

Annual Report
Religious Freedom
Tunisia **2022**

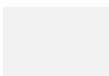
“Religious Freedom

Leads to a free society,

And diversity is a

blessing to people”.

The vision of Attalaki Organisation



The Religious Freedom Committee, acting within Attalaki organization, prepared this report in the framework of the Project entitled “Tunisia without Discrimination”.

This Project is implemented by Attalaki organization, Mnemty Association, and Minority Rights Group International.



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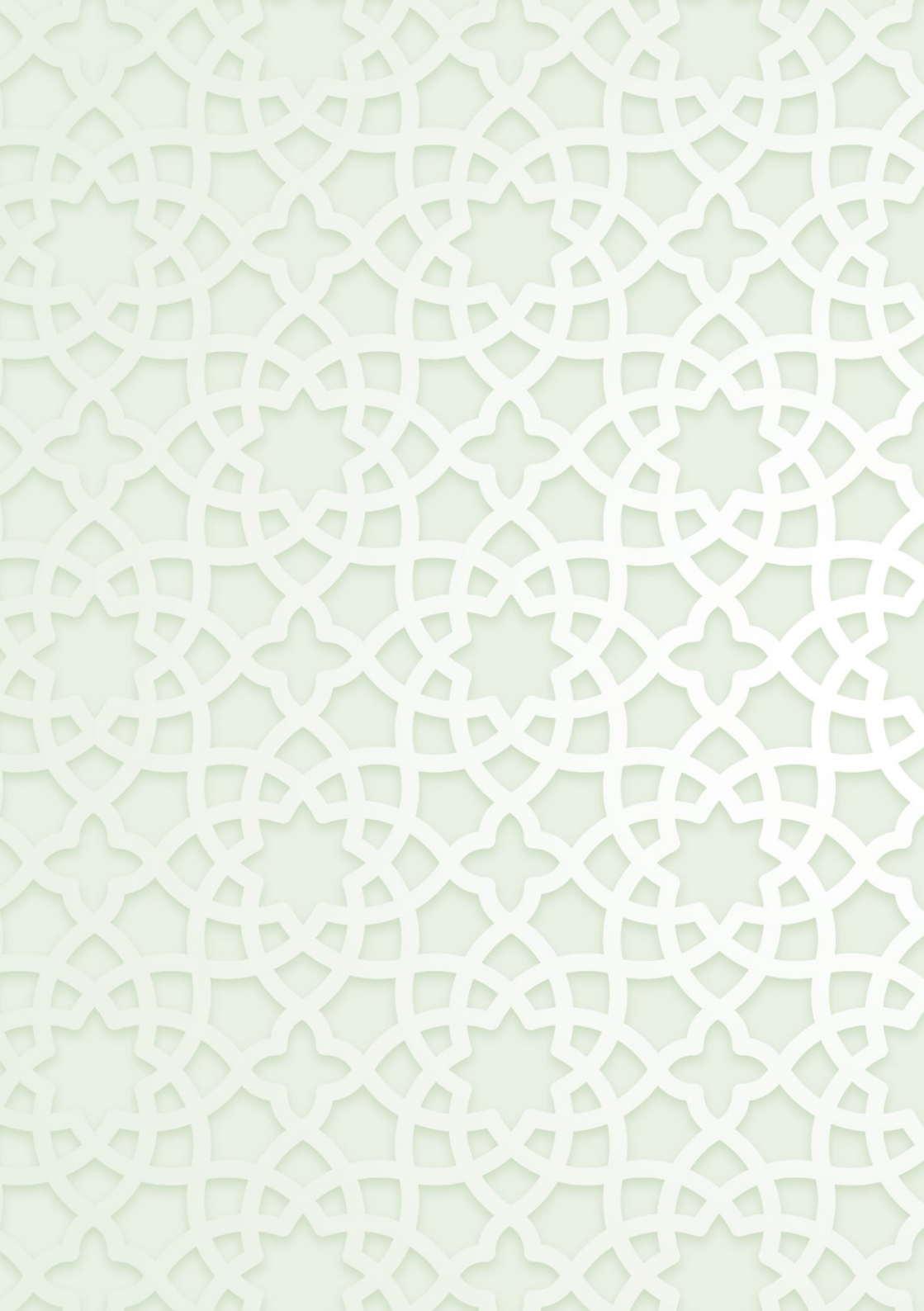


The Attalaki Organization established the Committee for Religious Freedom in November 2019, which includes a unit for monitoring and tracking violations or transgressions against religious minorities, as well as a unit for conducting studies and reports related to religious freedom and the religious issue in general in Tunisia.

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Introduction

Attalaki organization publishes its second annual report, which was prepared by the Religious Freedom Committee, following the publication of the first Religious Freedom Report, in Tunisia, in 2021, which shed light on the status of religious freedom in general, and the cases of discrimination that have been observed and documented, which were committed against members of religious minorities in Tunisia.¹ This report was the first of its kind in Tunisia and the region to document violations and cases of discrimination committed against religious minorities. It highlighted the discrimination that they experience and the marginalization of their rights at the legal and societal level.

This new report covers cases of discrimination that targeted religious minorities. In addition, it observed hate speech and discrimination based on religion, delivered by religious leaders, associations, and media. Those violations were documented by the Observation and Follow-up Unit of the Religious Freedom Committee, with the support of contact points located in several areas in Tunisia, whereby the Unit was able to document 122 cases of discrimination and hate speech, from January to December 2022.

The cases, documented in this report, do not fully reflect the reality of religious minorities and the discrimination committed against them for several considerations. The most important of which, is the limited capacity of the Observation and Follow-up Unit to reach these groups subject to discrimination and to document cases that have occurred or may occur. In addition to the absence of any follow-up or official statistics that regularly document the situation of these groups, as they live in legal and societal marginalization that makes them more vulnerable to discrimination and liable to have their rights violated.

Report Methodology

In this report, we adopted the testimonies that we received from individuals subject to discrimination. They are recorded, with their consent, in forms that are filled out by the supervisors of the Observation and Follow-up Unit. Adding to that, we documented speeches and articles, targeting religious minorities, which were published on social media platforms and websites. After completing the collection of the documented cases, they are sorted out and classified according to the following factors:

- Gender
- The intersection of the reported discrimination with other forms of discrimination
- Region
- Age
- The religious/ ideological background of the cases of discrimination
- The person responsible for the discrimination act / The place of discrimination
- The nature/ form of discrimination
- Similar history of the reported discrimination
- Persistence of the reported discrimination
- Witnesses
- Complaints /actions / procedures initiated.
- Services provided to the victims of discrimination.
- Month in which the discrimination act was reported.

Note:

It is necessary to consider the geographical distribution that covers the work of the Observation Unit and its auxiliary points. They are concentrated particularly in the northeast, south, central east, and southwest. This distribution does not enable us to reach all the cases of discrimination that may have occurred in 2022. For this reason, in the year 2023, we will expand the scope of our presence to include other regions. In addition to the distribution of the groups exposed to discrimination, their ability to reach our points of contact, the extent of their knowledge of their existence, and the mutual trust between the supervisor and the whistleblower, all represent essential factors in reaching the victims of discrimination and documenting their situation in an atmosphere free of fear and discomfort.

I. The Religious Map of Tunisia

Tunisia does not have an official census of the country's religious components. Hence, the percentage of 99% Muslims appears. The official authorities of the government approved this percentage. Some specialists in religious affairs, in Tunisia, consider this percentage as inaccurate. While other sources indicate that, the followers of Sunni Islam, Maliki Al-Ashaari, represent 85% of the population. It is thus the religion of the majority in Tunisia.² The Ibadi Sect is embraced by around 60.000 people, and the Shiite Sect is embraced by about 100,000 people.³ Both sects do not have an official and independent institutional entity recognized by the State, unlike some associations founded by the followers of these sects.

As for other religions, there are between 1,500 and 2,000 Tunisian Jews. Most of them live on Djerba island, while others live in the capital city and coastal areas. The number of Tunisian Christians is estimated between 3,000 and 5,000 thousand people.⁴ Most of them belong to the Evangelical Churches, and they hold their prayers in-home gatherings (home churches) because they are not recognized by the State. Whereas the Catholic Church is officially recognized. Its' followers are estimated at twenty-five thousand (25.000), most of whom are foreign residents of Tunisia with a small minority of Tunisians.⁵ In addition to a few thousand foreigners who follow the Evangelical Churches. Moreover, a few hundred belong to the Greek and Russian Orthodox Churches and the Anglican Church, all of which enjoy legal status in Tunisia. Approximately, one thousand to two thousand Tunisians follow the Baha'i faith. It used to have a semi-legal status, before the decision that was taken to close the Central Spiritual Assembly of the Baha'is in 1984.⁶ There are no accurate sources about the number of atheists and nonreligious people, but some sources estimate their number in the thousands.

It is worth noting that these figures, about religious minorities, are not based on any official statistics or studies. Yet, it is well established that their number is increasing, and their activity has become more intense and influential than before. Some specialists in religious affairs explain that the absence of official figures on the religious components of Tunisia is due to the negligence of this field by the relevant authorities, especially the Ministry of Religious Affairs, together with the absence of political will to update the religious map in Tunisia. The absence of an accurate awareness of the developments and changes in the religious sphere may be considered as a fundamental reason for marginalizing the religious minorities and ignoring the rights of their members as Tunisian citizens. Even though replacing the Islamic religion, for example, with another religion or faith does not negate the status of citizenship for its holders.

II. Religious Minorities in the Tunisian Legislation

In the Tunisian legislation, there is no precise definition of the concept of minorities, whether they are ethnic, racial, religious, or linguistic. Tunisia's religious diversity is confined to groups that include Christians, Jews, Sunni and Shiite Muslims, Ibadis, and Baha'is (in addition to nonreligious and atheistic groups). However, this diversity is not mentioned openly, either in the Preamble to the Constitution or in its articles. On the contrary, most of the Constitutions that were adopted in Tunisia, in the years 1959, 2014, and 2022, maintained the acknowledgment that "Islam is the religion of the State and Arabic is its language". In addition, and for the first time in Tunisia's history, the five purposes of Islam were added under the fifth Article of the 2022 Constitution.⁷

Some researchers considered that the complete exclusion of any religious, ethnic, or racial component that has deep roots in the social, historical, and civilizational structure of Tunisia, necessarily leads to the establishment of a stereotype, presenting the Tunisian society as a homogeneous entity.

On the other hand, the term "minorities" appeared for the first time in the history of Tunisian legislation in the year 2013, through Decree No. 4522, dated November 12, 2013, which is related to the organization of the Ministry of Religious Affairs, of which Article 12 states the following:

"The Office for Relations with Organizations, Associations and Coordination with the Structures Supervising the Affairs of Religious Minorities is tasked with following up the files of organizations and associations related to the Ministry's activities and preparing periodic reports on the work and activities of these organizations and associations."

Some legal texts included an implicit reference to minorities, such as Decree N°. 115 of 2011, dated November 2, 2011, related to the freedom of the press, printing, and publishing. As this text uses a phrase reminiscent of that used in international human rights texts, which refers to: "A category of people who belong to an ethnic origin or to a particular race or religion". This is within the context of criminalizing some acts committed through the means of the press, printing, and publishing, the purpose of which is, as stated in the text: "to incite grudge between races, religions or populations, by the use of hostile acts, violence, or the dissemination of ideas based on racial discrimination".⁸

However, some legal specialists perceive the text of this Decree as inconsistent with the right to freedom of conscience. Such was the case of Emna Al-Chargui, who was sentenced to prison and a fine, based on this Decree, because of a post she published on the Facebook platform. The Tunisian judiciary considered it an offense to the feelings of the Muslim majority. While defense lawyers considered it a form of expression that falls within the category of "freedom of conscience." A warranted and guaranteed right in the Tunisian Constitution, according to them.⁹

We also find other texts that do not use the term "minorities" but implicitly refer to religious minorities, as is the case in the Civil and Commercial Pleadings Article, where Article 292 from the Code of Civil and Commercial Pleadings stipulates that, furthermore, it is not possible to perform any act of enforcement:

- Against the Jews: on Saturdays, the two days of Rosh Hashanah and Kippur, the first two days and the last two days of Sukkot (Feast of Tabernacles), the day of Purim (Esther Feast), the last two days of Pesach (Pancakes Feast), and the two days of Shabbat (Pentecost feast);
- Against Christians: On Sunday and Thursday of the Ascension Feast, August 15th (Assumption of Mary), November 1st, and December 25th (Christmas);

- Against Muslims: On Fridays and the last days of Ramadan, starting from the 27th day of Ramadan, the third day of Eid Al-Fitr, the second day of Eid Al-Adha, and the day following the Mawlid (this procedure may apply to Muslim minorities such as Shiites and Ibadis).¹⁰

We also note that the Tunisian legislator stipulated, in the thirteenth Section of the Penal Code, in the Chapter "Precluding the Practice of Religious Rites" in Articles 165 and 166, the following:

- A penalty of six months imprisonment and a fine of one hundred and twenty dinars, -this provision does not prevent the application of the most severe penalties required in case of unfairness, beating, or threatening-, shall be imposed on anyone who precludes religious rituals or celebrations or disturbs them.
- A person who has no legal authority over others and forces them, by violence or threat, to practice a religion or to leave it, shall be punished with imprisonment for a period of three months.¹¹

In a statement to the press, after attending the National Symposium, held by Attalaki organization and the Konrad Adenauer-Stiftung, on the Role of Religious Leaders in Reinforcing and Protecting Religious Freedom and Minority Rights, on March 23, 2021, Mrs. Massouda Batikh, Director General within the Ministry of Religious Affairs, announced the Ministry's intention to activate the work of the Office for Relations with Religious Minorities.¹²

A few months after this announcement, the Office for Human Rights and Relations with Associations, Organizations and the Structures Supervising Minority Affairs, was created at the ministry level, following the government Decree N°.534 of 2021, dated June 29, 2021, which is related to the organization of the Ministry of Religious Affairs.

In the objective of activating the work of this Office, its supervisors received, with the authorization of the Minister of Religious Affairs, Mr. Ibrahim Al-Shaibi, representatives of religious minorities, in the presence of a representative of Attalaki organization, in 2022, in order to raise the most important challenges that these minorities face.

On May 23, 2022, in the same context, representatives of the Evangelical Church submitted a request to the Ministry to be granted a license for a place of worship for the members of the Tunisian Evangelical Church. A church that has existed in Tunisia for many years, without enjoying any of its most basic rights like a place of worship and a cemetery for burying the dead according to the rituals dictated by its teachings. Up to the present, no response has been received from the Ministry regarding this request.

III. Religious Freedom in the Tunisian Constitution

The second Constitution of Tunisia, promulgated in 2014, acknowledged the right to “freedom of conscience”. An acknowledgment that did not exist in Tunisia’s 1959 first Constitution, as it merely confined itself to stipulating the freedom of faith. It was considered a courageous step towards enshrining the universality of human rights. Unlike the 1959 Constitution, the 2014 Constitution established an independent Chapter related to Rights and Freedoms (Chapter II from Article 21 to Article 49). Whereas the 1959 Constitution contented itself with stipulating some rights, in a brief and separate manner, between the Preamble and the first Chapter dedicated to the General Provisions. Nevertheless, the 2014 Constitution had loopholes like its predecessor, such as placing Article 6 related to the freedom of faith, conscience, and the practice of religious rituals within the Chapter on General Provisions, and not under the Chapter on Rights and

Freedoms. Whereas, the 2022 Constitution overcame this fluctuation, at the level of the constitutional text, by including the Articles related to freedom of faith, conscience, and the practice of religious rites in the Chapter on Rights and Freedoms. It is a positive step, in line with the calls made by Attalaki organization years ago, calling for the need to transfer these constitutional rights from the Preamble and the Chapter on General Provisions to the Chapter on Rights and Freedoms. Those Articles were stated in the 2022 Constitution as follows:

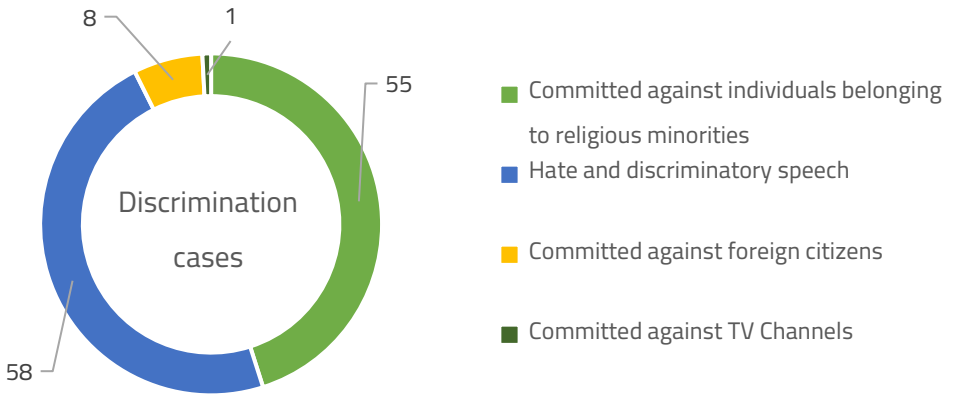
- Article 27: The State guarantees the freedom of faith and freedom of conscience.
- Article 28: The State shall protect the freedom to perform religious rites, if it does not breach public security.

This constitutional acknowledgment of freedom of faith and conscience did not preclude the stipulation that the right to run for the presidency of the republic is a right for every Tunisian, male and female, whose religion is Islam only. As the 1959 Constitution affirmed this subject, in Articles 38 and 40, Article 74 of the 2014 Constitution, and Article 88 of the 2022 Constitution. It is a stipulation that not only contradicts freedom of conscience and faith, but also contradicts what was stated in Article 6 of the 1959 Constitution, and Article 21 of the 2014 Constitution, and the latest of which, the 2022 Constitution, in its article 23, in the Chapter on Rights and Freedoms. All of them stipulate, "Male and female citizens are equal in rights and duties and are equal before the law without any discrimination."

The phrase "unless it breaches the public security" was re-used in the 2022 Constitution, in Article 28 related to the practice of religious rites. Previously, it was included in the 1959 Constitution and was abandoned in the 2014 Constitution. Legal specialists considered that restating this phrase may lead to interpretations that affect the essence of this right and consequently return to the situation that was prevailing in Tunisia before 2011, characterized by restrictions on the right to practice religious rites. A fear that is mainly related to the way official institutions implement this Article.

IV. Cases of Discrimination/Violation

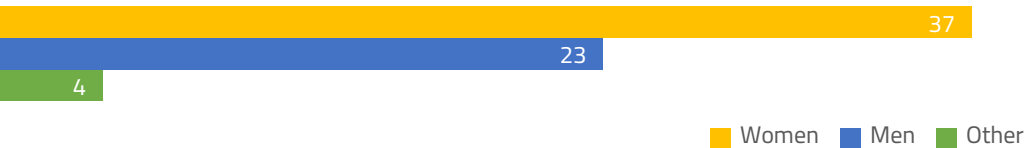
One hundred and twenty-two (122) cases of discrimination and hate speech were recorded between January and December 2022. They are distributed as follows:



Discrimination based on Religion/Faith

Gender

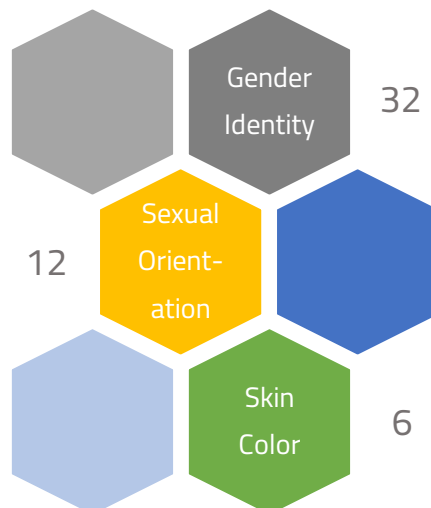
Among the sixty-four (64) cases that were recorded, the distribution of the respondents according to gender is as follows:



the percentage of women is the highest among the registered cases of discrimination. This is due to several factors, the most important of which is the social one. The majority of women, who express their religious or non-religious beliefs, are more likely to have their rights violated by the family and society. This is according to what has been documented from the testimonies of women victims of discrimination.

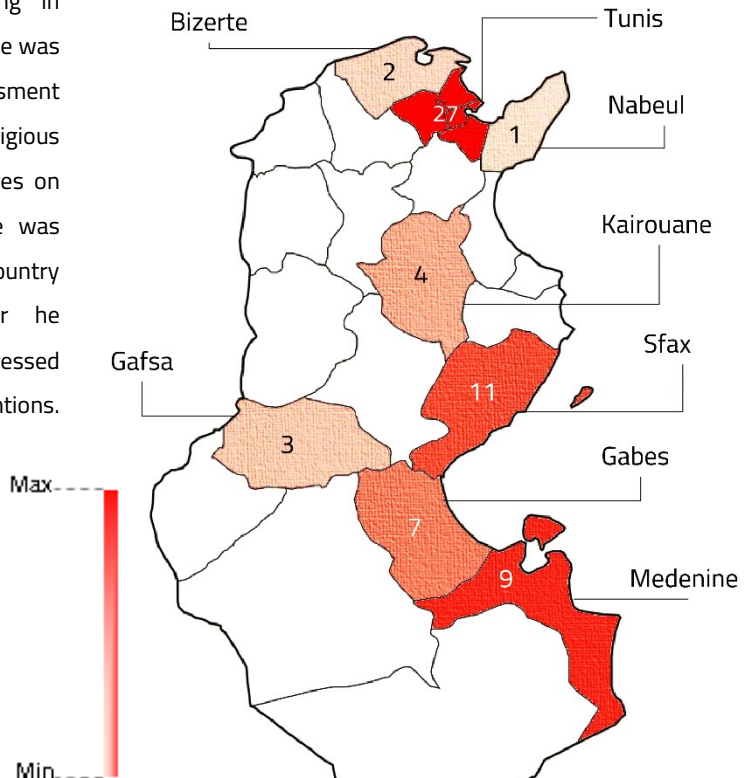
Discrimination Intersection

The intersection with discrimination based on gender identity (discrimination against women) comes first. It is followed by sexual orientation (discrimination against the “queer” community), then by skin color (racial discrimination). Thirty-two (32) women reported that discrimination based on religion was accompanied by discrimination based on their gender identity. While twelve (12) cases reported that, the discrimination they were subjected to, was accompanied by discrimination based on their sexual orientation. Six (06) respondents said that they were subjected to discrimination based on religion, accompanied by discrimination based on skin color, what is meant by racial discrimination.



Region

We note that most of the registered cases of discrimination were concentrated in Grand Tunis zone. It is followed by the governorates of Sfax, Medenine and Gabs. These governorates are situated in the Center and Southeast; and it is there that we record numerous cases of discrimination compared to other governorates, as these areas hold the communication points that collaborate with the Observation Unit. Adding to that, two (02) cases were registered for foreign citizens. The first one was deported in June 2022, and the second one was banned from traveling. Five (05) other cases were recorded: (02) two people from Cameroon, one (01) woman from the Ivory Coast, (01) one woman from Mali, and (01) one man from Libya. According to the testimonies of the Sub-Saharan citizens, they confirmed that a group of residents of their neighborhood attacked them. The cause of this assault was a television program broadcasted by a private Tunisian channel about Home Churches. The Libyan citizen, who is residing in Tunisia, confirmed that he was subjected to harassment because of his religious opinions, which he shares on his Facebook page. He was asked to return to his country and publish whatever he wants from there. He stressed that he had no bad intentions. On the contrary, he was practicing his intellectual freedom, according to him.



Age

The average age of the cases subject to discrimination is 26 years. The ages range from 16 to 47 years old. Four (04) cases were recorded for minors under the age of 16 years.

It should be noted that three (03) of these minors asserted that their families were directly responsible for the discrimination committed against them, compared to 31 out of 58 adults. One of the minors mentioned that his uncle took him by force, accompanied by his mother, to the Sheikh of a Marabout, to be cured with holy Surat, believing that he was "possessed" because of the atheistic ideas he adopted. Only one minor was subjected to verbal violence by a professor of Islamic Education, following a discussion about Christianity and Islam. The minor expressed his belief in Christian faith and his absolute non-belief in Islamic beliefs, which aroused the professor's anger, according to him.

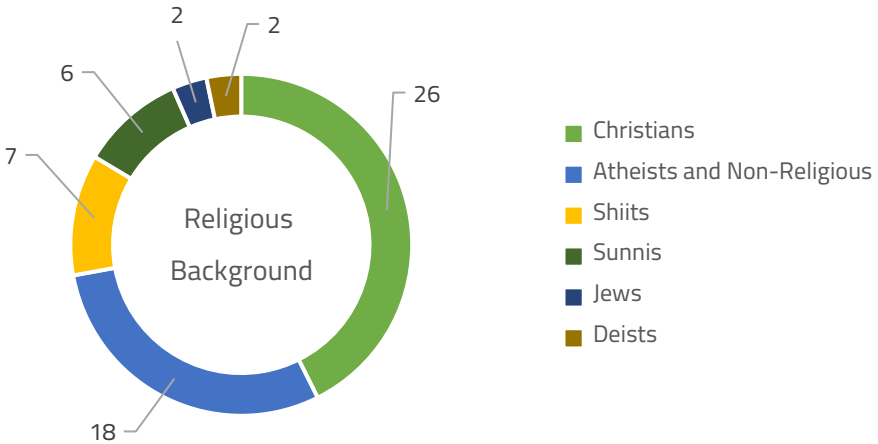
The number of family discrimination increases from 6.5% among minors to 93.5% among adults. Twenty-two (22) respondents, including six (06) women, whose ages range from 20 to 33 years old, indicated that they were expelled from their homes for revealing their religious beliefs. Three (03) people were dismissed from their work. Seven (07) others, including two (02) women, reported that the discrimination imposed on them forced them to leave the governorate in which they were living, due to the threats they faced.

Religious / Ideological Background

The religious and ideological backgrounds of the people, subjected to discrimination, are varied. The members of the Christian minority represent the largest number with twenty-six (26) registered cases, followed by people who described themselves as atheists or non-religious with eighteen (18) cases; then we have seven (07) cases from the Shiite minority and six (06) cases of discrimination against individuals who follow Sunni Islam. According to two testimonies from Jewish citizens, in southern Tunisia, who reported that they were

subjected to a kind of discrimination and harassment by some police officers. Two (02) cases were recorded for people who considered themselves Deists.

It should be noted that people, who were victims of discrimination, are not required to reveal their faith (religious identity) unless they wish to do so, or in order to accurately determine the reason for the discrimination act; given that some of the cases that provided testimonies were contradictory in determining the reason for the discrimination committed against them. This situation forces the supervisors of the Observation and Follow-up Unit to refrain from registering any discrimination testimony unless it is related to discrimination based on religion or belief, in order to ensure the transparency and efficiency of the work of this unit. Cases outside the scope of work of the Observation Unit are directed to other partners to provide them with advice and assistance.



The Party Responsible for Discrimination - The Place of Discrimination

The family and the local community are considered the main source of discrimination committed against religious minorities. While the police stations remain the least discriminatory space. The reason is that discrimination victims do not file complaints, as they fear the police officers' reaction when they hear the cause of the complaint. Hence, most of the victims prefer to remain silent and do not lodge complaints or file cases due to the lack or the absence of confidence in police stations.

One woman reported that she was discriminated against by a group, with whom she was attending the prayer, based on her sexual orientation. According to her, they requested her to free herself from the "demons" that inhabited her.

Social media platforms are the most common places to attack religiously different people. Seventeen (17) cases reported that Facebook was the main source of discrimination committed against them. Among those, twelve (12) people said that they had received messages of curses and insults. Five (05) cases confirmed that they were subjected to calls of apostasy and bullying. In this context, sociologists confirm that many people often have recourse to distortion and inappropriate expressions on social media platforms. They use an emotional language that does target the mind, but rather its objective is to create a simple emotional reaction. On the other hand, these platforms are considered an ideal mechanism that allows any ideological group (Fundamental religious movements, for example) to spread and promote its ideas. At the same time, it attacks ideologically different people, particularly as these platforms provide easiness in matters of spreading propaganda and targeting people. Adding to that is the admissibility of establishing virtual friendships, as well as sharing one's personal information and photos with unknown people. These communication platforms, based on the information they hold about their users, allow these religious currents to adapt social media advertising, according to the target group, based on their profiles, and adjust their approach strategy accordingly.

A case was recorded about a Christian woman who participated in a radio program and was subjected to massive electronic harassment, through the comments, on a post published on the official page of the radio station. The number of comments exceeded 2300, 98% of which were curses, insults, slander, and threats, which caused a severe state of panic for the woman in question.¹³ Despite the attempts of the radio page moderators to delete and stop the comments, the followers of the page continued to write offensive and insulting criticism. The President of Attalaki organization was subjected to the same situation (electronic harassment) because he was a participant in the same radio program, as more than 300 comments were counted, most of which were curses and insults.¹⁴

One (01) case of discrimination, related to a private TV channel, "Telvza TV", was recorded. On October 14, 2022, the Public Prosecution issued a judicial decision banning the broadcast of the movie "Muhammad, the Messenger of God" on the aforementioned channel. The channel indicated in a statement, that it had respected the decision delivered by the Court of First Instance, although the decision not to broadcast is not within the jurisdiction of the Public Prosecution, but rather the Independent High Authority for Audiovisual Communication "HAICA". From its side, the "HAICA" confirmed in an official press release "the insistence on overstepping its competence as a revisionist Authority, can only lead to controlling the media and threatening the future of the freedom of the press as a whole."

On the other hand, it was considered that the ban on broadcasting the film was mainly due to ideological reasons since the film represents the Shiite viewpoint and is fully funded by the Iranian government. The film was shot in the city of Qom, which is considered among the most important holy sites for the Shiites in the world, according to a Tunisian Shiite researcher who preferred not to mention his name.¹⁵

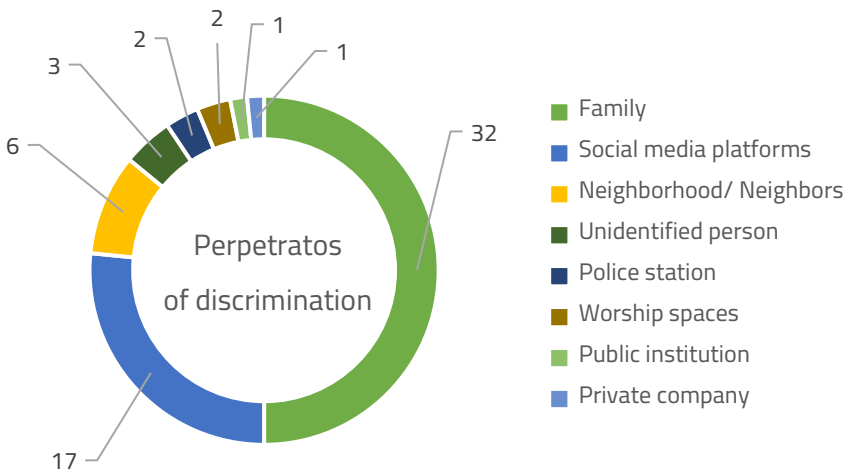
A Tunisian woman said that she applied for a job in a private company, but the company informed her that they "do not employ veiled women!" She added, in a post on LinkedIn, expressing her astonishment: "In the year 2022, in Tunisia, the country of freedom, cultural diversity, and acceptance of others, a company discriminates among employees based on

their religious affiliations, rather than their skills or qualifications... Honestly, I felt a great insult to my personal identity as a free Arab and Muslim woman," according to her expression.¹⁶

Remark: Attalaki organization received a communication, written by a Jew from the capital city, saying that he could not carry out his electoral duty, in the 2022 legislative elections, held on Saturday, December 17, which is a (holy) rest day for the Jews. Consequently, Attalaki organization contacted the Independent High Authority for Elections and informed them about this correspondence, in order to avoid holding other elections in the future on such days.

The Association received a reply from the Authority's Information and Communication Officer, who confirmed in his response that some consideration was given to this issue. As most of the polling stations opened at eight in the morning and most of them closed at six in the evening, an exception was attributed to some offices that remained open until eight in the evening, which are the offices located on the island of Djerba, specifically where the Jews vote, according to the same source.

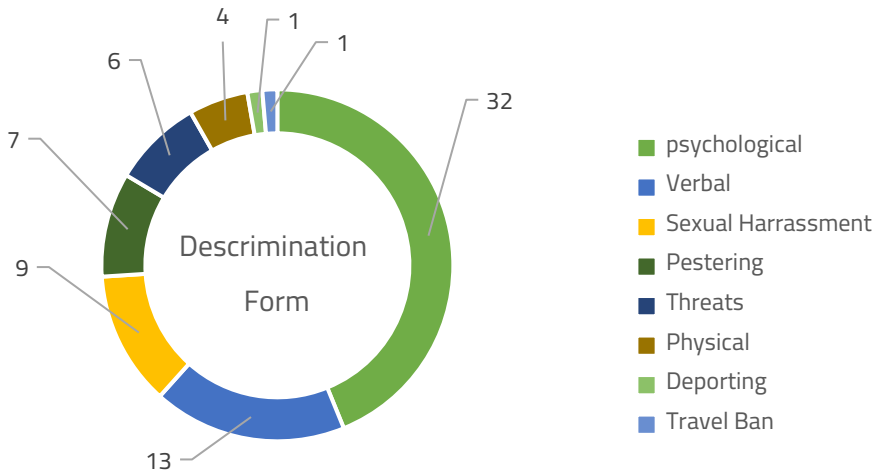
A Graph of the overall cases and locations of the various perpetrators of discrimination



Discrimination Form/Impact

The discrimination impact and form differ from one case to another, depending on its place and source. In fact, according to the reported testimonies, the psychological pressure that sometimes leads to suicide attempts, tops the list of discrimination; followed by verbal violence like insults and curses; and then we find sexual harassment, harassment, and threats; reaching the physical violence and its negative effects that may last for long several years.

Twenty-one (21) cases of psychological pressure exerted by family and close friends were recorded; followed by Thirteen (13) cases of verbal assault; nine (09) cases of sexual harassment; seven (07) cases of harassment exerted by the victims' families and the environment to which they belong; six (06) cases of exposure to threats; four (04) cases of physical violence; and one (01) case of a foreign citizen who was deported; and another foreigner was subject to a travel ban.



- Psychological Pressure/Harassment

Three (03) cases, out of twenty-one (21), -including a woman- who were under constant psychological pressure exerted on them by their families, reported that they tried to end their lives through suicide. Adding to that, six (6) women out of eight (08) cases, reported that they were subjected to sexual harassment; two (02) of them said that the harasser was a member of their families. A 19-year-old man reported that his teacher sexually harassed him. He justified his deeds by telling him: "Your new religion allows this."

- Threats / Physical Violence

Four (04) cases were threatened by their parents; two (02) cases were threatened by an unidentified person; one (01) woman was subjected to physical violence by her brother; three (03) other cases were subjected to physical violence from people living in the same neighborhood (quarter).

A case of ban was recorded for a Christian conference that included around 300 participants from a group of Sub-Saharan African students, in the governorate of Nabeul. The organizers of this conference said that they notified the governorate and the police district. Yet, they were prevented from holding this conference due to a decision banning any religious conferences or gatherings inside the hotel.

Repetitive/ Continuous Discrimination

Twenty-one (21) cases, who were discriminated against, confirmed that they had been subjected to similar cases of discrimination in the past. While forty-one (41) cases reported that, the discrimination they were subjected to happened to them for the first time.

Fifty-six (56) of the registered cases confirmed that the discrimination exerted on them is continuing. Whereas six (06) people reported that the discrimination against them had ceased.

Out of the sixty-two (62) registered cases, six (06) said that they had filed a complaint, while two (02) minors expressed their interest in filing a complaint.

Witnesses

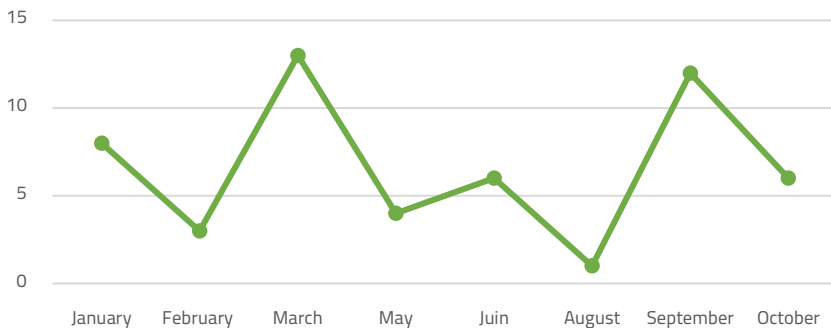
Forty-seven (47) of the registered cases confirmed the presence of witnesses at the time of the discrimination against them. Out of the sixty-four (64) reported cases, fifteen (15) indicated that they did not have witnesses. Whereas, only twelve (12) cases of discrimination victims confirmed that the witnesses agree to testify.

It is worth noting that this small number, of those who expressed their willingness to testify alongside the victims of discrimination, reveals the fear of the consequences that they imagine will occur if they decide to go to the police station and file complaints. This feeling applies to both, the victim and witness of discrimination at the same time.

Services Provided to Discrimination Victims

Out of the sixty-four (64) documented cases, eighteen (18) of them benefited from psychological follow-up; seven (07) benefited from social assistance; five (05) benefited from legal counseling; two (02) received legal assistance, and (01) one case obtained judicial intervention. These services are provided with the support of other partners.

Distribution of Cases on a Monthly Basis



It should be noted that often cases are not recorded on the date on which the discrimination incident occurred. Therefore, some cases are documented at the reporting date.

V. Hate and Discrimination Speech

The Observation and Follow-up Unit counted fifty-eight (58) cases of hate and discrimination speech, which included publications and messages on social media platforms, articles on websites (Tunisian and foreign), news and radio platforms, and television channels. Some political, religious, and scientific personalities, journalists, as well as associations of a religious nature published these publications. It was noted that what was observed does not discriminate based on gender or age, as most cases directly targeted religious minorities, such as Baha'is, Christians, and Shiites, to name a few.

The Space/Place where Discrimination was Committed.

Among the fifty-seven (57) documented cases, there are twenty-three (23) posts, on Facebook and Twitter platforms, in which their writers attacked religious minorities (hate speech). Thirteen (13) posts were published by a religious scholar/clergy; four (04) posts were published by professors from Al-Zaytouna University; and one (01) post was issued by a professor of sociology. One (01) of the posts included a letter of denunciation and rejection regarding the invitation of "non-Sunni Muslim" religious personalities to television programs, demanding that they should be prevented from appearing in the media. Four (04) statements were issued by associations, with religious backgrounds, attacking the signatories of the National Charter for Peaceful Coexistence, which was supervised by Attalaki organization. The signatories are as follows: The Tunisian Association for the Imams of Mosques,¹⁷ the Ahl al-Bayt Cultural Association in Tunisia,¹⁸ the Science and Philanthropy Association,¹⁹ and the Tunisian League for Tolerance.²⁰ The associations called for opposing what they considered "Zionist-Christian" calls, reminiscent of the Eucharistic

Conference of 1930 and attempts to Christianize the Tunisian people and challenge their religious feelings. Adding to that the call of Al-Zaytouna University and its scholars to declare a position of resistance and rejection of the new Abrahamism and its derivatives, this employs the use of minority rights as a mean to promote normalization with Israel. This is according to the statements they issued.

Also, four (04) cases of discriminatory and hate speech were recorded on websites, including two Tunisian websites: "Sada" and "Al-Rai",²¹ and two foreign websites: "Al-Mihwar" and "Annahar Lebanese newspaper".²² Three (03) cases were recorded on two news platforms, one is foreign: "Arab21tv"²³ and the other is Tunisian, "Politiket".²⁴ The latter is a platform affiliated with a political party. In addition to one (01) case of an article published in "Al-Sareeh" newspaper.²⁵

It is noted that in an interview conducted by the newspaper El Chourouk on June 1, 2022, with Sadok Belaïd, the President of the National Consultative Committee for a New Republic, He stated in response to a question about the religion of the presidential candidate that: «Tunisia, in its majority, is a Muslim country, so it is not possible to give equal chances for the presidency of the state between Muslims and followers of other religions!» It is worth mentioning that Belaïd is a law professor and former dean of the Faculty of Law and Political Science in Tunisia.

The Tunisian media's handling of religious topics is always negative. Its objective is increasing the number of viewers or listeners, or what is expressed by the "BUZZ culture", without considering the subject's sensitivity. This improper handling often causes widespread of hate speech and grudges among people on social media platforms. This method may be spontaneous or deliberate.

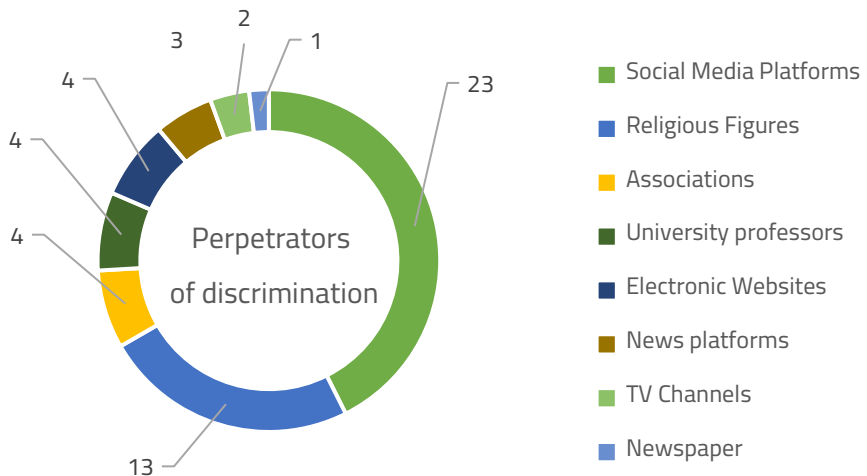
It should be noted that five (05) cases were recorded, including two (02) for TV channels. Three (03) cases were recorded for private radio stations, including "MFM Radio". In one of the programs of this radio station, a journalist set up a trial for the signatories of the National Charter for Peaceful Coexistence, in a complete absence of professionalism and

impartiality in her reporting of the news, without making any effort to invite neither the concerned supervisor of the signing nor those who participated in this event. One of her guests requested the Public Prosecution to act and interrogate the signatories and the association over seeing this Charter, because, according to him, this “sectarian” charter represents a threat and danger to Tunisia and its society.²⁶ It should be stated that the Charter, which was signed, was devoid of the phrase “sectarian components”. This indicates that the majority of those who attacked the charter and the signatories did not see or read its content!

In October 2022, the Tunisian TV Channel “Elhiwar Ettounsi” displayed a television report, in which it claimed that there are many home churches set up by citizens from Sub-Saharan countries, which are illegal and pose a threat to society. According to the journalist who prepared this report, their followers practice “sorcery” and some Tunisians participate in these gatherings.²⁷

After the television report was aired, incidents of harassment were reported against individuals belonging to these churches. These acts of harassment were perpetrated by residents of certain neighborhoods where the victims of discrimination reside.

Distribution of Places/ Spaces/Perpetrators of Discrimination - Hate speech

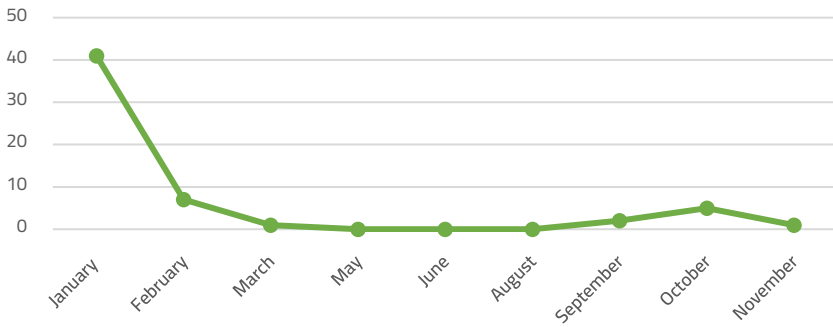


Discrimination Intersection

The documented cases of discrimination and hatred intersect with other forms of discrimination, including nationality, freedom to get organized, and freedom of opinion and expression.

Distribution of Cases on a Monthly basis

We notice that in January, the highest percentage of hate speech and discrimination cases were recorded, while the rest of the cases were distributed as follows:



Conclusion

The subject matter of protecting religious minorities and respecting the right to freedom of belief or faith or being opposed to it, remains one of the issues that did not receive sufficient attention from the official institutions of the State or civil society organizations. Although it is one of the basic and fundamental rights that many countries tend to acknowledge, respect, and reinforce, more individuals tend to resist it, in a striking paradox.

Since its independence up to the present, Tunisia has looked for constitutionalizing the right to freedom of faith and conscience, and it has succeeded to do so, through its three Constitutions of 1959, 2014, and 2022. It has also set up some laws protecting these rights through the texts included in the Penal Code and the Code of Civil and Commercial Pleadings. However, the existence of these guarantees did not prevent the violation of the right to freedom of belief or faith, nor did it prevent the institutional and societal discriminatory practices against those belonging to religious minorities. Despite the existence of these legal and constitutional texts, which were established to protect these rights and freedoms and prevent their violation, the right to freedom of faith, religion, or conscience, its respect, protection, and acknowledgment, in deeds and words, has remained dependent on the extent of awareness of the general public first, and the authority second. The importance of respecting and reinforcing these Rights, since they necessarily lead to building a society that is tolerant towards others, in their relationship with freedom as a universal and human value, benefits all members of society, both the minority and the majority.

Even if we praise and support the existence of positive endeavors to guarantee the rights of religious minorities, through decrees and constitutional texts, they remain dependent on a political will to implement them on the ground. What is the point of having a text that protects the practice of religious rites and a text that guarantees equality between male and

female citizens without discrimination; whereas, in 2023, we are still talking about Male and female citizens, who hold Tunisian citizenship, do not have either a place to pray or a place to bury the dead. This is the case of the Evangelical Christians, Baha'is, and Shiites.

Compared to the years 2020 and 2021, the documented cases indicate a significant increase in the number of cases of discrimination committed against individuals on the one hand and hate and discrimination speech on the other hand. It is noteworthy, that discrimination based on gender, which targeted women belonging to religious minorities, was the highest, as women were victims of sexual harassment, psychological pressure, ill-treatment, and threats on social media platforms and from their respective families.

We always discover that dealing with topics related to religion, in some media, does not necessarily lead to raising people's awareness about such matters, but in many cases, those media platforms are the cause of the spread of hate speech that targets religious minorities and freedom of faith and conscience in general. This is due to the mismanagement of the dialogue and dealing with the topic to raise the percentages of viewers or listeners. This necessarily generates stereotypes or a general impression, among a large majority of people, which is the following: when a segment of the society exercises their right to embrace freely another faith, which is different from the belief of the members of their society, is a danger and a provocation to them and it is targeting their identity. This feeling can only generate a feeling of inferiority toward others. This makes them more aggressive and keener to suppress others, reject them and prevent them from showing up or going out publicly. This ultimately leads to the absence of any manifestation of diversity or pluralism within the society

Recommendations

The Tunisian Government

We appeal to the Presidency of the Government, the Ministry of Religious Affairs, and the Ministry of Interior and Local Affairs to:

Regulate the religious rites organized by unrecognized groups, so that they will not be affected by any legal prosecution according to what is stated in Article 28 of the Rights and Freedoms Chapter. This is since religious gatherings, for performing prayers and worship, whether they are of Evangelical Christians, Baha'is, or others, holding Tunisian nationality, do not have the benefit of State protection or advance licenses.

Grant the necessary licenses, to the religious minorities, to obtain places to worship and bury the dead. This is an implementation of what was stated in the 2022 Constitution, in the Chapter on Rights and Freedoms, related to freedom of faith, conscience, and the practice of religious rites, and in implementation of Article 23, which guarantees full equality between male and female citizens.

The Assembly of the Representatives of the People

The need to enact an organic law that consolidates freedom of faith and conscience, protects religious minority rights, and criminalizes hate speech delivered on the basis of religion.

The Media

We invite the media to:

The need to adhere to impartiality and professionalism when dealing with topics related to religion or to religious minorities.

Not to be led by the “Buzz culture”, this may be a reason for the spread of hate speech and grudges, either intentionally or unintentionally.

Participate in the diffusion of tolerance and coexistence discourse and promote a culture of difference and diversity.

Religious and Intellectual Leaders

We invite religious and intellectual personalities who have an influence on social media platforms to:

Stop diffusing hate and discrimination speech based on differences in religion, belief, or opinion, and try to discuss opposing ideas without prior judgments.

Stop confusing people's rights to choose their religious beliefs or affiliations with everything related to politics, whether internal or external.

Urge their supporters and followers to refrain from rhetoric that incites violence and religious hatred, and to adhere to peaceful dialogue, as an essential means for the advancement of society.

Diffuse the culture of coexistence and social peace, within the framework of comprehensive citizenship that embraces diversity, and rejects all forms of intolerance, hatred, and discrimination.

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