



DigitalRightsFoundation  
"KNOW YOUR RIGHTS"

## PAKISTAN: 6-POINT AGENDA ON DIGITAL RIGHTS PROTECTIONS FOR POLITICAL PARTIES' ELECTORAL MANIFESTOS

With the upcoming general elections in Pakistan, the Digital Rights Foundation urges political parties to include six key digital rights issues in their manifestos. This is crucial for a robust democracy, enabling citizens to scrutinize the new government effectively. The issues range from funding AI research initiatives and establishing a robust data protection regime, including enacting Data Protection Law, to PECA amendments and law enforcement capacity building. Additionally, it involves parliamentary oversight on the FIA's Cyber Crime Wing, monitoring the actions of the Pakistan Telecommunication Authority, conducting human rights impact assessments on tech tools and cyber policies, bridging digital divide across Pakistan and revising existing tech policies that are detrimental to fundamental rights in the digital age.

### 1. Institute Parliamentary Oversight, Impact Assessment and Human Rights Audits:

- a. Ensure effective and robust parliamentary oversight of the FIA under Section 53 of the Pakistan Electronic Crimes Act (PECA) 2016, while ensuring alignment with human rights principles.
- b. Convene a multi-stakeholder committee, inclusive of legal experts, human rights advocates, and technology professionals, to amend the problematic and vague sections of PECA.
  - i. Defamation should be removed as a criminal offense by repealing *Section 20 of the 'Prevention of Electronic Crimes Act 2016'* and *Section 499/500 of the Pakistan Penal Code in compliance with General Comment No. 34, Human Rights Committee<sup>1</sup>*.
  - ii. *Section 37 of the 'Prevention of Electronic Crimes Act 2016'* should be repealed and *'Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards), Rules 2021'* should be denotified, and all laws concerning freedom of expression should be amended to remove vague/overbroad criteria for online content moderation.
- c. Initiate a comprehensive impact assessment of the *Federal Investigation Agency's Cyber Crime Wing*, with a focus on evaluating its effectiveness and adherence to human rights standards. Ensure the findings of impact assessments lead to amendments and improvements to the existing structure, capacity, objectives and rules and protocols that aim to safeguard vulnerable groups rather than harm them.
- d. Establish and implement effective transparency and accountability measures through mandatory human rights audits, such as through the *National Commission on Human Rights*, of state agencies and bodies regarding the acquisition of technologies used to regulate digital content, communications and data.

### 2. Ensure Digital Accessibility and Inclusion:

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<sup>1</sup> General comment no. 34, Article 19, Freedoms of opinion and expression, UN. Human Rights Committee (102nd sess.:201:Geneva). Accessed at: <https://digitallibrary.un.org/record/715606>

- a. Make a firm commitment to prohibit and prevent arbitrary internet shutdowns that hamper the citizen's access to the internet, a fundamental right and one essential for the exercise of other human rights. Pay particular attention to the internet shutdown in the ex-FATA area which has lasted more than 7 years since its issuance in June 2016. Despite some progress in 2021 regarding the restoration of the internet in some parts overall access in these regions remain precarious as services are frequently re-suspended on vague security grounds.
- b. Ensure the incorporation of digital accessibility standards into national policies, such as the *Website Content Accessibility Guidelines (WCAG)*, to ensure that website content and online services and platforms are accessible for individuals with disabilities and language constraints.
- c. Invest in the expansion of reliable and affordable internet infrastructure, prioritizing rural and underserved areas to bridge the digital divide for this demographic and women and girls. Additionally, collaborate with technology providers to ensure the availability of budget-friendly and user-friendly devices, catering specifically to the needs of women and girls.

### **3. Protect Online Freedoms: Right to Privacy, Assembly and Association & Freedom of Expression**

- a. Amend the *Personal Data Protection Bill, 2023* to align it with the international human rights standards. Initiate transparent and inclusive consultations with relevant stakeholders to make the bill human rights centric as the current bill falls short of ensuring protection of people, their data and rights. Ensure that the law requires establishing an independent oversight body which has substantive powers to hold private and public bodies accountable for breaches of citizens' privacy and data security and finally enact data protection law in order to protect personal data of citizens of Pakistan.
- b. Ensure Constitutional guarantees including the right to online freedom of assembly and association under Article 16. Make explicit guarantees to stop blocking of digital communications to prevent public gatherings and mobilisation under section 54(3) of the '*Pakistan Telecommunications Act 1996*'.
- c. Implement safeguards to prevent the misuse of cybercrime laws on the freedom of expression of citizens, particularly individuals charged by authorities for online content deemed critical of public figures and institutions.

### **4. Ensure Ethical use of Artificial Intelligence (AI):**

- a. Establish a dedicated *AI Ethics Committee* with inclusive representatives from civil society, academics, businesses, and technical experts to:
  - i. develop and adhere to clear *Ethical Guidelines for the Use of AI by the State*, particularly including the use of facial recognition systems and social media surveillance to ensure they are grounded in the human rights principles of legality, necessity, and proportionality.
  - ii. continuously assess and update the guidelines to ensure that the development, design and deployment of AI technology is human rights centric and doesn't exclude the experiences of marginalized communities.

### **5. Protect Rights of Businesses and IT Industry**

- a. Establish a task force comprising industry experts, businesses and policymakers to regularly review and update policies that impact the industry, fostering innovation and growth.
- b. Implement inclusive policies and strategies that cater to the needs of Small and Medium Enterprises (SMEs) in the IT sector, such as providing access to finance, mentorship programs, and regulatory relief.
- c. Align national laws and regulations with international standards and treaties, such as the *UN Guiding Principles on Business and Human Rights*, which ensure that businesses operate responsibly and respect human rights throughout their activities

#### **6. Elevate Digital Literacy and Research on Tech and AI**

- a. Implement targeted digital literacy programs designed for women, girls and the transgender community aimed at fostering proficiency in fundamental computer literacy, internet navigation, and online safety practices, particularly focusing on the rural and fringe populations..
- b. Incorporate comprehensive digital citizenship programs into education curricula, emphasizing responsible online behavior, ethical use of technology and AI, and digital rights awareness for children.
- c. Enhance research infrastructure in Pakistan and foster collaboration with foreign research think tanks to expedite research on technology, digital rights, and AI, facilitating informed policies and strategies.

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*Digital Rights Foundation (DRF) is a feminist, not-for-profit organisation based in Pakistan working on digital freedoms since 2013. DRF envisions a place where all people, especially women and gender minorities, can exercise their right of expression without being threatened. DRF believes that a free internet with access to information and impeccable privacy policies can create safe online spaces for not only women but the world at large.*

*Contact information:*

*info@digitalrightsfoundation.pk*

*www.digitalrightsfoundation.pk*