

1. [AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

Bill

further to amend the Prevention of Electronic Crimes Act, 2016, Pakistan Penal Code, 1860, and the Qanun-e-Shahadat Order, 1984

WHEREAS it is expedient further to amend the Prevention of Electronic Crimes Act, 2016 (Act XL of 2016), Pakistan Penal Code, 1860 (Act XLV of 1860), and the Qanun-e-Shahadat Order, 1984, for the purposes hereinafter appearing:

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act shall be called the Criminal Laws (Amendment) Act, 2021.

(2) It shall come into force at once.

2. **Amendment of section 2, Act XL of 2016.**- In the Prevention of Electronic Crimes Act, 2016 (Act XL of 2016), hereinafter referred to as Act XL of 2016, in section 2,-

(i) after paragraph (vi), the following new paragraphs shall be inserted, namely:-

“(vi-a) “Child” means, notwithstanding anything contained in any other law, any person who has not completed the age of eighteen years;

(vi-b) “Child sexual abuse content” shall means the representation, by whatever means, of a child engaged in real or simulated sexually explicit conduct or representation of the sexual parts of a child for primarily sexual purposes;”;

(ii) after paragraph (vii), the following new paragraph shall be inserted, namely:-

“(vii-a) “Complainant” means any person who makes complaints of any offence under this Act. This includes a victim, or an individual having substantial reasons to believe the offence is being committed or likely to be committed and any authority referring the complaint for investigation;”;

(iii) after paragraph (xvii), the following new paragraph shall be inserted, namely:-

“(xvii-a) “Harmful content” means the content that might seriously impair the physical, mental or moral development of minors, including but not limited to the following:-

(a) contents especially containing pornography or depicting extreme and gratuitous scenes of violence; or

- (b) display of brutal and extreme violence which is not justifiable by context; or
- (c) content emphasise and normalise violence, drug addiction or similar forms of criminal conduct, as well as exploiting credulity of viewers or listeners; and
- (d) the content as may be determined by the Court of competent jurisdiction;”;

(iv) after paragraph (xxiv), the following new paragraph shall be inserted, namely:-

“(xxiv-a) “Non-sexual child abuse” shall means:

- (a) any form of nonsexual physical of a minor by such as kicking, beating, slapping, whipping; pulling of hair; strangling, choking or suffocating; or
- (b) sharing with minor any content that praises, supports, promotes, advocates for, provides instructions for or encourages participation in non-sexual child abuse, or videos or photos depicting adults endangering children by placing/pointing weapons such as guns, swords, bombs, at/on children;”;

(v) after paragraph (xxvii), the following new paragraph shall be inserted, namely:-

“(xxvii-a) “Sexually explicit conduct” means actual or simulated—

- (a) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;
- (b) bestiality;
- (c) masturbation;
- (d) sadistic or masochistic abuse; or
- (e) lascivious exhibition of the anus, genitals, or pubic area of any person;”;

(vi) after paragraph (xxviii), the following new paragraph shall be inserted, namely:-

“(xxviii-a) “Sexual abuse of a minor” shall have the same meaning given to —sexual abuse in section 377A of the Pakistan Penal Code, 1860 (Act XLV of 1860);”;

3. **Amendment of section 22, Act XL of 2016.** - In the Act XL of 2016, in section 22,-
- (i) for the words "Child pornography", wherever occurring, the words "child sexual abuse content", shall be substituted;
  - (ii) for the word "seven" the word "ten", shall be substituted;
  - (iii) after the word "imprisonment", the words "either description" shall be inserted;
  - (iv) after the words "seven years," the words "and not less than 5 years" shall be inserted; and
  - (v) after the words "five million rupees", the words "but not less than two hundred thousand rupees", shall be inserted.

4. **Insertion of new sections, Act XL of 2016.**- In the Act XL of 2016, after section 22, the following new sections shall be inserted, namely:-

“22-A. Online grooming, “solicitation” and “cyber enticement”.- Whoever intentionally creates or takes steps towards creating a relationship of trust with a minor through the use of an information system or device or any other similar means of communication with the intent to facilitate, solicit or commit sexual abuse of a minor or to share, facilitate or solicit sexual content or produce sexual abuse material with a minor, shall be punished with imprisonment of either description for a term which may extend to ten years and not less than five years with fine which may extend to ten million rupees but not less than five hundred thousand rupees.

22-B. Commercial sexual exploitation of children.- Subject to Section 38, whoever is directly or indirectly involved in the use of an information system or other similar means and intends to use, or knows or ought to have known that such information system or other similar means shall be used by others for the purposes of the sexual exploitation of minors, such as child prostitution and child sex tourism, accompanied by payment in money or in kind to the minor or to one or more third parties shall be punished with imprisonment of either description for a term which may extend to ten years but not less than seven years with fine which may extend upto fifteen million rupees and not less than five hundred thousand rupees.

22-C. Exposure to harmful online content. - (1) Subject to Section 38, whoever intentionally causes a minor to be exposed to content through an information system which is sexually explicit including content that depicts sexual or non-sexual abuse of minors that may cause mental distress to the minor, or otherwise harmful to the development of minor shall be punished with 4 imprisonment for a term which may extend to seven years but not less than three years, with fine which may extend to five million and not less than two hundred thousand rupees.