian converts from Islam said threats of violence from members of their families and other persons reflected societal pressure against Muslims leaving the faith. In March unknown individuals damaged the grave of 18th century Jewish author and scholar Rabbi Masseoud Elfassi.

The U.S. Ambassador, embassy officers, and visiting senior U.S. government officials met with government officials, including at the Ministry of Religious Affairs and the Ministry of Justice, to urge continued tolerance of religious minorities. U.S. officials also discussed the government's efforts to control activities in mosques as well as threats to Muslims who had converted to other faiths. Embassy officers discussed religious diversity and dialogue with leaders of the Muslim, Christian, and Jewish communities. On May 6, the U.S. Special Envoy to Monitor and Combat Anti-Semitism participated in the Lag B'Omer

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Pilgrimage to the El-Ghriba synagogue on the island of Djerba, where he 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 million (July 2015 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 approximately 88 percent of Christians, according to nongovernmental organizations. 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, which dates back more than 2,500 years, 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 no official data on nonbelievers.

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 public order, national defense, and public 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." The telecommunications code criminalizes "harming others or

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disrupting their peace through public communication networks” with penalties of up to two years imprisonment and/or a fine of up to 1000 dinars (\$500).

According to the MRA, Christian and Jewish groups are registered with the Prime Ministry, but are also listed with the Directorate for Borders and Foreigners at the Ministry of Interior for provision of security. Religious groups may form and register as associations under the law to conduct financial activities such as charity work. 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 members. 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 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.

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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.

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 government initiates 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, inheritance, and other personal status issues are based on sharia, although the law also allows for some exceptions to the principles of sharia, for example with regard to inheritance.

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.

Government Practices

Following two deadly terrorist attacks on foreign tourists at the Bardo Museum in Tunis (March 18) and at hotels in Sousse (June 26), the prime minister’s office, through a crisis unit it established in 2014 to coordinate counterterrorism efforts, closed 80 mosques it said were built without proper authorization or whose imams it accused of preaching extremist theology. On July 28, the minister of relations

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with constitutional bodies and civil society accused 157 associations of having links with *takfirist* groups. The government closed 80 of these organizations, some without the requisite judicial review, according to civil society watchdog groups. These associations were predominantly Islamic and all contested the government allegations.

The government publicly urged imams to disseminate messages of moderation and tolerance to counter what it said were threats of violent extremism. During the year, the MRA dismissed 20 imams whom it accused of conducting inappropriate activities or preaching extremist theology from inside mosques. In all cases the imams protested their dismissal and denied claims of extremism. On October 21, the National Council of Mosques and Imams organized a protest in front of the MRA building to protest what it called the ministry's "arbitrary decisions" to dismiss imams. One of the imams, Ridha Jaouadi, stated he had a petition signed by 10,000 people urging the MRA to reinstate him in his position at the Lakhmi Mosque in Sfax. For several weeks following his dismissal, followers of Jaouadi prevented his replacement from leading Friday prayers. The MRA stood behind its decision, stating Jaouadi had preached jihad and organized trade union activities from inside the mosque. On November 13, the MRA indefinitely suspended Friday prayers at Lakhmi Mosque, and increased security in the area. On December 4, the mosque reopened for Friday prayers under a new imam appointed by the MRA.

According to several local mosque committees, 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 Ministry of Foreign Affairs (MFA). Regional MFA representatives within each governorate had to vet, approve, and appoint both the committees and the imams. According to an official from the MFA, the government standardized and enforced mosque opening and closing times, except for mosques with cultural or historical significance and very small community mosques.

Salafists complained the police profiled them on suspicion of terrorism because of their dress and long beards, which they said they wore to emulate the Prophet Muhammad.

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Jewish groups said the government continued to allow the Jewish community to worship freely and paid the salary of the grand rabbi. The government also reportedly continued to permit 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. 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. The government-run Essouani School and the Houmt Souk Secondary School remained the only schools where Jewish and Muslim students studied together. At these schools, Muslim students attended Islamic education lessons on Saturdays while their Jewish classmates attended classes on religion at a Jewish school in Djerba.

Authorities said they had increased security for a festival held at the al-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.

Following the June 26 Sousse attack, the prime minister's office issued a warning to the Hizb al-Tahrir political party, which espoused the goal of creating an Islamic caliphate ruled by Islamic law, to "comply with the constitution or face suspension of its activities." The prime minister's office publicly accused the party of seeking to change the republican nature of the state and being "hostile to democracy." On September 7, local authorities in Sfax banned a political meeting of the party due to what the authorities said was a "failure to comply with legal requirements." The president of the party told the media the ban was an attempt "to prevent our party from giving its voice to Tunisians."

Abuses by Foreign Forces and Non-State Actors

On March 18, several gunmen attacked the Bardo Museum in Tunis. Twenty-two people were killed and approximately 50 were injured. Da'esh claimed responsibility for the attack, although the government blamed the local group Okba Ibn Nafaa, which had been affiliated with Al Qaeda in the Islamic Mahgreb, but switched its allegiance to Da'esh.

On June 26, an armed gunman attacked two hotels in Sousse, killing 38 people. Thirty of those killed were British tourists. The attacker, Seifedinne Rezgui, was

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reportedly a member of Ajnad al-Khilafa, an outgrowth of the terrorist organization Ansar al-Sharia. Da'esh also claimed responsibility for the attack.

A suicide bomber attack on a bus in Tunis on November 24 killed 12 members of the presidential guard. Da'esh claimed responsibility for this attack as well.

While statements by Da'esh justified the killings as attacks on “dens of vice and apostasy” and said they would not cease until “the law of God rules Tunis,” some observers, noting the targets were foreigners and government security personnel, suggested the attacks were primarily attempts to destabilize the government politically.

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 March unknown individuals damaged the grave of 18th century Jewish author and scholar Rabbi Masseoud Elfassi. Media reports speculated the vandalism was the work of looters. After the incident, President Beji Caid Essebsi increased security around the cemetery and other Jewish sites, and publicly promised a European rabbinical body he would protect the Jewish community and its institutions.

Section IV. U.S. Government Policy

Embassy officials continued to meet regularly with government officials to discuss the government's policy of tolerance towards 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.

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. On May 6, the visiting U.S. Special Envoy to Monitor and Combat Anti-Semitism and embassy officers participated in the Lag B'Omer Pilgrimage to the El-Ghriba synagogue on the island of Djerba. During the visit, the Special Envoy met with Jewish leaders and

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members of civil society and reaffirmed U.S. support for religious diversity and tolerance. The embassy hosted several speakers to engage youth, women's groups, and civil society representatives in discussions which promoted respect for religious differences. The embassy fostered programs designed to highlight religious tolerance and counter violent extremism.