

Legal questionnaire completed by Zafar & Associates - LLP • April 2024

This document contains responses from the law firm listed above to a questionnaire distributed by NCMEC (questions are in **bold text**). Responses to the questionnaire may be limited to officially enacted legislation; it is possible that actual practice or enforcement of the law varies, and relevant court rulings or case law may also differ from legislative text. Responses have been reformatted and may have been slightly edited for clarity. Furthermore, responses may include commentary, paraphrasing, and unofficial translations of source material (e.g., national legislation) originally produced in other languages. Only official source documents in official languages should be relied upon as legally binding. This document serves to inform further research and does not constitute legal advice from NCMEC or the listed law firm.

1. What laws and regulations contain legal definitions of the following terms or corresponding terms in your local jurisdiction (links to existing U.S. legal definitions are included, where relevant, as background for comparison – please include definitions of any corresponding terms in your country):

a. child or minor (18 U.S.C. 2256(1), <https://www.law.cornell.edu/uscode/text/18/2256>)

1. Pakistan Penal Code (Act XLV of 1860)
Section 299 (i): "minor" means a person who is not an adult
2. Punjab Destitute and Neglected Children Act, 2004
Section 3 (e): "child" means a natural person who has not attained the age of eighteen years <http://punjablaws.gov.pk/laws/472.html>
3. Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010
Section 2 (d): "child" means a natural person who has not attained the age of eighteen years
4. Islamabad Capital Territory Child Protection Act, 2018
Section 2 (d): "child" means a person who has not attained the age of eighteen years <https://mohr.gov.pk/SiteImage/Misc/files/children.pdf>
5. National Commission on the Rights of Child Act, 2017
Section 2 (b) "child" means any person below the age of eighteen years of age; https://na.gov.pk/uploads/documents/1505367550_380.pdf
6. Balochistan Child Protection Act 2016
Section 2 (e) "Child" means a person, either girl or boy, below the age of 18 years; <https://wwwex.ilo.org/dyn/natlex2/natlex2/files/download/104968/PAK104968.pdf>
7. Gilgit Baltistan Child Protection Response Act, 2017
Section 3 (d) "Child" means a person, either girl or boy, below the age of 18 years;
8. Prevention of Electronic Crimes Act, 2016 (PECA)
Section 2 (xxiv) states that the term "minor" means notwithstanding anything contained in any other law, any person who has not completed the age of eighteen years.

9. Zainab Alert, Response and Recovery Act, 2020
Section 2 (g) states that “child” means anyone who has not attained the age of eighteen years at the time of commission of an offence or when reported to be missing or abducted.

https://senate.gov.pk/uploads/documents/1617957494_312.pdf

- b. **child sexual exploitation (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(9), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)**

1. Prevention of Electronic Crimes Act 2016

Section 22 B- Commercial sexual exploitation of children.

Subject to section 8, whoever is directly or indirectly involved in the use of an information system or other similar means for the purposes of the sexual exploitation of minors including child prostitution and child sex tourism by payment in money or in kind to the minor or any other person shall be punished with imprisonment of either description for a term which shall not be less than fourteen years and may extend up to twenty years and with fine which shall not be less than one million rupees.

Section 8 as mentioned above is stated below for your reference:

8. Interference with critical infrastructure information system or data.— Whoever with dishonest intention interferes with or damages, or causes to be interfered with or damaged, any part or whole of a critical information system, or data, shall be punished with imprisonment which may extend to seven years or with fine which may extend to ten million rupees or with both.

https://na.gov.pk/uploads/documents/64f840c325916_768.pdf

2. The Islamabad Capital Territory Child Protection Act, 2018

Section 2 (t) defines the term "sexual abuse and exploitation" as the inducement or coercion of a child to engage in any unlawful sexual activity including the use of children in audio or visual images for child pornography, child prostitution, trafficking within and between countries for sexual exploitation and sale of children for sexual purposes.

3. The Balochistan Child Protection Act, 2016

Section 2 (w) defines the term “Sexual abuse and exploitation” as

- (i) the inducement or coercion of a child to engage in any unlawful or psychologically harmful sexual activity;
- (ii) the use of children in commercial sexual exploitation;
- (iii) the use of children in audio or visual images of child sexual abuse; and
- (iv) child prostitution, sexual slavery, sexual exploitation in travel and tourism, trafficking (within and between countries), and sale of children for sexual purposes and forced marriage.

c. sexually explicit conduct (18 U.S.C. 2256(2), <https://www.law.cornell.edu/uscode/text/18/2256>)

1. Prevention of Electronic Crimes Act 2016

Section 2(iii) states that “sexually explicit conduct” means actual or stimulated sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; or bestiality; or masturbation; or sadistic or masochistic abuse; or lascivious exhibition of the anus, genitals, or pubic area of any person.

d. child sexual abuse (18 U.S.C. 2243(a), <https://www.law.cornell.edu/uscode/text/18/2243>)

1. Prevention of Electronic Crimes Act 2016

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

2. The Islamabad Capital Territory Child Protection Act, 2018

Section 2 (e) defines “child abuse” as physical or mental violence, injury, exploitation, neglect or negligent treatment, maltreatment, or sexual abuse.

Section 2 (t) defines the term “sexual abuse and exploitation” as the inducement or coercion of a child to engage in any unlawful sexual activity including the use of children in audio or visual images for child pornography, child prostitution, trafficking within and between countries for sexual exploitation and sale of children for sexual purposes.

3. Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010

Section 2 (y) defines that “sexual abuse” means employing, using, forcing, persuading, inducing, enticing, or coercing any child to engage in, or assisting any other person to engage in fondling, stroking, caressing, exhibitionism, voyeurism or any obscene or sexually explicit conduct or stimulation of such conduct either independently or in conjunction with other acts, with or without his consent.

4. The Balochistan Child Protection Act, 2016

Section 2 (w) Section 2 (w) explains the term “Sexual abuse and exploitation” as

- (i) the inducement or coercion of a child to engage in any unlawful or psychologically harmful sexual activity;
- (ii) the use of children in commercial sexual exploitation;
- (iii) the use of children in audio or visual images of child sexual abuse; and
- (iv) child prostitution, sexual slavery, sexual exploitation in travel and tourism, trafficking (within and between countries), and sale of children for sexual purposes and forced marriage.

5. The Gilgit Baltistan Child Protection Response Act 2018



Section 2 (w) explains the term “Sexual abuse and exploitation” as

- (i) the inducement or coercion of a child to engage in any unlawful or psychologically harmful sexual activity;
- (ii) the use of children in commercial sexual exploitation;
- (iii) the use of children in audio or visual images of child sexual abuse; and
- (iv) child prostitution, sexual slavery, sexual exploitation in travel and tourism, trafficking (within and between countries), and sale of children for sexual purposes and forced marriage.

6. Pakistan Penal Code (Act XLV of 1860)

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.

377B. Punishment. Whoever commits the offence of sexual abuse shall be punished with imprisonment of either description for a term which [shall not be less than fourteen years and may extend up to twenty years and with fine which shall not be less than one million rupees.]

e. child pornography or child sexual abuse material (CSAM) (18 U.S.C. 2256(8), <https://www.law.cornell.edu/uscode/text/18/2256>)

1. Prevention of Electronic Crimes Act 2016

2 (vib) that states "Child sexual abuse content" 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.

2. Prevention of Electronic Crimes Act 2016

Section 22 whoever intentionally produces, offers or makes available, distributes, or transmits through an information system or procures for himself or for another person or without lawful justification possesses material in an information system that visually depicts:

- i) A minor engaged in sexually explicit conduct;
- ii) A person appearing to be a minor engaged in sexually explicit conduct; or
- iii) Realistic images representing a minor engaged in sexually explicit conduct; or
- iv) Discloses the identity of the minor, shall be punished with imprisonment for a term which may extend to seven years, or with a fine which may extend to five million rupees or with both.

3. The Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010



Section 2 (f) states that “child pornography” means taking, permits to be taken, with or without the consent of the child, 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

- (i) the production of such visual depiction involves the use of a minor engaging in obscene or sexually explicit conduct; or
- (ii) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in obscene or sexually explicit conduct; or
- (iii) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in obscene or sexually explicit conduct, preparation, possession or distribution of any data stored on a computer disk or any other modern gadget;

f. computer-generated images or videos of child pornography or CSAM (created by artificial intelligence or morphed) (18 U.S.C. 2256(8) & (9), <https://www.law.cornell.edu/uscode/text/18/2256>)

The Child Protection System Bill 2014

Section 2 (f): permits to be taken, with or without the consent of the child, any photograph, film, video, picture, whether made or produced by electronic, mechanical, or other means of obscene or sexually explicit conduct, where

- i) The production of such visual depiction involves the use of a minor engaging in obscene or sexually explicit conduct; or
- ii) Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in obscene or sexually explicit conduct; or
- iii) Such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in obscene or sexually explicit conduct, preparation, possession, or distribution of any data stored on a computer disk or any other modern gadget.

https://na.gov.pk/uploads/documents/1399370084_544.pdf

g. enticement or grooming (encouraging, persuading, or coercing a child to engage in sexual activity or to create child pornography or CSAM) (18 U.S.C. 2422(b), <https://www.law.cornell.edu/uscode/text/18/2422>)

Prevention of Electronic Crimes Act 2016

Section 22A- 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.

h. legal age of consent for sexual activity – are there laws and regulations, if so, what ages are specified?

Pakistan Penal Code 1860
Section 375-

A person A is said to commit “rape” if A__

- (a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of another person B or makes B to do so with A or any other person; or
- (b) inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of B or makes B to do so with A or any other person; or
- (c) manipulates any part of the body of B so as to cause penetration into the vagina, urethra, anus or any part of body of B or makes B to do so with A or any other person; or
- (d) applies his mouth to the vagina, anus, urethra or penis of B or makes B to do so with A or any other person, under the circumstances falling under any of the following seven descriptions,—
 - firstly, against B’s will;
 - secondly, without B’s consent;
 - thirdly, with B’s consent, which has been obtained by putting B or any person in whom B is interested, in fear of death or of hurt;
 - fourthly, with B’s consent, when A knows that A is not B’s husband and that B’s consent is given because B believes that A is another man to whom B is or believes herself to be lawfully married;
 - fifthly, with B’s consent when at the time of giving such consent, by reason of un-soundness of mind or intoxication or the administration by A personally or through another of any stupefying or un-wholesome substance, B is unable to understand the nature and consequences of that to which B gives consent;
 - sixthly, with or without B’s consent, when B is under sixteen years of age; or
 - seventhly, when B is unable to communicate consent.

i. Sextortion (extorting money or sexual favors from a child by threatening to share sexually explicit, child pornography or CSAM images of the child) (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(8), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)

Prevention of Electronic Crimes Act 2016

Section 21 deals with the offences against modesty of a natural person and minors. It states that whoever intentionally and publicly exhibits or displays or transmits any information which

- i) Superimposes a photograph of the face of a natural person over any sexually explicit image or video;
- ii) Includes a photograph or a video of a natural person in sexually explicit conduct;
- iii) Intimidates a natural person with any sexual act or any sexually explicit image or video of a natural person; or
- iv) Cultivates, entices, induces a natural person to engage in a sexually explicit act

Through an information system to harm a natural person or his reputation, or to take revenge, or to create hatred or to blackmail, shall be punished with imprisonment for a term which may extend to five years or with a fine which may extend to five million rupees or with both.

2. Please explain any legal or regulatory requirement or recommendation for Online Platforms to undertake any of the following activities on their systems to protect children online from sexual exploitation:

a. review, screen, moderate, or detect content to identify child pornography or CSAM content

There are no specific laws regarding reviewing, screening or detecting content to identify child pornography or CSAM content in Pakistan. However, there are strict laws (as outlined in the provisions outlined in 2f) that demand the removal of such content once notified.

b. review, screen, moderate, or detect content to identify enticement, grooming, or sextortion of a child

There are no specific laws regarding reviewing, screening, or detecting content to identify enticement, grooming, or sextortion of a child in Pakistan. However, there are strict laws (as outlined in the provisions outlined in 2f) that demand the removal of such content once notified and Rules as laid down in Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules.

Rule 7(3) of the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules states that the service Provider, Social Media Company and Significant Social Media Company shall not knowingly host, display, upload, publish, transmit, update or share any online content in violation of local laws.

c. report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organization

The Online Platforms in Pakistan are not yet obliged to report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organization.

d. remove or take down any child pornography, CSAM, enticement, grooming, or sextortion that they identify, become aware of, or are notified about

1. Prevention of Electronic Crimes Act 2016

Section 37 states that the Authority shall have the power to remove or block or issue directions for removal or blocking of access to information through any information system if it considers it necessary in the interest of the glory of Islam or the integrity, security or defense of Pakistan or any part thereof, public order, decency or morality, or in relation to contempt of court or commission of or incitement to an offense under this act.

2. Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards)

Rules

Rule 7(3)(b)-Removal of access to any Information, data or communication link by a Service Provider, social media Company and Significant social media Company after such information, data, communication link comes to the actual knowledge of the Service Provider, social media Company or significant social media Company pursuant to any order or direction as per the provisions of the Act.

e. review content by human moderators to screen or moderate for child pornography or CSAM

There is no law related to reviewing content by human moderators for child pornography or CSAM.

f. remove child pornography, CSAM, enticement, grooming, or sextortion from their systems when notified of its presence by a victim, nongovernmental organization, law enforcement, or government agency

Although law does not specifically mention the terms “child pornography”, “CSAM”, “enticement”, “grooming” or “sextortion”, however;

1. Prevention of Electronic Crimes Act 2016

Section 37 on the Unlawful online content states that the Authority shall have the power to remove or block or issue directions for removal or blocking of access to an information through any information system if it considers it necessary in the interest of the glory of Islam or the integrity, security or defense of Pakistan or any part thereof, public order, decency or morality, or in relation to contempt of court or commission of or incitement to an offense under this act.

Section 22 of Prevention of Electronic Crimes Act 2016 deals with the offence of child pornography. Section 22 (2) states that any aggrieved person or his guardian, where such person is a minor, may apply to the Authority for removal, destruction of or blocking access to such information referred to in subsection (1) and the Authority, on receipt of such application, shall forthwith pass such orders as deemed reasonable in the circumstances, including an order for removal, destruction, preventing transmission of or blocking access to such information and the Authority may also direct any of its licensees to secure such information including traffic data.

Another section of the PECA, s. 21 deals with the Offences against modesty of a natural person and minor, but not child pornography in particular, which is dealt with separately in section 22 as mentioned above. However, it may also be considered for the purpose of this section, if child pornography specifically is not the main aim of this section:



s.21(3) Any aggrieved person or his guardian, where such person is a minor, may apply to the Authority for removal, destruction of or blocking access to such information referred to in subsection (1) and the Authority, on receipt of such application, shall forthwith pass such orders as deemed reasonable in the circumstances including an order for removal, destruction, preventing transmission of or blocking access to such information and the Authority may also direct any of its licensees to secure such information including traffic data.

2. Prevention of Electronic Crimes Act 2016

24A. Cyberbullying

A person commits the offence of cyberbullying who, with intention to harass, threaten or target another person posts or sends electronic messages, including pictures or videos by using any social media platform, including chat rooms, blogs or instant messaging.

- (2) A minor through his guardian may apply to the Authority for removal, destruction of or blocking access to such content or communication referred to in sub-section (1)
- (3) The Authority, on receipt of application under sub-section (2), shall forthwith pass such orders as deemed appropriate in the circumstances including an order for removal, destruction, preventing transmission of or blocking access to such content and communication.
- (4) The Authority shall, before passing an order under sub-section (3), seek report from investigation agency whether or not such content is required for investigation or prosecution purposes.
- (5) Whoever commits the offence of child cyberbullying as described in sub-section (1), shall be punished with imprisonment of either description for a term which may extend to five years but shall not be less than one year with a fine of up to five hundred thousand rupees and shall not less than one hundred thousand rupees."

- g. **use any specific technology to detect, remove, block, or take down any child pornography, CSAM, enticement, grooming, or sextortion, including:**
- i. **"Hashing technology"** (<https://www.thorn.org/blog/hashing-detect-child-sex-abuse-imagery/>). Many Online Platforms hash and tag images and videos of child pornography or CSAM and then use hashing technology to scan content on their systems to detect the distribution of child pornography or CSAM online so it can be removed.
 - ii. **Artificial intelligence or machine learning tools to detect the presence of child pornography, CSAM, enticement, grooming, or sextortion.**

Rule 5(6) of the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021, states that the blocking or removal of any Online Content hosted on an Online Information System, websites/web servers offering Https or similar protocols shall be undertaken by the Authority on a best effort basis.

Rule 7(5) of the Removal and Blocking of Unlawful Online Content (Procedure,

Oversight and Safeguards) Rules, 2021 states that the Service Provider, Social Media Company and Significant Social Media Company shall deploy mechanisms to ensure immediate blocking of live streaming through Online Information System in Pakistan of any Online Content particularly related to terrorism, hate speech, pornographic, incitement to violence and detrimental to national security on receiving intimation from the Authority.

Please note, that this rule does not mention “specific technology” for removal but mentions in general terms “mechanisms” that may be undertaken for removal of pornographic content. Hence, even though this rule fails to completely adhere to the requirement of your question. Nevertheless, if for the purpose of your research, a more general approach will suffice, then it may be considered.

- h. if the applicable laws or regulations require some, but not all, Online Platforms to perform any of the above activities, describe how the differing requirements apply. For example, are differences based on the number of online users, types of services offered, etc.?**

There are no different laws or regulations for different platforms. The only laws regarding Online Platforms are the ones mentioned in the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021 and Prevention of Electronic Crimes Act 2016.

- 3. Are Online Platforms legally required or recommended to implement any method to verify the age of a user before allowing access to an online platform?**

There may not be a specific nationwide law in Pakistan that mandates online platforms to implement age verification methods before allowing access.

- 4. Are Online Platforms legally required or recommended to implement any method to obtain parental consent before a child uses the services of such Online Platforms?**

There may not be a specific nationwide law in Pakistan that mandates online platforms to implement age verification methods or obtaining parental consent before a child uses an online platform.

- 5. Are there legal remedies for children who have been victimized by online child sexual exploitation? This may include children who are victimized by the distribution of child pornography or CSAM imagery in which they are depicted, or children victimized by enticement, grooming or sextortion. If such legal remedies exist, do they include:**

YES

- a. The ability to stop the publication of the pornography or CSAM imagery by the Online Platform?**

1. Prevention of Electronic Crimes Act 2016

Section 37 deals with unlawful on-line content.

- (1) The Authority shall have the power to remove or block or issue directions for removal or blocking of access to an information through any information system if it considers



- it necessary in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, public order, decency or morality, or in relation to contempt of court or commission of or incitement to an offence under this Act.
- (2) The Authority shall, with the approval of the Federal Government, prescribe rules providing for, among other matters, safeguards, transparent process and effective oversight mechanism for exercise of powers under sub-section (1).
 - (3) Until such rules are prescribed under sub-section (2), the Authority shall exercise its powers under this Act or any other law for the time being in force in accordance with the directions issued by the Federal Government not inconsistent with the provisions of this Act.
 - (4) Any person aggrieved from any order passed by the Authority under sub-section (1), may file an application with the Authority for review of the order within thirty days from the date of passing of the order.
 - (5) An appeal against the decision of the Authority in review shall lie before the High Court within thirty days of the order of the Authority in review
2. Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021

The Rules commonly referred to as Social Media Rules were gazette notified on October 12, 2021. It provides mechanism for the registration of significant Social Media Company and procedure for handling complaint, steps for blocking access, and removal of unlawful online content on the matter provided in PECA 2016.

4. Filing of Complaints.-

- (1) The Authority shall entertain complaints with regard to an Online Content. A complaint for blocking or removal of Online Content may be filed by:
 - (i) any Person, or his guardian, where such Person is a minor, aggrieved by online content; or
 - (ii) a Ministry, Division, attached department, sub-ordinate office, provincial or local department or office, a law enforcement or Intelligence Agency of the Government, or a company owned or controlled by the Government.
- (2) The Complainant mentioned under clause (i) of sub-rule (1) above, may lodge a complaint against any Online Content to the Authority through the Form specified in the Schedule, which may be amended from time to time:

Provided that where a Complainant is unable to lodge a complaint through the Form specified in the Schedule, the Complainant may use any other appropriate means in writing to lodge the complaint to the Authority while making full disclosure of available information regarding the complaint and the complainant:

Provided further that the Authority may seek any further information or clarification from the complainant for an appropriate decision on the complaint.



- (3) The complaint under clause (ii) of sub-rule (1) above shall be made only by authorized representative through a web-based mechanism developed by the Authority for this purpose to clearly elaborate the Online Content complained of, its location on the internet and reasons for its removal or blocking access to such Online Content.
- (4) The Authority shall register the said complaint through the allocation of unique complaint number to be communicated to the Complainant.
- (5) The Authority shall ensure that the Online Content and the identity of the Complainant are kept confidential if the sharing of such Online Content or the identity of the Complainant with others may result in the proliferation of the Online Content or harming, harassing, or defaming the Complainant, or invasive of the Complainant's privacy or relates to the modesty of the Complainant.
- (6) Notwithstanding the provisions of these rules, the Authority may, on its own motion take cognizance of any Online Content and exercise its powers under section 37(1) of the Act for removal or blocking of such Online Content.

b. An obligation on the part of the Online Platform to take active steps to remove the pornography or other imagery from their servers?

Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards)

Rules, 2021.

7. Other Obligations of the Service Providers, the Significant Social Media Company and Social Media Companies-
 - (1) The Service Provider, Social Media Company and Significant Social Media Company shall make available Community Guidelines for access or usage of any Online Information System.
 - (2) Such Community Guidelines should easily be accessible and shall inform the User of the Online Information System not to host, display, upload, modify, publish, transmit, update or share any Online Content in violation of local laws
 - (3) The Service Provider, Social Media Company and Significant Social Media Company shall not knowingly host, display, upload, publish, transmit, update or share any online content in violation of local laws:
 - (b) removal of access to any information, data or communication link by a Service Provider, Social Media Company and Significant Social Media Company after such information, data, communication link comes to the actual knowledge of the Service Provider, Social Media Company or Significant Social Media Company pursuant to any order or direction as per the provisions of the Act.
 - (5) The Service Provider, Social Media Company, and Significant Social Media shall deploy mechanisms to ensure immediate blocking of live streaming through the

Online Information System in Pakistan of any online content particularly related to terrorism, hate speech, pornographic, incitement to violence and detrimental to national security on receiving intimation from the Authority

c. An ability to get an injunction or other court order against the Online Platform to stop them from publishing the pornography or imagery?

Prevention of Electronic Crimes Act, 2016

22. Child pornography.—

- (1) Whoever intentionally produces, offers or makes available, distributes or transmits through an information system or procures for himself or for another person or without lawful justification possesses material in an information system, that visually depicts—
 - (a) a minor engaged in sexually explicit conduct;
 - (b) a person appearing to be a minor engaged in sexually explicit conduct; or
 - (c) realistic images representing a minor engaged in sexually explicit conduct;or
(d) discloses the identity of the minor, shall be punished with imprisonment for a term which may extend to [fourteen years and may extend up to twenty years and with fine which shall not be less than one million rupees].
- (2) Any aggrieved person or his guardian, where such person is a minor, may apply to the Authority for removal, destruction of or blocking access to such information referred to in subsection (1) and the Authority, on receipt of such application, shall forthwith pass such orders as deemed reasonable in the circumstances, including an order for removal, destruction, preventing transmission of or blocking access to such information and the Authority may also direct any of its licensees to secure such information including traffic data.

21. Offences against modesty of a natural person and minor.

- (3) Any aggrieved person or his guardian, where such person is a minor, may apply to the Authority for removal, destruction of or blocking access to such information referred to in subsection (1) and the Authority, on receipt of such application, shall forthwith pass such orders as deemed reasonable in the circumstances including an order for removal, destruction, preventing transmission of or blocking access to such information and the Authority may also direct any of its licensees to secure such information including traffic data.

d. A protective order or other court order that prohibits the person who posts the pornography or imagery from doing so in the future on the same or other Online Platform?

There is no particular law on this matter.

e. the ability to seek financial damages or any sort of monetary recovery from an offender who has shared the child's image or video, either in a civil or a criminal proceeding?

1. Prevention of Electronic Crimes Act 2016



Section 21 deals with the offences against modesty of a natural person and minors. It states that whoever intentionally and publicly exhibits or displays or transmits any information which;

- i) Superimposes a photograph of the face of a natural person over any sexually explicit image or video;
 - ii) Includes a photograph or a video of a natural person in sexually explicit conduct;
 - iii) Intimidates a natural person with any sexual act or any sexually explicit image or video of a natural person; or
 - iv) Cultivates, entices, induces a natural person to engage in a sexually explicit act
- Through an information system to harm a natural person or his reputation, or to take revenge, or to create hatred or to blackmail, shall be punished with imprisonment for a term which may extend to five years or with a fine which may extend to five million rupees or with both.

Section 22 deals with Child pornography.

- (1) Whoever intentionally produces, offers or makes available, distributes or transmits through an information system or procures for himself or for another person or without lawful justification possesses material in an information system, that visually depicts—
 - (a) a minor engaged in sexually explicit conduct;
 - (b) a person appearing to be a minor engaged in sexually explicit conduct; or
 - (c) realistic images representing a minor engaged in sexually explicit conduct;or
- (d) discloses the identity of the minor, shall be punished with imprisonment for a term which may extend to [fourteen years and may extend up to twenty years and with fine which shall not be less than one million rupees].

2. Criminal Law (Amendment) Act 2023

Section 4 makes an amendment to the Prevention of Electronic Crimes Act 2016 by inserting section 22 B:

Commercial Sexual Exploitation of Children — Subject to section 8, whoever is directly or indirectly involved in the use of an information system or other similar means for the purposes of the sexual exploitation of minors including child prostitution and child sex tourism by payment in money or in kind to the minor or any other person shall be punished with imprisonment of either description for a term which shall not be less than fourteen years and may extend up to twenty years and with fine shall not be less than one million rupees.

Section 5 inserts new section 24A, in PECA 2016, namely 24A. Cyberbullying

- (1) A person commits the offence of cyberbullying who, with intention to harass, threaten or target another person posts or sends electronic messages, including pictures or videos by using any social media platform, including chat rooms, blogs or instant messaging.
- (2) A minor through his guardian may apply to the Authority for removal, destruction of or blocking access to such content or communication referred to in sub-section (1)
- (3) The Authority, on receipt of application under sub-section (2), shall forthwith pass



such orders as deemed appropriate in the circumstances including an order for removal, destruction, preventing transmission of or blocking access to such content and communication.

- (4) The Authority shall, before passing an order under sub-section (3), seek report from investigation agency whether or not such content is required for investigation or prosecution purposes.
- (5) Whoever commits the offence of child cyberbullying as described in sub-section (l), shall be punished with imprisonment of either description for a term which may extend to five years but shall not be less than one year with a fine of up to five hundred thousand rupees and shall not less than one hundred thousand rupees."

f. the ability to seek any other forms of victim compensation/recovery/services provided for under the law and/or by a government-funded source?

The only form of victim compensation/recovery/services under law are punishments and monetary damages in accordance with Criminal Law only, as set out in the legislations mentioned above.

g. notification to a victim when an offender is arrested for distributing child pornography or CSAM in which the child is depicted?

There is no specific law on the matter.

6. "Safety by Design" is defined as tools or processes that are built into an Online Platform to protect children by making it easier for the relevant Online Platform to detect or prevent the distribution of child pornography or CSAM.

a. Are Online Platforms legally required to incorporate "Safety by Design" into their systems?

Pakistan does not have any law that requires online platforms to incorporate safety by design into their systems.

However, there are certain rules mentioned in the "Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021" regarding some community guidelines that all online information systems have to follow.

Section 8 states:

- (1) A Social Media Company and Service Provider shall make available Community Guidelines for access or usage of any Online Information System.
- (2) Such Community Guidelines should easily be accessible and shall inform the User of the Online Information System not to host, display, upload, modify, publish, transmit, update, or share any Online Content in violation of local laws.
- (5) The Service Provider and the Social Media Company shall deploy mechanisms to ensure immediate blocking of live streaming through the Online Information System in Pakistan of any Online Content particularly related to terrorism, extremism, hate speech, pornographic, incitement to violence and detrimental to national security on receiving intimation from the Authority.

i. If so, must these steps be taken before the launch of an Online Platform?



- ii. If so, if an Online Platform has already been in public use, when must they have incorporated “Safety by Design” measures?
- iii. For each of 6(a)(i) or (ii) above, please describe the legal requirement or recommendation.

Pakistan lacks a comprehensive set of laws on this matter.

- b. Please include information about the parameters for monitoring, management, and enforcement of any legal or regulatory requirements for the Online Platform’s incorporation of “Safety by Design”?

Pakistan lacks a comprehensive set of laws on this matter.

Please note that Pakistan has currently ratified Convention on the Rights of Child, Optional protocol to the convention on the rights of child on the involvement of children in armed conflict, optional protocol to the convention on the rights of child on the sale of children child prostitution and child pornography. However, their impact is limited and the child rights are afforded in the state of Pakistan through legislations outlined within this research.