

A BILL

FOR

AN ACT TO PREVENT THE USE OF THE INTERNET TO DISTRIBUTE
PORNOGRAPHIC MATERIAL INVOLVING CHILDREN AND FOR SUCH
RELATED MATTERS

Sponsored by Hon. Joan Onyemaechi Mrakpor

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows:

- 1 1. The objective of the Bill is to Prevent the use of the internet to Objective of the
2 promote, display, describe or facilitate participation in unlawful sexual Bill
3 activities involving young persons.
- 4 2. No person must offer the Services of, or operate as an internet License to
5 service provider unless the person has been granted a license to operate as an Operate
6 internet service provider in accordance with the provisions of this Bill.
- 7 3. The Commission may grant a license to operate as an internet Granting a
8 service provider to any applicant who meets the prescribed requirements License
9 and who has submitted to the Commission;
- 10 (a) an application in the prescribed form and manner; and
- 11 (b) a written undertaking to report the prescribed information in
12 accordance with the regulations.
- 13 4. The Commission may cancel a license granted under Section 4, License
14 if the licensee or, where the licensee is a corporation, a director or officer of withdrawal
15 the corporation is convicted of any designated offence involving a child.
- 16 5.-(1) Not internet service provider must knowingly permit the use Prohibition
17 its service: Service
- 18 (a) For placing child pornography on the internet;
- 19 (b) By any reason who the provider knows under the law within
20 the previous five years, or

1 (c) By any person who the providers know has used the internet
2 within the previous.

3 (2) No person must place child pornography on the internet for the
4 purpose of communicating it to another person for viewing, reading, copying
5 or retrieval, whether such access is open or restricted by any means.

6 (3) No person must possess any child pornography retrieved from the
7 internet.

8 (4) No person must use the internet to contact a person or to respond
9 to a contact for the purpose of facilitating a designated offence involving a
10 child.

Bilateral
Agreement

11 6. The Minister may enter into agreement with any foreign state for
12 the exchange of information and co-operation to prevent or minimize the use of
13 the internet for the publication or proliferation of child pornography or for
14 facilitating the Commission of criminal offence or a similar law of the foreign
15 state.

Issuance of
Warrants

16 7. The Minister may prescribe any special powers that are reasonably
17 necessary in the opinion of the Minister to facilitate searches of electronic data
18 or systems of storage in the execution of a search warrant issued in respect of
19 any suspected offence under this law.

Access Blocked

20 8. The Minister may order an internet service provider to use all
21 means that are reasonably available to the internet service provider to prevent
22 access by its subscribers to any material on the internet that the minister, after
23 reasonable inquiry determines.

24 9.-(1) A person who contravenes any provisions of sections 6 of this
25 law is guilty on conviction to a fine not exceeding N500,000.00 or to
26 imprisonment for a term not exceeding two years or both.

27 (2) If a corporation commits an offence under Sub-Section (1) of this
28 Section shall, a director or officer of that corporation on which the offence is
29 based before it is committed, or become aware of them while it is being
30 committed, is guilty of the offence and liable to the punishment provided in

1 Sub-Section (1).

2 **10.-(1)** An internet service provider who refuses or fails to comply
3 with an order made under Section 10 is guilty of an offence and liable on
4 conviction to a fine not exceeding N500,000.00 or to imprisonment for a
5 term not exceeding one year or both;

Offence and
Penalty

6 (2) If a corporation is the internet service provider commits an
7 offence under Sub-Section (i) of Section (ii) a director or officer of that
8 corporation is guilty of the offence and liable to the punishment provided in
9 Sub-Section (i) of Section (ii).

10 **11.** an internet service provider is not guilty of an offence under
11 Section (6) if, immediately after becoming aware that a person is using its
12 service to commit an offence under this law, the provider:

13 (a) terminates its service to that provider;

14 (b) takes all reasonably necessary steps to remove or prevent
15 access to any material unlawfully placed on the internet by that person; and

16 (c) advice the Minister of the identify of that person, the nature of
17 the material and the means whereby it may be accessed by others.

18 **12.-(1)** The Minister may make regulations prescribing:

Regulations

19 (a) the form and manner of making an application for a license
20 under Section 3;

21 (b) any financial and technical resources that an applicant must
22 show to the Commission in order to be granted a license under Section 3;

23 (c) any information that a person who is granted a license under
24 Section 3 is required to report to the Commission for the purposes of this
25 law;

26 (d) any special powers that may be confirmed by a search warrant
27 issued for the purpose of Section 8 and;

28 (e) anything that by this law is to be prescribed.

29 **13.** Unless otherwise directed, the following definition shall apply
30 in this Law:

Interpretation

1 “Pornography” means any material and or film that are designed to cause
2 sexual excitement or referring to sexual acts;

3 “Commission” means the Nigerian Communication Commission (NCC);

4 “Designated Offence Involving Child” Means an offence where the victim was
5 14 years of age or more but under the age of 18years at the time of the
6 Commission of the offence and the offender was in a position of trust or
7 authority towards the victim was in a relationship of dependency or where the
8 victim was under the age of 14years at the time of the Commission of the
9 offence;

10 “Minister” means the Political Head of the Ministry in charge of
11 Communications Technology;

12 “Internet Service Provider” means a person who provides a service that
13 facilitates access to the internet, whether or not the service is provided free or
14 for a charge;

15 “Prescribed: means prescribed by regulation;

16 “Subscriber” means a person who contracts with or uses the service of an
17 internet service provider to obtain access to the internet.

Short Title

18 **14.** This Bill may be cited as the Internet Child Pornography
19 Prevention Bill, 2015.

EXPLANATORY NOTE

This Bill Seeks to prevent the Act of Child Pornography through the Use of
Internet and Provide Punishment for such Acts.