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CHAPTER 119

THE ANTI-PORNOGRAPHY ACT

Commencement: 9 May, 2014

An Act to provide for the prohibition of pornography; to provide for the establishment of the Pornography Control Committee and its functions and for related matters.

PART I—PORNOGRAPHY CONTROL COMMITTEE

1. Pornography Control Committee

(1) There is established a committee to be known as the Pornography Control Committee.

(2) The Committee shall consist of nine members as follows—

- (a) a Chairperson;
- (b) a distinguished practising advocate, nominated by the Uganda Law Society;
- (c) five representatives one of whom shall represent—
 - (i) media houses;
 - (ii) publishing houses;
 - (iii) the arts and entertainment industry;
 - (iv) the education professionals; and
 - (v) the health professionals;
- (d) two other members one of whom shall represent—
 - (i) cultural leaders; and
 - (ii) religious leaders.

(e) The members of the Committee shall be appointed by the Minister with the approval of Cabinet.

(4) The Director of Ethics in the Ministry responsible for ethics shall be the secretary of the Committee but shall not be a member of the Committee.

2. Qualifications of member of Committee

A member of the Committee shall be a person—

- (a) of sound mind;
- (b) with high moral character and proven integrity; and
- (c) with qualifications or minimum of not less than ten years' experience in law, theology, information communication and technology, journalism, psychiatry or counselling.

3. Tenure of office of member of Committee

A member of the Committee shall hold office for five years and is eligible for re-appointment for one more term.

4. Disqualification and removal of member of Committee

(1) A member of the Committee may be removed from office by Minister on ~~the~~ any of the following grounds—

- (a) inability to perform the functions of his or her office arising out of physical or mental incapacity;
- (b) misconduct or misbehaviour;
- (c) incompetence; or
- (d) if convicted of an offence involving moral turpitude.

(2) A member of the Committee may resign his or her office by notice in writing addressed to the Minister, and the resignation shall take effect from the date on which the Minister receives the notice.

5. Functions of Committee

- (1) The functions of the Committee
 - (a) ^{are} to take all necessary measures to ensure the early detection and prohibition of pornography;
 - (b) to ensure that the perpetrators of pornography are apprehended and prosecuted;
 - (c) to collect and destroy pornographic objects or materials with the assistance of the police;
 - (d) to educate and sensitise the public about pornography;
 - (e) to promote the rehabilitation of individuals, groups, families or communities affected by pornography;

- (f) to expedite the development or acquisition and installation of effective protective software in electronic equipment such as computers, mobile phones and televisions for the detection and suppression of pornography;
- (g) in consultation with the Government, to promote appropriate educational materials against pornography in the school curriculum;
- (h) in consultation with the Government, to promote and coordinate local and international collaboration in the fight against pornography.

(2) The Committee shall liaise or cooperate with other agencies of Government with functions similar to those of the Committee.

6. Procedure at meetings of Committee

Schedule 2 to this Act shall have effect in respect of the procedure at meetings of the Committee.

7. Co-option of persons

The Committee may co-opt any person who is not a member to attend any of its meetings as an adviser and that person may speak at the meeting on any matter in relation to which his or her advice is sought, but shall not have the right to vote on any matter coming for decision before the meeting.

8. Remuneration of members of Committee

The members of the Committee shall be paid allowances determined by the Ministry responsible for public service.

9. Secretariat

(1) The Committee shall have a secretariat in the Directorate of Ethics and Integrity, which shall be headed by the Director for Ethics.

- (2) The Secretary shall be responsible for—
 - (a) ensuring the implementation of the recommendations and decisions of the Committee;
 - (b) taking minutes of the meetings of the Committee;

- (c) keeping the records of all the transactions of the Committee; and
- (d) performing any other function that may be assigned to him or her by the Committee.

PART II—PROHIBITION OF PORNOGRAPHY

10. Child pornography

Any person who produces, participates in the production of, traffics in, publishes, broadcasts, procures, imports, exports or in any way abets pornography depicting images of children, commits an offence and is liable, on conviction, to a fine not exceeding seven hundred fifty currency points or to imprisonment for a term not exceeding fifteen years, or both.

11. Authorities to issue directives to offenders

(1) The Committee, the court or a police officer not below the rank of superintendent of police, may, in writing, direct any newspaper, publisher, broadcaster, proprietor of any business dealing in computers, telephones or other medium for transmitting electronic information or the proprietor of any place or business dealing in leisure or entertainment, bookshop owner, dealer in photography, newsprint or magazine dealer or vendor, importer or exporter or other person, to desist from dealing in pornography.

(2) Any person who fails to comply with a directive issued under subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred fifty currency points or to imprisonment for a term not exceeding five years, or both.

12. Internet service providers

(1) An internet service provider who, by not using or enforcing the means or procedure recommended by the Committee to control pornography, permits to be uploaded or downloaded through its service, any content of a pornographic nature, commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or to imprisonment for a term not exceeding five years, or both.

(2) Where a publisher or broadcaster or internet-content-developer or dealer in telephone-related business and internet service provider commits

an offence under subsection (1), the court convicting that person may, for a subsequent offence, by order, suspend the business.

(3) Any person who fails to comply with an order given under subsection (2) commits an offence and is liable, on conviction, to a fine not exceeding two hundred fifty currency points or to imprisonment for a term not exceeding five years, or both.

13. Leisure or entertainment

(1) Where a proprietor of a place of leisure or entertainment or of a business dealing in leisure or entertainment commits a second or subsequent offence under this Act, the court convicting the offender for the second or subsequent offence may issue an order suspending or prohibiting the offender from dealing in leisure or entertainment.

(2) Any person who fails to comply with an order issued under subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred fifty currency points or to imprisonment for a term not exceeding five years, or both.

14. Offences by body corporate

Where an offence under this Act is committed by a body corporate

- (a) the body corporate is liable to a fine not exceeding double the fine prescribed in relation to the offence for an individual who commits the offence; and
- (b) a director or secretary of the body corporate or a partner in the firm who is proved to have contributed to the commission of the offence shall be taken also to have committed the offence and is liable to the penalty prescribed for an individual who commits the offence.

15. Forfeiture and destruction of pornography

Where a person is convicted of an offence under this Act, the court shall order the forfeiture to the State and the destruction of all materials and objects used in the commission of the offence.

PART III—FINANCIAL AND OTHER MATTERS

16. Funds of Committee

(1) The funds of the Committee shall consist of money approved by Parliament and other money donated for the performance of the functions of the Committee.

(2) The finances of the Committee shall be budgeted for under the budget estimates of the Ministry responsible for ethics.

17. Annual report

The Committee shall make an annual report to the Minister on the performance of its functions within six months after the end of each financial year.

18. Minister to lay annual report before Parliament

The Minister shall as soon as possible lay before Parliament the annual report of the Committee on its functions submitted to him or her under section 17 with any comments on it as he or she may consider necessary.

PART IV—MISCELLANEOUS

19. Register of pornography offenders

(1) The Committee shall maintain a register of pornography offenders containing the name of every person convicted of an offence under this Act in the form set out in Schedule 3 to this Act.

(2) The register shall indicate the files with supporting records and documents used in the prosecution that secured the conviction of the offender.

20. Archives

The Committee shall maintain an archive of all relevant administrative records and other documents associated with the carrying out of its functions.

21. Power to amend Schedules

The Minister may, by statutory instrument, with the approval of Cabinet amend Schedules 1 and 2 to this Act.

22. Regulations

- (1) The Minister may, by statutory instrument, make regulations—
 - (a) relating to the establishment of programmes aimed at educating and sensitising the public about pornography and its consequences;
 - (b) to provide for the rehabilitation of persons affected by pornography;
 - (c) to provide for the eradication of pornography;
 - (d) to provide for a multi-sectoral approach against pornography involving Government departments, agencies, institutions and civil society organisations to develop anti-pornographic strategies; and
 - (e) to provide for better carrying into effect, the purposes of this Act.

 - (2) Regulations made under this section may provide—
 - (a) in respect of a contravention of the regulations, a penalty not exceeding two thousand currency points or imprisonment for a term not exceeding five years, or both; and
 - (b) that the court convicting a person under the regulations may order the forfeiture or destruction of any object or material used in the commission of the offence or connected with the offence.
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SCHEDULES

Schedule 1

Section 21

Currency Point

A currency point is equivalent to twenty thousand
shillings.

Schedule 2

Sections 6, 21

Meetings of Committee and Other Matters**1. Meetings of Committee**

(1) The Committee shall meet for the discharge of business at least four times in each year or upon a request in writing to the Chairperson by at least three members of the Committee.

(2) The Committee shall meet at such time and place as the Chairperson may appoint.

(3) The Chairperson may also call a special meeting of the Committee.

(4) The Chairperson of the Committee may convene an emergency meeting whenever he or she considers it necessary.

(5) A meeting of the Committee shall be convened by a two weeks' notice in writing except that a shorter notice may be given for a special meeting.

(6) The Chairperson shall preside at all meetings of the Committee and in the absence of the Chairperson, a member elected by the members present shall preside.

2. Quorum

The quorum at a meeting of the Committee shall be one-third of the voting members of the Committee for the transaction of ordinary business and all members for the review of a previous decision of the Committee.

3. Minutes of meetings of Committee

(1) The Secretary shall cause to be recorded and kept, minutes of all meetings of the Committee in a form approved by the Committee.

(2) The minutes recorded under subparagraph (1) shall be submitted to the Committee for confirmation at its next meeting and when confirmed,

shall be signed by the Chairperson and the Secretary in the presence of the members present at the latter meeting.

4. Decision of Committee

(1) The decisions of the Committee shall be by consensus.

(2) A decision of the Committee shall be agreed upon at the meeting of the Committee.

(3) A member of the Committee shall have one vote; and where there is an equality of votes, the Chairperson or person presiding at the meeting shall have a casting vote.

5. Validity of meetings not affected by vacancy

The validity of any proceedings of the Committee shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

6. Disclosure

(1) Where a person is present at a meeting of the Committee at which a matter is the subject of consideration in which that person or his or her spouse or nominee is interested in a private capacity, that person shall, as soon as practicable after the commencement of the meeting, disclose that interest and shall not, unless the Committee directs otherwise, take part in any consideration or discussion or vote on any question relating to the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

7. Service of documents and other notices

A notice or other document may be served on the Committee by delivery to the office of the Secretary of the Committee.

8. Committee may regulate procedure

Except as otherwise provided under this Act, the Committee may regulate its own procedure.

Schedule 3

Section 19

Register of Pornography Offenders

(To be filled after the case, including all appeals concluded in court.)

1	2	3	4	5	6	7	8	9	10	11	12
Serial No	Case Number	Name of convict (Individual or Organisation)	Age of convict	Gender of convict	Convict's physical addresses (Street, village, parish, subcounty, district)	Convict's postal address and telephone number	Particulars of the charge which the offender was convicted of (as appears on the charge sheet)	Full name of the court that convicted the offender	Particulars of the sentence	Date of conviction	Date of entry in Register

History: Act 1/2014; S.I. 45/2014; Act 17/2023