

LIBYA 2020 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 human rights advocates. According to one press report, the Rada Special Deterrence Forces (SDF), a militia nominally aligned with the Government of National Accord (GNA) 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. 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 and territorial control, with little effective exercise of government authority in practice, according to international observers. The 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. 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 parts of Tripoli and in Benghazi, 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 media reports, elements of the Madkhali Salafist movement affiliated with the LNA continued to crack 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 mixed. 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. One press report stated that in the western part of the country, these elements replaced imams, preachers, and the heads of Awqaf offices with individuals with a more Salafist orientation. 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 and 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 hostility from their families and communities because of their beliefs.

The U.S. Embassy to Libya operated from Tunis, Tunisia; its officials made periodic trips into the country when security conditions permitted. In September, the Ambassador met virtually with members of the country's Jewish diaspora. The embassy used its social media platforms to draw attention to this exchange and to call for inclusion of and respect for religious minority communities. Other embassy representatives discussed religious freedom on a number of occasions with a variety of local and national leaders. 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), academics, and other human rights advocates.

Section I. Religious Demography

The U.S. government estimates the total population at 6.9 million (midyear 2020 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 World Watch List Country Profile, there are 34,500 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 Filipino and some sub-Saharan African migrants are Catholic; 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. The Constitutional Declaration prohibits any form of discrimination based on religion. 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. 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. The penal code and other laws provide criminal penalties for conviction of defamation and insults to religion. 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 required in public and private schools. 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 materials and speech considered "offensive to Muslims."

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 and territorial control, with little effective exercise of government authority in practice, according to international observers, a situation which worsened during the LNA offensive to seize the capital from April 2019 to June 2020. 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.

According to one press report, the 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 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. One Christian group operating in the country reported multiple accounts of a section within the SDF-run detention center at the Mitiga airbase where detainees who were Christian converts, “freethinkers”, or critics of Islam were concentrated. Some detainees in this section were reportedly subjected to torture.

Some detention facilities had no provision for non-Islamic burials.

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 tribal and religious leaders. The GNA, however, did not exercise effective administrative control of mosques or supervision of clerics.

Sheikh Sadiq Al-Ghariani, who is regarded by the Muslim Brotherhood and others as the country’s Grand Mufti, said in a video broadcast on Al-Tanasuh TV, “If detonating oneself while carrying out a *fedaai* [self-sacrificial] operation rattles the enemy and brings upon it a crushing defeat, then it is allowed by sharia law. Many of the Prophet Muhammad's companions threw themselves from walls. They sacrificed themselves and died in order to breach the enemy's ranks.”

On June 17, in a program that aired on Al-Tanasuh TV, Al-Ghariani said that supporters of the LNA were in violation of sharia and were fighting as a proxy for a “Zionist project” meant to protect Israel and the enemies of God.

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

According to human rights activists, civil society figures, and politicians, 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 religion and politics.

Actions by Foreign Forces and Nonstate Actors

Throughout 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 adhering to the teachings of Saudi cleric Rabee bin Hadi al-Madkhali, a form of very strict Salafism.

Human rights activists reported that the Madkhali movement continued to gain influence within armed groups and religious institutions throughout the country. According to media reports, 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 mixed. One press report stated that in the western part of the country, Madkhali elements replaced imams, preachers, and the heads of Awqaf offices with individuals with a more Salafist orientation.

According to media reports, in September, the Salafist-controlled Endowments Authority, associated with the so-called Eastern Interim Government (EIG), presented a draft law, described by a cabinet minister as a fatwa, to the government for eventual approval by the House of Representatives. The proposed law stipulated the death penalty for anyone convicted of practicing sorcery or witchcraft and an unspecified prison term and fine for those employing the services of a sorcerer. After the Endowments Authority made the proposal, the EIG's so-called Minister of Interior sent a memo to the heads of security services directing them to enforce cases involving witchcraft and sorcery in accordance with existing law.

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 EIG remained in effect against Ibadi Muslims. The edict accused the group of deviance and of following an infidel doctrine.

According to 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, 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.

According to press, on April 30, the LNA declared a ceasefire during the month of Ramadan. The LNA spokesman stated that the ceasefire did not mean an end to the LNA's efforts to capture Tripoli, which would continue at the end of Ramadan. The GNA rejected the unilateral ceasefire, saying it did not trust the LNA.

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 by these groups.

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 stated Salafist interpretations of sharia continued to contribute 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 families and 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.

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.

In a poll conducted by a Dubai-based public relations firm in the first three months of the year and involving a team of international experts, 30 percent of the country's citizens aged 18-24 agreed that religion was "the most important" factor to their personal identity, compared to 41 percent overall of youth polled in the 17 Arab states included in the survey and to 61 percent of youth polled in all of North Africa.

Section IV. U.S. Government Policy and Engagement

Since 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 to establish a unified, stable, democratic and tolerant Libyan state.

The Ambassador met virtually with members of the country's Jewish diaspora on September 16. The embassy used its social media platforms to draw attention to this exchange and to call for inclusion of and respect for religious minority communities. Other 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 AOHRL, Human Rights Watch, and independent activists and researchers to address religious freedom issues. The embassy also continued to partner with the Ministry of Education to disseminate new civil education curricula for grades four to nine designed to promote inclusivity and tolerance.