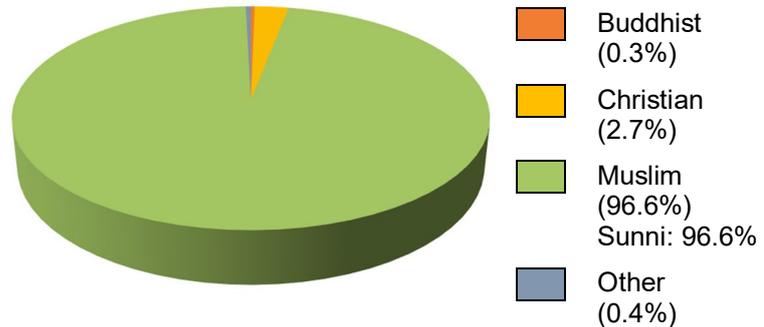


LIBYA



Area:	Population:	Political system:	Major Language(s):
1,759,540 km ²	6,411,776	Autocracy ¹	Arabic

Legal framework on Freedom of Religion and actual application

Since the demise of Muammar Ghaddafi's regime in 2011, Libya is 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. Militia fighting continued throughout 2014 and 2015. 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 Fayez Sarraj and an interim "Government of National Accord" would be formed to renew the state institutions and hold elections within two years. The administration in Tripoli accepted the unity government in January 2016. The Tobruk-based government refuses to recognise the internationally recognised unity government. Violent extremist groups and terrorist organisations including Daesh (ISIS) used the power vacuum and the government inaction to expand their influence in Libya. According to the UN refugee agency UNHCR, the number of internal displaced people almost doubled from September 2014 to June 2015 due to the increased fighting.

Libya has been governed since 2011 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 1). At the same time, it guarantees non-Muslims the freedom to practise their religion. Article 6 promotes 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 restricted effective law enforcement. Neither prohibition nor punishments are enforced according to the US State Department's 2015 human rights report, stating that all kind of discrimination occurred.² Furthermore, the forces in power did not prevent extremist groups from attacking religious minorities and sites and from imposing their own religious standards.³ Pre-revolution laws restricting religious freedom remain in force. Insulting

Islam or the Prophet Mohammed as well as “instigating division” is punishable with a maximum penalty of death.

Human Rights organisations report on war crimes, torture and cruelties against migrants and refugees in Libya, citing abduction, sexual violence and abuse. They also report targeted violence of Islamic groups against Christians, especially Copts, who are reported to be kidnapped and killed by Islamic extremists affiliated with the so-called Islamic State.⁴

Islamic religious education is required for state-run schools as well as for private educational institutions. Other forms of religious education are not provided. There are a number of non-Islamic places of worship in the country, including Catholic, Russian, Greek and Ukrainian Orthodox, evangelicals and followers of the Unity Church. Christians comprise mainly Filipinos and Africans from various countries. Most of the Jewish population left the country between 1948 and 1967. Some Jewish families reportedly remained, but no estimate of the population was available. Non-Muslims are restricted in their right to worship and there are restrictions on clergy coming from foreign countries and seeking visas and 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, accepting the retirement of Bishop Sylvester Carmel Magro. According to Bishop Bugeja speaking to ACN, the Catholic Church does not have difficulties in celebrating its liturgies as long as it is inside the church and among foreigners. At the same time, Bishop Bugeja describes the Catholic Church as pastorally very limited, as a result of the security situation in Benghazi and Sebha and the difficult financial situation, with the main benefactors leaving the country.

As far as Muslims are concerned, the Ministry for 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.⁵ 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 freedom, but the government limits the exercise of these rights. Self-censorship as a result of media threats is present in all media sectors, according to the US State Department. Attacks on media, including kidnapping, violence and killings, became more serious and widespread. The freedom of press declined over the period in question. On the 2016 World Press Freedom Index, Libya lost ten places compared with 2015, and now stands at place 164 out of 180.⁶

Incidents

According to Bishop Bugeja, in October 2014, Bishop Magro and his priests had to leave the church premises in Benghazi and the church itself was damaged. He also stated that before the area was taken by the military it was a war zone, with the presence of Ansar al-Sharia, and no one could enter it. There are still two Franciscans in the vicariate, one in Beida, the other living in the children’s hospital. The hospital chapel is used for Mass and other services.

In December 2014, unknown gunmen killed three Egyptian Copts in the city of Sirte.⁷ In February 2015, a video published online showed the beheading of 21 Egyptian Copts on a beach. Daesh-

affiliated groups in Tripoli claimed responsibility for the killings. Another video published in April showed the killing of about 30 Ethiopian Christians. Again Daesh claimed responsibility.⁸ In June 2015, 86 Eritrean Christians were kidnapped after being interrogated by members of Daesh.⁹ The Islamist militants also claimed responsibility for the abduction of three African Christians near the City of Sirte in July 2015.¹⁰

Bishop Bugeja reported on security incidents in the region of Sebha where the Catholic Church is present with an African community with five out-stations being taken care of by six catechists. The priest serving the community was shot at on one occasion and another time had his car stolen and left in the desert.

Muslims and Islamic sites have been the target of extremist attacks as well. In October 2014, several historic mosques in Tripoli were attacked. That same month, the Sufi Othman Pasha Madrassa was vandalised. According to the U.S. State Department's Religious Freedom Report, vandalism against Sufi sites, as well as threats from extremist Sunni Muslims against Sufi Muslims, continued throughout the year.¹¹ Violent extremist groups took control of the cities of Derna and Sirte, imposing their strict views of Islamic practices on Sunni Muslims.

Daesh killed a local Imam in Sirte for refusing to give up control of his mosque. More people were killed by Daesh in the resulting uprising in Sirte.¹² In November 2015, the Tobruk-based government reportedly removed Grand Mufti Sadiq al-Gharyani from his position and transferred all authority to the Ministry for Endowments and Islamic Affairs (MEIA), although the lawfulness of the vote is unclear.¹³

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. As a result of political rivalry and a lack of a unified government, extremist organisations including Daesh are expanding and are *de facto* controlling large parts of the country. Violent attacks on Sufi Muslims and their holy sites continued throughout the period in question.

¹ https://en.wikipedia.org/wiki/Democracy_Index

² <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252937>

³ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238468>

⁴ <https://www.amnesty.org/en/documents/mde19/1578/2015/en/>; <https://www.hrw.org/middle-east/n-africa/libya>;
<https://www.hrw.org/middle-east/n-africa/libya>

⁵ <http://www.state.gov/documents/organization/193109.pdf>

⁶ <http://rsf.org/en/taxonomy/term/165>; <https://freedomhouse.org/report/freedom-press/2015/libya>

⁷ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238468>

⁸ <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252937>

⁹ <https://www.opendoorsuk.org/persecution/documents/ww-report-160113.pdf>

¹⁰ <http://www.reuters.com/article/us-libya-security-idUSKCN0PS0T120150719>

¹¹ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238468>

¹² <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252937>

¹³ <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252937>