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2011 Report on International Religious Freedom - Libya

Bureau of Democracy, Human Rights, and Labor
July 30, 2012

[Covers calendar year from 1 January 2011 to 31 December 2011]

Executive Summary

The interim constitution protects religious freedom and, in practice, the transitional government sworn in on November 24 generally respected religious freedom. The new government demonstrated a trend toward improvement in respect for and protection of the right to religious freedom. Under the previous government, religious freedom was restricted and the government generally enforced these restrictions, especially with respect to forms of Islam it considered to be a security threat and to those who proselytized to Muslims. Following the uprising that overthrew Muammar Qadhafi's regime, the new authorities ceased actively regulating all aspects of religious life, although the status of the government's policy that criminalized proselytizing was unclear.

There were reports of societal abuses based on religious affiliation, belief, or practice. The return of a Libyan Jew to Tripoli after decades of exile sparked a public debate that included some anti-Semitic statements about the return of Jews to the country.

The U.S. government discussed religious freedom with the government as part of its overall policy to promote human rights.

Section I. Religious Demography

The population is 97 percent Sunni Muslim. Many members of the Amazigh ethnic minority are Ibadi Muslims, and virtually all non-Sunni Muslims are resident expatriates. Small Christian communities consist almost exclusively of sub-Saharan African and Egyptian migrants and a small number of American and European workers. Bishops in Tripoli, Misurata, and Benghazi lead an estimated 50,000 Coptic Christians, most of who number among the estimated 750,000 Egyptian expatriate residents. Roman Catholic clergy are present in larger cities, working primarily in hospitals, orphanages, and with the elderly or physically impaired. A priest in Tripoli and a bishop resident in Tunis lead the Anglican community. A Greek Orthodox archbishop resident in Tripoli and priests in Tripoli and Benghazi serve 80 regular Orthodox churchgoers. The Ukrainian embassy in Tripoli also maintains a small Orthodox church for Tripoli's Russian-speaking population. There are nondenominational, evangelical Unity churches in Tripoli and Benghazi, as well as small Unity congregations located throughout the country. Nondenominational churches in Tripoli serve primarily African and Filipino migrant workers.

There are no known places of worship for members of other non-Muslim religious groups such as Hinduism, the Baha'i Faith, and Buddhism, although adherents are allowed to practice their religion in their homes. Foreign adherents of these religious groups are allowed to display and sell religious items at bazaars and other public areas.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The interim constitution protects religious freedom, although some laws and policies restrict religious freedom. Under the previous government there were no explicit legal protections for religious freedom, and the government generally enforced laws and policies that restricted religious freedom.

The interim governing authority, the Transitional National Council (TNC), issued a temporary constitutional declaration in August that protects freedom of religion. Article 1 of this document states Islam is the state religion and Islamic law is the principal source of legislation, but that non-Muslims are accorded the freedom to practice their beliefs. Article 6 states "there shall be no discrimination among Libyans on the basis of religion or sect" with regard to legal, political, and civil rights.

There is no law providing for an individual's right to choose or change his or her religion or to study, discuss, or promulgate one's religious beliefs. There is also no law prohibiting conversion from Islam to another religion; however, the government prohibited proselytizing to Muslims. Citizens have no apparent recourse if they believe their rights to religious freedom were violated. In practice citizens did not have access to courts to seek damages for, or cessation of, religious freedom violations because the judiciary was not fully functioning as a result of the armed uprising.

Under the Qadhafi regime, the World Islamic Call Society (WICS) was the official conduit for the state-approved form of Islam. With an emphasis on activities outside the country, it operated a state-run university for Muslim clerics from outside the Arab world. The government encouraged students who graduated to return home and promote its interpretation of Islamic thought in their own countries. Beyond its role in education, WICS served as the religious arm of the government's foreign policy and maintained relations on behalf of the government with the country's minority religious communities. The status of WICS after the fall of the Qadhafi regime was not clear; during the year, WICS suspended operations and its offices were seized for use by the Ministry of Defense. The new authorities were considering integrating WICS into the Awqaf, but did not make a decision by year's end.

Religious instruction in Islam is required in public schools and in private schools that admit citizens, but there is no in-depth instruction on other religious groups. The government does not issue information on the religious affiliation of children in public schools, and there were no reports of children transferring to private schools for alternative religious instruction.

The country's interpretation of Islamic law holds that a non-Muslim woman who marries a Muslim man is not required to convert to Islam, although many do so; however, a non-Muslim man must convert to Islam to marry a Muslim woman.

Citizens must be at least 40 years old to perform the Hajj.

The government observes the following religious holidays as national holidays: the birth of the Prophet Muhammad, Eid al-Fitr, Eid al-Adha, and the Islamic New Year.

Government Practices

There were no reports of abuses of religious freedom.

There were no reports of harsh and disproportionate treatment because of religious beliefs or practices.

The new government did not explicitly repeal specific Qadhafi-era laws and regulations that affect religious freedom, but at the same time it did not enforce them. The Awqaf

continued the previous regime's practice of providing imams with texts of Friday sermons, which often contained political and social messages. However, the internal security agencies that in the past closely monitored and controlled citizens' religious activities were dissolved and not reinstated.

Given the suspension of operations of the WICS, the status of the government limit on the number of places of worship allowed for each Christian denomination to one per city was unclear.

Members of minority religious groups, primarily Christians, encountered minimal restrictions conducting worship. Most of the country's churches continued operating both during and after the war. The main evangelical Unity Church in Tripoli was destroyed during the conflict, but it was unclear whether it was deliberately attacked and which belligerent was responsible for the damage. The Unity Church intended to seek compensation from the government but faced difficulties due to the suspension of operations of WICS, its main government interlocutor.

The government routinely granted visas and residence papers to religious staff from other countries. As with other classes of resident migrants, clergy generally were offered one-year residency permits.

Improvements and Positive Developments in Respect for Religious Freedom

The TNC's interim constitutional declaration was the first constitutional protection for freedom of religion since before Qadhafi came to power in 1969. However, the new government has not passed new laws providing more specific protections for religious freedom.

The new government no longer censors religious material that enters the country. It no longer arrests young men who attend dawn prayers at mosques (a practice that was seen as a sign of religious extremism). The government no longer arrests imams who deliver their own Friday sermons instead of reading the government-sanctioned texts. For the first time in the country's history, religious scholars formed independent organizations that issue fatwas (religious rulings) and advice to followers.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

On October 3, Libyan-Italian David Gerbi, whose family emigrated in 1967 after the Libyan Jewish community became a target of violence, returned to Libya and attempted to renovate an inactive Jewish synagogue in downtown Tripoli. The city authorities expelled Gerbi from the synagogue on the grounds that he illegally entered the property and did not have permission from the government to undertake renovations on the property, which was administered by the Ministry of Antiquities. Following the incident there were large public demonstrations in Tripoli and Benghazi condemning Gerbi's return to the country. The protesters issued statements saying Jews were not welcome to return to the country and that synagogues should not be built on Libyan soil. These sentiments were echoed by citizens in postings on online forums and local news Web sites but were also countered by other citizens who spoke in favor of religious tolerance. A TNC spokesman criticized Gerbi's actions, saying that it was "premature" for the government to make decisions on "sensitive issues" such as the status of Jewish emigres and their houses of worship.

Section IV. U.S. Government Policy

The U.S. government called for religious freedom in discussions with the government as part of its overall policy to promote human rights. U.S. embassy officials discussed religious freedom with local leaders representing a broad spectrum of religious groups.
