

Advancing Privacy and Data Protection Through National Commissions in Pakistan



Pakistan's transition towards a Digital Pakistan represents both an extraordinary opportunity and a profound responsibility. DataReportal reports that there were **116 million** individuals using the internet in Pakistan at the start of 2025, when online penetration stood at **45.7%**. In January 2025, the country was home to **66.9 million** social media user identities. The right to privacy and the right to freedom of speech are fundamental rights enshrined in Articles 14 and 19 of the Constitution of Pakistan (1973). These constitutional protections must now extend into digital spaces where personal data, biometric identifiers, health records, financial transactions, and location histories increasingly determine access to opportunity and shape life outcomes. Additionally, Article 20 guarantees the freedom to profess religion and manage religious institutions, Article 25 ensures equality of citizens, and Article 36 mandates the protection of minorities. In the digital context, violations of privacy, such as unauthorized data collection, profiling, and surveillance, exacerbate existing inequalities and disproportionately harm religious and ethnic minorities.



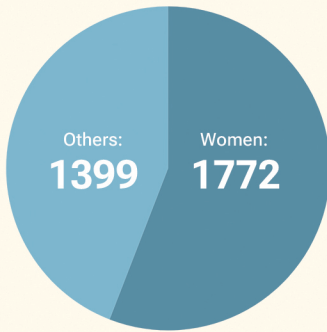
Marginalized Communities at Risk

a. Women and Technology Facilitated Gender-Based Violence (TFGBV)

TFGBV has emerged as a severe and pervasive issue in Pakistan, carrying profound social, psychological, and economic consequences for women and girls. With the rapid expansion of digital technologies and internet access, acts of violence, harassment, and abuse are increasingly being perpetrated through online spaces.

The National Commission on the Status of Women's report Digitalisation and Women in Pakistan highlights that 31% of women have faced the non-consensual sharing of intimate or personal images, illustrating the deeply gendered nature of digital violations.

A separate study in the same report revealed that **83%** of women social media users in Pakistan have encountered online harassment, underscoring the widespread nature of the problem.



In 2024, Digital Rights Foundation's Digital Security Helpline received 3,171 new cases, with women accounting for 1,772. Women and transgender women filed 215 non-consensual intimate image (NCII) and 280 image-based abuse (IBA) complaints, highlighting the disproportionate targeting of women online. These abuses exploit patriarchal norms to shame, coerce, and control victims by threatening their reputation and family ties.

b. Transgender Persons

Transgender persons in Pakistan face compounded vulnerabilities where digital identity and data systems intersect with entrenched social discrimination and legal ambiguities.

The Digital Rights Foundation's Annual Helpline Report 2024 recorded 18 cases from transgender individuals, highlighting significant barriers to seeking help, including fear of discrimination, lack of trust in reporting mechanisms, and systemic legal challenges.

These cases involved severe online harassment, threats of physical violence, legal intimidation, and gendered disinformation campaigns, all of which directly endangered their safety and well-being.

c. Religious and Ethnic Minorities

Religious and ethnic minorities face digital surveillance and data-driven discrimination that compound existing marginalization. In research conducted by the Digital Rights Foundation on the online experiences of religious minorities in Pakistan, **61%** of respondents stated that they either felt unsafe or were uncertain about expressing their opinions online. **55%** of 83 respondents reported experiencing online abuse, ranging from bullying to threats that resulted in offline consequences. The Digital Rights Foundation's Annual Helpline Report 2024 documented 14 cases involving religious minorities and 9 involving ethnic minorities. Online violence has, in several instances, been directly linked to offline violence. For example, in February 2017, a 16-year-old Christian boy was accused of blasphemy and denied bail for allegedly 'liking and sharing' a Facebook post considered 'defamatory and disrespectful' toward the Kaaba. This highlights the urgent need to address the intersection of digital and physical threats faced by marginalized communities.

Privacy at Risk: Consequences of the Missing Personal Data Protection Framework

The Digital Nation Pakistan Act, 2025, envisions the creation of a unified digital identity system for all citizens as part of Pakistan's broader digital transformation agenda. However, Pakistan is deploying this comprehensive data collection infrastructure while the Personal Data Protection Bill that would establish legal safeguards for this information remains unenacted. This means millions of Pakistanis will have their most sensitive personal information collected and stored in government databases without legal requirements for security standards, without mandatory notification if breaches occur, without restrictions on who can access their data or for what purposes, and without any enforceable rights to challenge unauthorized use. A major NADRA data breach exposed the scale of this vulnerability, with investigations revealing that the personal data of over **2.7 million** citizens had been stolen from NADRA's regional offices in Multan, Karachi, and Peshawar between 2019 and 2023. This incident underscores the urgent need for robust data protection legislation to ensure accountability, safeguard citizens' privacy, and prevent the misuse of personal data.

Pakistan's International Human Rights Obligations

Pakistan's ratification of international human rights treaties establishes binding legal and moral obligations that extend to the sphere of digital governance.

The Universal Declaration of Human Rights (UDHR), to which Pakistan is a signatory, affirms in Article 12 that "no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation." States are thus obliged to protect individuals against privacy violations by both state and non-state actors.

The International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan in 2010, reinforces these protections. Article 17 prohibits arbitrary or unlawful interference with privacy and requires states to safeguard this right through legislative and institutional measures. The UN Human Rights Committee's General Comment No. 16

(1988) further clarifies that state obligations under Article 17 encompass not only restrictions on government surveillance but also the regulation of how private entities collect, store, and use personal data. In addition, the ICCPR guarantees freedom of expression (Article 19) and the right to peaceful assembly (Article 21), both of which are increasingly exercised through digital means. Furthermore, Pakistan has endorsed the UN General Assembly Resolution 68/167 (2013) on “The Right to Privacy in the Digital Age”, which reaffirms that “the same rights that people have offline must also be protected online.”

Bridging the Digital Divide: The Role of National Commissions

National commissions play a pivotal role in ensuring that Pakistan’s digital transformation advances equity rather than deepens existing marginalization. National commissions hold distinct institutional advantages to reverse this trajectory: constitutional mandates to protect vulnerable groups, statutory independence from political influence, convening authority across government and civil society, and direct engagement with affected communities through complaint mechanisms. These capacities uniquely position them to lead rights-based digital governance reforms that technical ministries alone cannot deliver.



To move forward, Pakistan must enact the Personal Data Protection Bill with explicit safeguards for marginalized communities, strengthen the technical capacity of national commissions through structured training and partnerships, and institutionalize privacy impact assessments for all government digitization projects.