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Libya

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2010

November 17, 2010

The country does not have a constitution, and there is no explicit legal provision for religious freedom. However, a basis for some degree of religious freedom is provided in the Great Green Charter on Human Rights of the Jamahiriya Era, and the government generally respected the right to observe one's religion freely in practice. The government tolerated most minority religions but strongly opposes militant forms of Islam, which it views as security threats, and prohibited the proselytizing of Muslims. Religious practices that conflict with the government's interpretation of Shari'a were prohibited.

There was no change in the status of respect for religious freedom by the government during the reporting period. The government continued to regulate religious life actively and at times restricted religious activities with a perceived political dimension or motivation.

There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

Following the reestablishment of diplomatic relations with the country, the U.S. government continued to normalize bilateral relations and foster a multifaceted relationship with the government, including discussion of religious freedom as part of its overall policy to promote human rights.

Section I. Religious Demography

The country has an area of 703,816 square miles and a population of 5.8 million. Ninety-seven percent of the population is Sunni Muslim. Small Christian communities consist almost exclusively of sub-Saharan African and Egyptian migrants and a small number of American and European workers. A bishop in Tripoli and another in Benghazi led an estimated 50,000 Coptic Christians, most of whom number among the estimated 750,000 Egyptian foreign residents. Roman Catholic clergy operated in larger cities, working primarily in hospitals, orphanages, and with the elderly or physically impaired. A priest in Tripoli and a bishop resident in Tunis led the Anglican community. A Greek Orthodox archbishop resident in Tripoli and priests in Tripoli and Benghazi served 80 regular Orthodox churchgoers. The Ukrainian embassy in Tripoli also maintained a small Orthodox church for Tripoli's Russian-speaking population. There are non-denominational, evangelical Unity churches in Tripoli and Benghazi as well as small Unity congregations located throughout the country. The nondenominational churches in Tripoli served a population of primarily African and Filipino migrant workers. While the country historically has no Shi'a community, there were reports that small numbers of Iraqi Shi'a fleeing sectarian tensions in Iraq immigrated during the reporting period.

Approximately 1.5 to two million foreigners reside in the country, most of whom originated in neighboring Arab countries and sub-Saharan Africa, with smaller numbers from South and Southeast Asia. Virtually all non-Sunni Muslims are foreigners. The government criminalized the proselytizing of Muslims and therefore forbids missionary activity aimed at citizens. The government maintained the position that all citizens were Muslims.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The Great Green Charter on Human Rights of the Jamahiriya Era provides for some degree of religious freedom, and the government generally respected this right in practice. The 1988 charter states: "The members of Jamahiriya Society... proclaim that religion is absolute faith in the Divinity, and that it is a sacred spiritual value. Religion is personal to each one and common to all. It is a direct relationship with the Creator, without any intermediary. Jamahiriya Society proscribes the monopoly of religion as well as its exploitation for purposes of subversion, fanaticism, sectarianism, partisan spirit, and fratricidal wars."

There is no law expressly providing for an individual's right to choose or change his or her religion or to study, discuss, or promulgate one's religious beliefs. Citizens have no apparent recourse if they believe their rights to religious freedom have been violated. In practice citizens did not have access to courts to seek damages for, or cessation of, a human rights violation.

The government prohibited independent association and forbade group activities inconsistent with principles of the 1969 revolution; as a result the government authorized religious associations and lay groups only after confirming that the groups' activities were in line with regime policy. The government applied these restrictions uniformly to all groups.

Islam was thoroughly integrated into everyday political and social life. The government closely monitored and regulated Islam to ensure that religious life lacked a political dimension. The government strongly opposed religious extremism and militant Islam, which it viewed as a threat to the Qadhafi regime. Monitoring of mosques and a widespread culture of self-censorship generally ensured that both clerics and adherents stayed within well-established lines of acceptable practice. Even mosques endowed by prominent families generally must conform to the government-approved interpretation of Islam. The government also maintained control over religious literature. There was no law prohibiting conversion from Islam to another religion; however, the government prohibited the proselytism of Muslims and actively prosecutes offenders.

The government observes the following religious holidays as national holidays: the birth of the Prophet Muhammad, Eid al-Fitr, Eid al-Adha, and the Islamic New Year.

Upon graduation the government encouraged students to return home and promote its interpretation of Islamic thought in their own countries. Beyond its role in education, WICS served as the religious arm of the government's foreign policy and maintained relations on behalf of the government with the country's minority religious communities. A state-run awqaf (religious endowment) authority administers mosques, supervises clerics, and has primary responsibility for ensuring that all religious practices within the country conform to the state-approved form of Islam.

Religious instruction in Islam was required in public schools and private schools that admit citizens, but there was no in-depth instruction in other religions. The government does not issue information on the religious affiliation of children in public schools, and there were no reports of children transferring to private schools for alternative religious instruction.

The country adhered to traditional Islamic law, which stated that a non-Muslim woman who married a Muslim man was not required to convert to Islam, although many do so; however, a non-Muslim man must convert to marry a Muslim woman. Citizens must be at least 40 years old in order to perform the Hajj.

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Restrictions on Religious Freedom

The government enforced legal restrictions on religious freedom selectively.

The government continued to ban the once powerful Sufi Sanusiyya order. The order played an important role in the country's pre-revolutionary history and is closely associated with the former monarchy.

The government limited the number of places of worship allowed for each Christian denomination to one per city.

The government maintained a pervasive security apparatus that monitored many aspects of individuals' lives, including their religious activities. While the government did not single out religious activity for special scrutiny, it actively monitored peaceful religious practices for evidence of political motivations or dimensions. So long as religious groups avoided political activity, they encountered little harassment.

Members of minority religious groups, primarily Christians, encountered minimal restrictions conducting worship. The Unity Church of Tripoli, a nondenominational Christian congregation, continued to face difficulties obtaining compensation for property confiscated by the government in 1971, which has since been converted into a public school.

Although there was no law prohibiting conversion from Islam, the government prohibited efforts to proselytize Muslims and actively prosecuted offenders. Officials were generally tolerant of non-Muslim religious information in languages other than Arabic, but have confiscated Arabic-language materials, including Bibles.

There were no known places of worship for members of other non-Muslim religions such as Hinduism, Baha'ism, and Buddhism, although adherents were allowed to practice in their homes. Foreign adherents of these religions were allowed to display and sell religious items at bazaars and other public areas.

The government routinely granted visas and residence papers to religious staff from other countries. As with other classes of resident migrants, clergy were generally offered one-year residency permits.

Abuses of Religious Freedom

On June 18, 2010, authorities arrested a South Korean Christian evangelical pastor and a South Korean farmer allegedly working as his assistant on charges of proselytizing, according to press reports.

Also in June 2010, authorities in Benghazi arrested an Egyptian man for proselytizing after he allegedly distributed Bibles and religious pictures to adolescents.

In May 2009 the authorities released Daniel Baidoo, a Ghanaian national, after he spent eight years in prison. According to press reports, Baidoo was imprisoned for proselytizing after receiving Arabic tracts that included biblical writings at a local post office.

In April 2009 the government reportedly released several converts to Christianity after allegedly detaining them for three months without charge, according to International Christian Concern (ICC). ICC reported in March 2009 that the converts from Islam were held without access to assistance in Tripoli in a state security prison where they were allegedly interrogated, abused, and pressured to reveal the names of other converts. Two weeks before their release, the converts

were reportedly transferred to a reform and rehabilitation prison where some family members were permitted to visit them.

According to Tripoli-based relief workers, some sub-Saharan African detainees claimed to have been imprisoned for proselytizing or holding Christian beliefs. It was difficult to determine the veracity of those claims as many were arrested and held with other migrants during periodic round-ups of undocumented foreigners.

There were no reports of religious prisoners or detainees in the country.

Forced Religious Conversion

There were no reports of forced religious conversion.

Improvements and Positive Developments in Respect for Religious Freedom

In January 2010 Anba Bakhomious, Coptic archbishop of Behaira, Matroh, and North Africa and a Coptic delegation visited the office of state-sponsored WICS in Tripoli to discuss the concerns of the Coptic community and encourage interfaith dialogue.

During the reporting period, WICS facilitated the organization of a sixth government-recognized Christian congregation in Tripoli. The congregation is the second nondenominational congregation in Tripoli and was formed by Filipino migrant workers. During the reporting period, the government also stopped charging rent on a property used by the Unity Church of Tripoli since 1972.

In September 2009 members of the extremist Libyan Islamic Fighting Group (LIFG) issued a document entitled "Revisionist Studies of the Concepts of Jihad, Verification, and Judgment of People" renouncing violence as a tool of jihad and claiming to have adopted a more "moderate" form of Islam. Government officials and religious leaders collaborated with LIFG leadership to draft the document and release former militants into rehabilitation and reintegration programs. Local press reports indicated that the released LIFG leaders were recruited to speak at local mosques in support of moderate Islamic ideology.

In early 2009 WICS facilitated the return of the Anglican Church's historic premises in Tripoli's city center to the Anglican Church and has offered to provide funds for further renovations.

Section III. Status of Societal Respect for Religious Freedom

There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Minority religious leaders reported that local Sunni Muslims are generally curious and receptive to learning about other faith traditions.

Section IV. U.S. Government Policy

In 2006 the U.S. government upgraded its diplomatic representation in the country from a liaison office to an embassy. In 2006 the secretary of state rescinded the country's designation as a state sponsor of international terrorism, and in January 2009 the United States and the country exchanged ambassadors for the first time in 36 years. The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. The embassy maintained regular contact with various religious denominations in the country consistent with its efforts to promote human rights and religious freedom.

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