

Droits de l'homme sans frontières

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Freedom of Religion or Belief in Tunisia and Egypt: Beyond the Arab Spring Revolutions

Introduction

In 2010 a simple street vendor in Tunisia set himself on fire in protest against the humiliation he suffered from local authorities, sparking a major uprising throughout the country and triggering an historic shift in the social and political life of several other Arab countries. Frustrated by decades of dictatorships and bad governance, millions of people started what has been become known as the Arab Spring.

If the first Arab uprisings in Tunisia, Egypt, Libya, Morocco, Syria, Yemen and Jordan were considered to be driven by youthful activists with a common vision for the future of the Arab world, the outcomes have unfolded quite differently for each of these countries. The call for political change was clear – how that change would be expressed was shaped by each country's unique history and situation.

Today the political landscape is quite diverse, exposing dangerous divisions within these societies. Although beginning with issues of unemployment, poverty and corruption, the rise of Islamist forces have moved the debate to more cultural and religious matters that pose the potential for further conflict. The coming of free and democratic elections – with the broad participation of many sectors of society – has given rise to political and cultural agendas that can clash with some of the original ideals of the Arab uprising.

It goes without saying that each country expresses its own reality. The elections in Tunisia and Egypt delivered two different results, uncovering strong differences between the two societies. While in Egypt the moderate Muslim Brotherhood and more conservative Salafists could both be represented in one Parliament, in Tunisia the moderate Ennahda has been

able to take the lead with other secularist and leftist parties. Different conditions have resulted in obviously different political outcomes.

It is only now in the aftermath of these upheavals in the Arab world and after initial enthusiasm turns to more sober analysis that we can begin to view more specific concerns, such as the respect for the Freedom of Religion or Belief, with better perspective. This paper considers recent events in Egypt and Tunisia that present important challenges to religious freedoms in these countries, challenges that warrant the studied attention of European policy makers.

EGYPT

In January 2011, what has become known as the Arab Spring reached Egypt. After several days of demonstrations and clashes, Hosni Mubarak resigned on the 11th of February, transferring his powers to the Supreme Council of the Armed Forces. This act dissolved the Parliament and suspended the Constitution. In the months to follow, the constitutional referendum and the presidential and parliamentary elections would profoundly change the country's political landscape. The rise of a new political party, related to the Muslim Brotherhood, would secure the election of its candidate for president, Mohamed Morsi.

STATE OF VARIOUS RELIGIOUS DENOMINATIONS¹

Islam

Islam is the official religion of Egypt with most of its population being Muslim. Ninety per cent of the 82 million people living in Egypt are Sunni Muslims. The Shia community accounts for roughly one per cent of the total population.

All mosques must be licensed with the Ministry of Islamic Endowments. The government appoints and pays the salaries of the imams who lead prayers in mosques and also monitors their sermons. At the same time, the proportion of mosques operating outside of government supervision manifestly increased in recent years.

Christianity

Christians in Egypt make up 8 to 12 per cent (6 to 10 million) of the total population. The majority of Egyptian Christians belong to the Coptic Orthodox Church which is officially recognized by the state. Other Christian communities such as the Armenian Apostolic, Catholic (Armenian, Chaldean, Greek, Melkite, Roman and Syrian), Anglican and Protestant churches (Presbyterian, Baptist and Brethren) make up less than two per cent of Egypt's population. Christians reside throughout the country, although their percentage is higher in southern Egypt and in some parts of Cairo and Alexandria.

Christians need to obtain a presidential decree to build new churches. Before the presidential decree can be issued, ten conditions must be fulfilled, such as the requirement that a church may be no closer than 100 meters from a mosque and the approval of the neighbouring Muslim community.

Judaism

¹ International Religious Freedom Report for 2011 United States Department of State • Bureau of Democracy, Human Rights and Labor

Currently the Egyptian Jewish community has only about 100 believers and is officially recognized by the state.

A mass departure of Jews began when Egypt passed an amendment in 1956 to the original Egyptian Nationality Law of 1926. Article 1 of the Law of Nov 22, 1956, stipulated that “Zionists” were barred from being Egyptian nationals.

Article 18 of the 1956 law asserted also that “Egyptian nationality may be declared forfeited by order of the Ministry of Interior in the case of persons classified as Zionists”. However, the term “Zionist” was never defined.²

Other religious groups

There are many other religious groups in Egypt although the number of their adherents is very small.

There are 1,000 to 1,500 Jehovah’s Witnesses, less than 1,500 Baha’is and a small number of foreign members of The Church of Jesus Christ of Latter-day Saints (Mormons). None of these religious groups are recognized by the state.

FORB – UNIVERSAL, REGIONAL and NATIONAL PROTECTION

Universal protection of freedom of religion or belief

Articles 18 and 19 of the Universal Declaration of Human Rights, signed by Egypt in 1948, guarantees the right to freedom of religion or belief, including the right to change one’s religion or belief and to manifest them in public or private.

Regional protection of freedom of religion or belief

The Arab Charter on Human Rights, adopted by the League of Arab States (LAS) in May 2004, also provides for the freedom of religious practice, the right to peaceful assembly and association and equality of persons before the law. Article 25 of the Charter protects religious groups, as it states that “persons belonging to minorities shall not be denied the right to enjoy their own culture, to use their own language and to practice their own religion.” Furthermore, Article 30.1 states that “everyone has the right to freedom of thought, conscience and religion and no restriction may be imposed on the exercise of such freedoms except as provided for by law”.

Egypt is also a party to the Cairo Declaration on Human Rights in Islam, issued by the Organization of Islamic Countries (OIC). Article 1 states that “All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on

² <http://www.justiceforjews.com/sanc-egypt.pdf>

the grounds of race, colour, language, sex, religious belief, political affiliation, social status or other considerations.”

National protection of freedom of religion or belief

*1971 Constitution*³

Article 2: Islam is the religion of the state and Arabic its official language. Principles of Islamic law (Shari'a) are the principal source of legislation.

Article 46: The state shall guarantee the freedom of belief and the freedom of practice of religious rites.

*2011 Provisional Constitution*⁴

Article 2: Islam is the religion of the state and Arabic its official language. Principles of Islamic law (Shari'a) are the principal source of legislation.

Article 11: The state guarantees the freedom of creed and the practice of religious rites.⁵

2012 Draft Constitution

In October 2012 the Members of Egypt's Constituent Assembly presented the first draft of the new Egyptian Constitution. Although still under negotiation, the draft constitution leaves Article 2 unchanged, describing Islam as the "state's religion" and refers to the "principles of Islamic Sharia" as the main source of legislation.

Article 3 states that “The canon principles of Egyptian Christians and Jews are the main source of legislation for their personal status laws, religious affairs and the selection of their spiritual leaders.” Like the former constitution, this same article, taken together with Article 2, implies that the state recognizes only the three “heavenly religions” in matters deemed personal, such as family and divorce laws.

Article 4 states that “Al-Azhar [University] is an encompassing independent Islamic institution, with exclusive autonomy over its own affairs, responsible for preaching Islam, theology and the Arabic language in Egypt and the world. Al-Azhar senior scholars are to be consulted in matters pertaining to Islamic law”. Several observers noticed that giving Al-Azhar control over the interpretation of Islamic texts within the context of legislation would undermine the authority of the elected parliament and judicial authorities⁶, representing also a threat for the Shiites and their different interpretation of Islam.

Article 43 limits religious freedom to "heavenly religions" that are recognised as such by the state - Islam, Christianity and Judaism. "Freedom of belief is an inviolable right. The State

³ Egypt State Information Service: http://www.sis.gov.eg/en/LastPage.aspx?Category_ID=208

⁴ The Provisional Constitution was adopted on March 30, 2011 by the Egyptian Supreme Council of the Armed Forces.

⁵ http://www.cabinet.gov.eg/AboutEgypt/ConstitutionalDeclaration_e.pdf

⁶ <http://english.ahram.org.eg/NewsContent/1/64/55591/Egypt/Politics-/Rights-watchdog-fears-for-freedoms-under-draft-Egy.aspx>

shall guarantee the freedom to practice religious rites and to establish places of worship for the divine religions, as regulated by law.”

Finally, Article 44 of the draft constitution reads: “Insult or abuse of all religious messengers and prophets shall be prohibited.”⁷ Approving this article, the Constituent Assembly would incorporate the current blasphemy law into the constitution.

Article 212 provides for the formation of a new body with wide powers to regulate and oversee both public and private endowments, an attempt to put the church under Islamist control. The article states that “The High Authority for Endowment Affairs regulates, supervises and monitors public and private endowments, ensures their adherence to sensible administrative and economic standards and raises awareness about endowments in society.”⁸

FORB CONCERNS

Government restrictions and court rulings limit the freedom of religion.

Banning of religious groups

By decree 263 of 1960, President Nasser dissolved Bahá’í assemblies, confiscated their belongings, banned all Bahá’í activities in Egypt, stripped them of legal recognition and provided for the punishment of “any organisation or individual who performed any of the activities of the said Assemblies, by a minimum sentence of six months' imprisonment”⁹. In 2008 a court ruled that anyone who adopts the Baha’i faith would be considered an apostate. The religion cannot be recorded in any civil status or other official document, as it would conflict with public order.¹⁰

A 1960 presidential decree also banned the religious activities of Jehovah's Witnesses. While government interference into the activities of the community has decreased since President Mubarak stepped down in February 2011, Egyptian authorities continue to conduct unwarranted surveillance and sometimes impede their private worship. The Egyptian government permits Jehovah's Witnesses to meet in private homes in groups of less than 30 people, even though the community has requested to meet in larger numbers. For years, the Jehovah's Witnesses have pursued legal recognition through the court system, but in December 2009 an Administrative Court handed down a verdict denying Jehovah's Witnesses legal status.¹¹

Identity cards

⁷ <http://www.egyptindependent.com/news/egypt-s-draft-constitution-translated>

⁸ <http://www.nationalreview.com/corner/334908/egypt-s-draft-constitution-religious-freedom-undermined-samuel-tadros>

⁹ http://bahai-library.com/hassall_notes_egypt

¹⁰ International Religious Freedom Report for 2011 United States Department of State • Bureau of Democracy, Human Rights and Labor

¹¹ <http://www.unhcr.org/refworld/docid/4f71a678c.html>

In 2009 Egypt's Ministry of Interior published a decree that allowed individuals to obtain government documents without identifying themselves as belonging to a particular religion.

The decree was the result of a recent Supreme Administrative Court ruling that on government ID cards and other documents, individuals may put a dash in the field denoting religious affiliation.

Before the decree all Egyptians were required to list their religion on their identity card, although only Judaism, Christianity or Islam could be mentioned.

Conversion

The government interprets Shari'a as forbidding Muslims from converting to another religion. Although there are no statutory prohibitions on conversion, the government does not recognize conversions to other religions of citizens born as Muslims.

Blasphemy

Egyptian law prohibits blasphemy through Article 98(f) of its Penal Code. Amended by Law 147/2006, the article states the penalty for blasphemy and similar crimes:

Confinement for a period of not less than six months and not exceeding five years, or a fine of not less than five hundred pounds and not exceeding one thousand pounds shall be the penalty inflicted on whoever makes use of religion in propagating, either by words, in writing or by any other means, extreme ideas for the purpose of inciting strife, ridiculing or insulting a heavenly religion or a sect following it or damaging national unity.¹²

This article has been used to detain and prosecute members of religious groups whose practices deviate society from mainstream Islamic beliefs. Sometimes the courts hold an accused guilty of "incitement to hate Muslims" and "insulting Islam."

Blasphemy and defamation cases after the Arab Spring

Since the breakout of the revolution, a number of blasphemy cases were registered in Egypt. Two cases each were filed against Coptic businessman Naguib Sawiris and against the comedian Adel Imam. Addition cases were also filed against the former deputy Prime Minister Yehia al-Gamal, the journalist Ahmed Ragab and Mostafa Hussein, a caricaturist.¹³

Other notable blasphemy cases include the following:

In March 2012, Makarem Diab, a Coptic Christian was given a six-year sentence for "blasphemy" against Islam, "insulting the Prophet" and "provoking students." The charges were related to an argument that Diab had the previous month with Abd Al Hameed, a

¹² <http://www.egyptindependent.com/news/two-minors-beni-suef-accused-blasphemy>

¹³ <http://www.egyptindependent.com/opinion/stop-blasphemy-trials>

fellow employee at Deer Al Gabrawy Preparatory School. Diab was allowed to appeal his sentence, while Al Hameed organised a protest outside the courthouse, composed of Muslim attorneys.

In May 2012, the 16-year-old Gamal Abdu Massoud was sentenced to three years in jail for defaming Islam, because he posted a drawing on his Facebook page that mocked Islam and the Prophet Mohammed.

In September 2012, Egyptian courts decided to hold a trial for radical Muslim blogger Ahmed Mohammed Abdullah, known as Abu Islam, who tore up pages of the New Testament while protesting in front of the United States Embassy in Cairo.

In September 2012, Albert Saber, a 27-year-old blogger and secular activist, was arrested at his home in Cairo. Police accused him of defaming Islam and the sanctity of all religions, although a warrant was never issued. Saber was accused by a group of citizens of posting the anti-Islamic video “Innocence of Muslims” on his personal social networking sites. Saber was sentenced in December 2012 to three years in prison for blasphemy and contempt of religion.

In October 2012, two brothers, Mina Nadi, 9, and Nabil Nadi, 10, were accused of destroying a copy of the Quran and urinating on it. The accusation came after two residents in the town of Marco filed complaints with authorities. The boys were placed in juvenile detention but were eventually released some days later after a deal was reached between Muslims, Christians and security officials in the area.

Violence against religious minorities

Historically, through inaction the Egyptian government failed to prevent violence against religious minorities and to stop the destruction of their property. The government has also failed to prosecute acts of violence against minorities, favouring informal “reconciliation sessions”. Reconciliation sessions, which are based on traditional Arabic tribal councils, were increasingly used during the administration of Hosni Mubarak. They generally precluded criminal prosecution for crimes against religious minorities and contributed to a climate of impunity that encouraged further assaults.

Violence and impunity cases after the Arab Spring

In September 2011, 3,000 villagers set fire to and destroyed a building connected to the Mar Gerges Church in Aswan, claiming that church officials were turning what has been a guesthouse into an expansion of the church. The villagers were also upset that symbols of the Christian faith could be seen from the outside. In addition, the mob razed four homes near the church building as well as two businesses, all owned by Christians.

At first, Aswan’s governor, Mustafa Kamel el-Sayyed, denied the existence of the church. He later retracted his statement, claiming instead that the construction had been in violation of building codes.

On 9th October 2011, thousands of angry Copts marched from the Shubra district of northern Cairo to the state TV building in Maspero Square. Activists called upon the military council to sack the governor of Aswan province, accusing state TV of anti-Christian propaganda. Soldiers and riot police confronted the protesters with tear gas and violence. Armoured personnel carriers crushed protesters to death. According to reports 27 people died, all Coptic civilians, and over 300 were injured.

The Rev Makarious Bolous of the Mar Gerges Church was sentenced in March 2012 to six months in jail for the building violation. No other arrests have been made, neither those who destroyed the church building nor the imams who called for the attack in the first place.

In January 2012, a mob of over 3,000 Muslims attacked Copts in the village of Kobry-el-Sharbat (el-Ameriya), Alexandria. Coptic homes and shops were looted before being set on fire. Two Copts and a Muslim were injured. The violence started after a rumour was spread that a Coptic man had an intimate photo of a Muslim woman on his mobile phone. The Coptic man, Mourad Samy Guirgis, surrendered to the police for his protection. According to police, the woman concerned denied the whole story, and no compromising photos were found on the cell phone. On 1st February in a "reconciliation meeting" demands were made for a number of Coptic families to be expelled from the village, otherwise Kobry el-Sharbat would be attacked again.

On March 4, about 1,500 villagers brandishing swords and knives surrounded a guesthouse at the privately run language school in the village of Abu Al-Reesh. They accused the nuns of building a church at the site. The two nuns, who were volunteer teachers, barricaded themselves in the school's guesthouse. The situation lasted for eight hours until police were finally able to bring the nuns to safety. None of the villagers involved in the assault have been charged.

In May 2012, a judge in Upper Egypt dismissed all charges against a group of Salafi Muslims who cut off the ear of a Christian in a knife attack when trying to force him to convert. In March 2011, twenty Salafi Muslims had accused the man of having an inappropriate relationship with one of his former tenants and assaulted him. According to the victim, the Salafis were using threats to persuade him to drop the case he had lodged against them for the attack. For example, 500 Salafis surrounded his house, tried to set it on fire and threatened to kidnap his sisters.

In July 2012, a group of Muslims attacked a church and Christian homes outside Cairo, sparking clashes that wounded 16 people. The attack occurred after a Muslim died of wounds from a fight with a Christian.

In October 2012, Iman Abu Bakr Kilany, a female science teacher wearing a full veil, was dismissed from her school in the southern town of Luxor for cutting the hair of two 12-year-old girl pupils, because they were not wearing Islamic headscarves.

RECOMMENDATIONS

The Constitutional Assembly has an important opportunity to guarantee constitutional freedoms and protections for every Egyptian, including for members of religious minorities. The inclusion of these constitutional protections would finally address structural difficulties regarding religious discrimination in Egypt and address the causes of increasing violence against religious minorities.

Article 98(f) of the Penal Code should be repealed.

EU institutions should press Egypt to improve conditions for religious freedom by repealing discriminatory decrees against religious minorities, removing religion from official identity documents, abolishing the blasphemy codes and passing a unified law for the construction and repair of places of worship.

EU institutions should urge Egypt's government to prosecute government-funded clerics, government officials or any other individuals who incite violence, while disciplining or dismissing government-funded clerics who preach intolerance and hatred.

EU institutions should increase pressure on Egypt to bring to justice those who have committed violence against fellow Egyptians on account of their religion.

On 20 January 2011, European Parliament adopted a resolution¹⁴ condemning attacks against Christians in countries such as Egypt while Baroness Catherine Ashton, EU High Representative for Foreign Affairs and Security Policy, pledged her full commitment to protect freedom of religion. European countries should develop a coherent strategy on the enforcement on the human rights to freedom of religion and implement all the articles of the resolution.

¹⁴ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0021+0+DOC+XML+V0//EN&language=EN>

TUNISIA

On 17 December 2010, Mohamed Bouazizi was humiliated by a police officer and saw his vegetable cart confiscated. He set himself on fire and died some weeks afterwards. His act of self-immolation sent thousands of Tunisians to the streets and triggered the Arab Spring uprisings that have spread across the Arab World over the past two years. On 14th January 2011, President Ben Ali left the country, ending 23 years in power. A temporary government held new elections within 60 days and Ben Ali's party was dissolved. On 23rd October 2011, elections were held for the Constituent Assembly with a victory for the Islamist Ennahda Party, which is now in a coalition government with other secularist and leftist parties.

STATE OF VARIOUS RELIGIOUS DENOMINATIONS¹⁵

Islam

Ninety-nine per cent of the Tunisian population is Sunni Muslim. The government finances mosques and pays the salaries of imams. The 1988 Law on Mosques stipulates that only personnel appointed by the government may lead activities in mosques. Construction of new mosques is permitted as long as they are built in accordance with national urban planning regulations. Mosques become government property upon completion and the government is responsible for maintenance and upkeep.

Christianity

Christianity, as the second largest religion, is chiefly the religion of foreign residents and a small group of native-born citizens. About 88 per cent of Christians are Roman Catholic. Officials estimate that fewer than 5,000 Christians are resident in the country. Approximately 500 regularly participate in religious activity. The government permitted Christian churches to operate freely and formally recognized the Roman Catholic Church through a 1964 concordat with the Holy See.

Judaism

Judaism is the country's third largest religion with approximately 1,600 members. One-third of them live in or around the capital. The remainder lives on the island of Djerba and the neighbouring town of Zarzis, where a Jewish community has been present for over 2,500 years. The government allows the Jewish community freedom of worship and pays the salary of the Grand Rabbi. It also provides security for all synagogues and partially subsidizes restoration and maintenance costs for some.

¹⁵ International Religious Freedom Report for 2011 United States Department of State • Bureau of Democracy, Human Rights and Labor

FORB –UNIVERSAL, REGIONAL and NATIONAL PROTECTION

Universal protection of freedom of religion or belief

The International Covenant on Civil and Political Rights, ratified by Tunisia in 1969, guarantees, under article 18, the right to freedom of religion or belief, including the right to manifest it in public or in private. Article 18 also provides that no one shall be subject to coercion which would impair one's freedom to have or to adopt a religion or belief of one's choice.

Regional protection of freedom of religion or belief

The Arab Charter on Human Rights, adopted by the League of Arab States (LAS) in May 2004, also provides for the freedom of religious practice, right to peaceful assembly and association and equality of persons before the law. Article 25 of the Charter also protects religious groups, as it states that "persons belonging to minorities shall not be denied the right to enjoy their own culture, to use their own language and to practice their own religion." Furthermore, Article 30.1 states that "everyone has the right to freedom of thought, conscience and religion and no restriction may be imposed on the exercise of such freedoms except as provided for by law".

Tunisia is also a party to the Cairo Declaration on Human Rights in Islam, issued by the Organization of Islamic Countries (OIC) in which Article 1 states that "All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the grounds of race, colour, language, sex, religious belief, political affiliation, social status or other considerations".

National protection of freedom of religion or belief

1959 Constitution

The preamble of the 1959 constitution, which remained in force even after Ben Ali left the country in 2011, states that Tunisia's official religion is Islam and that the state seeks to "remain faithful to the teachings of Islam." Only a Muslim can serve as president, but the constitution provides for the freedom of conscience and free practice of religion when it "does not disturb public order." Citizens have also a right to sue the government for violations of religious freedom.¹⁶

Preamble

The State seeks "to remain faithful to the teachings of Islam, to the unity of the Greater Maghreb, to its membership in the Arab community and to cooperation with the peoples who struggle to achieve justice and liberty".

¹⁶ The 1959 Tunisian Constitution <http://www.wipo.int/wipolex/en/details.jsp?id=7201>

Article 1

Tunisia is a free, independent and sovereign state. Its religion is Islam, its language is Arabic and its type of government is the Republic.

Article 5

The Republic of Tunisia shall guarantee the inviolability of the human person and freedom of conscience and defends the free practice of religious beliefs, provided this does not disturb public order.

2012 Draft Constitution

After the fall of President Ben Ali in 2011, national elections were called to choose delegates to a National Constitutional Assembly that was charged to draw up a new Constitution. The first draft was published in October 2012.

The preamble of the Draft Constitution makes reference to “constants of Islam” and to “Arabic-Muslim identity.” Article 1 of the general provisions states that the religion of Tunisia is Islam.

The first part of the Draft Constitution is entirely dedicated to the protection of human rights and freedoms. Article 3 stipulates that “the state guarantees freedom of belief and religious practice and criminalizes all attacks on the sacred”. Article 4 states that “Tunisia is the protector of religion. It guarantees freedom of conscience and free worship. It protects sacred values and guarantees that places of worship are neutral in relation to all political propaganda”.¹⁷

Various human rights groups have raised concerns that Article 3 lacks definition in what is considered “sacred” or what constitutes an “attack” on it, potentially opening the door to laws that could criminalize freedom of speech or expression on religious matters.¹⁸

FORB CONCERNS¹⁹

Among the improvements in FORB for Tunisia is the 2011 draft Law on Associations, including religious associations. The new law would cancel the penal dispositions and the prohibition of belonging to an unrecognized religious association. The registration procedure for religious groups has been simplified, making it more difficult for government entities to

¹⁷ Article 19, *Legal Analysis of the Tunisian Draft Constitution* <http://www.article19.org/data/files/medialibrary/3512/Legal-Analysis-Tunisian-Draft-Constitution.pdf>

¹⁸ Human Rights Watch, Tunisia: Fix serious flaws in draft constitution <http://www.hrw.org/news/2012/09/13/tunisia-fix-serious-flaws-draft-constitution>

¹⁹ International Religious Freedom Report for 2011 United States Department of State • Bureau of Democracy, Human Rights and Labor

hinder or delay the registration process. Furthermore, the Interior Ministry can no longer abolish a religious association without the authorisation of the courts.

Previous government restrictions on wearing sectarian dress were lifted in 2011. An Administrative Court has since ruled that universities can choose whether to ban the niqab. Some universities have chosen to restrict it, some only during exams and others completely.

Religious groups' recognition

The government recognizes all Christian and Jewish religious organizations that were established before independence in 1956. In addition to authorizing 14 churches of other denominations in the country, the government recognizes land grants signed by the Bey of Tunis in the 18th and 19th centuries that allow other churches to operate.

Conversion

While the government neither prohibits conversion from Islam to another religion nor requires registration of conversion, officials have occasionally harassed and discriminated against converts from Islam. In addition, there remains a great social prejudice against the Muslim converts to other religious groups.

Political Parties

The constitution does not permit the establishment of political parties based on religious principles, though parties with "Islamic references" such as Nahda were granted political party registration in 2011. However, registration was denied to Hizb Al-Tahreer, a radical Islamist political party.

Proselytising

It remains illegal to proselytise among Muslims, as the government viewed such efforts as "disturbing the public order."

Violence against religious minorities and secularists

After the departure of Ben Ali, several attacks and incidents of vandalism of churches and synagogues were registered in Tunisia. Furthermore, in recent months Salafist groups have organised several raids and aggressive actions toward secularist personalities or groups.

On January 2011, arsonists attacked a Jewish grave and pilgrimage site in southern Tunisia. Government officials and Jewish community leaders refuted that the nature of the attacks was religious but also condemned actions against Tunisia's Jewish community.

On 14 February 2011, a small crowd gathered in front of Tunis' synagogue and chanted anti-Semitic slogans. The Interior Ministry responded by condemning incitements to violence and explicitly referenced the synagogue protests.

Over the coming weeks there were at least five instances of attacks on Christian churches and graves. In July 2011 police arrested a man for setting fire to the front door of a church near Sousse.

Several months later, when police were chasing Salafist demonstrators in downtown Tunis, Salafists entered the Christian cemetery and defaced several Russian Orthodox graves. The Russian Orthodox Church, in downtown Tunis, was broken into and vandalized.

In October 2011 the TV channel Nessma aired the French-language animated movie "Persepolis". In the weeks following the broadcast, the house of the TV owner, Nabil Karoui, was destroyed by a mob of vandals and Nessma's offices were repeatedly attacked because of a short scene in which the main role of the movie imagines herself talking to God, who appears as an old man with a long white beard.

Beginning in March 2012, classes and exams at Manouba University's humanities department were suspended for more than a month by a sit-in, demanding that students be allowed to attend class wearing niqab as well as the establishment of a prayer room. The dean of the Department of Arts, Letters and Humanities, Habib Kazdaghli, was accused of assaulting a veiled student; Salafists attacked him and blocked him from going to his office. In addition, Amel Grami, professor of the history of religion, was harassed and accused of being "an orphan child of the French colonists."²⁰

In April 2012, Islamist activists in Tunis attacked actors who were celebrating World Theatre Day, smashing musical instruments and throwing eggs.

A few days later, a hard-line preacher stood in front of Tunis's Grand Synagogue and called for the killing of Tunisian Jews.

A Tunisian philosopher who showed up at a TV station for a debate on Islam was shouted down by extremists, who said he was no scholar of the faith because he had no beard.

In June 2012, Salafists attacked a Tunis art gallery, sparking riots that left one person dead and more than 100 injured. Many of the paintings questioned religion's role in society, including some clearly criticising Salafis. There were images of veiled women hanging from punching bags in a boxing ring, veiled women buried under stones and paintings of demonic bearded faces.

²⁰ From the report of a 3-10 September 2012 fact-finding mission by *Human Rights Without Frontiers*.

Some weeks later, the director of a festival at Gboullat, in the northern Beja region, announced he was cancelling the event under pressure, notably from Salafists. Another festival had been cancelled at the end of July in Sejnane. Organisers again blamed radical Islamists, who interrupted the event, saying it was unacceptable during the month of Ramadan.

In August 2012, Salafists prevented an Iranian group from performing at a Sufi music festival in Kairouan, south of Tunis, saying their Shiite chanting amounted to a violation of Islamic values.

Also in August 2012, renowned Tunisian actor Lotfi Abdelli was prevented from performing his comedy act "100% Halal" by hard-line Islamists who had come to occupy the auditorium.

Again in August 2012, Salafists attacked the Bizerte music and theatre festival, armed with swords and sticks.

In September 2012, Salafists attacked the Horchani Hotel in the Tunisian town of Sidi Bouzid, because its bar served alcohol. Dozens of activists smashed bottles and chased away customers at the hotel.

Regarding music and the arts, the Tunisian press reported during this period that of around 400 festivals planned, about 90 were cancelled out of fear for Salafist reprisals.²¹

RECOMMENDATIONS

EU institutions should press Tunisia to improve conditions for religious freedom by repealing discriminatory decrees against religious minorities and taking appropriate measures to ensure that the freedoms of assembly and expression are not threatened and to combat impunity of those identified as responsible for human rights violations.

The Tunisian government should prosecute clerics, government officials or any other individuals that incite violence. It should also discipline or dismiss government-funded clerics who preach intolerance and hatred.

EU institutions should urge Tunisia to revise remnants of the Ben Ali -era legal code that stifle the freedoms of expression, assembly and religion so as to fully protect those rights in accordance with international human rights law.

The new Constituent Assembly should ensure that the new Constitution establishes the right to freedom of thought, conscience, religion and belief, as well as the freedom to practice a religion or conviction.

²¹ Ibid.