

## **THE TANDEM PROJECT**

[http://www.tandemproject.com.](http://www.tandemproject.com)

## **UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF**

### **TUNISIA**

#### **FREEDOM OF RELIGION OR BELIEF AND OTHER REPORTS IN THE UNIVERSAL PERIODIC REVIEW**

First Session U.N. Human Rights Council Universal Periodic Review (7-18 April, 2008)

#### **A. Description of the methodology and the broad consultation process for the preparation of information provided under the Universal Periodic Review:**

The Tandem Project, a *UN NGO in Special Consultative Status with the Economic and Social Council of the United Nations*, submits information for the Universal Periodic Review on issues related to Article 18 of the International Covenant on Civil and Political Rights, and the 1981 UN Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief.

The U.S. State Department 2007 Religious Freedom Report is the source of this information. There are excerpts to comply with the five page limit for NGO Submissions under General Guidelines for the Universal Periodic Review and a link to the complete report.\*

The Universal Periodic Review is a process beginning with presentation of a National Report by a UN Member State and inter-active dialogue with the UN Human Rights Council. A troika of Human Rights Council Members then drafts a Working Group Report on the outcome of the Universal Periodic Review. There is a link to the UN Working Group Report. Other Reports are linked to an archived audio/visual UN web cast of the Member State presentation of the National Report and inter-active dialogue with the Human Rights Council.

#### **B. Background of the country under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights: constitution, legislation, policy measures, national jurisprudence, human rights infrastructure including national human rights institutions and scope of international obligations identified in the “basis of review” in resolution 5/1, annex: section 1.A.**

##### **1. The Right to Freedom of Religion or Belief**

###### **Religious Demography:**

The country has an area of 63,170 square miles and a population of 10 million. The population is 99 percent Muslim. There is a small indigenous "Maraboutic" Muslim community that belongs to spiritual brotherhoods known as "turuq." There are 200 Baha'is in the country, and their presence dates back a century.

The Christian community, composed of foreign residents and a small group of native-born citizens of European or Arab descent, numbers 25,000 and is dispersed throughout the country. According to a reliable source, there are 20,000 Catholics, 500 of whom regularly practice. The Roman Catholic Church operates 12 churches, 9 schools, several libraries, and 2 clinics. In addition to holding religious services, the Catholic Church opened a monastery, freely organized

cultural activities, and performed charitable work throughout the country. According to church leaders, there are 2,000 Protestant practicing Christians, including a few hundred citizens who have converted to Christianity. The Russian Orthodox Church has approximately 100 practicing members and operates a church in Tunis and another in Bizerte. The French Reform Church maintains a church in Tunis, with a congregation of 140 primarily foreign members. The Anglican Church has a church in Tunis with several hundred predominantly foreign members. There are 50 Seventh-day Adventists. The 30-member Greek Orthodox Church maintained 3 churches (in Tunis, Sousse, and Djerba). There are also 50 Jehovah's Witnesses, of whom half are foreign residents and half are native-born citizens. Occasionally, Catholic and Protestant religious groups held services in private residences or other locations.

Judaism is the country's third largest religion with 1,500 members. One-third of the Jewish population lives in and around the capital, and is descended predominantly from Italian and Spanish immigrants. The remainder lives on the island of Djerba, where the Jewish community dates back 2,500 years.

#### **Legal/Policy Framework:**

The Constitution provides for freedom of religion and the freedom to practice the rites of one's religion unless they disturb the public order; however, the Government imposes some restrictions on this right. The Constitution declares the country's determination to adhere to the teachings of Islam, stipulates that Islam is the official state religion, and that the President be Muslim. The Government does not permit the establishment of political parties on the basis of religion and prohibits proselytizing by non-Muslims. A 1981 government decree restricts the wearing of the hijab in government offices, and discourages women from wearing it on public streets and at certain public gatherings.

No statutory prohibitions against conversion from Islam to another faith exist, and the Government does not require registration of conversion; however, government officials occasionally discriminated against converts from Islam to another religion, using bureaucratic means to discourage conversion.

The Government controls and subsidizes mosques and pays the salaries of imams (clerics). The President appoints the Grand Mufti of the Republic. The 1988 Law on Mosques provides that only personnel appointed by the Government may lead activities in mosques and stipulates that mosques must remain closed except during prayer times and authorized religious ceremonies, such as marriages or funerals. However, several historically significant mosques are partially open to tourists and other visitors for a few hours per day, several days a week. New mosques may be built in accordance with national urban planning regulations; however, upon completion, they become the property of the Government.

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. Government employees were responsible for lawn upkeep of the Jewish cemetery in Tunis.

The Government permits the Jewish community to operate private religious schools and allows Jewish children on the island of Djerba to split their academic day between secular public schools and private religious schools. There is also a small private Jewish school in Tunis.

Islamic religious education is mandatory in public schools, but the religious curriculum for secondary school students also includes the history of Judaism and Christianity. The Zeitouna Qur'anic School is part of the Government's national university system, which is otherwise secular.

**C. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the “basis of review” in resolution 5/1, annex, section IA, national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms.**

**1. The Right to Freedom of Religion or Belief**

**Restrictions on Religious Freedom:**

The Government regards the Baha'i Faith as a heretical sect of Islam and permits its adherents to practice their faith only in private. The Government permits Baha'is to hold meetings of their national council in private homes, and three Local Spiritual Assemblies, the local governing body, have been elected since 2004.

While there are no legal restrictions against conversion from Islam to other religions, some local officials occasionally harass converts to discourage conversion. In 2006 there was a report that a Christian citizen was told by a local security official that it was illegal to be a Christian, and threatened with imprisonment.

**Societal Abuses/Discrimination:**

Although changing religions is legal, there was great societal pressure against Muslim conversion to other religions. Muslims who converted faced social ostracism. There were reports of expulsion of a convert from home and several reports of beatings by family members or acquaintances.

Despite a history of social pressure by middle and upper class secularists to discourage women from wearing the hijab, anecdotal evidence suggested that, for a variety of social and religious reasons, the number of young middle class urban women choosing to wear the hijab continued to rise during the reporting period.

**D. Identification of achievements: best practices, challenges and constraints.**

The Government promoted interfaith understanding by sponsoring regular conferences and seminars on religious tolerance. For example, on May 7-9, 2007, the Government organized an international symposium to promote religious tolerance with the theme of "Reason and Faith for a World of Solidarity." It also facilitated and promoted the annual Jewish pilgrimage to the El-Ghriba Synagogue in Djerba, celebrated on the Jewish holiday of Lag B'Omer.

In January 2007 the government-funded "University Chair for Dialogue between Civilizations and Religions" held a seminar featuring a lecture and panel discussion on interreligious understanding led by a notable British priest which promoted religious tolerance.

\* Source: US State Department 2007 International Religious Freedom Report; Tunisia

Direct Link: <http://www.state.gov/g/drl/rls/irf/2007/90222.htm>

Links to State Department sites are welcomed. Unless a copyright is indicated, information on the State Department's main website is in the public domain and may be copied and distributed without permission. Citation of the U.S. State Department as source of the information is appreciated.

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#### **G. Presentation by the State concerned of the follow-up to the previous review.**

Direct Link: Report of the Working Group for the Universal Periodic Review Tunisia (A/HRC/8/21): This report includes Conclusions and Recommendations.

[http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/TN/A\\_HRC\\_8\\_21\\_Tunisia\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/TN/A_HRC_8_21_Tunisia_E.pdf)

Direct Link: U.N. Human Rights Council Web Cast Archives for all Ecuador Reports. Download Real Player (free) for access to the Web Cast: Scroll down the Web Cast to find the Tunisia Reports. Click to open audio/visual and inter-active delegations dialogue.

<http://www.un.org/webcast/unhrc/archive.asp?go=080408>

Some Reports are not translated into all United Nations official languages. These reports may be read by going to the OHCHR Archives above:

#### **TUNISIA**

*Only contributions submitted in one of the United Nations official languages are admissible and posted on this webpage*

**Date of consideration: Tuesday 8 April 2008 - 10.00 a.m. - 1.00 p.m.**

National report <sup>1</sup> : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)



Compilation of UN information <sup>2</sup> : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Summary of stakeholders' information <sup>3</sup> : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

#### **Outcome of the review :**

Report of the Working group : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Corrigendum : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Addendum 1 : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Addendum 2 : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

#### **THE TANDEM PROJECT OBJECTIVES**

These Tandem Project Objectives are on Dialogue and Education: (1) Use International Human Rights Standards on Freedom of Religion or Belief as a universal platform for inclusive, in-depth dialogue within and among nations, all religions and other beliefs. (2) Adapt these human rights standards to early childhood education, teaching children, from the very beginning, that their own

religion is one out of many and that it is a personal choice for everyone to adhere to the religion or belief by which he or she feels most inspired, or to adhere to no religion or belief at all.<sup>1</sup>

Multi-cultural perspectives, lack of understanding and opposition to international human rights on freedom of religion or belief make the achievement of these objectives a challenge. Human rights standards on freedom of religion or belief are international law and essential as codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. They are universal, inalienable, interdependent and indivisible with other human rights.

International Human Rights Standards on Freedom of Religion or Belief and the identification of achievements, best practices, challenges and constraints on them, should be part of the follow-up to the Algeria Universal Periodic Review.

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**STANDARDS:** [http://www.tandemproject.com/program/81\\_dec.htm](http://www.tandemproject.com/program/81_dec.htm)

**The Tandem Project:** a non-governmental organization founded in 1986 to build understanding, tolerance and respect for diversity, and to prevent discrimination in matters relating to freedom of religion or belief. The Tandem Project, a non-profit NGO, has sponsored multiple conferences, curricula, reference materials and programs on Article 18 of the International Covenant on Civil and Political Rights – Everyone shall have the right to freedom of thought, conscience and religion - and 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

The Tandem Project initiative is the result of a co-founder representing the World Federation of United Nations Associations at the United Nations Geneva Seminar, *Encouragement of Understanding, Tolerance and Respect in Matters Relating to Freedom of Religion or Belief*, called by the UN Secretariat in 1984 on ways to implement the 1981 UN Declaration. In 1986, The Tandem Project organized the first NGO International Conference on the 1981 UN Declaration.

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Economic and Social Council of the United Nations*

*Closing the Gap – International Standards for National and Local Applications*, considers the question of a Convention on Freedom of Religion or Belief followed by a Response from the Special Rapporteur on Freedom of Religion or Belief and The Tandem Project Concept, an option that reflects the inclusive values of the Universal Declaration of Human Rights through human rights-based *Dialogue and Education*.

*Closing the Gap - International Standards for National and Local Applications*

**Objective:** Build understanding and support for Article 18, International Covenant on Civil and Political Rights –Everyone shall have the right to freedom of thought, conscience and religion - and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. Encourage the United Nations, Governments, Religions or Beliefs, Academia, NGOs, Media and Civil Society to consider the rule of law and international human rights standards as essential for *long-term solutions* to conflicts based on religion or belief.

**Challenge:** In 1968 the United Nations deferred work on an International Convention on the Elimination of all Forms of Religious Intolerance, because of its apparent complexity and sensitivity. In the twenty-first century, a dramatic increase of intolerance and discrimination on grounds of religion or belief is motivating a worldwide search to find solutions to these problems. This is a challenge calling for enhanced dialogue by States and others; including consideration of an International Convention on Freedom of Religion or Belief for protection of and accountability by all religions or beliefs. The tensions in today's world inspire a question such as:

## Should the United Nations adopt an International Convention on Freedom of Religion or Belief?

**Response:** Is it the appropriate moment to reinitiate the drafting of a legally binding international convention on freedom of religion or belief? Law making of this nature requires a minimum consensus and an environment that appeals to reason rather than emotions. At the same time we are on a learning curve as the various dimensions of the Declaration are being explored. Many academics have produced voluminous books on these questions but more ground has to be prepared before setting up of a UN working group on drafting a convention. In my opinion, we should not try to rush the elaboration of a Convention on Freedom of Religion or Belief, especially not in times of high tensions and unpreparedness. - *UN Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, Prague 25 Year Anniversary Commemoration of the 1981 UN Declaration, 25 November 2006.*

**Option:** After forty years this may be the time, however complex and sensitive, for the United Nations Human Rights Council to appoint an Open-ended Working Group to draft a United Nations Convention on Freedom of Religion or Belief. The mandate for an Open-ended Working Group ought to assure nothing in a draft Convention will be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

**Concept:** *Separation of Religion or Belief and State – SOROBAS.* The First Preamble to the 1948 United Nations Universal Declaration of Human Rights; “*Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.* This concept suggests States recalling their history, culture and constitution adopt fair and equal human rights protection for all religions or beliefs as described in General Comment 22 on Article 18, International Covenant on Civil and Political Rights, UN Human Rights Committee, 20 July 1993 (CCPR/C/21/Rev.1/Add.4):

**Article 18:** protects *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.* The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with international characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reasons, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community. **Article 18:** permits restrictions to manifest a religion or belief only if such limitations are prescribed by law and necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

## Dialogue & Education

**Dialogue:** United Nations Secretary General Ban Ki Moon, at the Alliance of Civilizations Madrid Forum said; “Never in our lifetime has there been a more desperate need for constructive and committed dialogue, among individuals, among communities, among cultures, among and between nations.” A writer in another setting has said, “The warning signs are clear: unless we establish genuine dialogue within and among all kinds of belief, ranging from religious fundamentalism to secular dogmatism, the conflicts of the future will probably be even more deadly.”

Norms and standards on human rights and freedom of religion or belief are international law and essential codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. International Standards on Human Rights and Freedom of Religion or Belief is a universal platform for inclusive and in-depth dialogue within and among nations, all religions and other beliefs. They are universal, inalienable, interdependent and indivisible with other human rights.

**Education:** Ambassador Piet de Klerk addressing the Prague 25 Year Anniversary Commemoration of the 1981 U.N. Declaration said; “Our educational systems need to provide children with a broad orientation: from the very beginning, children should be taught that their own religion is one out of many and that it is a personal choice for everyone to adhere to the religion or belief by which he or she feels most inspired, or to adhere to no religion or belief at all.”1

The 1981 U.N. Declaration states; “Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents, the best interests of the child being the guiding principle.” With International Human Rights safeguards, early childhood education is the best time to begin to teach tolerance, understanding and respect for freedom of religion or belief.