

Pakistan

National Child Protection Legislation

National Legislation

- **Age of Consent:** 18 years

[Pakistan Penal Code Child Abuse Amendment Act](#)

Art. 377A.

Whoever employs, uses, forces, persuades, induces, entices, or coerces any person to engage in, or assist any other person to engage in fondling, stroking, caressing, exhibitionism, voyeurism, or any obscene or sexually explicit conduct or simulation of such conduct either independently or in conjunction with other acts, with or without consent where age of person is less than eighteen years, is said to commit the offence of sexual abuse.

[Penal Code of Pakistan](#)

Art. 90. Consent known to be given under fear or misconception

A consent is not such a consent as is intended by any action of this Code, if the consent is given by a person under fear of injury, or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception; or

Consent of insane person: If the consent is given by a person who, from unsoundness of mind, or intoxication, is unable to understand the nature and consequence of that to which he gives his consent; or

Consent of child: Unless the contrary appears from the context, if the consent is given by a person who is under twelve years of age

See also, Penal Code Article 375. Rape and Article 496B. Fornication.

- **Age of Marriage:** 18 years

[Child Marriage Restraint \(Amendment\) Act, 2017](#)

Sec. 2 (a) “child” means a person who is under eighteen years of age.

- **Age of Criminal Responsibility:** 12 years

[Pakistan Penal Code Child Abuse Amendment Act](#)

Art. 82. Act of a child under ten years of age

Nothing is an offence, which is done by a child under ten years of age.

Art. 83. Act of a child above ten and under fourteen of immature understanding

Nothing is an offence which is done by a child above ten years of age and under fourteen, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion.

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- **Extraterritoriality**

[Penal Code of Pakistan](#)

Art. 3. Punishment of offences committed beyond, but which by law may be tried in Pakistan

Any person liable, by any Pakistan Law, to be tried for an offence committed beyond Pakistan shall be dealt with according to the provision of this Code for any act committed beyond Pakistan in the same manner as if such act had been committed within Pakistan.

Art. 4. Extension of Code to Extra-territorial Offences

The provisions of this Code apply also to any offence committed by:

- (1) any citizen of Pakistan or any person in the service of Pakistan in any place without and beyond Pakistan;
- (4) any person on any ship or aircraft registered in Pakistan wherever it may be.

Explanation: In this section the word "offence" includes every act committed outside Pakistan which, if committed in Pakistan, would be punishable under this Code.

Art. 108-A. Abetment in Pakistan of offences outside it:

A person abets an offence within the meaning of this Code who, in Pakistan, abets the commission of any act without and beyond Pakistan which would constitute an offence committed in Pakistan.

Code of Criminal Procedure

Art. 188. Liability for offences committed outside Pakistan

When a citizen of Pakistan commits an offence at any place without and beyond the limits of Pakistan, or when a servant of the State (whether a citizen of Pakistan or not) commits an offence in [a tribal area,] when any person commits an offence on any ship or aircraft registered in Pakistan wherever it may be, he may be dealt with in respect of such offence as if it had been committed at any place within Pakistan at which he may be found:

Political Agents to certify fitness of inquiry into charge. Provided that notwithstanding anything in any of the preceding sections of this Chapter no charge as to any such offence shall be inquired into in Pakistan unless the Political Agent, if there is one, for the territory in which the offence is alleged to have been committed, certifies that, in his opinion, the charge, ought to be inquired into in Pakistan; and, where there is no Political Agent, the sanction of Federal Government shall be required.

Provided, also that any proceedings taken against any person under this section which would be a bar to subsequent proceedings against such person for the same offence if such offence had been committed in Pakistan shall be a bar to further proceedings against him under the [Extradition Act, 1972,] in respect of the same offence in any territory beyond the limits of Pakistan.

▪ **Dual Criminality**

The Extradition Act, 1972

Chapter II – Surrender of Fugitive Offenders

5. (1) Subject to the provisions of sub-section (2), every fugitive offender shall be liable to be apprehended and surrendered in the manner provided in this Act, whether the offence in respect of which his surrender is sought was committed before or after the commencement of this Act and whether or not a court in Pakistan has jurisdiction to try that offence.

(2) No fugitive offender shall be surrendered:

- (d) If there is no provision in the law of, or in the extradition treaty with, the State asking for the surrender that the fugitive offender shall not, until he has been restored or has had an opportunity of returning to Pakistan, be detailed or tried in that State for any offence committed prior to his surrender, other than the extradition offence proved by the facts on which the surrender is based; ...

Chapter III – Surrender to Pakistan of Persons Accused of Extradition Offences

Art. 16. A person surrendered by a treaty State in pursuance of a requisition under section 15 shall not, until he has been restored or has had an opportunity of returning to that State, be tried in Pakistan for an offence committed prior to the surrender, other than the extradition offence proved by the facts on which the surrender is based.

- **Mandatory reporting requirements**

No reporting requirements found

- **Obligations of Educational Institutions**

[The Right to Free and Compulsory Education Act](#)

Art. 18. Duties of Teachers

(1) A teacher shall perform the following duties, namely:

(g) Make the child free of fear, trauma and anxiety and help the child to express views freely;...

(2) A teacher committing default in performance of duties specified in sub-section (1) shall be liable to disciplinary action under the applicable service laws.

- **Criminal Law - Defamation**

[Penal Code of Pakistan](#)

Art. 499. Defamation

Whoever by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said except in the cases hereinafter excepted, to defame that:

Explanation 1: It may amount to defamation to impute anything to a deceased person, if the imputator would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

Explanation 2: It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

Explanation 3: An imputation in the form of an alternative or expressed ironically, may amount to defamation.

Explanation 4: No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered a disgraceful.

Sexual Offenses Against Children

[Pakistan Penal Code Child Abuse Amendment Act, 2016](#)

Art. 292A. Exposure to seduction

Whoever seduces a child by any means whatsoever with an intent to involve him in any sexual activity or exposes him to obscene and sexually explicit material, document, a film, video or a computer generated image or attempts to do the aforementioned act, shall be punished with imprisonment of either description for a term which shall not be less than one year and may

extend up to seven years or with fine which shall not be less than one hundred thousand rupees and may extend up to five hundred thousand rupees, or both.

Art. 292B. Child pornography

- (1) Whoever takes, permits to be taken, with or without the consent of the child or with or without the consent of his parents or guardian, any photograph, film, video, picture or representation, portrait, or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of obscene or sexually explicit conduct, where –
- (a) the production of such visual depiction involves the use of a minor boy or girl engaging in obscene or sexually explicit conduct;
 - (b) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in obscene or sexually explicit conduct; or
 - (c) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in obscene or sexually explicit conduct, is said to have committed an offence of child pornography.
- (2) The preparation possession or distribution of any data store on a computer disk or any other modern gadget, shall also be an offence under this section.

Art. 292C. Punishment for child pornography

Whoever commits an offence of child pornography shall be punished with imprisonment of either description for a term which shall not be less than two years and may extend up to seven years, or with fine which shall not be less than two hundred thousand rupees, and may extend up to seven hundred thousand rupees, or with both.

Art. 328A. Cruelty to a child

Whoever willfully assaults, ill-treats, neglects, abandons or does an act of omission or commission, that results in or has, potential to harm or injure the child by causing physical or psychological injury to him shall be punished with imprisonment of either description for a term which shall not be less than one year and may extend up to three years, or with fine which shall not be less than twenty-five thousand rupees and may extend up to fifty thousand rupees, or with both.

Art. 364A. Kidnapping or abducting a person under the [age of fourteen]

Whoever kidnaps or abducts any person under the [age of fourteen] in order that such person may be murdered or subjected to grievous hurt, or slavery, or to the lust of any person or may be so disposed of as to be put in danger of being murdered or subjected to grievous hurt, or slavery, or to the lust of any person shall be punished with death or with imprisonment for life or with rigorous imprisonment for a term which may extend to fourteen years and shall not be less than seven years.

Art. 366A. Procurement of minor girl

Whoever by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.

Art. 366B. Importation of girl from foreign country

Whoever imports into Pakistan from any country outside Pakistan any girl under the age of twenty-one years with intent that she may be, or knowing it to be likely that she will be, forced

or seduced to illicit intercourse with another person, shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.

Art. 367A. Kidnapping or abducting in order to subject person to unnatural lust

Whoever kidnaps, or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with death or rigorous imprisonment for a term which may extend to twenty-five years, and shall also be liable to fine.

Art. 369A. Trafficking of human beings

Whoever involves himself in human trafficking shall be punished with imprisonment for a term which shall not be less than five years and may extend up to seven years, or with fine which shall not be less than five hundred thousand rupees and may extend up to seven hundred thousand rupees, or with both.

Explanation. The word “human trafficking” in this section shall have the same meaning as is assigned to it in the Prevention and Control of Human Trafficking Ordinance 2002 (LIX of 2002).

Art. 375. Rape

A man is said to commit rape who has sexual intercourse with a woman under circumstances falling under any of the five following descriptions,

- (i) against her will;
- (ii) without her consent;
- (iii) with her consent, when the consent has been obtained by putting her in fear of death or of hurt;
- (iv) with her consent, when the man knows that he is not married to her and that the consent is given because she believes that the man is another person to whom she is or believes herself to be married; or
- (v) with or without her consent when she is under sixteen years of age.

Explanation: Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

Art. 376. Punishment for rape

(1) Whoever commits rape shall be punished with death or imprisonment of either description for a term which shall not be less than ten years or more, than twenty-five years and shall also be liable to fine.

(2) When rape is committed by two or more persons in furtherance of common intention of all, each of such persons shall be punished with death or imprisonment for life.

Art. 377A. Sexual Abuse

Whoever employs, uses, forces, persuades, induces, entices, or coerces any person to engage in, or assist any other person to engage in fondling, stroking, caressing, exhibitionism, voyeurism, or any obscene or sexually explicit conduct or simulation of such conduct either independently or in conjunction with other acts, with or without consent where age of person is less than eighteen years, is said to commit the offence of sexual abuse.

Art. 377B. Punishment

Whoever commits the offence of sexual abuse shall be punished with imprisonment of either description for a term which may extend to seven years and liable to fine which shall not be less than five hundred thousand rupees or with both.

Art. 496B. Fornication.

(1) A man and a woman not married to each other are said to commit fornication if they willfully have sexual intercourse with one another.

(2) Whoever commits fornication shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine not exceeding ten thousand rupees.