

## July 25, 2005: Pakistan: Taliban-style Legislation Enacted in Northwest Frontier Province Threatens Fundamental Human Rights

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Anne Johnson, Director of Communications, (202) 523-3240, ext. 27

WASHINGTON - The U.S. Commission on International Religious Freedom (USCIRF) expresses serious concern about legislation recently passed by the provincial assembly in Pakistan's Northwest Frontier Province (NWFP), which borders Afghanistan. If confirmed as law by the provincial governor, the so-called "Hasba" or "Accountability" Act would impose a system of controls on social and religious behavior similar to those under which Afghans suffered during the notorious Taliban regime, thereby threatening the freedom of thought, conscience, and religion or belief and related human rights of millions of both Muslim and non-Muslim Pakistanis. The Commission urges Pakistani national officials to use available legislative as well as judicial and other means to rescind, modify, or otherwise repudiate those portions of the provincial legislation that would contravene Pakistan's human rights obligations under international legal instruments. "Pakistan's Federal Government, the Supreme Court of Pakistan, and the political leadership of the NWFP should use this period to consider carefully the legislation's human rights implications and the compatibility of its provisions with Pakistan's obligations under the international human rights instruments and the human rights guarantees in Pakistan's own Constitution," said USCIRF Chair Michael Cromartie. "The Commission also urges the State Department to raise the human rights implications of this legislation with the Pakistani authorities and to encourage Pakistan to rescind, modify, or repudiate this ill-advised measure. The State Department should reinforce Pakistan's obligations to protect the freedom of thought, conscience, and religion or belief of its citizens in the NWFP, in accordance with Pakistan's international human rights commitments." On July 14, the Muttahida Majlis-e-Amal (MMA), an alliance of six Islamic parties that governs the NWFP, passed overwhelmingly and sent to the provincial governor legislation that would establish a system of official monitors who would enforce conformity to the MMA's view of Islamic standards of public behavior. Offices of such monitors or "mohtasibeen" would be established at every level of administration in the NWFP with broad powers to ensure the observance of Islamic religious practices and conformity with Islamic moral values in public places. The mohtasibeen would have quasi-judicial powers to obtain public records, to order the cooperation of other government officials, and to sentence offenders. Decisions of the mohtasibeen would not be reviewable by any court of law. On the eve of the legislation's passage in the provincial assembly, noted Pakistani human rights advocate Asma Jahangir, who also serves as the UN Special Rapporteur on Freedom of Religion and Belief, declared that "If the Act is passed, the Hasba force will act as chief prosecutor and enjoy wide powers, without any accountability. They will punish, admonish, watch, monitor, and even persecute." The proposed mohtasibeen and their broad powers are all too reminiscent of the brutal agents of Taliban Afghanistan's Ministry for the Promotion of Virtue and the Suppression of Vice and of Saudi Arabia's religious police, the mutawaa. The Commission is concerned that, as in Taliban Afghanistan and in Saudi Arabia, the result in the NWFP would be: (1) a vaguely defined authority to punish conduct which the mohtasibeen identify as not conducive to public morality and safety and which is not reviewable by ordinary judicial authority; (2) arbitrary and harsh punishments of both Muslims and non-Muslims for alleged infractions of public religious practice and social behavior, and (3) restrictions that abridge universal human rights, including freedom of thought, conscience, and religion or belief and other applicable rules of non-discrimination. The province's women, religious reformers and dissidents, and members of religious minority communities would be at particular risk from a system designed to coerce religious and social conformity. The imposition of such a regime in the NWFP would set an example that could be emulated elsewhere in Pakistan and beyond.

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