

[AS PASSED BY THE SENATE]

A

BILL

further to amend the Prevention of Electronic Crimes Act, 2016

WHEREAS it is expedient further to amend the Prevention of Electronic Crimes Act, 2016 (Act XL of 2016), for the purposes hereinafter appearing;

It is hereby enacted as follows: -

1. **Short title and commencement.** - (1) This Act may be called the Prevention of Electronic Crimes (Amendment) Act, 2022.
(2) It shall come into force at once.
2. **Amendment of section 22, Act XL of 2016.**- In the Prevention of Electronic Crimes Act, 2016 (Act XL of 2016), hereinafter referred to as the said Act, in section 22, in sub-section (1), in paragraph (d),-
 - i. for the words, "seven years " the words, "ten years" shall be substituted; and
 - ii. for the words, "five million rupees" the words, "ten million rupees" shall be substituted.
3. **Amendment of section 42, Act XL of 2016.**- In the said Act, in section 42, in sub-section (1), for the full stop "." occurring at the end, a colon ":" shall be substituted, and thereafter, the following proviso shall be added, namely:-

"Provided that the Federal Government shall enter into a Mutual Legal Assistance Treaty (MLAT) with the **Foreign countries** where the data resides for social media applications used in Pakistan."

STATEMENT OF OBJECTS AND REASONS

An alarming surge in online child abuse cases is being observed all over the country for the last few years which is reflected by recent data. According to the FIA data, the age of children subjected to sexual abuse ranges from as young as nine to 13 years. Some of the victims are from abroad. The age of the offenders is between 18 and 30 years. Over the past five years, the FIA, the primary agency responsible for addressing the issue in Pakistan, has recorded more than two million cases of child exploitation imagery uploaded onto the internet. However, the number of reported complaints in the past four years is only 403.

In order to stop the incidence of such crimes, in January 2022, Mohsin Akhtar Kayani, a senior judge of the Islamabad High Court, ordered the federal government to amend the Prevention of Electronic Crimes Act, 2016 (PECA) to enhance the punishment for child pornography and observed that "the sentence provided in special law is not in conformity with the heinousness of the crime against the children." However, the parliament has yet to implement the recommendation.

Similarly, social media applications like Facebook, WhatsApp, Instagram, Snapchat, and Gmail are widely used for sharing videos in Pakistan that are based in the United States, and there is no mutual legal assistance agreement between the two countries. The lack of an MLA agreement with the US causes catastrophic delays in obtaining internet protocol details of the offenders. Therefore, an MLA agreement with key countries like the US, could make it easier to trace the culprits timely.

The Bill has been designed to achieve the aforementioned purpose.

SENATOR SAMINA MUMTAZ ZEHRI
MEMBER IN CHARGE