

LIBYA 2019 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The 2011 Constitutional Declaration functions as the interim constitution and states that Islam is the state religion and sharia the principal source of legislation. The activities of non-Muslims remained curtailed by legal prohibitions on the distribution or publication of information aimed at changing the country's "social structure," which were used to ban circulation of non-Islamic religious materials, missionary activity, or speech considered "offensive to Muslims." The criminal code effectively prohibits conversion from Islam, according to scholars and advocates. Human rights activists said freedom of conscience for converts to Christianity, atheists, and Sunni Muslims who deviated from Salafist interpretations of Islam was not respected. Multiple authorities and armed groups vied for influence, with little effective exercise of government authority in practice, according to international observers. The Government of National Accord (GNA) did not exercise control over large parts of the country, including in the south and east, where non-GNA entities competed for control over territory and governance by setting up parallel government institutions. Armed groups provided security and administered some detention centers for migrants and refugees in the country, where, according to multiple international human rights organizations, Christians said they faced a higher risk of physical assault, including sexual assault and rape, than other migrants and refugees. One militia was involved in several arrests and detentions of individuals whom it accused of violating Islamic law. Some of these detainees reported they were tortured and otherwise abused.

Some areas of the country, including the eastern part, operated under the influence of the self-styled Libyan National Army (LNA) and LNA-affiliated armed groups. Nonstate actors and militias continued to operate and control territory throughout the country, including in Benghazi and parts of Tripoli, where there were numerous reports of armed groups restricting religious practices, enforcing compliance with sharia according to their interpretation, and targeting those viewed as violating their standards. According to the Christian rights advocacy group Middle East Concern (MEC), Islamic militant groups and organized crime groups targeted religious minorities, including Christian migrants, converts to Christianity, and foreign residents for physical attacks, sexual assaults, detentions, kidnappings, and killings. Salafist and Islamist groups, some nominally aligned with the GNA, assumed law enforcement functions. U.S.-designated foreign terrorist organizations that included al-Qaida in the Islamic Maghreb (AQIM) and ISIS continued to operate within the country.

According to international media, former Muslims faced intense social and economic pressure to renounce their faith to return to Islam. Sources also reported converts to other religions, as well as atheists and agnostics, faced threats of violence or dismissal from employment and their communities because of their beliefs.

The U.S. Embassy to Libya operated from Tunis, Tunisia, its officials making periodic trips into the country when security conditions permitted. The U.S. government supported international efforts to end the conflict and establish a unified, stable, democratic, and tolerant Libyan state, and continued to raise issues of religious freedom in conversations with authorities, nongovernmental organizations (NGOs), and others.

Section I. Religious Demography

The U.S. government estimates the total population at 6.9 million (midyear 2019 estimate). According to reports by the International Organization for Migration, 12 percent of the population are migrants. Sunni Muslims represent between 90 and 95 percent of the population, Ibadi Muslims account for between 4.5 and 6 percent, and the remainder includes small communities of Christians, Hindus, Baha'is, Ahmadi Muslims, and Buddhists. Many members of the Amazigh ethnic minority are Ibadi Muslims. Nearly all non-Muslim residents in the country are foreigners.

Estimates of the number of Christians in the country vary. According to Open Doors USA's 2020 World Watch List Country Profile (which covers 2019), there are 36,200 Christians. In 2015, Open Doors USA estimated 150 to 180 of these were Libyan nationals who converted from Islam.

Foreign Christian communities consist almost exclusively of sub-Saharan African migrants and Filipino foreign workers, with smaller numbers of Egyptian migrants and a small number of other foreign residents of European nationalities. According to Christian groups in Tripoli, most of the Egyptian Christians are Copts. Most sub-Saharan African and Filipino migrants are Catholic, and the Catholic diocese of Tripoli estimates its followers include 5,000 sub-Saharan and 1,500 Filipino individuals. Estimates on the numbers of other Christian groups vary. According to Open Doors USA, these include Anglicans, Greek and Russian Orthodox, and nondenominational Christians.

According to the World Holocaust Remembrance Center Yad Vashem, no Jews reside permanently in the country.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The 2011 Constitutional Declaration functions as the interim constitution. It states Islam is the state religion and sharia is the principal source of legislation, but it accords Christians and Jews the freedom to practice their religions and guarantees state respect for their personal status laws. Christian and Jewish familial religious matters, such as divorce and inheritance, are governed according to the mandates of the religious community to which the individual belongs. Islamic law (sharia), however, applies in any case in which a Muslim is involved. The interim constitution also states, “There shall be no discrimination among Libyans on the basis of religion or sect” with regard to legal, political, and civil rights. Religious minority communities other than Christians and Jews, however, are not accorded equal rights under the law. The laws governing religious practice predate the internal conflict.

The Ministry of Endowments and Islamic Affairs (MEIA) administers mosques, supervises clerics, and has primary responsibility for ensuring all religious practices conform to state-approved Islamic norms.

Sharia courts govern family matters for Muslims, including inheritance, divorce, and the right to own property. Under the law, a Christian or Jewish woman who marries a Muslim man is not required to convert to Islam; however, a non-Muslim man must convert to Islam to marry a Muslim woman. Marriages between Muslim men and women of non-Abrahamic faiths are illegal, and such marriages are not recognized, even when contracted abroad. The MEIA administers non-Muslim family law issues, although there is no separate legal framework governing non-Muslim family law. The ministry draws upon neighboring countries’ family law precedents for non-Muslims.

Religious instruction in Islam is in principle required in public and private schools, but schools in several major cities were often closed due to the conflict. Attendance at religious instruction is mandatory for all students, with no opt-out provisions.

There is no law providing for individuals' right to choose or change their religion or to study, discuss, or promulgate their religious beliefs. There is no civil law explicitly prohibiting conversion from Islam to another religion or prohibiting proselytization; however, the criminal code effectively prohibits missionary activities or conversion. It includes prohibitions against "instigating division" and insulting Islam or the Prophet Muhammad, charges that carry a maximum sentence of death. The criminal code prohibits the circulation of publications that aim to "change the fundamental principles of the constitution or the fundamental rules of the social structure," which are used to criminalize the circulation of non-Islamic religious material.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

Since religion, politics, and security are often closely linked in the country, it was difficult to categorize many incidents as being solely based on religious identity.

Multiple authorities and armed groups vied for influence, with little effective exercise of government authority in practice, according to international observers, a situation which worsened following the LNA offensive to seize the capital in April. The GNA did not exercise control over large parts of the country, including in the south and east. The GNA's response to instances of violence against members of minority religious groups within the parts of the country it controlled was limited to condemnations of acts of violence.

The Rada Special Deterrence Forces (SDF), a nominally GNA-aligned militia in Tripoli, engaged in Islamic religious policing in the capital. According to human rights activists, the SDF continued to be involved in a number of arrests and detentions of individuals whom it accused of violating Islamic law. Christian groups operating in the country identified the SDF as among the Islamic militant groups involved in the harassment of Christians. Detainees of the SDF reported torture and other abuse while being held in official and extrajudicial detention facilities.

Armed groups provided security and administered some detention centers for migrants and refugees in the country, where, according to multiple international human rights organizations, Christians said they faced a higher risk of physical assault, including sexual assault and rape, than other migrants and refugees. According to MEC, in November, a taxi driver in an eastern city robbed a

passenger at gunpoint and forced him from the vehicle after learning the passenger was Christian.

Some detention facilities had no provision for non-Muslim burials. According to media reports, early in the year a number of critically ill migrants held at a Zintan detention camp were transferred to a camp in Gharyan near heavy fighting after the Zintan facility's authorities complained they could not manage the volume of corpses of deceased Christian detainees.

The government permitted religious scholars to form organizations, issue fatwas, and provide advice to followers. The fatwas did not have legal weight but conveyed considerable social pressure, according to Libyan tribal and religious leaders. The GNA, however, did not exercise effective administrative control of mosques or supervision of clerics.

In Tripoli, according to civil society sources, women's rights activists, and human rights NGO officials, some militias and armed groups, such as the SDF, imposed restrictions on women's dress and movement and punished men for behavior they deemed "un-Islamic." There continued to be no laws, however, imposing restrictions on dress.

The Ministry of Education worked to promote religious tolerance in the country through the dissemination of new civil education curricula for grades four to nine that promote inclusivity and tolerance. The curricula aimed to replace previous material containing discriminatory language directed at non-Muslims.

According to human rights activists, the role of Islam in policymaking remained a major point of contention among supporters and opponents of political Islam, Salafist groups, and those who wished for a greater separation between religious practice and political issues.

Abuses by Foreign Forces and Nonstate Actors

During the year, nonstate actors and militias continued to operate and control territory throughout the country, including Benghazi and parts of Tripoli.

Multiple sources stated Islamic militant groups and organized crime groups targeted religious minorities, including Christian migrants, converts to Christianity, and foreign residents for physical attacks, sexual assaults, detentions, kidnappings, and killings. Christian groups operating in the country identified the LNA-aligned

Madkhali Salafist groups operating in Benghazi as among the Islamic militant groups involved in harassment of Christians, particularly Christian migrants from sub-Saharan Africa. Academic studies and media describe the Madkhali movement as a form of very strict Salafism.

According to a Christian group operating in the country, Christian residents continued to report abuse at the hands of militant Muslim groups, including members of the former Libya Shield Force affiliated with the Libyan Dawn battalion, whose physical mistreatment of detainees included floggings, exposure to cold weather, and other abuses; they also reportedly threatened Christians with execution by beheading. Christian residents reported similar abuses by other groups, including the Benghazi Revolutionary Brigades (BRB), a jihadist Salafist militia coalition.

According to an Amnesty International report, armed men entered a detention center in Qasr bin Ghashir on April 23, where they ordered a group of Christian migrant detainees to halt an Easter service and began firing when the detainees refused, injuring at least 12.

On October 16, unknown individuals abducted a 70-year-old woman from her home in Benghazi after she was accused of practicing witchcraft, according to the Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, Ghassan Salame.

The International Crisis Group (ICG) reported in April that the Madkhali movement continued to gain influence across the country, including within armed groups and religious institutions. According to ICG, Madkhali elements affiliated with the LNA continued to act as self-appointed morality police, cracking down on activities not sanctioned by their strict interpretation of Islam, including the sale of books deemed un-Islamic and events where men and women mix.

In Tripoli, according to civil society representatives, some militias and armed groups, such as the Nawasi Brigade, imposed restrictions on women's dress and punished men for behavior they deemed "un-Islamic."

According to Human Rights Watch, a 2017 religious edict by the "eastern interim government" remained in effect against Ibadi Muslims; it accused the group of deviance and of following an infidel doctrine.

According to Libyan academic researchers, the General Administration for Criminal Investigation in Benghazi continued to conduct investigations of citizens for denigrating Islam, for converting others to Christianity, and for proselytizing on social media.

According to human rights activists and political analysts, the authorities in eastern parts of the country continued to provide texts for Friday services to imams, often including political and social messages. According to media reports, the LNA continued to appoint imams with Salafist beliefs in areas under its control throughout the eastern part of the country.

U.S.-designated foreign terrorist organizations, including AQIM and ISIS, continued to operate within the country, although there were no reports during the year of explicitly religiously motivated attacks.

Section III. Status of Societal Respect for Religious Freedom

The Arab Organization for Human Rights – Libya (AOHRL) continued to report a restrictive social environment for religious freedom throughout the country. This included intense social and economic pressure on former Muslims to return to Islam. NGOs and a UN agency stated Salafist interpretations of sharia increasingly contributed to this restrictive environment. Religious minorities said converts to other religions, as well as atheists, agnostics, and other nonreligious persons, faced threats of violence or dismissal from employment and from their communities because of their beliefs or lack of belief.

International observers said Christians who converted from Islam practiced their faith in semi-secrecy and faced violence and intense pressure from their families and communities to renounce their faith. Christians said they felt pressure to refrain from missionary activities as a result of security threats and social pressure from the local community, as well as because of legal prohibitions against conversion and missionary activity. Catholic authorities also stated Christian migrants from sub-Saharan Africa were more likely to experience discrimination or extortion than Muslims from the same region.

Christian communities continued to exist in Tripoli, where Catholic, Anglican, and Protestant churches operated for foreigners. Christian communities were also present in Misrata, al-Baida, Benghazi, Tubruq, Sebha, Ghat, Ubari, and Murzuq, among other cities. In some cases, such as in Benghazi, Catholic communities continued to worship in places other than church buildings after ISIS destroyed

church properties there in 2015. The Catholic cathedral in Benghazi remained damaged and inaccessible after fighting in 2013-15.

Section IV. U.S. Government Policy and Engagement

Following the 2014 embassy evacuation from Tripoli and suspension of operations there, U.S. diplomats have operated out of Tunis, Tunisia, making periodic trips into the country when security conditions permitted. The U.S. government supported international efforts to end the conflict and establish a unified, stable, democratic and tolerant Libyan state. Embassy representatives discussed religious freedom on a number of occasions with a variety of local and national leaders. Embassy officials frequently met with human rights activists, including MEC, the AOHR, Human Rights Watch, and independent activists and researchers to address religious freedom issues. The embassy used its social media platforms to amplify the Secretary of State's Ramadan message calling for inclusion of and respect for religious minority communities. The embassy also continued to partner with the Ministry of Education to disseminate new civil education curricula for grades four to nine that promote inclusivity and tolerance.