

# TUNISIA 2019 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. Laws require that associations and political parties respect the rule of law and basic democratic principles and prohibit them from encouraging violence, hatred, intolerance, or discrimination on the basis of religion. The law states the government oversees Islamic prayer services by subsidizing mosques, appointing imams, and paying their salaries. The government 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 and in the period preceding the 2019 national elections, the Ministry of Religious Affairs (MRA) declared that it would terminate employment of any imam or mosque employee who engaged in partisan politics. In September the Aleph Institute, an international Jewish organization that assists individuals in prisons, expressed concern about possible anti-Semitism in the treatment of two Jewish detainees held in the country, including Jewish citizen Ilane Racchah, who remained in pretrial detention from July 2018 to October 2019 and whose case remained pending at the end of the year. On July 5, in the immediate aftermath of two terrorist attacks in downtown Tunis, Prime Minister Youssef Chahed issued a prohibition on wearing face coverings in administrative and public institutions, in order to "maintain public security and guarantee optimal implementation of safety requirements." Government officials denied that the restriction limited religious freedom and stressed that its goal was to promote improved security. According to Human Rights Watch, on May 19, police in Kairouan arrested and detained Imed Zaghouani, a cafe owner, after Zaghouani declined to close his cafe during Ramadan. The Ministry of Interior issued a statement in late May denying that it issued orders to close cafes or restaurants during Ramadan and explained that the ministry works to apply the constitution, including the protection of freedom of belief and conscience. 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. The Baha'i community reported that it was unable to proceed with an appeal of a 2018 court decision that denied its petition to be registered as an association, because it did not have information on the grounds for the court's

decision. 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. Unlike the Baha'is, however, the country's local Christian community did not submit a formal request for an association or legal status. The MRA established an Office for Religious Minorities to assist in the ministry's efforts to coordinate with the country's main religious minorities. The minister of religious affairs met with representatives of the Christian, Jewish, and Baha'i Faith communities. The grand mufti, grand rabbi, and Catholic archbishop attended the October 23 swearing in of President Kais Saied.

Christian converts from Islam said threats from members of their families and other persons reflected societal pressure against Muslims leaving the faith. The multicultural Attalaki Association for Freedom and Equality reported a positive exchange with a member of parliament from the Nahda political party, imams from the Association of Imams for Moderation and Rejection of Extremism, and representatives of the Christian community during a May colloquium organized to discuss interfaith issues, particularly for the Christian community. The association praised this exchange as a first step towards building strong communication among these communities, with a commitment to work together to advance several proposals raised by the Christian community, including efforts to facilitate their desire to license a cemetery and a church. Some atheists reported facing societal pressure to conceal their atheism, including by participating in Islamic religious traditions.

The Ambassador and other U.S. embassy officers met with government officials at the MRA, the Office of the Presidency, and the Ministry of Relations with Constitutional Bodies, Civil Society, and Human Rights (MRCB) and encouraged continued tolerance of religious minorities. Embassy officials also discussed the government's efforts to control activities in mosques, threats to converts from Islam to other faiths, and the status of the Baha'i Faith in the country. Embassy officers discussed religious diversity and dialogue with leaders of the Muslim, Christian, Jewish, and Baha'i communities. In May the Ambassador and other embassy officers 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. Following the pilgrimage, the Ambassador and embassy officials attended a multifaith iftar near the El-Ghriba Synagogue.

## **Section I. Religious Demography**

The U.S. government estimates the total population at 11.6 million (midyear 2019 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 other Protestants. The MRA estimates there are approximately 30,000 Christians residing in the country, 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 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 no reliable information on its numbers is 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. The constitution guarantees freedom of belief, conscience, and exercise of religious practices. The constitution also states that mosques and houses of worship should be free 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 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 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 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 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, such an association may 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 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 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 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.

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**

On July 5, in the immediate aftermath of two June 25 terrorist attacks in downtown Tunis, Prime Minister Chahed issued a prohibition on wearing face coverings in administrative and public institutions, in order to “maintain public security and guarantee optimal implementation of safety requirements.” This directive remained in effect at year’s end. Government officials denied that the restriction limited religious freedom and stressed that its goal was to promote improved security. The media reported police and security forces harassed some women who wore the *niqab*.

According to Human Rights Watch, on May 19, police in Kairouan arrested Imed Zaghouani, a cafe owner, after Zaghouani declined to close his cafe during Ramadan. After he spent 10 days in jail, on May 29, a court sentenced Zaghouani to a suspended sentence of one month’s imprisonment and a fine of 300 dinars (\$110) for “publicly offending modesty” or “publicly offending morality.” The Ministry of Interior issued a statement in late May denying any orders to close cafes or restaurants that were open during Ramadan, adding that the ministry works to apply the constitution, including the protection of freedom of belief and conscience.

In September the Aleph Institute, an international Jewish organization that assists individuals in prisons, expressed concern about possible anti-Semitism in the treatment of Jewish detainees held in the country’s prisons. In one case, the institute reported that Ilane Racchah was held from July 2018 to October 2019 in pretrial detention and that the investigative judge posted social media comments that “appear anti-Semitic” by referencing Racchah’s religion and “the history of Jews and Arabs” in his judgment. Authorities accused Racchah of inciting others to burn a car. Racchah’s legal case remained pending at year’s end. Although prison officials allowed his family to bring him kosher meals, the normal visiting hours precluded the family from visiting Racchah on the Sabbath or Jewish

holidays, and the limited hours prevented the family from bringing him meals in a timely manner.

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. The Baha'i community reported that it was unable to proceed with an appeal of a 2018 court decision that denied its petition to be registered as an association because it did not have information on the grounds for the court's decision. As of year's end, the ministry had not responded to the Baha'i community's request.

In contrast with previous years, Bahai leaders reported there were no instances of interrogation of members by security force personnel during the year.

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 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 certain mosques with cultural or historical significance and very small community mosques.

On April 12, the First Instance Court of Tunis sentenced an imam to 20 years in prison for belonging to a terrorist group. Authorities also accused the imam of involvement in the 2013 assassination of politician Chokri Belaid. Separately, media reported that on April 19, the judicial police responsible for investigating terrorism cases interrogated an imam on suspicion of belonging to a terrorist organization based on documents uncovered during a search of his house.

In the period preceding the national elections in September and October, the MRA declared it would terminate employment of any imam or mosque employee who engaged in partisan politics. The MRA noted that ahead of the national elections, it prepared a charter for imams to guarantee their political neutrality inside of mosques. The MRA reminded imams and other religious leaders not to make political statements inside of mosques prior to the elections.

The MRA remained responsible for organizing citizens' participation in the Muslim Hajj pilgrimage. The ministry maintained responsibility for the safety of all of the country's pilgrims and for making travel arrangements such as flight tickets, hotel, and transportation. The ministry conducted training sessions for the pilgrims prior to their travel dates. During the year, the ministry received 236,000 requests to participate in the Hajj pilgrimage and supported the travel of 10,982 citizens. The ministry sets the selection criteria for participation in the pilgrimage with priority given to older applicants on a first-come, first-served basis. The number of pilgrims the ministry supported matched the quota allocated to Tunisia by the government of Saudi Arabia.

On July 26, Prime Minister Chahed banned Egyptian preacher Wajdi Ghonim from entering the country after Ghonim criticized late president Beji Caïd Essbessi for "fighting sharia law."

Christian citizens continued to state there was strong governmental and societal pressure not to discuss publicly a church's activities or theology. MRA officials met with Christian leaders in March to discuss revisions to update legal protections for the Christian minorities in the country in line with the constitution.

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 Mayor of La Goulette Amal El Imam and regional Ministry of Interior representative Fathi Hakami, attended this celebration.

Christian citizens reported the government continued to deny them the right to establish a legal entity or association that would grant them the ability to establish an Arabic-language church or a cemetery. The local Christian community again did not submit a formal request for an association or legal status during the year. Christian cemeteries exist 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 this permission due to what they said was a pattern of governmental nonresponse.



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.

Minister of Religious Affairs Ahmed Adhoum hosted two conferences on religious tolerance and coexistence, the first in Tabarka from January 30-February 1 and the second held in connection with the Lag B'Omer pilgrimage in Djerba on May 22. During the conferences, Adhoum, the minister of tourism, and the minister of cultural affairs emphasized that peace and religious tolerance were essential to countering terrorism. On May 28, Adhoum hosted a Ramadan iftar in partnership with the Office of the UN High Commissioner for Human Rights, inviting representatives from the Muslim, Jewish, and Christian communities in the country. Throughout the year, Adhoum met with representatives of the Christian, Jewish, and Baha'i communities.

Authorities again provided a high level of security for the annual Lag B'Omer festival held at the El-Ghriba Synagogue in Djerba in May, including security cameras and personnel around the synagogue.

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. In May, during the Lag B'Omer pilgrimage, the Jewish community of Djerba inaugurated a new school for 120 girls from the Jewish community.

The Jewish community initiated 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. The MRA expressed support for this initiative.

### **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. 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 after their conversion. In one example, church officials reported that a nineteen-year-old Christian convert faced abuse from her family after her conversion, including physical and psychological abuse, prior to her family forcing her from the home.

The multicultural Attalaki Association for Freedom and Equality reported a positive exchange with a member of parliament from the Nahda political party, imams from the Association of Imams for Moderation and Rejection of Extremism, and representatives of the Christian community during a May colloquium organized to discuss interfaith issues, particularly for the Christian community. The association praised this exchange as a first step towards building strong communication among these communities, with a commitment for those outside of government to work together to advance several proposals raised by the Christian community, including efforts to facilitate their desire to license a cemetery and a church.

#### **Section IV. U.S. Government Policy and Engagement**

Embassy officials continued to meet regularly with government officials, including in the MRA, the Office of the Presidency, and the MRCB, to discuss issues concerning religious freedom and encourage tolerance of religious minorities. Conversations also focused on government efforts to control activities in mosques, the difficulties facing citizens of the Baha’i Faith and Christian citizens, reports of anti-Semitic acts, legislative reform, and threats to converts from Islam to other faiths. On May 21-24, a delegation from the embassy, including the Ambassador, participated in the Lag B’Omer pilgrimage to the El-Ghriba Synagogue on the island of Djerba. During the visit, the delegation met with Jewish leaders and members of civil society and reaffirmed support for religious diversity and tolerance. Following the pilgrimage, the Ambassador and embassy officials attended a multifaith iftar near the El-Ghriba Synagogue hosted by the minister of tourism, a prominent member of the Jewish community, for more than 150

persons, including the prime minister and the ministers of religious affairs and culture.

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 supported programs designed to highlight religious tolerance and to counter violent extremism, 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.