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2023 Report on International Religious Freedom: Libya

EXECUTIVE SUMMARY

The 2011 Constitutional Declaration functions as the interim constitution and states Islam is the state religion and sharia the principal source of legislation. Proselytizing and the distribution or publication of information aimed at changing the country's "social structure" is illegal, and the circulation of non-Islamic religious materials, missionary activity, or speech considered "offensive to Muslims" is banned. The criminal code effectively prohibits conversion from Islam.

The Government of National Unity (GNU) exerted limited control outside Tripoli and relied heavily on armed groups to remain in power. The Tripoli-based Internal Security Agency (ISA), nominally under the authority of the Presidential Council (PC) but aligned to GNU Prime Minister Abdulhamid Dabaiba, arrested numerous individuals for Christian proselytizing and conversion from Islam to Christianity. The ISA posted video "confessions" online, allegedly obtained under duress. The Special Deterrence Force, an armed group that reports to the PC and whose senior leadership adheres to the Salafist Madkhali strain of Islam, arrested and detained individuals for violating Islamic law.

In May, a court in Misrata handed down sentences to 37 persons convicted in the beheading of 21 foreign Coptic Christians in Sirte in 2015, with 23 receiving the death penalty and 14 receiving prison terms. In May, the GNU General Authority for Endowments and Islamic Affairs (GAEIA) established the "Guardians of Virtue" to protect Islamic values; critics compared it to a "secret police" organization. The GNU GAEIA also issued orders against Sufi traditional celebrations of the Prophet's birthday in September, which typically includes dancing, beating drums, and

chanting. Following the Hamas terrorist attacks on Israel in October and the Israeli response, the head of the GNU GAEIA requested imams deliver a Friday sermon warning Muslims of “the danger of Jews.”

Hybrid armed actors (armed groups that are affiliated with the state and at times cooperate with it, while at other times compete against it) and nonstate actors continued to operate and control territory throughout the country, including in Tripoli and in Benghazi. There were reports of armed groups restricting religious practices, enforcing compliance with their interpretations of sharia, and targeting those viewed as violating their standards. The nonstate actor known as the Libyan National Army (LNA) controlled territory in the east and south, while the eastern “Government of National Stability” (GNS), which is affiliated with the LNA and rivals the GNU, claimed authority but showed limited ability to control territory. According to media reports, elements of the Madkhali-Salafist movement affiliated with the LNA continued to suppress activities not sanctioned by their strict interpretation of Islam.

According to several Christian nongovernmental organizations (NGOs), Muslims who converted to another religion faced intense pressure 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 hostility from their families and communities because of their beliefs.

The U.S. Embassy to Libya operated remotely from Tunis, Tunisia, and U.S. officials made regular trips to the country. Embassy representatives discussed religious freedom with a variety of local and national leaders. To address religious freedom issues, embassy officials met with human rights organizations, including Middle East Concern (MEC), the Arab Organization for Human Rights – Libya (AOHRL), and Human Rights Watch, as well as clergy, activists, and researchers. The embassy funded a program to counter disinformation and hate speech. The embassy also partnered with local NGOs from Tripoli, Misrata, Benghazi, Zawiya, Ubari, Qatrun, and Sabha to implement media literacy training and social media campaigns aimed at curbing hate speech and disinformation.

Section I.

Religious Demography

The U.S. government estimates the total population at 7.3 million (midyear 2023). 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, Buddhists, and Ahmadi Muslims. Many members of the Amazigh ethnic minority are Ibadi Muslims. Nearly all non-Muslim residents in the country are foreigners. Some Libyan Muslims practice Sufism.

According to Boston University's 2020 World Religions Database, the population includes approximately 6.8 million Muslims, 36,000 Christians, and populations of Buddhists, Hindus, Sikhs, and atheists or agnostics that altogether number less than 20,000. In 2015, Open Doors USA estimated 150 to 180 Christians were Libyan nationals who converted from Islam, and the remainder were migrant workers or migrants transiting through the country.

The foreign Christian community consists almost exclusively of sub-Saharan African migrants and Filipino foreign workers, with smaller numbers of Egyptian migrants and foreign residents of Western nationalities. According to Christian groups in Tripoli, most Egyptian Christians are members of the Coptic Orthodox Church. Most Filipino and some sub-Saharan African migrants are Catholic; the Catholic diocese of Tripoli estimates its followers include 2,500-2,700 sub-Saharan Africans and Filipinos, a decline of approximately 700 parishioners from the previous year. A Catholic bishop in Benghazi serves the eastern region. Estimates of the numbers of other Christian groups vary. According to Open Doors USA, these include Anglicans, Greek and Russian Orthodox Christians, Protestants, and nondenominational Christians.

According to the World Holocaust Remembrance Center Yad Vashem and members of the diaspora Libyan Jewish community, 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.

There is no law providing for individuals' right to choose or change their religion or study, discuss, or promulgate their religious beliefs. There is no civil law explicitly prohibiting conversion from Islam to another religion or prohibiting proselytizing; however, the criminal code effectively prohibits missionary activities or conversion, according to scholars and human rights advocates. 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

authorities use to criminalize the circulation of non-Islamic religious materials and speech considered “offensive to Muslims.”

The 2011 Constitutional Declaration also states that “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 convictions of defamation and insults to religion; in practice these are generally applied only to cases involving Islam. The law does not recognize religious minority communities other than Christians and Jews and does not accord these other groups equal rights under the law.

In 2022, the House of Representatives enacted an Anticybercrime Law that stipulates that the use of the internet and new technologies is lawful only if “public order and morality” are respected. The law allows authorities to block or remove digital content deemed offensive to Libyan culture and values without a court order in cases where “security requirements or urgency” or “public morality” are involved. The law also criminalizes the use of encrypted communications and provides the government with the authority to conduct targeted or mass surveillance of electronic communications. The law imposes substantial fines and up to 15 years in prison for publishers of digital content that “results in a violation of public order or public morals” and contains “ideas that undermine society’s security, stability, and social peace.” The National Information Security and Safety Authority, part of the Ministry of Telecommunications and Information Technology, is responsible for administering the law domestically and extraterritorially “if their impact and consequences extend to Libya.”

The country lacks a unified family law code. Sharia courts govern family matters for Muslims, including inheritance, divorce, and the right to own property. Sharia (Islamic religious law) applies in any personal status case involving a Muslim. The GAEIA administers non-Muslim family law issues, although there is no separate legal framework governing non-Islamic family law. The ministry draws upon neighboring countries’ family law precedents for non-Muslims. Non-Muslim familial religious matters, such as divorce and inheritance, are governed according to the practices of the religious community to which the individual belongs, provided they are consistent with the law.

Marriages between Muslim men and women of non-Abrahamic faiths are illegal; such marriages are not recognized, even when conducted abroad. 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. While civil law mandates equal rights in inheritance, women often receive less due to interpretations of sharia that favor men.

The GNU GAEIA administers mosques, supervises clerics, and has primary responsibility for ensuring all Islamic religious practices conform to state-approved Islamic norms.

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.

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

GOVERNMENT PRACTICES

Multiple groups continued to vie for influence and territorial control in the country. The GNU exerted limited control outside Tripoli and relied heavily on hybrid armed actors to remain in power. LNA as a nonstate actor effectively controlled territory in the east and south of the country. Armed groups, nominally under the authority of government institutions, were the main security actors across the country.

Several religious institutions continued to compete for influence in the country. The GNU GAEIA continued to oversee the state's Islamic endowments and donations, appointed imams, and directed the Friday sermon in areas under GNU control. Madkhali Salafist cleric Mohamed al-Abbani has led the GNU GAEIA since 2018. A rival, eastern GAEIA exercised similar responsibilities for the east and south. Human rights activists and political analysts reported that the Friday sermon texts that religious authorities provided to imams often included political and social messages.

The Tripoli-based Dar al-Ifta continued issuing fatwas (legal opinions on Islamic law) and acted sometimes in cooperation and sometimes in competition with the GNU GAEIA, according to a 2021 Carnegie Endowment for International Peace report. Sadiq al-Gharyani, recognized as the country's Grand Mufti by many in western Libya, continued to direct Dar al-Ifta from Turkey. According to the 2021 Carnegie report, the appointment of Madkhali Salafist cleric Abbani "stirred tensions with Gharyani and Dar al-Ifta."

Abuses Involving Violence, Detention, or Mass Resettlement

Human rights observers reported the government continued to harass and prosecute Christians who had converted from Islam. According to press and social media reports, the Special Deterrence Force (SDF or Rada), a hybrid armed actor that reports to the PC and whose senior leadership adheres to the Madkhali Salafi strain of Islam, continued to enforce its interpretation of Islamic law in some parts of the capital and, according to human rights activists, arrest and detain individuals whom it suspected of violating Islamic law. Human rights activists said many

security actors did not respect freedom of conscience for converts to Christianity, atheists, and Muslims who deviated from Salafist interpretations of Islam.

The Tripoli-based ISA, a domestic security and intelligence service that falls under the authority of the PC but is aligned with GNU Prime Minister Abdulhamid Dabaiba, arrested numerous individuals during the year on charges including atheism, spreading atheist ideas, Christian proselytizing, and conversion from Islam to Christianity.

In March and April, the Tripoli-based ISA arrested at least eight individuals as part of an operation targeting Libyan Muslims alleged to have converted to Christianity and foreigners suspected of Christian proselytization. Media reported the arrested group included two foreign teachers and six Libyan Christian converts; the GNU deported the two foreign teachers in mid-April, according to press reports. The ISA charged the Libyans with circulating views aimed at altering fundamental constitutional principles or the fundamental structures of the social order, or at overthrowing the state; they faced the death penalty, according to media reports. In a statement about the arrests on its Facebook page, the ISA said it continued to work “day and night” to thwart attempts to “tamper with Islamic values” and that the government “is keen to monitor suspicious activities and appeals that threaten the Islamic identity of our society, including the crime of apostasy and incitement to it.”

Following the arrests, the ISA posted video “confessions” online. The “confessions,” which rights groups alleged were obtained under duress, depicted detainees with their faces blurred discussing how they converted to Christianity and identifying some of the other Christian groups or individuals with whom they interacted. The video “confessions” and news of the arrests were widely shared on Libyan social media and in the press. Responding to news of the arrests, Dar al-Ifta released a statement calling on security and judicial officials to “impose a deterrent punishment” on those responsible for conversion, adding that “conversion to Christianity is clear apostasy.” At year’s end, some of the detainees remained in detention pending further action.

In a December social media post, the Tripoli-based ISA announced it arrested a group of teenagers and young adults on charges including atheism and insulting Islam. The ISA again posted video “confessions” from the detainees, seven males and three females, in which the individuals appear to confess to adopting atheistic ideas; some also stated they were arrested because of their sexual orientation.

State- and nonstate-affiliated armed groups provided security and administered 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. Because religion and ethnicity are often closely linked, it was difficult to categorize many incidents as being solely based on religious identity. There was no information available regarding whether authorities conducted investigations of credible allegations of mistreatment or allowed prisoners and detainees access to visitors or religious observance.

In what the government considered an effort to hold accountable perpetrators of a terrorist attack, a Misrata court in May sentenced 23 persons to death and another 14 to life in prison for their role in an ISIS campaign that included the beheading of 21 foreign Coptic Christians on a beach in Sirte in 2015 and broadcasting the attack on social media, according to media reports. Another 14 individuals received sentences ranging between three and 12 years in prison.

Abuses Involving Discrimination or Unequal Treatment

In Tripoli, according to civil society representatives, the ISA and some hybrid armed actors, such as the SDF, continued to impose restrictions on women's dress and punish behavior they deemed "un-Islamic." These groups reportedly acted as self-appointed morality police, cracking down on activities not sanctioned by their strict Salafist interpretation of Islam.

In May, the GNU GAEIA established the Guardians of Virtue, with the stated purpose of protecting Islamic values and virtue in the country. According to the website Middle East Monitor, opponents of the decision compared the new initiative to a "secret police," while supporters pointed to their belief that Islam is under threat in the country. According to analysis by the Washington Institute for Near East Policy, "Sufis in particular have been targets of the Guardians of Virtue, and many Sufi leaders and followers have been imprisoned and prevented from giving sermons at mosques. The Guardians of Virtue have also been able to hunt down intellectuals and writers," accusing them of "apostasy, Christian proselytizing, atheism, and freemasonry."

In May, the Tripoli-based ISA instituted a procedure requiring Libyan women traveling alone from Tripoli's main airport to complete a document declaring their reason for travel and why they were traveling without a male guardian. In statements responding to public outcry, the ISA claimed this practice upheld Libyan and Islamic values by protecting vulnerable women. Multiple rights organizations reported this new procedure deterred some women from traveling outside the country.

Following the October Hamas terrorist attack on Israel and the Israeli response, the head of the GNU GAEIA posted a statement on Facebook requesting the country's imams to deliver a Friday sermon warning Muslims that "the danger of Jews and those who help the Jews is not without consequences, they want to colonize and expand, and won't

surrender Jerusalem without force.” In the aftermath of Israeli airstrikes on Gaza in October, GNU-aligned Grand Mufti Sadiq al-Gharyani accused “the Jews and their allies” of knowingly “exterminating civilians.”

Members of some religious groups reported foreigners on their staffs had difficulties securing visas to enter or reside in the country, as did some foreign staff members of secular, international NGOs.

Abuses Involving the Ability of Individuals to Engage in Religious Activities Alone or in Community with Others

In September, the GNU GAEIA called on imams to warn against celebrating the Prophet’s birthday, a Sufi tradition. The order described certain Sufi practices, including dancing, beating drums, and chanting as “transgressions against Islam.”

Other Developments Involving Religious Freedom

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. In a July report, the Washington Institute for Near East Policy noted the “intense rivalry” between the religious authorities in the country drove a religious disagreement in April, in which the GNU stated the Eid al-Fitr holiday ending the Ramadan fast began on April 22, while the eastern-based House of Representatives declared the holiday began on April 21.

ACTIONS BY FOREIGN FORCES AND NONSTATE ACTORS

Throughout the year, nonstate actors and armed groups continued to operate and control territory throughout the country, including in the capital and all major cities. The LNA, a nonstate actor, controlled territory in the east and south. The eastern GNS, which was affiliated with the LNA and rivaled the GNU and claimed authority but showed limited ability to control territory, was largely unrecognized abroad, and remained beholden to the LNA. Foreign forces, fighters, and mercenaries continued to operate in the country, reinforcing units aligned with both the GNU and the LNA.

Local media reported that armed men at a checkpoint under the control of the PC-affiliated Stability Support Apparatus detained six Egyptian Coptic Christian men near the western city of Zawiya on February 4. According to media reports, the kidnappers demanded from the abductees’ families 15,000 dinar (\$3,200) in ransom for the release of each man. Kidnappers released the men on February 17, after international mediation efforts.

The NGOs Freedom House and Human Rights Watch reported that early in the year, security services in the east of the country began enforcing the Anti-Cybercrime Law. In February, authorities arrested activist Haneen al-Abdali and singer Ahlam al-Yamani over online content that was deemed “disgraceful to honor and public morals.” Human Rights Watch reported authorities arrested the women “for insulting the status of the chaste and dignified Libyan woman in our conservative society with acts and behaviors that are foreign to us and offend our customs, traditions, and true religion.”

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.

In recent years, Salafist groups, including Madkhalis, targeted Sufi holy sites and Sufi leaders, and suppressed Sufi practices in the eastern part of the country, according to the al-Mostagir Billah Center and Freedom House.

U.S.-designated foreign terrorist organizations, including al-Qa’ida in the Islamic Maghreb and ISIS, continued to operate in a limited fashion within the country, particularly in the south, but since 2017 no longer controlled territory inside it.

Section III.

Status of Societal Respect for Religious Freedom

Religious minorities continued to report that converts to other religions, as well as atheists, agnostics, and other nonreligious persons, faced threats of violence or dismissal from employment and hostility from their families and communities because of their beliefs.

AOHRL continued to report a restrictive social environment for religious freedom throughout the country that included intense social and economic pressure on former Muslims to return to Islam. Christian advocacy organizations reported that Christians who converted from Islam practiced their faith in semisecrecy and faced violence and intense pressure from their families and communities to renounce their faith. In its 2023 report, Open Doors stated that “it is incredibly dangerous for converts to meet together to worship.” The report added that “converts from Islam face the most intense and violent pressure from their family and community. They risk house arrest, attack, abduction, sexual violence and murder.” Christians reportedly faced pressure from security actors and their local communities to refrain from missionary activities. Christians said they often felt uncomfortable wearing visible markers of their religion, such as crosses or rosaries, for fear that it could lead to harassment. The report stated migrant Christians detained by security

forces were particularly vulnerable to becoming victims of labor or sex trafficking.

Small Christian communities continued to exist in Tripoli, where Catholic, Anglican, and Protestant churches operated for foreigners. Christian communities were also present in Misrata, al-Bayda, Benghazi, Tobruk, Sabha, Ghat, Ubari, and Murzuq, among other cities. In some cases, Catholic communities continued to worship in places other than church buildings, including in Benghazi, where ISIS had destroyed church properties in 2015. The Catholic cathedral in Benghazi, damaged in fighting in 2013-15, remained inaccessible.

GNU-recognized Grand Mutfi Sheikh Sadiq al-Gharyani continued to make statements denigrating other religions. In a May sermon warning youth against leaving Islam, Gharyani described Christianity as “nothing but a religion of atheism, a religion of trinity, a religion of immorality, a religion of corruption.” He added that “the crime of atheism is a crime in the law and in the Quran. It is a crime because it aids the enemies of Islam.”

In an August speech, al-Gharyani said, “Waging war in Palestine is a personal religious duty.” He added that “jihad now takes the form of financial contribution. The resistance in Palestine requires not only weaponry and equipment, but also substantial funds that [Muslim] countries were supposed to provide.”

After reports leaked in September about a meeting between Israeli Foreign Minister Eli Cohen and then Libyan Foreign Minister Najla Mangoush, a Libyan social media influencer described Mangoush as “the dog of the Jews” in a Facebook post.

NGOs reported that Salafist interpretations of sharia continued to contribute to the restrictive environment. In an August YouTube video, Libyan Islamic scholar Zain Khairalah criticized the “very tight” uniform of a member of the Moroccan national women’s soccer team, adding that “women are absolutely forbidden from playing soccer.”

Harassment of, and incitement against, the Ibadi Muslim minority by Salafist groups continued, according to multiple observers.

Religious scholars continued 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.

Section IV.

U.S. Government Policy and Engagement

Since the 2014 evacuation from Tripoli and suspension of embassy operations there, U.S. embassy personnel have operated out of Tunis,

Tunisia; U.S. officials continued to make short duration trips into the country to engage directly with Libyan interlocutors, while also engaging with Libyans from Tunis, both in person and virtually. The U.S. government continued to support international efforts to end the conflict and to establish a unified, stable, and democratic state that respects religious freedom and other human rights.

Embassy representatives discussed religious freedom on a number of occasions with a variety of local and national leaders.

Embassy officials met with human rights organizations, including MEC, AOHR, and Human Rights Watch, as well as Christian clergy in the country, independent activists, and researchers to address religious freedom issues. The embassy funded a program to counter disinformation and hate speech in the country, including religious hate speech. The embassy also partnered with local NGOs from Tripoli, Misrata, Benghazi, Zawiyah, Ubari, Qatrun, and Sabha to implement media literacy trainings and social media campaigns aimed at curbing hate speech and disinformation.

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