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2013 International Religious Freedom Report - Libya

Executive Summary

The interim constitution protects religious freedom, but, in practice, the government prohibited proselytizing and did not prevent or investigate attacks on Christian and Sufi religious sites. Laws that restrict religious freedom enacted under the Qadhafi regime remained, but the government did not regularly enforce them. Officials in Benghazi detained four Christians and jailed them for two months on suspicion of proselytizing. The government was limited in its ability to prevent violent extremist groups from taking advantage of the post-revolution security vacuum to attack religious minorities.

There were reports of societal abuses based on religious affiliation, belief, or practice. Arsonists set fire to Benghazi's main Coptic Church in March. Salafist groups (fundamentalist Sunni Muslims) vandalized and destroyed Sufi religious sites on several occasions, including most prominently in Tajoura, Tripoli, in March and November. Salafists also threatened Sufi individuals and religious sites, and some affiliated with an extremist faction claimed responsibility for the September killing of a prominent Sufi cleric.

The U.S. embassy called for religious freedom in discussions with the government, including during meetings between the Charge d'Affaires and the Ambassador and the grand mufti in April and November, respectively. U.S. embassy officials conducted public outreach and cultural engagement on religious issues and interfaith dialogue. The embassy sent nine Libyan imams on an exchange program in the United States to study interfaith dialogue and community outreach. Embassy officials also discussed religious freedom with local leaders representing a variety of religious groups.

Section I. Religious Demography

The U.S. government estimates the population is 6 million, as of July 2013. Ninety-seven percent is Sunni Muslim and the remaining 3 percent includes Christians, Hindus, Bahais, Ahmadi Muslims, Buddhists, and Jews. Many members of the Amazigh ethnic minority are Ibadi Muslims; nearly all other non-Sunni Muslims are foreign residents.

Small Christian communities consist almost exclusively of sub-Saharan African and Egyptian migrants and a small number of U.S. and European residents. Bishops in Tripoli, Misrata, and Benghazi lead an estimated 50,000 Coptic Christians who are mostly Egyptian foreign 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 in Tripoli and priests in Tripoli and Benghazi serve approximately 80 regular Orthodox churchgoers. The Ukrainian embassy

in Tripoli also maintains a small Orthodox church for Tripoli's Russian and Ukrainian 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.

The overwhelming majority of Libya's Jewish population, once estimated at 40,000, fled the country between 1948 and 1967. While there are reports of some Jews remaining, there are no known, reliable estimates of the current population. Representatives from the Jewish diaspora are unable to return to reopen the synagogue in Tripoli due to security concerns.

There are no known places of worship for members of other non-Muslim religious groups, although adherents are allowed to practice their religion in their homes.

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. The National Transitional Council (NTC) issued a temporary constitutional declaration in 2011 that protects freedom of religion. In 2012, the popularly elected General National Congress (GNC) assumed parliamentary functions from the NTC and selected the current prime minister. The government remains bound by the 2011 constitutional declaration until a new constitution is drafted and passes both a vote in the GNC and a public referendum. The interim constitution states Islam is the state religion and sharia (Islamic law) is the principal source of legislation, but non-Muslims are accorded the freedom to practice their beliefs. 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 NTC adopted in 2012 a declaration formally recommending the GNC establish Islam as the main source of legislation without recourse to a public referendum. The GNC issued a statement in December declaring sharia the only source of legislation and any laws that contravene it are void; the legal status of the statement is unclear. The Ministry of Justice published its interpretation of the matter later that month, which referred to an expert committee it had established to review any claims of national legislation contradicting sharia.

Laws that restrict religious freedom enacted under the Qadhafi regime remain, but the government does not regularly enforce them. 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. Neither is there a law prohibiting conversion from Islam to another religion or prohibiting proselytizing; however, the practice of detaining suspected proselytizers and deporting them is not uncommon. Some Christians accused of disseminating religious material have reportedly been charged with the crimes of "instigating division" and insulting Islam or the Prophet Muhammad, charges that could carry a maximum sentence of death.

The Ministry for Endowments and Islamic Affairs administers mosques, supervises clerics, and has primary responsibility for ensuring all religious practices within the country conform to state-approved Islamic norms. The NTC created the office of the grand mufti in 2012, appointing Salafist cleric Sheikh Sadeq Al-Ghariani to be the leading religious scholar in the country and providing him with an office and staff to issue fatwas, or religious rulings, as the mufti deems necessary. While influential in public discourse and private arbitration, the religious rulings from the Dar al Ifta (fatwa office) carry no legal weight.

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 religions available in the curricula. The government does not issue information on the religious affiliation of children in public schools, but there are no reports of children transferring to private schools for alternative religious instruction.

Sharia governs family matters for Muslims, including inheritance, divorce, and the right to own property. Under this body of law, 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. The Ministry for Endowments and Islamic Affairs administers non-Muslim family law issues, although without a parallel legal framework. The ministry draws upon neighboring countries' family law precedents for non-Muslims.

Government Practices

There were reports of arrests and imprisonment on the basis of religious belief and government inaction in response to attacks on religious sites.

In February officials reportedly detained four Christians and jailed them for two months on suspicion of proselytizing in Benghazi. In September a militia affiliated with the Ministry of Interior detained a U.S. citizen working as a teacher at an international school in Tripoli on suspicion of proselytizing in the classroom. The quasi-governmental Second Special Security Brigade detained the individual for more than six weeks without charge before releasing him on condition he depart the country.

The government lacked the capacity to maintain law and order through its own formal justice and security structures; it relied on a variety of groups – revolutionary brigades, tribal militias, local strongmen – outside of the armed forces and police to support local security. The government exerted varying degrees of control over these armed groups and its response to instances of violence against Coptic Christians and attacks on Sufi sites across the country was limited to condemnations of the violence. The Ministry of Foreign Affairs and International Cooperation issued a statement following the arson attack on a Coptic church in Benghazi in March saying such violence was “contrary to the teachings of our Islamic faith and customs as well as international covenants on human rights and fundamental freedoms and respect for the monotheistic religions” and called on “all Libyan citizens to respect those from friendly and sisterly countries living in Libya and to respect their beliefs.” There were no known arrests or prosecutions in connection with attacks on Sufi sites.

With reference to his fatwa condemning the desecration of graves and holy sites in 2011, Grand Mufti Sheikh Sadeq Al-Ghariani and the Dar al Ifta continued to condemn the desecration of graves and Sufi holy sites by Salafist groups, describing their actions as “not religiously permissible” and “a violation of the sanctity of the dead.”

The government charged two Libyan National Party members with insulting Islam and “instigating division” over election posters from 2012 that included a character the prosecution claimed resembled controversial French cartoons depicting the Prophet Muhammad. First heard and then adjourned in June, the case was scheduled to resume October 13, but the court again postponed the hearings, this time indefinitely.

The government did not explicitly repeal specific Qadhafi-era laws and regulations that limit religious freedom, but at the same time it did not regularly enforce them. In the aftermath of the 2011 revolution, the judiciary was not fully functioning and citizens had little recourse if they believed their right to religious freedom was violated. Citizens did not have access to courts to seek remedy for religious freedom violations.

The Ministry for Endowments and Islamic Affairs provided imams with texts for Friday sermons, which often contained political and social messages. The government permitted religious scholars to form independent organizations that issue fatwas (religious rulings) and provide advice to followers.

Members of minority religious groups, primarily Christians, worshiped with minimal restrictions. 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.

The grand mufti publicly raised concerns about the expansion of Shia and Ahmadiyya Islam and Christianity in the country, for example in March when he tied his call to prevent Libyan women from marrying foreigners to concerns about Shia men entering Libya. He also advocated the government embrace “moderate” Islam to counter the rise of the violent extremism.

Section III. Status of Societal Respect for Religious Freedom

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

Egyptian Coptic Christians and affiliated institutions were targets of societal abuse. On March 14, unidentified arsonists set fire to Benghazi’s main Coptic church. The attack followed escalating anti-Coptic abuse that included an assault of a Coptic priest and an assistant on February 28, and the March 1 detention and subsequent deportation of an estimated 48 to 100 Egyptian Copts (according to varying reports) accused of proselytizing in Benghazi. Most reports attributed the “arrests” to militias with tenuous allegiance to the government.

Ten Ahmadi Muslims detained by an armed group in late 2012 on suspicion of proselytizing were released in May.

Sufi Muslims and affiliated institutions were targets of societal abuse. Salafist groups, who view the veneration of saints and shrines as a pagan practice forbidden by Islam, attacked Sufi religious sites across the country, destroying several mosques, tombs, and graves of Sufi religious leaders and scholars. For example, two separate bombings of Sufi shrines in the Tajoura district of Tripoli destroyed the 500-year-old Al-Andalusi Mausoleum on March 28, and the Murad Agha Shrine on November 27. The Hamid Hudairi Sufi shrine in Sebha was also heavily damaged in an attack on May 10. In an escalation of intercommunal violence, Salafists

associated with an extremist group called “Vanguards of The Caliphate” claimed responsibility for the September 22 killing of prominent Sufi cleric Sheikh Mustafa Rajab Al-Mahjoub in Derna.

Islamists demanded Derna University segregate by gender on campus in exchange for providing security on campus. The Ministry of Education decided it would not enforce gender segregation in schools and universities despite the grand mufti’s advice that gender integration in educational institutions was immoral.

Section IV. U.S. Government Policy

The U.S. government called for religious freedom in discussions with the government, including in meetings between the Charge d’Affaires and Ambassador and the grand mufti in April and November, respectively. In February the Department of State sponsored a visitors program for nine imams, mostly from eastern Libya, to learn about interfaith dialogue and community outreach in the United States. In addition to public outreach and cultural engagement on religious issues, such as hosting an iftar for foreign contacts during Ramadan, embassy officers also discussed religious freedom on numerous occasions with a wide variety of local and national leaders.

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