

A BILL

FOR

AN ACT TO AMEND THE CYBERCRIMES (PROHIBITION, PREVENTION, ETC.) ACT, 2015 FOR THE PURPOSE OF PROVIDING A PRECISE, AND UNAMBIGUOUS DEFINITION OF THE WORD "CYBERSTALKING" IN ACCORDANCE WITH THE PROVISIONS OF SECTION 36(12) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED); AND FOR RELATED MATTERS

Sponsors:

- Hon. Benjamin O. Kalu Hon. Bagos M. Dachung
- Hon. Garba Inuwa Hon. Bala Abubakar
- Hon. Madaki Aliyu Sani Hon. Cornelius Adesida
- Hon. Blessing Amadi Hon. Miriam Onuoha
- Hon. Obi Okwara Osonwa

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

- 1 **1.** The Cybercrimes (Prohibition, Prevention, etc.) Act, No.... of Amendment of
- 2 2005 (herein referred to as the "Principal Act") is amended as set out in this 2005 No.....
- 3 Bill.
- 4 **2.** Section 24 of the Principal Act is amended by- Amendment of
- 5 (a) deleting the existing marginal note and inserting a new Section 24
- 6 marginal note as follows-
- 7 "Cyber Harassment, Cyber Defamation and Cyber Bullying"; and
- 8 (b) deleting the exiting provisions and inserting the following as
- 9 new provisions instead thereof-
- 10 "(1) Any person who knowingly or intentionally sends a message
- 11 or other matter by means of computer systems or network that is grossly
- 12 offensive, pornographic or of an indecent, obscene or menacing character or

1 causes any such message or matter to be so sent commits the offence of cyber
2 harassment.

3 (2) Any person who knowingly or intentionally sends a message or
4 other matter by means of computer systems or network that he knows to be
5 false for the purpose of causing annoyance, inconvenience, danger,
6 obstruction, insult, injury, criminal intimidation, enmity, hatred, ill will or
7 needless anxiety to another or causes such message to be sent commits the
8 offence of cyber defamation.

9 (3) Any person who commits an offence under subsection (1) and (2)
10 of this section shall be liable on conviction to a fine of not more than
11 N7,000,000.00 or imprisonment for a term of not more than three years or to
12 both such fine and imprisonment.

13 (4) Any person who knowingly or intentionally transmits or causes
14 the transmission of any communication through a computer system or
15 network-

16 (a) to bully, threaten or harass another person, where such
17 communication places another person in fear of death, violence or bodily harm
18 or to another person;

19 (b) containing any threat to kidnap any person or any threat to harm
20 the person of another, any demand or request for a ransom for the release of any
21 kidnapped person, to extort from any person, firm, association or corporation,
22 any money or other thing of value; or

23 (c) containing any threat to harm the property or reputation of the
24 addressee or of another or the reputation of a deceased person or any threat to
25 accuse the addressee or any other person of a crime, to extort from any person,
26 firm, association, or corporation, any money or other thing of value:
27 commits the offence of cyber bullying.

28 (5) Any person who commits an offence under subsection (4) of this
29 section shall be liable on conviction-

30 (a) in the case of paragraphs (a) and (b) of subsection (4) to

1 imprisonment for a term of 10 years and/or a minimum fine of
2 N25,000,000.00; and

3 (b) in the case of paragraph (c) of subsection (4), to imprisonment
4 for a term of 5 years and/or a minimum fine of N15,000,000.00.

5 (6) A court sentencing or otherwise dealing with a person
6 convicted of an offence under subsections (1), (2) and (4) of this section may
7 also make an order, which may, for the purpose of protecting the victim or
8 victims of the offence, or any other person mentioned in the order, from
9 further conduct which-

10 (a) amounts to harassment; or

11 (b) will cause fear of violence, death or bodily harm; prohibit the
12 defendant from doing anything described/specified in the order.

13 (7) A defendant who does anything which he is prohibited from
14 doing by an order under this section, commits an offence and shall be liable
15 on conviction to a fine of not more than N10,000,000.00 or imprisonment
16 for a term of not more than 3 years or to both such fine and imprisonment.

17 (8) The order made under subsection (6) of this section may have
18 effect for a specified period or until further order and the defendant or any
19 other person mentioned in the order may apply to the court which made the
20 order for it to be varied or discharged by a further order.

21 (9) Notwithstanding the powers of the court under subsections (6)
22 and (8) of this section, the court may make an interim order for the protection
23 of victim(s) from further exposure to the alleged offences.

24 (10) It is an acceptable defence under this section that the actions
25 carried out was-

26 (a) for the purpose of preventing or detecting crime; or

27 (b) in accordance with a law.

28 **3.** Section 58 of the Principal Act is amended by deleting the
29 definition of the term "cyberstalking" and inserting the definition of the
30 following terms-

Amendment of
Section 58

1 "cyber bullying" means sending a message or other matter by means of
2 computer systems or network that is intended to bully, harass or threaten a
3 person and that places the person in fear of harm to the body, reputation or
4 property of himself or of another;

5 "cyber defamation" means sending a message or other matter by means of
6 computer systems or network that is known to be false for the purpose of
7 causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal
8 intimidation, enmity, hatred, ill will or needless anxiety to another; and

9 "cyber harassment" means sending a message or other matter by means of
10 computer systems or network that is grossly offensive, pornographic or of an
11 indecent, obscene or menacing character.

Short title

12 **4.** This Bill may be cited as the Cybercrimes (Prohibition, Prevention,
13 etc.) Act (Amendment) Bill, 2023.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Section 24 of the Cybercrimes (Prohibition, Prevention, etc.) Act to provide for the proper and unambiguous definition of the offences and the elements of same under the section in accordance with the criteria for drafting penal provisions and penal legislation as provided under section 36 (12) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).