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**UNIVERSAL PERIODIC REVIEW
50TH SESSION**

**STATUS OF HUMAN RIGHTS IN THE STATE OF LIBYA
FOR THE 50TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the State of Libya (Libya) for the 50th session of the Universal Periodic Review (UPR).

Background

2. Libya is a country located in North Africa and has a population of approximately 7.8 million people.¹ The population is predominantly Muslim, with approximately 96.6% of the population identifying as Muslim, 2.7% as Christian, and 0.7% as other.² In its 2025 World Watch List, Open Doors ranked Libya as the 4th worst country for Christians to live in.³ This ranking stems from the fact that in Libya, Christians (especially the ones who publicly express their faith) are targeted by Islamic militants, kidnapped, and brutally murdered.⁴ Further, political instability has led to militias with extremist Islamic ideology controlling different regions of the country.⁵

3. Libya's last review was held on November 11, 2020.⁶ As a result of the review, Libya received 285 recommendations, 181 of which it accepted.⁷ It was recommended by the Holy See, and noted by Libya, that the government "[p]rotect and promote religious freedom, so that people of all faiths can freely and openly practise their religion without fear of discrimination and/or retaliation."⁸ It was also recommended by Brazil, but only noted by Libya, that the government "[r]edouble efforts to combat discrimination against women and against migrant workers belonging to religious minorities, in particular Christians, including through legislative reforms and awareness - raising campaigns."⁹ Similarly, in our last UPR for Libya we detailed our concern over the persecution of Christians in the country.

¹ Gary L. Fowler, *Libya Summary*, BRITANNICA, <https://www.britannica.com/place/Libya> (last visited Mar. 28, 2025).

² *Id.*

³ *Libya*, OPEN DOORS, <https://www.opendoors.org/en-US/persecution/countries/libya/> (last visited Mar. 28, 2025).

⁴ *Id.*

⁵ *Id.*

⁶ *Universal Periodic Review – Libya*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/ly-index> (last visited Mar. 28, 2025).

⁷ *Libya – Infographic*, OHCHR, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session36/LY/InfographicLibya.pdf> (last visited Mar. 28, 2025).

⁸ OHCHR, UPR of Libya (3rd Cycle – 36th Session) Thematic List of Recommendation, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session36/LY/MatrixRecommendationsLibya.docx> (last visited Mar. 28, 2025).

⁹ *Id.*

Legal Framework

4. Libya operates under an interim Constitution that was passed in 2011. Article 1 of that Constitution states that the government “shall guarantee for non-Muslims the freedom to practice their religious rituals.”¹⁰ However, it also states that “Islam shall be its religion and Islamic Shari’a shall be the main source of legislation.”¹¹ Article 6 of the Constitution further states that “Libyans shall be equal before the law” and that they all enjoy “equal civil and political rights with, have the same opportunities in all areas and be subject to the same public duties and obligations, without distinction on the grounds of religion [and] belief.”¹²

5. Additionally, Article 291 of Libya’s Penal Code punishes acts against Islam. Under Article 291:

Anyone who publicly attacks the Islamic religion, which is the official religion of the State according to the Constitution of Libya, through expressions that are inappropriate for God, prophets, or messengers, shall be punished by a penalty of detention for a period not exceeding two years.¹³

6. Moreover, under Article 207:

Anyone who circulates within the country, by any means, any views or principles that aim to alter fundamental constitutional principles, or the fundamental structures of the social order, or to overthrow the political, social, or economic order of the State, or to destroy the fundamental structures of the social order, by the use of force, terror or any other unlawful means, shall be punished by death.¹⁴

7. Libya is a party to the International Covenant on Civil and Political Rights (ICCPR).¹⁵ Under Article 18 of the ICCPR:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.¹⁶

8. Additionally, under Article 27:

¹⁰ LIBYA’S CONST. OF 2011 art. 1, https://www.constituteproject.org/constitution/Libya_2011.

¹¹ *Id.*

¹² *Id.* art. 6.

¹³ LIBYA PENAL CODE art. 291, <https://security-legislation.ly/latest-laws/penal-code/>.

¹⁴ *Id.* art. 207.

¹⁵ *Ratification Status for Libya*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=99&Lang=EN (last visited Mar. 28, 2025).

¹⁶ International Covenant on Civil and Political Rights art. 18, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.¹⁷

9. The right to religious freedom is also enshrined in the Universal Declaration of Human Rights (UDHR) with similar language found in the ICCPR. Under Article 18 of the UDHR:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.¹⁸

Religious Persecution

10. For the 36th session of the UPR, we expressed concern over Libya’s persecution of Christians through its laws that effectively ban non-Muslims from peacefully practicing their faith. We also expressed concern over a 2017 draft constitution that contained no protections based on religious belief and maintained that “Islam shall be the religion of the State and Islamic Sharia will be source of legislation.”¹⁹ Additionally, Article 7 of the draft did not list religion as something that could not be discriminated against. It stated that “[a]ll forms of discrimination for any reason, such as ethnicity, color, language, gender, birth, political opinion, disability, origin, or geographical affiliation, shall be prohibited in accordance with the provisions of this Constitution.”²⁰ While we are thankful that this draft of the Constitution was ultimately rejected,²¹ we remain concerned about the current interim Constitution that targets and discriminates against Christians.

11. As demonstrated below, laws that prevent spreading “views or principles that aim to alter fundamental constitutional principles” or prohibit publicly attacking the Islamic religion, have been weaponized against Christians who are simply practicing their faith. In fact, Article 207 of the Penal Code has been used by authorities to arrest Christians for proselyting and charge them with the death penalty.²² These types of laws are a blatant violation of several fundamental human rights documents such as the UDHR and the ICCPR. Again, the UDHR provides the right for anyone to publicly or privately “manifest his religion or belief in teaching, practice, worship and observance.” We have highlighted a few examples of how the government has used its laws, like Article 207, to arrest Christians for peacefully practicing their faith.

¹⁷ *Id.*

¹⁸ G.A. Res. 217 (III) A, Universal Declaration of Human Rights, art. 18 (Dec. 10, 1948).

¹⁹ 2017 PROPOSAL OF A CONSOLIDATED DRAFT CONSTITUTION art. 6 (Libya), <https://security-legislation.ly/latest-laws/2017-proposal-of-a-consolidated-draft-constitution/>.

²⁰ *Id.* art. 7.

²¹ Safa Alharathy, *Libya’s Amazigh Reject Draft Constitution, Cite Lack of Rights*, THE LIBYA OBSERVER (July 12, 2024, 1:56 PM), <https://libyaobserver.ly/news/libyas-amazigh-reject-draft-constitution-cite-lack-rights>.

²² Zeinab Mohammed Salih, *Six Libyans Face Death Penalty for Converting to Christianity*, THE GUARDIAN (May 3, 2023), <https://www.theguardian.com/global-development/2023/may/03/six-libyans-face-death-penalty-for-converting-to-christianity>.

12. In May 2023, several Egyptian Coptic Christians in Libya were arrested for proselytizing.²³ They were also found to be in possession of Christian materials.²⁴

13. In April 2023, two American teachers were detained by the Libyan Internal Security Agency and then deported to Tunisia.²⁵ The two Americans were detained after being accused of being “missionaries inviting Muslim Libyans to convert to Christianity.”²⁶

14. In Spring 2023, a Pakistani Christian was arrested alongside six Libyans and two Americans. According to our source, the individuals were charged with proselytizing and belonging to an organized Christian cell. The two Americans were released shortly after being detained as a result of the United States government’s intervening. The six Libyans were charged with violating Article 207 of the Penal Code.²⁷ If convicted, they would face the death penalty.²⁸

15. We are also concerned about the societal persecution that Christians in Libya face on a regular basis. Christians, particularly those from a Muslim background, face high levels of persecution.²⁹ Not only do the laws discriminate against Christians, but Christian converts are at risk of being attacked and harassed by members of their own communities and families.³⁰ One Christian convert shared his story of the abuse his brother experienced when others learned he had converted to Christianity: “When he accepted Jesus into his life, he started to share his faith with his family, and they told the radical Muslims about it. They were going to kill him as an infidel.”³¹ Another Christian shared the story of a girl who was beaten by her father when he found that she had converted to Christianity.³²

16. Libya’s fragmented political landscape also complicates the situation for Christians.³³ Christians are at risk of persecution all over the country, but specifically in regions controlled by Islamic extremist groups.³⁴ These extremist groups’ competing over regions in Libya has led to Christians being kidnapped, beaten, and killed.³⁵ For example, in 2023, six Egyptians Christian were kidnapped in Western Libya and held for ransom.³⁶ The Christians were held

²³ OPEN DOORS, LIBYA FULL COUNTRY DOSSIER 7 (2024), https://www.opendoors.org/persecution/reports/Libya-Full_Country_Dossier-ODI-2024.pdf.

²⁴ *Id.*

²⁵ *Libyan Security Agency Arrests Christians Accused of Proselytizing*, INT’L CHRISTIAN CONCERN (Apr. 19, 2023), <https://www.persecution.org/2023/04/19/libyan-security-agency-arrests-christians-accused-of-proselytizing/>.

²⁶ *Id.*

²⁷ Salih, *supra* note 22.

²⁸ *Id.*

²⁹ OPEN DOORS, LIBYA: PERSECUTION DYNAMICS 13 (2024), https://www.opendoors.org/persecution/reports/Libya-Full_Country_Dossier-ODI-2025.pdf.

³⁰ *Id.*

³¹ Katey Hearth, *Christians Who Left Islam Describe Persecution in Libya*, MISSION NETWORK NEWS (Jan. 24, 2024), <https://www.mnnonline.org/news/christians-who-left-islam-describe-persecution-in-libya/>.

³² *Id.*

³³ OPEN DOORS, WORLD WATCH LIST 2025: LIBYA (2025), https://www.opendoors.org/persecution/reports/Libya-Media_Advocacy_Dossier-ODI-2025.pdf.

³⁴ *Id.*

³⁵ *Id.*

³⁶ Jack Jeffery, *Egypt Says 6 Christian Nationals Freed from Libya Detention*, ASSOC. PRESS (Feb. 17, 2023, 2:10 PM), <https://apnews.com/article/politics-libya-government-egypt-tripoli-ff3d406c4582536089c1886d63f0cf9a>.

by a militia group called Zawiya that threatened to kill the Christians if the ransom was not paid.³⁷ Thankfully, the Christians were freed in February 2023.³⁸

17. Since its last UPR, Libya has taken no steps to allow for all its citizens to peacefully practice any religion of their choice. In fact, Libya has shown that it has no desire to provide protections for non-Muslims. This can be seen through its laws and practices and the fact that it could not even support a recommendation to “[p]rotect and promote religious freedom.”

Recommendations

18. In our last UPR for Libya we asked that Libya take efforts to guarantee the right to religious freedom for all its citizens. Clearly, as shown above, Libya has made no efforts to protect and guarantee the right to freedom of religion for all. Libya must take immediate action to ensure its Constitution and laws protect the rights established in the UDHR and the ICCPR. All Libyans must be able to freely and peacefully practice their religion according to the tenets of their faith. Additionally, the government must take action to protect Christians from being attacked and harassed because of their faith. Libya must provide protections for religious freedom for all its citizens, not just those who adhere to Islam. No one should live in fear of being attacked, arrested, or killed, because of their faith.

³⁷ *Id.*

³⁸ *Id.*