

Libya



Persecution / Worsened ↓

Religion

Population

Area

- Muslims : **98.7%**
- Others : **1.3%**

6,330,000

1,676,198 Km²

Legal framework on freedom of religion and actual application

Since the demise of Muammar Ghaddafi's regime in 2011, Libya has been mired in a confusing situation. Following elections in June 2014, violence erupted between the internationally recognised government of Prime Minister Abdullah al-Thinni in the eastern city of Tobruk and the Tripoli-based General National Congress. After UN-led peace talks, the rival administrations signed an agreement in December 2015 to form a unified interim government. Under the agreement, a nine-member presidency council headed by Prime Minister Fayeze Sarraj and an interim "Government of National Accord" was to be formed to renew the state institutions and to hold elections within two years. The administration in Tripoli accepted the unity government in January 2016, but the Tobruk-based government refused to recognise the internationally recognised unity government. Violent extremist groups and terrorist organisations including Daesh (ISIS) have used the power vacuum and government inaction to expand their influence in Libya, and parts of the territory remain outside the government's control.

More recently, France proposed a plan for Parliamentary and Presidential elections to take place on 10th December 2018 with the intention of bringing an end to the political impasse.^[1] In May 2018 the four key leaders, Fayeze al-Sarraj (Prime Minister of Libya's UN-backed government in Tripoli), Khalifa Haftar (the military leader of the east of the country), Aguila Saleh (the president of the house of representatives) and Khaled al-Mishri (the head of the council of state) endorsed but did not sign the agreement.^[2] They also agreed that a constitutional basis for elections and electoral laws would be adopted by 6th September 2018.

Since 2011, Libya has been governed according to the principles of the Interim Constitutional Declaration promulgated on 3rd August 2011 by the National Transitional Council (NTC). It declares Islam to be the state religion and Islamic Shari'a law to be the principal source of legislation (article one). At the same time, it guarantees non Muslims the freedom to

practise their religion. Article six promotes the equality of all Libyans before the law. The temporary constitution prohibits any form of discrimination on the basis of religion or sect. This constitutional protection of religious freedom is the first of its kind in the country since 1969.

The ongoing fighting between the rival governments has restricted effective law enforcement. According to the US State Department's 2017 Human Rights report, neither prohibitions nor punishments are enforced and all kinds of discrimination occur.^[3] Furthermore, the forces in power have not prevented extremist groups from attacking religious minorities and sites and from imposing their own religious standards.^[4] Pre-revolution laws restricting religious freedom are still applied. Insulting Islam or the Prophet Mohammed as well as "instigating division" are punishable with a maximum penalty of death.

Human Rights organisations and the media have reported war crimes, torture and cruelties against migrants and refugees in Libya, and cited instances of abduction, sexual violence and abuse.^[5]

Islamic religious education is obligatory in state-run schools as well as in private educational institutions. Other forms of religious education are not offered in schools. There are a number of non-Islamic places of worship in the country – including those of Catholics, the Russian, the Greek and the Ukrainian Orthodox, Evangelicals and followers of the Unity Church – but very few Christians remain in the country. Most of the Jewish population left the country between 1948 and 1967. Some Jewish families reportedly remained, but no estimate of the population is available. Non-Muslims are restricted in their right to worship; there are also restrictions on clergy who seek to come from foreign countries when they apply for visas or one-year residency permits.

The Catholic Church is present in various parts of Libya through three Apostolic Administrations and one Apostolic Prefecture. In February 2016, Pope Francis named Bishop George Bugeja OFM as Apostolic Administrator of Benghazi, and accepted the retirement of Bishop Sylvester Carmel Magro. Bishop Bugeja told Aid to the Church in Need that the Catholic Church does not have difficulties in celebrating its liturgies, as long as they are celebrated inside church buildings and the worshippers are foreigners. At the same time, Bishop Bugeja said the Catholic Church is pastorally very limited, as a result of the security situation in Benghazi and Sebha and the difficult financial situation caused by its main benefactors leaving the country.

In terms of Islamic worship in Libya, the Ministry of Awqaf and Islamic Affairs, a pan-African Islamic quasi-charitable organisation, has authority over the mosques, supervises clergy and ensures that religious practices conform to government regulations.^[6] This same body provides the imams with the texts of their sermons, which often contain matters of a political and social nature.

Observers say that the ongoing conflict is having a detrimental impact on both freedom of speech and the press. The temporary Constitutional Declaration provides for such freedoms, but the government limits the exercise of these rights. Self-censorship as a result of threats is present in all media sectors, according to the US State Department. Attacks on the media, including kidnapping, violence and killings, have become more serious and widespread. The freedom of the press declined over the reporting period.^[7] On the 2016 World Press Freedom Index, Libya had fallen ten places below its 2015 position and stood at place 164 out of 180.^[8] The situation has only slightly improved since then, and the country now stands at place 162.^[9]

| Incidents

In an October 2016 report, Open Doors estimated that there were only 150 Christian Libyan nationals. As a result of the pressures they face, they are obliged to practise their faith in underground "house" churches.^[10]

In November 2016 a Libyan man who converted to Christianity was arrested in the eastern city of Benghazi^[11] The man had been in contact with a fellow convert in Morocco who had been helping him, and was accused of “proselytising on social media and denigrating Islam”.^[12]

In October 2017 the bodies were discovered of the 21 Christians (20 Egyptian Copts and one Ghanaian) who were beheaded in 2015 by jihadists linked to the Islamic State in a coastal area in the city of Sirte.^[13] In September 2017, the Libyan Assistant Public Prosecutor Assistant, al-Sadiq al-Sour, had announced that the authorities had arrested one of the Daesh militants who had been involved in the beheadings, namely the cameraman who videotaped the murders. He gave the Libyan authorities all the details about the killings and about the location of the bodies.^[14]

In August 2017 the Constitution Drafting Assembly proposed a text for a new constitution that was rejected by the Supreme Ifta Commission (SIC), which is part of the Beida-based interim government’s Awqaf and Islamic affairs authority. The fact that the draft constitution allowed for freedom of thought, freedom to demonstrate, the right to form civil society organisations, and established equality between men and women was considered as unacceptable by the SIC. Although the draft text stated that Islam is the religion of the state and that Sharia is the source for legislation, it failed to define “legitimate controls” on freedom of thought and expression. According to SIC, this could open the door to blasphemy (insulting God, the Prophet and the Companions) and “encourage apostasy based on the freedom of belief and the unity of religions” by promoting a religion other than Islam.^[15]

According to a Libyan researcher: “Forced labour and forms of slavery are widespread forms of abuse and persecution experienced by Christian men.” He furthermore added that “the form of persecution that occurs particularly to Christian women and girls is sexual assault and rape. In addition to the physical pain and injury that such attack causes on the victims, the trauma and emotional hardship it causes to their family, friends and fellow Christians is very high.”^[16]

Prospects for freedom of religion

Freedom of religion, theoretically guaranteed by the temporary constitution, is limited in practice and has deteriorated over the period in question. Of key concern is a de facto ban on proselytism and the severe penalties that may follow. There has been an upsurge in killings of religious minorities, especially Christians and, linked to that, Islamic extremist organisations have gained in influence. Because of political rivalry and the lack of a unified government, extremist organisations including Daesh are expanding and are controlling parts of the country. The inhuman treatment that (mainly sub-Saharan) migrants get in Libya is a matter of significant concern.

Endnotes / Sources

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