

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2016 No. 65.

THE ANTI- PORNOGRAPHY REGULATIONS, 2016

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S T A T U T O R Y I N S T R U M E N T S

2016 No. 66.

The Anti- Pornography Regulations, 2016

*(Under section 27 of the Anti-Pornography Act, 2014,
Act No.2 of 2014)*

IN EXERCISE of the powers conferred upon the Minister responsible for ethics by section 27 of the Anti-Pornography Act, these Regulations are made this 8th day of July, 2016.

PART I—PRELIMINARY

1. Title

These Regulations may be cited as the Anti-Pornography Regulations, 2016.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“Act” means the Anti-Pornography Act, 2014;

“currency point” has the value assigned to it in Schedule 1;

“Committee” means the Pornography Control Committee established by section 3 of the Act;

“faculty” includes a resource person, lecturer, speaker or other person who conducts sensitisation and education activities;

“in-house activity” means a sensitisation or educational activity or a combination of those activities offered an institution, a corporate entity or a government department; or a combination of those activities;

“operator” means a person who engages in or runs a business or enterprise;

“pornography” means any representation through publication, exhibition or cinematography, indecent show, information technology, or by whatever means, of a person engaged in real or stimulated explicit sexual activities, or any representation of the sexual parts of a person for primarily sexual excitement;

“programme” includes a sensitisation or education workshop;

“provider” means a person that provides a training programme or workshop;

“sensitisation” or “education” means a period of study, instruction or meeting recognised or approved by the Committee.

PART II—PORNOGRAPHY CONTROL COMMITTEE

3. Pornography Control Committee

The members of the Committee shall be nominated by the institution, organisation or association listed in Schedule 1.

4. Appointment of members of Pornography Control Committee

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

(2) The Chairperson of the Pornography Control Committee shall be appointed by the Minister.

(3) The Minister shall in writing request the institution, organisation or association under Form 1 in Schedule 2, to nominate 3 representatives for consideration for appointment to the Committee.

(4) The institution, organisation or association shall upon receipt of the Minister’s request, forward a list of three people within one month from receipt of the request.

(5) Where the institution, organisation or association does not respond to the Minister’s request within the stipulated period of time, the Minister shall appoint a member of the Committee of his own choosing.

(6) A public official shall be eligible for appointment as a member of the Committee.

5. Execution of functions of the Committee

The Committee shall in the execution of its functions cooperate with the Police.

6. Secretariat.

(1) The Secretariat of the Committee shall be in the Directorate for Ethics and Integrity.

(2) The Permanent Secretary responsible for ethics shall designate staff for the Secretariat and shall be responsible for designated staff.

(3) The Director of Ethics in the Directorate for Ethics and Integrity shall be the Secretary to the Committee.

(4) The Secretary to the Committee shall not be a member of the Committee.

7. Functions of the Secretariat

The Secretariat shall carry out the day to day functions of the Committee which shall include the following—

- (a) receiving complaints related to pornography;
- (b) conducting or causing preliminary inquiries into the complaints;
- (c) submitting received complaints to the Committee for consideration and decision making;
- (d) receiving applications for accreditation of programmes;
- (e) preparing quarterly, semi-annual and annual reports or any special report required by the Minister or Permanent Secretary on the performance of its functions and submit to the Committee;

- (f) implementing the decisions of the Committee;
- (g) conducting public education and sensitisation programmes on anti-pornography;
- (h) conducting inspection of any establishment or premises that is likely to give the public access to pornography, with the assistance of the police; and
- (i) coordinating the Multi-Sectoral Task Team formed under regulation 26.

8. Functions of the Secretary

The Secretary to the Committee 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 records of all transactions of the Committee;
- (d) ensuring the day-to-day supervision of the Committee's programmes; and
- (e) performing any other functions as may be assigned to him or her by the Committee, the Minister or the permanent secretary responsible for ethics.

9. Early detection of pornography

The Secretariat shall liaise with Uganda Communications Commission and the National Information and Technology Authority- Uganda to review and edit any material for the purposes of early detection of pornography.

10. Lodging of complaints

(1) A person who alleges that an offence of pornography has been committed or is about to be committed, may lodge a complaint to that effect with the Secretariat and the Secretariat shall register the complaint.

(2) The complaint may be made orally or in writing or use any form of information communication technology.

(3) Where a complaint is made orally, the person to whom the complaint is made shall reduce it into writing.

(4) The Secretariat shall upon receipt of a complaint, under sub-regulation (1), inquire into, or cause the complaint to be inquired into if satisfied that—

- (a) the complaint is not trivial or frivolous;
- (b) the complaint is not made in bad faith; and
- (c) the subject matter of the complainant is not outside the jurisdiction of the Committee.

(5) The Secretariat shall within ten working days, inform the complainant of a decision taken in respect of his or her complainant.

(6) A person who knowingly gives false information to the Secretariat or to the Committee or to the Minister under this regulation commits an offence and is on conviction liable on conviction to imprisonment not exceeding five years or a fine not exceeding one hundred and twenty currency points or both.

(7) In conducting preliminary inquiries, the Secretariat may take pictures and samples of the suspicious articles.

11. Power to institute inquiries

(1) The Secretariat shall conduct an inquiry or cause an inquiry into the matter relating to pornography in accordance with the decisions of the Committee.

(2) The Secretariat may upon receipt of a complaint or upon having reasonable suspicion or upon information provided, conduct preliminary inquiries into the matter.

(3) The Secretariat may appoint a person by virtue of his or her expertise to conduct an inquiry into a matter.

(4) The Secretariat may during an inquiry take pictures and samples of the suspicious articles or materials.

(5) The Secretariat or a person appointed to conduct inquiries under subregulation (3), shall give a person against whom a complaint has been lodged, an opportunity to respond in writing to the complaint made against him or her within a period of seven days from receipt of the letter by the Secretariat.

12. Rules of natural justice

The Secretariat shall while conducting its inquiries, take into account the rules of natural justice.

13. Report on investigations

(1) The Secretariat or a person appointed to carry out inquiries under regulation 17 (3) shall compile a report of the findings and recommendations and submit the report to the Committee for further action.

(2) Where an inquiry is instituted in accordance with the direction of the Minister, the Secretariat shall submit a report to the Committee with a copy to the Minister.

(3) For avoidance of doubt an action on a report of an inquiry directed by the Minister under this regulation shall not be taken without prior concurrence of the Minister and the Committee on the next course of action.

(4) The rules of procedure with regard to production and inspection as stipulated in the Criminal Procedure Code Act, Cap. 116, shall be applicable.

(5) The Secretariat shall compile a report of its findings and recommendations and forward the report to the Committee for further action.

(6) The Committee or the Minister may refer the report compiled under this regulation to the Uganda Police Force for investigation and prosecution.

14. Redress

(1) A person who is dissatisfied with the decision of the Committee may, in writing, appeal to the Minister or institute an action in the courts of law for redress.

(2) An appeal to the Minister made under subregulation (1) shall be accompanied by supporting documents and correspondences.

15. Inspection

The Secretariat shall with the assistance of the Uganda Police Force carry out periodic inspection of an establishment suspected of having pornographic material.

16. Appointment of inspectors

(1) The Committee may appoint inspectors for the purpose of verifying compliance with the Act and decisions of the Secretariat.

(2) An inspector shall, when exercising his or her powers under the Act, produce the instrument of appointment and identification when required to do so by any person.

17. Powers of an inspector

(1) Subject to subregulation (3), an inspector may—

- (a) enter and inspect at any reasonable time a place owned by or under the control of an operator in which the inspector believes on reasonable grounds to be a document, information or apparatus relevant to the enforcement of this Act and examine the information or apparatus or remove it for examination or reproduction; and
- (b) enter any place in which the inspector believes that there is radio , apparatus, log book, reports, data, records, document and remove the information, document, apparatus for examination or production.

(2) An inspector shall sign for any information, document, article, apparatus or equipment removed by the inspector under this regulation and shall leave a copy of the signed record with the operator.

(3) Where a place referred to under subsection (1) is a dwelling house, an inspector shall not enter that dwelling house without the consent of the occupant, unless—

- (a) under the commission of a warrant issued under regulation 18; or
- (b) where by reason of exigent circumstances, it would not be practical for the inspector to obtain a warrant.

(4) For the purpose of subregulation (3) (b), “exigent circumstances” include circumstances in which the delay arising from obtaining a warrant would result in danger to human life or safety, loss or destruction of evidence.

(5) The owner or person in charge of a place entered by an inspector under these Regulations, shall give the inspector all reasonable assistance to enable the inspector to carry out his or her duties.

(6) The rules of procedure with regard to production and inspection as stipulated in the Civil Procedure Rules, SI-71-1, shall apply.

18. Search warrant

(1) Where on application, a Magistrate is satisfied by information on oath that—

- (a) entry to a dwelling house is necessary for the purpose of performing a duty of an inspector under these Regulations; and
- (b) entry into a dwelling house has been refused or is likely to be refused,

the Magistrate may issue a warrant authorizing the inspector named in the warrant to enter that dwelling house, subject to conditions specified in the warrant.

(2) In executing a warrant issued under this regulation, an inspector shall not use force unless accompanied by a police officer, and unless the use of force is specifically authorised in the warrant.

(3) For purposes of this section, “Magistrate” means a Magistrate Grade 1.

PART IV—PROGRAMMES

19. Promotion of educational materials against pornography

(1) The Committee shall liaise with the Ministry responsible for education and the National Curriculum Development Centre to promote appropriate educational materials against pornography in the school curricula.

(2) The Secretariat shall develop appropriate training programmes and Educational materials against pornography for dissemination to the public.

20. Establishment of training and sensitisation programmes

(1) The Secretariat shall conduct public education and sensitisation programmes about pornography.

(2) The Secretariat shall conduct training of trainers programmes for sensitisation on pornography.

(3) The Secretariat may liaise or cooperate with other relevant stakeholders for the purpose of carrying out the education or sensitisation programmes.

(4) The sensitisation programmes under subregulation (1) shall be in the following areas—

- (a) what constitutes pornography;
- (b) the dangers of pornography;
- (c) the consequences of pornography; and
- (d) the role of the public in the eradication of poverty.

(5) The education and sensitisation programmes shall be accessible to the general public as well as victims of pornography through the following media—

- (a) radio;
- (b) television station;
- (b) newspapers;
- (c) brochures;
- (d) leaflets; and
- (e) any other forum as may be necessary.

(6) The education and sensitisation programmes shall be transmitted through or published in the local language commonly spoken in the area of sensitisation.

Accreditation of programmes

21. Accreditation of programme

(1) A provider shall not conduct a programme relating to pornography unless the programme is accredited by the Committee.

(2) The Committee may, upon application to it by a provider, accredit a programme offered by a provider, if the programme meets the standards set out in regulation 23.

(3) An in-house activity shall qualify for accreditation if the Committee is satisfied that the activity meets the standards set out in regulation 12.

(4) Self-study shall not be approved for accreditation.

22. Application for accreditation of programme

(1) A provider shall apply to the Committee for accreditation of a programme conducted by that provider.

(2) The application shall be in Form 1 specified in Schedule 2 and shall state the name, address and detailed description of the provider, the programme, course materials, lecturers or resource persons, and any other information that the Committee may require.

(3) The application for accreditation of a programme shall be submitted to the Committee at least thirty days before the date of the sensitisation or education, and shall be accompanied by the prescribed fee.

(4) The Committee shall accredit a programme offered and conducted outside Uganda, if the sensitisation and education meets the standards set out in regulation 23

23. Standards for programmes

(1) A programme shall meet the following standards—

(a) the content of the programme shall be designed so as to improve the ethics and morals of the participants;

(b) the faculty shall possess the practical or academic skills and experience necessary to conduct the programme effectively;

(c) the resource materials shall be of high quality, useful and properly prepared; and

- (d) the programme shall be presented in a suitable setting, conducive to a good sensitisation and educational environment.

(2) A provider shall, at the request of the Committee, provide the Committee with information concerning a programme conducted by the provider, including—

- (a) documents describing the programme;
- (b) the qualifications of anticipated faculty;
- (c) the method of presentation of materials; and
- (d) and any other relevant information that the Committee may require.

24. Rehabilitation of persons affected by pornography

(1) The Committee shall put in place rehabilitation programmes and services to victims of the dangers of pornography.

(2) The rehabilitation programme shall include—

- (a) medical services;
- (b) psycho-social counseling; and
- (c) any other necessary services that may be required.

25. Duties of provider

(1) An accredited provider shall within fourteen days after the completion of the programme submit to the Committee, a report on the concluded programme.

(2) The report shall include the content of the programme, the members and category of participants, the hours attended and any other relevant information.

26. Multi-sectoral approach against pornography

(1) The Committee shall form a Multi-sectoral Task Team to develop anti-pornographic strategies.

(2) The Multi-Sectoral Task Team shall consist of eight members who shall include—

- (a) a representative of the Directorate for Ethics and Integrity;
- (b) a representative of the Directorate of Public Prosecutions;
- (c) a representative of the Uganda Police Force;
- (d) a representative of the ministry responsible for gender and social development;
- (e) a representative of the ministry responsible for education;
- (f) a representative of the ministry responsible for finance;
- (g) a representative of Uganda Prisons Service; and
- (h) a representative of the hospital for nervous diseases at Butabika or other government psychiatric hospital.

(3) The Committee may whenever necessary co-opt a representative of civil society organisations and faith based organisations on the Multi-sectoral Task Team.

PART V—MISCELLANEOUS

27. Finances

(1) The accounting officer of the Directorate for Ethics and Integrity shall be accountable for funds appropriated for the performance of the functions of the Committee.

(2) Expenditure shall not be made out of the funds of the Committee unless it is approved by the accounting officer.

28. Facilities for participants with disabilities

A provider shall put in place reasonable facilities to ensure access and effective participation in a programme by participants with disabilities.

29. Disqualification of a provider

The Committee may disqualify an accredited provider who fails to comply with these Regulations.

30. Offences and penalties

(1) A person who fails to comply with these Regulations commits an offence and shall on conviction be liable to pay a penalty not exceeding two thousand currency points or imprisonment for a period not exceeding five years or both.

(2) The court convicting a person under these regulations may order the forfeiture or destruction of any object or material used in the commission of the offence or connected with the offence.

SCHEDULE 1

Reg 2

CURRENCY POINT

One currency point is equivalent to twenty thousand shillings.

SCHEDULE 2

Reg 3

NOMINATING INSTITUTION, ORGANISATION OR ASSOCIATION

1. Practicing advocate— The Uganda Law Society
2. Media houses—
 - (a) National Institute of Journalists of Uganda;
 - (b) Uganda Media Council;
 - (c) National Association of Broadcasters; and
 - (d) Uganda Communications Commission.
3. Publishing houses—
 - (a) Uganda Newspapers Editors and Proprietors Association;
 - (b) Uganda Publishers Association; and
 - (c) National Book Trust Uganda.
4. Arts and entertainment—
 - (a) Ministry of Gender, Labour and Social Development; and
 - (b) Uganda National Cultural Centre;
5. Educational professionals— Uganda National Teachers Union (UNATU)
6. Health professionals—
 - (a) Uganda Medical Association; and
 - (b) Uganda Medical and Dental Practitioners Council
7. Cultural leaders- Forum for Cultural Leaders of Uganda
8. Religious leaders- Inter Religious Council.

SCHEDULE 3

Reg. 22

Form 1

APPLICATION FOR ACCREDITATION OF EDUCATION OR SENSITISATION PROGRAMME.

1. Name: _____
Address: _____

Telephone: _____
Fax: _____
Email: _____
2. Is provider accredited/ not accredited
3. Title of sensitization or education programme _____
4. Date when sensitization or education program will take place: _____
5. Location: _____
6. Method of presentation:
 faculty in room with participants; videotape presentation; lecture method; audiotape presentation; discussion leader present.
7. In-house activity information:
 Open/ publicised to participants; Not open.
8. Method of evaluation:
 evaluation form(s); participant critique;
 independent evaluator; none;
 other _____
9. REQUIRED ATTACHMENTS (to be attached to this application):
(a) time schedule (brochure, course outline, course description);
(b) faculty name(s) and credentials (if not in brochure or description).
10. Total hours of instruction, not including breaks, meals or introductions:

11. Submitted by:

Name: _____

Address: _____

Telephone contact: _____

Fax: _____

Email address: _____

PROVIDER'S OBLIGATION (does not apply to individual applicants):

The provider acknowledges and agrees to comply with all applicable regulations of the Committee.

The provider further agrees to permit any Committee member or their designees to monitor any accredited program or workshop at no charge.

For official Use only: *To be completed by the Committee or its designees and returned to applicant*

Notice of Decision

Application No. _____

The following action has been taken on this application:

RETURNED for more information. Please complete each item on this form indicated by the numbers circled below:

1 2 3 4 5 6 7 8 9 10 11

APPROVED for accreditation

DENIED accreditation

Date: _____

REV. FR. SIMON LOKODO, (MP)
Minister of State for Ethics and Integrity.

