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LIBYA 2021 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. Proselytizing and the distribution or publication of information aimed at changing the country's "social structure" is effectively 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, according to scholars and human rights advocates. According to one press report, the Special Deterrence Forces (SDF), a Salafist militia nominally aligned with the Government of National Unity (GNU) 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 Muslims who deviated from Salafist interpretations of Islam was not respected. Multiple authorities and armed groups vied for influence and territorial control, with limited effective exercise of government authority in practice, according to international observers. The GNU did not exercise control over large parts of the country, including in the south and east, where non-GNU 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. The nongovernmental organization (NGO) Human Rights Without Frontiers International reported in July that the Union Church of Tripoli, a Christian denomination, faced possible eviction from the building it had been using for worship for approximately 50 years and which three other Protestant churches also used. The churches faced possible eviction after the government returned the property to the original owners without returning a previous Union Church property the state seized in 1970.

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 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, particularly Christian migrants and foreign residents, for physical attacks, sexual assaults, detentions, kidnappings, and killings. NGOs reported that, as in 2020, Sufis were able to practice more openly in the western part of the country compared with previous years and engage in public religious celebrations in Tripoli and Zliten. Salafist and Islamist groups, some nominally aligned with the GNU, assumed law enforcement functions. U.S.-designated foreign terrorist organizations that included al-Qaida in the Islamic Maghreb (AQIM) and ISIS continued to operate within the country but no longer controlled territory.

According to Christian NGOs such as MEC, Open Doors USA, and The Voice of the Martyrs, Muslims who converted to another religion 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. According to the World Organization of the Jews of Libya, an abandoned synagogue in Tripoli was being converted without permission into an Islamic religious center.

The U.S. embassy to Libya operated from Tunis, Tunisia; its officials made periodic trips into the country when security conditions permitted. 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, NGOs, academics, and other human rights advocates.

Section I. Religious Demography

The U.S. government estimates the total population at 7.0 million (midyear 2021). 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, Buddhists, and Ahmadi Muslims, all of whom are mostly foreigners. 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.

Estimates of the number of Christians vary. According to Open Doors USA's 2022 World Watch List Country Profile (covering 2021), there are 34,600 Christians. In 2015, Open Doors USA estimated 150 to 180 of these were Libyan nationals who converted from Islam, and the remainder migrant workers.

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 Egyptian Christians are followers of the Coptic Orthodox Church. Most Filipino and some sub-Saharan African migrants are Catholic; the Catholic diocese of Tripoli estimates its followers include 3,000 sub-Saharan Africans and 500 Filipinos, a decline of 2,000 and 1,000, respectively, from the previous year. Estimates of the numbers of other Christian groups vary. According to Open Doors USA, these include Anglicans, Greek and Russian Orthodox, Protestants, 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 practices of the religious community to which the individual belongs provided they are consistent with the law. 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; 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. 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 Islamic 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-Islamic family law. The ministry draws upon neighboring countries' family law precedents for non-Muslims and determines whether practices of other religious communities pertaining to family issues are consistent with the law.

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

Government Practices

Multiple authorities and armed groups continued to vie for influence and territorial control, with the GNU control limited primarily to the more populous west of the country and the LNA controlling the larger territory, primarily in the east and

south. Foreign military forces, foreign fighters, and mercenaries continued to operate in the country, reinforcing units aligned with both the GNU and the LNA. Informal, nonstate armed groups filled security vacuums across the country.

According to one press report, the SDF, a nominally GNU-aligned militia in Tripoli, continued to enforce 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 freedom of conscience for converts to Christianity, atheists, and Muslims who deviated from Salafist interpretations of Islam was not respected. Christian groups operating in the country again identified the SDF as among the Islamic militant groups involved in harassment of Christians.

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.

Because religion and ethnicity are often closely linked, it was difficult to categorize many incidents as being solely based on religious identity.

Presidential election laws issued by the House of Representatives and endorsed by the High Council of State (HSC) in September required that candidates be Muslim to run for office. In addition, a resolution produced by the HSC stated that only Muslims would be allowed to vote. However, the HSC is only a consultative body, and the resolution was not enacted into law during the year.

Christian rights advocacy group MEC reported that in May, the MEIA called on the General Authority for Communications and Information to close down and forbid several types of web pages, including those calling for “youth to follow other religions” or advocating “atheism and devil worship.”

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

The NGO Human Rights Without Frontiers International reported in July that the Union Church of Tripoli, a Christian denomination, faced possible eviction from the building it had been using for worship for approximately 50 years. Three other Protestant churches also used the building for services. The Union Church began renting the property from the government at the beginning of the 1970s after the government expropriated another property the Church had been using. The new

building was on land the government had also expropriated. In 2020, the heirs of the original owner applied for the return of the property being used by the Union Church. Union Church representatives worried they might be evicted; they said the Church could not afford to buy a new building and cited the difficulty in finding a location where a church and its congregants would be accepted.

The Ministry of Education said it continued to work to promote religious tolerance in the country through the dissemination of civil education curricula for grades four through nine designed to promote inclusivity and tolerance. According to the ministry, 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. According to a University of Massachusetts academic, supporters of political Islam encompassed a range of political movements concerned with giving Islam an authoritative status in political life, including political groups affiliated with the Muslim Brotherhood and others.

Actions by Foreign Forces and Nonstate Actors

Throughout the year, nonstate actors and militias continued to operate and control territory throughout the country, including in the capital and all major cities. Some areas of the country, including the eastern part, operated under the influence of the LNA and LNA-affiliated armed groups.

Multiple sources stated militant Islamist 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. Christians identified LNA-aligned Madkhali groups, adherents of a strict form of Salafism and the teachings of Saudi cleric Rabee bin Hadi al-Madkhali, operating in Benghazi as among the militant Islamic groups involved in the harassment of Christians, particularly migrants from sub-Saharan Africa. Madkhali elements affiliated with the LNA continued to act as self-appointed morality police, according to knowledgeable observers, 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.

In recent years, Salafist groups, including Madkhalis, targeted Sufi holy sites and suppressed Sufi practices, according to the al-Mostagir Billah Center. The center stated that more than 530 Sufi religious sites were destroyed between 2011 and 2020. Participation in public Sufi ceremonies declined significantly after the 2011 revolution, according to embassy contacts, press reporting, and other sources, as Sufis feared reprisals for practicing in public. However, NGOs reported that since 2020, Sufi Muslims in the western part of the country had been able to practice more openly. For example, in both 2020 and 2021, Sufis took to the streets of the old city of Tripoli in October to celebrate the birthday of the Prophet Muhammad, and they resumed celebrations of Sheikh Abd al-Salam Asmar in the city of Zliten. Also, in Zawiya, a Sufi religious center that was closed following a 2012 attack, reopened in 2020. However, some attacks against Sufi sites and practices continued. In January, a Salafist-Madkhali armed group vandalized the Zakri cemetery in Sorman city, destroying the Sufi shrine of Zakaria al-Mahjoub.

In Tripoli, according to civil society representatives, some militias and armed groups, such as the Nawasi Brigade, continued to impose restrictions on women's dress and punish behavior by men that they deemed "un-Islamic."

In July, a militia group detained Nigerian pastor Femi Abraham Akinboye without charging him. He remained in detention at year's end, according to a Christian NGO. The family was unable to contact the pastor. Although the militia had not provided a formal reason for the arrest, a relative of the militiaman who detained the pastor reportedly said that he "should not have established a church in our country." The family did not know the name of the militia. The family said the pastor had been in the process of applying for a permit for the church, with the support of the Nigerian foreign ministry, when the kidnapping occurred. The family said it had repeatedly appealed to the GNU for assistance, without result.

MEC reported that foreign Christians celebrating the New Year in Misrata were arrested, along with some non-Christian Libyans, following a police warning against Christmas and New Year's celebrations on the grounds that they did not represent the country's (Muslim) religion or beliefs.

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 some texts for Friday services to imams, often including political and social messages.

U.S.-designated foreign terrorist organizations, including AQIM and ISIS, continued to operate within the country, but no longer controlled territory inside it.

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 again said 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 or lack of belief.

Christian NGOs such as Middle East Concern, Open Doors and The Voice of the Martyrs 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. Christians who had not converted from Islam said they often felt uncomfortable wearing outward displays of their religion, such as crosses or rosaries, for fear that it could lead to harassment. Church leaders stated that many migrant parishioners were afraid to attend church following an October crackdown on migrants. One church leader said 15 of his parishioners were detained in the crackdown, including some in close proximity to the church, and their fate was unknown.

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-Baida, Benghazi, Tubruq, Sebha, 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

destroyed church properties in 2015. The Catholic cathedral in Benghazi, damaged in fighting in 2013-15, remained inaccessible.

In April, the World Organization of the Jews of Libya and the press reported that unknown persons were carrying out construction work on an abandoned synagogue in Tripoli without permission from members of the Libyan Jewish diaspora. The work was continuing as of December. According to a representative of the World Organization of the Jews of Libya, “Since there is now no Jew living in Tripoli, ... the synagogue is being turned into an Islamic religious center without permission.” The representative said the organization “calls for this transformation to be stopped immediately and to leave the Tripoli synagogue intact with the hope that one day it will be restored.”

Harassment of, and incitement against, the Ibadi Muslim minority by Salafist groups continued, according to multiple observers. In October, Salafist Sheikh Tariq Dorman publicly stated that Ibadism was based on a rejection of Islam and on spreading chaos.

In GNU-controlled areas, religious scholars formed organizations, issued fatwas, and provided advice to followers. The fatwas did not have legal weight but conveyed considerable social pressure, according to tribal and religious leaders. The GNU did not exercise administrative control of mosques or supervision of clerics.

In October, Sheikh Sadiq al-Ghariani, whom the Muslim Brotherhood and others regard as the country’s Grand Mufti, issued a fatwa instructing Muslims not to cooperate with an International Committee of the Red Cross (ICRC) microfinance project and falsely accused the ICRC of “facilitating” the work of missionaries.

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 Libya when security conditions permitted. The U.S. government continued to support international efforts to end the conflict and to establish a unified, stable, democratic, and tolerant Libyan state.

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

Embassy officials met with human rights activists, including MEC, AOHRL, Human Rights Watch, and independent activists and researchers to address religious freedom issues. The embassy funded a program managed by the American Bar Association to counter disinformation and hate speech in the country, including religious hate speech.