

TUNISIA: Women fight for right to marry non-Muslims

Since September 2017, Tunisian women are free to marry non-muslims

By Alessandra Bajec

The New Arab (25.09.2018) – <https://bit.ly/2NZWSGd> – One year after scrapping of a ban on marriage between Muslim women and non-Muslim partners, Tunisia experiences resistance at a local level on its path to social change amid a resurgence of conservatism.

Since September 2017, Tunisian women are free to marry non-Muslims. President Beji Caid Essebsi repealed a circular dated to 1973, inspired by the country's Muslim traditions that previously required non-Muslim men to convert to Islam in order to marry a Muslim woman. Only then the country's Mufti would allow the marriage to take place.

Despite the change in legislation, the fight over inter-religious marriages is not over yet as many women have recently stumbled on problems when trying to marry outside of Islam.

The case of Zeineb and her Italian fiancé Sergio is very illustrative of this fight. Speaking in her coastal town Hammamet, she told about the bureaucratic battle they fought

after they decided to wed back in June and prepared all the paperwork for the legal procedure.

“The whole problem was that we couldn’t find in Hammamet a notary who was willing to marry us,” Zeineb said recalling the first three notaries she approached who refused to validate the marriage.

Two motivated their rejection saying that allowing such marriage was against their principles, the third said that the municipality did not want to register the marriage contract.

“The law must be respected,” Sergio commented, baffled at the many obstructions they found.

“I’m not Muslim, and I won’t change to please the Mufti. Is it my life or the Mufti’s life?” he questioned in a sarcastic tone, “where’s my personal freedom?”

While some of the reluctant officials declined out of “religious convictions,” others claimed they still had to receive or read through the new regulations on interfaith marriages.

After going around and phoning most notaries of Hammamet, the couple went to Nabeul, a nearby town, and finally managed to have their marriage officiated.

Besides Zeineb and Sergio's case, at least two more mixed marriages were reported only in August by the Tunisian association for minorities.

In the last few months, a show of resistance has emerged among some notaries and municipal councillors who seem to be motivated by religious principles, and dispute that recognising inter-religious marriages runs counter to Islamic law.

The newly elected mayor of Kram, Fathi Laayouni, caused much debate in the middle of the summer after declaring that he would never authorise a marriage in his jurisdiction between a Tunisian woman and a non-Muslim.

When defending his position, the Tunisian mayor referenced to Article 5 of the 1956 Personal Status Code giving an ultra-conservative interpretation of the legislation.

"Article 5 sets out some impediments based on Sharia law, among them the marriage between a Muslim female and a non-Muslim male," he stated, "so we must refer to provisions of Islamic (Sharia) law."

Noting that Article 5 has not been recently revoked, Laayouni maintained that his duty is to make sure the law is duly applied. He argued that in order to avoid misinterpretations of the code, the article should be amended to refer to the "law", not Islamic law.

Alternatively, it should be made clear that the marriage between a Muslim woman and a non-Muslim is not listed in the impediments.

The mayor of Kram is convinced that those who oppose his stance are just few people who want to "destroy the Tunisian family and society" in the name of modernity.

“The majority of Tunisians are with me, many town halls are refusing to officiate these mixed marriages without a certificate of conversion to Islam from the male spouse,” he claimed.

Lawyers and politicians have said that Laayouni has breached the law and challenged the state.

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