Center for AI and
Digital Policy

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CENTER FOR AI AND DIGITAL POLICY (CAIDP)

STATEMENT TO
MINISTRY OF INFORMATION TECHNOLOGY & TELECOMMUNICATION

On

DRAFT NATIONAL AI POLICY

June 30, 2023

The Center for AI and Digital Policy (CAIDP) provides this statement to Pakistan's Ministry of Information Technology and Telecommunication (MoITT) on the published draft of the National Artificial Intelligence Policy ("Draft AI Policy")[1]. We applaud MoITT's stated commitment to promoting public awareness about AI, preparing the Pakistani workforce for AI-driven changes in the labor market, and harnessing AI to uplift women and people with disabilities. In addition, MoITT references the need for algorithmic accountability and a data-sharing framework administered by an AI Regulatory Directorate within the National Commission for Personal Data Protection.

In this statement, we call upon MoITT **to expressly commit to developing a human-centric framework for AI systems and to adopt explicit guardrails against digital surveillance and attacks on free expression** under Pillar 3 of the National AI Policy: Building Progressive & Trusted Environment.

About CAIDP

The Center for AI and Digital Policy (CAIDP) is non-profit global research and education organization based in Washington D.C. dedicated to promoting "a better society, more fair, more just — a world where technology promotes broad social inclusion based on fundamental rights, democratic institutions, and the rule of law."[2] We annually publish the *Artificial Intelligence and Democratic Values (AIDV)* Index[3] as a comprehensive overview of

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[1] Ministry of Information Technology and Telecommunication, *National Artificial Intelligence Policy Draft*, https://moitt.gov.pk/SiteImage/Misc/files/National%20AI%20Policy%20Consultation%20Draft%20V1.pdf

[2] CAIDP, https://www.caidp.org

[3] CAIDP, *Artificial Intelligence and Democratic Values (AIDV)* Index (2020, 2021, 2022), https://www.caidp.org/reports/aidv-2022/

AI policies around the world. We have documented the fragile state of human rights in Pakistan — evident in the persecution of religious minorities and state-led crackdowns on reporters — in the 2023 edition of this report.[4] Thus, we express concern that AI systems may be deployed for institutionalized repression within Pakistan, a risk currently neglected in the MoITT's framework.

Human Centered Artificial Intelligence and Respect for Fundamental Rights

We commend MoITT's stated commitment to advancing responsible and ethical AI. However, the draft AI policy is being proposed within a broader social and political landscape that does not fully reflect human rights and democratic values. We note with concern an increase, in recent years, in threats to religious minorities[5], restrictions on journalistic freedoms, Internet shutdowns amidst civil unrest[6], and the perpetuation of gender-discriminatory laws and practices. A truly human-centered and responsible AI policy in Pakistan must be coupled with urgent action to address existing human rights challenges. We call your attention to Pakistan's commitments under international human rights frameworks including the International Covenant on Civil and Political Rights and the UNESCO Recommendation on AI Ethics. We urge the MoITT to be conscious of and reflect these formal commitments in its National AI Policy. Without this intervention, AI deployment runs the risk of further enabling human rights violations through new, digital forms of censorship, surveillance, and discrimination. MoITT should center future regulation on respecting human dignity and democratic values.

Ban on AI Technologies that Violate Fundamental Rights

The National AI Policy should include bright line prohibitions on AI technologies that violate human rights and fundamental freedoms. We note with concern, Pakistani authorities have deployed facial recognition technology widely in law enforcement and border security. Surveillance cameras encircle urban areas like Karachi, Islamabad, Lahore, and Multan.[7] Islamabad Police's Safe City project has overseen the installation of 106 cameras with advanced facial recognition citywide. The equipment for the Safe City project is supplied by Chinese company Huawei, which has been linked to surveillance projects supporting the ethnic

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[4] CAIDP, *Artificial Intelligence and Democratic Values Index: Pakistan,* pg. 708 to 728, https://www.caidp.org/reports/aidv-2022/ (April 10, 2023)

[5] Al Jazeera, *Pakistan's top rights group raises 'alarm' on religious freedom*, https://www.aljazeera.com/news/2023/2/8/pakistans-top-rights-group-raises-alarm-on-religious-freedom (February 8, 2023)

[6] BBC, *Pakistan shuts down the internet - but that didn't stop the protests*, https://www.bbc.com/news/world-asia-65541769 (May 12, 2023)

[7] Geo News, *Multan becomes 4th Pakistani city to get Facial Recognition System at airport*, https://www.geo.tv/latest/488245-multan-becomes-4th-pakistani-city-to-get-facial-recognition-system-at-airport (May 19, 2023)

cleansing of Uyghur Muslims in China. A similar project in Lahore stalled when 1,000 cameras were found to be dysfunctional.[8] Pakistan's national government also maintains the National Database and Registration Authority, a central repository of biometric data belonging to its citizens.[9]

CAIDP has stood firmly against facial surveillance and all other forms of biometric identification. For the past 2 years, CAIDP has called for an absolute ban on "biometric categorization," "social scoring," and "emotion analysis" systems in their entirety.[10] These systems often require the collection and processing of highly sensitive personal data, such as facial features or emotional state, infringing upon people's right to privacy. Their deployment can also endanger free expression and strain the relationship between citizens and state institutions, leading to fears of digital authoritarianism.

The UNESCO Recommendations on AI ethics address the need for protections against cybersurveillance. The Proportionality and Do No Harm Principle[11] states that AI use must be justified with a legitimate goal that does not infringe upon human rights, clearly calling out that systems "should not be used for social scoring or mass surveillance purposes."[12] The Data Policy urges Member States to place safeguards to protect privacy, again specifically mentioning surveillance as a concern.[13]

Further, the Universal Guidelines for AI place prohibitions on secret profiling and unitary scoring, and demand a right to transparency and fairness.[14] Although the National AI Policy draft put forward by MoITT acknowledges that many forms of AI are ethically fraught, it should expressly declare a commitment to refrain from using high-risk technologies like facial recognition, predictive policing, and biometric recognition in public and private services. In this regard, section 4.1.3.1 of the Draft Policy, which encourages the expansion of existing surveillance systems, should be amended to align with the protections to privacy under Article

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[8] Daily Times, *Safe city introduces cameras with facial recognition technology*, https://dailytimes.com.pk/1052552/safe-city-introduces-cameras-with-facial-recognition-technology/ (January 18, 2023)

[9] OHCHR, *Legal Landscape for Surveillance in Pakistan*, https://www.ohchr.org/Documents/Issues/Opinion/Surveillance/DIGITAL%20RIGHTS%20FOUNDATION.docx

[10] CAIDP, *Ban Facial Surveillance Technology*, https://www.caidp.org/statements/ban-facial-surveillance-technology/ (October 2022)

[11] UNESCO, Recommendations on the Ethics of Artificial Intelligence, Section 1, https://unesdoc.unesco.org/ark:/48223/pf0000381137 (November 23, 2021)

[12] Ibid

[13] Ibid

[14] The Public Voice, *Universal Guidelines for AI*, https://thepublicvoice.org/ai-universal-guidelines/ (October 23, 2018)

14 of Pakistan's Constitution and the UNESCO and OECD frameworks.[15] If Pakistan hopes to lead the way on AI—and do so responsibly—MoITT should ensure guardrails against intrusive surveillance practices and ensure that AI-powered technologies are not used to quell dissent, dampen marginalized groups' civic participation (as observed in neighboring country Afghanistan), or enable continued ethnic and religious persecution.[16]

AI and Democratic Values Alignment

We applaud MoITT for initiating this open comment for the national AI Policy. This initiative promotes meaningful public participation. The OECD AI Principles on Human-Centered Values and Fairness and on Transparency also emphasize the need for democratic values and increased trust in AI systems.[17] We also support the development of independent (agency/mechanism) AI oversight, the establishment of right to algorithmic transparency, and the endorsement of related positions such as the Global Privacy Assembly Resolutions on AI & Ethics[18], AI & Accountability[19], and Facial Recognition[20].

Our Recommendations

CAIDP recommends that the MoITT:
1. Explicitly adopt guardrails against digital surveillance that limit freedom of expression.
2. Incorporate its commitments to the **UNESCO Recommendations on the Ethics of Artificial Intelligence** which clearly states that:

> "AI systems should not be used for social scoring or mass surveillance purposes."

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[15] OHCHR, *Legal Landscape for Surveillance in Pakistan*, https://www.ohchr.org/Documents/Issues/Opinion/Surveillance/DIGITAL%20RIGHTS%20FOUNDATION.docx

[16] Reuters, *Votes for women? Not without facial recognition technology in Afghanistan*, https://www.reuters.com/article/us-afghanistan-women-privacy-trfn-idUSKBN1XI1HN (November 8, 2019)

[17] OECD, *OECD AI Principles*, https://oecd.ai/en/ai-principles (May 2019)

[18] International Conference of Data Protection and Privacy Commissioners, *Adopted Resolution on Ethics and Data Protection in Artificial Intelligence,* (October 2018) https://globalprivacyassembly.org/wp-content/uploads/2018/10/20180922_ICDPPC-40th_AI-Declaration_ADOPTED.pdf

[19] Global Privacy Assembly, *Adopted Resolution on Accountability in the Development of Artificial Intelligence,* (October 2020) https://www.globalprivacyassembly.org/wp-content/uploads/2020/10/FINAL-GPA-Resolution-on-Accountability-in-the-Development-and-Use-of-AI-EN-1.pdf

[20] Global Privacy Assembly, *Adopted Resolution on Facial Recognition Technology,* (October 2020) https://globalprivacyassembly.org/wp-content/uploads/2020/10/FINAL-GPA-Resolution-on-Facial-Recognition-Technology-EN.pdf

3. Implement the **OECD AI Principles** which state:
> "Remaining true to shared democratic values will help s
> trust in AI."

4. Implement the **Universal Guidelines on AI**

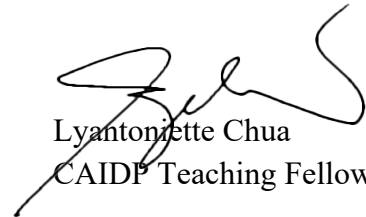We applaud MoITT on this initiative towards developing a National AI Policy for Pakistan.

Thank you for your consideration of our views. We would welcome the opportunity to speak with you further about these recommendations.

Marc Rotenberg
CAIDP Executive Director
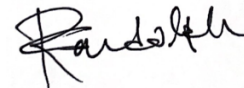
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6

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