

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	277
Land:	Libyen
Kilde:	U.S. Department of State
Titel:	2016 Report on International Religious Freedom – Libya
Udgivet:	15. august 2017
Optaget på baggrundsmaterialet:	13. september 2017

[EN](#) | [DE](#)

- **Source:**
USDOS - US Department of State
- **Title:**
2016 Report on International Religious Freedom - Libya
- **Publication date:**
15 August 2017
- **ecoi.net summary:** Annual report on religious freedom (covering 2016) [ID 345229]
- **Countries:**
Libya
- **Original link** <https://www.state.gov/j/drl/rls/irf/2016/nea/268904.htm>

Recommended citation:

USDOS - US Department of State: 2016 Report on International Religious Freedom - Libya, 15 August 2017 (available at ecoi.net)

http://www.ecoi.net/local_link/345229/476380_en.html (accessed 10 September 2017)



2016 Report on International Religious Freedom - Libya

Executive Summary

The interim constitution states that Islam is the state religion and sharia is the principal source of legislation. It accords non-Muslims the freedom to practice their religion and bans discrimination based on religion. The internationally-recognized Government of National Accord (GNA) arrived and took office in Tripoli in March. Other competing self-proclaimed governing authorities and militias continued to operate and control territory throughout the country. The GNA did not control large areas of the country, including the cities of Benghazi, Derna, and, for most of the year, Sirte, where there were numerous reports of violent groups restricting religious practices, enforcing compliance with sharia according to their interpretation, and targeting those viewed as violating their standards. Parallel institutions also continued to report to the elected House of Representatives (HoR) based in Tobruk, which had not endorsed the GNA's cabinet as of year's end. The government and its aligned forces carried out an anti-ISIS campaign from May to December that liberated the city of Sirte, previously ISIS' principal stronghold outside Iraq and Syria. The government reportedly did not investigate crimes against religious minorities or religious sites. During the year, the "Libyan National Army" (LNA), an armed group operating in the east with political support from the HoR but outside the purview of the GNA, intensified its military campaign against violent extremist organizations and its commander publicly declared his intention to rid the country of all "Islamists," making no distinction between groups that espoused violence as a tactic and those that did not.

ISIS and other terrorist and violent extremist groups engaged in killing, forced conversions, and a slave trade of Christian migrants from neighboring countries. Additionally, ISIS carried out targeted kidnappings and suicide bombings that resulted in the deaths of hundreds of individuals. There were reports ISIS publicly executed individuals after accusing them of affiliating with Salafist groups. ISIS effectively controlled Sirte until December when GNA military operations pushed ISIS out of the city and the GNA announced the city's liberation. Sirte was the site of ISIS abuses of religious minorities, including forced conversions, killings, and the operation of a slave trade of Christian migrants from neighboring countries. In Tripoli, some militias reportedly imposed restrictions on women's dress and movement, and punished men for behavior they deemed to be "un-Islamic."

Multiple sources continued to report a restrictive social environment, particularly in the capital, including efforts to prevent women from traveling alone outside the country. Nongovernmental organizations (NGOs) attributed this to conservative interpretations of sharia and reported women often had male relatives accompany them to the airport and

carried written permission from them to enable them to leave the country.

The U.S. government did not maintain a permanent diplomatic presence in the country; the U.S. ambassador to Libya was based in Tunis. The U.S. government continued to raise issues of religious freedom in conversations with the GNA and other Libyan interlocutors and in international forums.

Section I. Religious Demography

The U.S. government estimates the population at 6.5 million (July 2016 estimate). Sunni Muslims represent 97 percent 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 foreign residents. The last recorded estimates indicated there are 50,000 Coptic Christians, most of whom are Egyptian foreign residents. According to media reports, the number of Christians has decreased since the outbreak of armed conflict in 2014. Small numbers of Roman Catholics, Anglicans, Greek and Russian Orthodox, and nondenominational Christians, many of whom are foreign workers, remain in the country. Since the evacuation of western diplomatic missions from Tripoli in July 2014, no reliable surveys have been conducted on the number of foreign workers remaining in the country.

There are no reliable estimates of the small Jewish population.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitutional declaration of 2011 functions as the interim constitution. It states Islam is the state religion and sharia is the principal source of legislation, but accords non-Muslims the freedom to practice their religion. 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 GNA remains bound by the constitutional declaration until a new constitution is drafted and passed by the HoR and a public referendum is held. The laws governing religious practice predate the internal conflict and provide a national legal framework with regard to religious freedom.

There is no law providing for individuals’ right to choose or change their religion or to study, discuss, or promulgate their religious beliefs, nor is there a law prohibiting conversion from Islam to another religion or prohibiting proselytizing. The law prohibits “instigating division” and insulting Islam or the Prophet Muhammad, charges that carry a maximum sentence of death.

The Ministry for Endowments and Islamic Affairs (MEIA) administers mosques, supervises clerics, and has primary responsibility for ensuring all religious practices within the country conform to state-approved Islamic norms. According to the law, the grand mufti, appointed by the parliament, is the leading religious authority in the country, and Dar al-Ifta is the government office that issues fatwas the grand mufti deems appropriate. In November 2014, the HoR voted to dismiss Grand Mufti Sadiq Al-Ghiryani, dissolve Dar al-Ifta, and transfer its authorities to the MEIA.

Religious instruction in Islam is required in public and private schools. Attendance at religious instruction is mandatory for all students; students cannot opt out.

Sharia governs family matters for Muslims, including inheritance, divorce, and the right to own property. Under sharia, a non-Muslim 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. 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.

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

Government Practices

The United Nations Support Mission in Libya (UNSMIL) reported that courts in the area controlled by the GNA continued to sentence defendants to corporal punishment in accordance with its interpretation of sharia, including flogging for adultery and amputations for theft.

The GNA continued not to respond to reports of groups such as ISIS perpetrating attacks on individuals and religious sites, reportedly on the basis of religious belief. This was partly due to the GNA's lack of capacity or lack of control over large areas of the country.

The GNA continued to fail to maintain law and order through the justice and security systems. Instead, a variety of groups – revolutionary brigades, tribal militias, and local strongmen – supported local security. The government reported it did not have much control over these groups, and its response to instances of violence against members of minority religious groups was limited to condemnations.

During the year, the LNA operated in the east outside the purview of the GNA, and intensified its military campaign against violent extremist organizations. LNA Commander Khalifa Haftar publicly declared his intention to rid the country of all “Islamists,” and made no distinction between groups that espoused violence as a tactic and those that did not. Neither the HoR nor GNA maintained effective civilian control over the LNA.

According to UNSMIL, the judiciary did not adequately function and citizens had little recourse for violations of religious freedom.

The role of Islam in policymaking remained a major point of contention among members of the Constitutional Drafting Assembly, the elected body in charge of drafting the new constitution. In the current draft constitution, sharia is defined as “the source of legislation”; however, there is a spectrum of dissenting opinions ranging from those calling for a secular constitution to those saying the draft is not “Islamic enough.”

The MEIA provided texts for Friday services to imams, often including political and social messages. The government permitted religious scholars to form organizations, to issue fatwas, and to provide advice to followers. The fatwas did not have legal weight. The GNA, however, did not have effective administrative control of mosques and supervision of clerics outside the limited areas under its control. Political opponents of the GNA stated that the GNA's “bureaucracy” charged with overseeing religious affairs did not regulate imams and other officials who supported ISIS and other violent extremist organizations.

Former Grand Mufti Al-Ghiryani, who remained influential among Islamist groups, rejected the GNA, publicly opposing its seating in Tripoli in March. Al-Ghiryani said Libyans who supported the GNA would suffer “divine punishment.” Al-Ghiryani also rejected the LNA and called for “revolutionaries” to travel to Benghazi to fight Commander Haftar. The Association of Libyan Religious Scholars criticized Al-Ghiryani's statements. In August anti-Ghiryani and anti-Muslim Brotherhood posters appeared on a wide scale in Tripoli, seemingly overnight according to media reports. The Muslim Brotherhood quickly sought to distance itself from Al-Ghiryani and his incitement of violence and civil conflict.

Abuses by Foreign Forces and Nonstate Actors

U.S.-designated foreign terrorist organizations such as Ansar al-Sharia and ISIS operated across large swathes of territory during the year. Ansar al-Sharia operated branches in Benghazi and Derna, and maintained cells in other parts of the country. ISIS effectively controlled Sirte until December when a GNA military operation pushed it out of the city and the GNA declared its liberation; it was reported to have a smaller presence in other areas of the country. While in control of Sirte, ISIS and other extremist groups engaged in forced conversions, killings, and a slave trade of Christian migrants from neighboring countries. In Tripoli, some militias imposed restrictions on women's dress and movement, and punished men for behavior they deemed “un-Islamic.”

ISIS conducted targeted killings, kidnappings, and suicide bombings that resulted in the deaths of hundreds of citizens, according to media reports and human rights organizations. In August *Reuters* reported that ISIS had abducted more than 500 Christian migrants en route to Europe, and enslaved, raped, and sold or exchanged at least 63 of the women captured. Many of those abducted were subject to forced conversion to Islam. There were reports of public executions. On February 7, ISIS executed five men in Sirte after accusing them of “Salafism” and of membership in brigades that attacked ISIS in 2015. In April ISIS executed eight people in Sirte and Ben Jawad for being part of a Salafi group. On April 5, ISIS publicly beheaded another man in Sirte for Salafi affiliation.

ISIS was widely reported to have restricted residents' freedom to worship in areas under its control, and reportedly publicly executed and flogged residents it accused of violating sharia. Restrictions included forcing women to wear veils, banning music and smoking, and closing all shops during prayer times.

The eastern city of Derna was controlled by the Shura Council of Mujahideen in Derna, an umbrella organization consisting of Salafist groups, including Ansar al-Sharia, opposed to ISIS. This group was widely reported to have restricted Derna's Sunni Muslims' freedom to worship. They reportedly publicly executed and flogged residents accused of violating sharia, for instance by drinking alcohol.

Section III. Status of Societal Respect for Religious Freedom

Multiple sources, including international media, reported a restrictive social environment, particularly in the capital. This included a continuation of government officials at airports throughout the country preventing women from traveling alone outside the country, although no law or government regulation restricts such travel. NGOs and the UN attributed that environment to conservative interpretations of sharia. NGOs with local staff reported women often had male relatives accompany them to the airport and carried written permission from them to enable them to leave the country.

Section IV. U.S. Government Policy

Following the U.S. embassy evacuation from Tripoli and suspension of operations in July 2014, there were limited opportunities for high-level engagement on religious freedom with Libyan interlocutors. The U.S. government discussed religious freedom on a number of occasions with a variety of local and national leaders, particularly in the context of confronting extremist groups such as ISIS.

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