

National Laws

Legislation of Interpol member states on sexual offences against children

Pakistan – Pakistan - Pakistán

Islamabad

I. Ages for legal purposes

Age of simple majority

Under clause (a) of S.2 of the offence of Zina Enforcement of Hudood Ordinance 1979, Adult/major means:

'a male person who has attained the age of eighteen (18) years or a female person who has attained the age of sixteen (16) years or has attained puberty.'

Age of consent for sexual activity

The age of consent for sexual activity is eighteen (18) years for males and sixteen (16) years for females

Age of consent for marriage

The age of consent for marriage is eighteen (18) for male and fourteen (14) years for females

II. Rape

Section 6 of the 'Offence of Zina (Enforcement of Hudood) Ordinance'

'Zina-bil-jabr:

(1) A person is said to commit 'Zina-bil-jabr' if he or she has sexual intercourse with a woman or man, as the case may be, to whom he or she is not validly married, in any of the following circumstances, namely:

- a) against the will of the victim;
- b) without the consent of the victim;

c) with the consent of the victim, when the consent has been obtained by putting the victim in fear or death or of hurt; or

d) with the consent of the victim, when the offender knows that the offender is not validly married to the victim and that the consent is given because the victim believes that the offender is another person to whom the victim is or believes herself or himself to be validly married.

Explanation:

Penetration is sufficient to constitute the sexual intercourse necessary to the offence of 'Zina-bil-jabr'.

'Zina-bil-jabr is liable to 'Hadd' if it is committed in circumstances specified in subsection (1) of Section 5.'

III. Other forms of child sex abuse

There is no separate law or section dealing exclusively with sexual intercourse with a child.

Section 4 and 5 of the 'Offence of Zina (Enforcement of Hudood) Ordinance'

'(4) Zina: A man and a woman are said to commit 'Zina' if they willfully have sexual intercourse without being validly married to each other.

Explanation:

Penetration is sufficient to constitute the sexual intercourse necessary to the offence of 'Zina'.

(5) - 1) 'Zina' is liable to 'Hadd' if-

a) it is committed by a man who is an adult and is not insane with a woman to whom he is not, and does not suspect himself to be married; or

b) it is committed by a woman who is an adult and is not insane with a man to whom she is not, and does not suspect herself to be married.

- 2) Whoever is guilty of 'Zina' liable to 'Hadd' shall, subject to the provisions of this Ordinance-

a) if he or she is a 'Muhsan', be stoned to death at a public place ; or

b) if he or she is not a 'Muhsan', be punished, at a public place, with whipping numbering one hundred stripes.

- 3) No punishment under sub-section (2) shall be executed until it has been confirmed by the Court to which an appeal from the order of conviction lies ; and if the punishment be of whipping, until it is confirmed and executed, the convict shall be dealt with in the same manner as if sentenced to simple imprisonment.'

'Enticing or taking away or detaining with criminal intent a woman', Section 16 of the 'Offence of Zina (Enforcement of Hudood) Ordinance'

'Whoever takes or entices away any woman with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any woman, shall be punished with imprisonment of either description for a term which may extend to seven years and with whipping not exceeding thirty stripes, and shall also be liable to a fine.'

However, voluntarily committing the offence of carnal intercourse against the order of nature (oral or anal) with any man, woman (of any age) or animal is an offence relating to Section 377 of the 'Pakistan Penal Code', 'Unnatural offences'

'Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than two years nor more than ten years, and shall also be liable to a fine.'

Explanation:

Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

There is no separate law concerning sexual intercourse with a child committed by a person related to the child or having authority over the child

IV. Child prostitution

'Punishment of causing, encouraging or abetting prostitution of a girl under sixteen (16)', Section 7 of the 'Pakistan Suppression of Prostitution Ordinance, 1961'

'If any person having custody, charge or care of any girl under the age of sixteen (16) years causes or encourages or abets the seduction or prostitution of that girl, he shall be punished with rigorous imprisonment for a term which may extend to three

years, and with a fine which may extend to one thousand rupees and if the person convicted is a male, shall also be liable to whipping.'

'Punishment for Procurement', Section 8 of the 'Pakistan Suppression of Prostitution Ordinance, 1961'

'Whoever procures or entices or leads away or attempts to procure, entice or lead away any woman or girl for the purposes of prostitution, whether with or without her consent, or who with intent that she may for the purposes of prostitution become the intimate of or frequent a brothel, persuades a woman or girl to leave her usual place of abode, shall be punished with imprisonment of either description for a term which may extend to three years, or if the person convicted is a male, he may be punished with whipping in lieu of or in addition to any other punishment provided in this section.'

'Punishment for importing any woman or girl for prostitution', Section 9 of the 'Pakistan Suppression of Prostitution Ordinance, 1961'

'Whoever brings or attempts to bring into the province any woman or girl with a view to her becoming a prostitute, shall be punished with imprisonment of either description for a term which may extend to three years, and with a fine which may extend to one thousand rupees, and if the person convicted is a male, he may be punished with whipping in lieu of or in addition to any other punishment provided in this section.'

'Punishment for keeping an woman or girl for prostitution', Section 10 of the 'Pakistan Suppression of Prostitution Ordinance, 1961'

'(1) Whoever -

a) keeps any woman or girl, against her will, in any place with intent that she may have sexual intercourse with any man other than her lawful husband, shall be punished with rigorous imprisonment for a term which may extend to three years, and with a fine which may extend to one thousand rupees, and if the person convicted is a male, he shall also be liable to whipping.

(2) Presumption:

A person shall be presumed to detain a woman or girl in any place for the purpose referred to in clause (b) of sub-section (1), if such person, with intent to compel or induce her to remain there:

a) withholds from her any jewellery, clothing or other property belonging to her; or

b) threatens her with legal proceedings if she takes away with her any jewellery or clothing lent or supplied to her by or under the direction of such person.

(3) Bar of certain legal proceedings: No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such clothing as was necessary to enable her to leave such premises of brothel.'

V. Child pornography

'Sale, etc., of obscene books, etc.', Section 292 of the 'Pakistan Penal Code 1860'

'Whoever-

a) sells, lets to hire, distributes publicly, exhibits or in any manner puts into circulation or for purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has in his possession any obscene books, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatever; or

b) imports, exports or conveys any obscene object for any of the purposes aforesaid or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation; or

c) takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation; or

d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person; or

e) offers or attempts to do any act which is an offence under this section,

-shall be punished with imprisonment of either description for a term which may extend to three months, or with a fine, or with both.

Exception: this section does not extend to any book, pamphlet, writing, drawing or painting kept or used bona fide for religious purposes or any representation sculptured, engraved, painted or otherwise represent, on or in any sample, or on any car used for the conveyance of idols, or kept or used for religious purposes.'