



LAW N. 2023/009 OF 25 JUL 2023

TO INSTITUTE THE CHARTER ON CHILD ONLINE PROTECTION IN
CAMEROON

*The Parliament deliberated and adopted,
the President of the Republic hereby
enacts the law set out below:*

CHAPTER I GENERAL PROVISIONS

Section 1: This law relates to the charter on child online protection in Cameroon.

Section 2: This law shall apply to all activities involving children in the cyberspace.

Section 3: For the purposes of this law and the implementing instruments thereof, natural or legal person that holds a concession or the following definitions shall apply:

Child pornography: data of any nature or form that visually depicts a child engaging in or being subjected to sexually explicit act or realistic images of a child engaging in or being subjected to sexually explicit conduct;

Child: any person below the age of 18 (eighteen);

Content provider: any natural or legal person that disseminates information through an online service;

Cybercrime: breach of the law through the cyberspace using means other than those habitually used to commit conventional crimes;

Cyberspace: global network combining telecommunications resources, server computers and clients, intended for the exchange of electronic messages, multimedia information and files while using a common protocol allowing the routing of messages in independent packets;

Electronic communication operator: a concession- or licence-holding natural or legal person operating an electronics communications network open to the public, or supplying an electronics communications service;

ICT: Information and communications technology;

Inappropriate content: information or images that might promote psychoactive substance abuse, discrimination and exclusion, unlawful or dangerous behaviour, suicide or violence;

Information system: all organized sources of information used to collect, store, process and disseminate information;

Internet café manager: anyone operating a centre that is open to the public and provides telecommunications/ICT services;

Internet service provider: natural or legal person that provides access to the Internet;

Internet: set of interconnected global networks that allows computers and servers to communicate efficiently using a common communication protocol;

Information and communication technology regulatory body: public agency responsible for regulating, controlling and monitoring activities related to securing electronic communication networks and information systems;

Paedophilia: periodic or permanent intention, propensity, inclination to seek sexual pleasure from minors of both sexes;

Parental control: filter or monitoring system which parents can set up to limit and control their children's access to a medium;

Protection: any measure intended to prevent, mitigate and address the risks associated with children's use of the Internet;

Search engine provider: any person or company specializing in the design and delivery of application software that makes it easy for people to find the information they are looking for online using keywords or phrases;

Social network promoter: person or company specializing in the creation and delivery of platforms with primary purpose to connect users with each other;

Social media: web application that enables the user to create and post the content he/she generates and build online social networks by connecting users' profiles;

Social network: cluster of people or organizations that exchange, communicate and share ideas around a common topic and comprising sites where each user creates a profile.

CHAPTER II ROLE OF PUBLIC AUTHORITIES AND THE PRIVATE SECTOR

I - ROLE OF PUBLIC AUTHORITIES

Section 4: Public authorities shall ensure the development of an appropriate environment for the safe use of the Internet by children.

To this end, the ministry in charge of telecommunications, in conjunction with other relevant administrations, shall draw up and implement a National Action Plan on Child Online Protection.

Section 5: The National Action Plan on Child Online Protection shall aim in particular to:

- ensure secure access to the Internet by the child for his/her learning, the development of his/her potential and his/her fulfilment;
- raise awareness among stakeholders of the child protection chain on the perverse effects of the Internet;
- ensure that audiovisual professionals consider child protection when processing and disseminating information.

Section 6: The ministries in charge of education and youth, in collaboration with the ministry in charge of telecommunications, shall draw up training curricula on the responsible use of the Internet and social media with particular focus on child online protection.

Section 7: The ministry in charge of women's affairs and the family, in collaboration with the ministry in charge of telecommunications, shall develop training modules for parents on the use of the Internet as part of positive parenting programmes.

Section 8: The ministry in charge of social affairs shall provide appropriate training to child care workers on the prevention, detection and management of online child abuse.

Section 9: The ministry in charge of communication shall raise the awareness of the media and ensure that the content they provide to children is appropriate.

Section 10: (1) The ICT regulatory body shall use the preventive and repressive means required to protect children in the national cyberspace.

(2) A separate instrument shall lay down the role of the ICT regulatory body with respect to child online protection.

II - ROLE OF THE PRIVATE SECTOR

Section 11: (1) Together with public authorities, the private sector shall contribute to making the Internet safer for children.

(2) The private sector shall respect children's rights and prevent or remedy the infringement of such rights directly resulting from its operations, products and services.

(3) The private sector shall take part in raising awareness and educating children, families and communities, in particular, by providing accurate information about sites not suitable for children.

Section 12: In providing their services, the private sector shall take steps to reduce the availability of and access to content that could harm the dignity and integrity of children.

Section 13: Companies that develop or offer new technology products and services must assist the users thereof, especially children, to understand how they work and master their appropriate use.

CHAPTER III **RESPONSIBILITIES OF CYBERSPACE ACTORS AND** **SANCTIONS**

I – OBLIGATIONS

PARAGRAPH I **GENERAL OBLIGATIONS**

Section 14: When so requested by competent authorities, every Internet access provider, digital content provider or social network platform provider must suspend access to the Internet, their digital content or social network, for any user who is at the origin of the publication of content offensive to the dignity and integrity of children.

Section 15: When so requested by competent authorities, every search engine provider must discontinue indexing of content offensive to the dignity and integrity of children.

Section 16: Internet access providers, digital content providers or search engine providers, social network promoters and cybercafé managers shall be bound to inform the competent authorities of all acts constituting child pornography and block sites identified as offensive to the dignity and integrity of the child.

Section 17: Data controllers or their subcontractors shall be required to comply with the regulations in force regarding the protection of children's rights.

Section 18: (1) Save with legitimate reason, online advertising must not portray children in a position of vulnerability.

(2) On no account shall online advertising take advantage of the inexperience or naivety of children.

Section 19: (1) Online advertising directed at children must not be such as can compromise their education or contain any visual depiction, written or oral message likely to cause bodily or moral harm to children.

(2) Online advertising must not be used to take advantage, change or attempt to break the trust or respect children have in their parents, teachers or other persons responsible for their moral or intellectual education.

PARAGRAPH II **SPECIFIC OBLIGATIONS**

Section 20: (1) Internet service providers shall provide users with guidelines on:

- best practices in the cyberspace;
- activities that undermine the dignity and integrity of children, as well as their related consequences.

(2) Internet access providers shall set up mechanisms for reporting content or behaviour that undermines the dignity and integrity of children.

(3) The content referred to in (2) above must be reported to the ICT regulatory body and security services by any means that leaves a written trail.

(4) The mechanisms referred to in (2) above may also be used to block access to or delete such content.

Section 21: (1) Internet access providers shall make available to users procedures and technical resources to facilitate the control of children's access to the Internet.

(2) Internet service providers shall make available parental control devices for the purpose of monitoring, filtering and blocking sites containing content that

undermines the dignity and integrity of children.

Section 22: Content providers shall be responsible for the content posted on electronic communications networks or information systems, particularly when such content undermines the dignity and integrity of children.

Section 23: (1) Online content and service providers shall describe the nature of the content or services they offer and specify their target age groups.

(2) Content providers shall implement a default privacy setting in the systems that collect, process, store, market and publish personal data, including information on the user's location and Internet browsing habits, where such data concerns children.

(3) Furthermore, content providers shall set up mechanisms to immediately remove or block access to publications offensive to the dignity and integrity of children.

Section 24: Electronic communication network operators shall promote mechanisms for reporting publications that undermine the dignity and integrity of children.

Section 25: (1) Electronic communication network operators and information systems operators shall facilitate the deployment by the ICT regulatory body of any device aimed at protecting the dignity and integrity of children within their network or information system.

(2) They shall also facilitate the data collection operations necessary for digital and judicial investigations.

(3) They must comply with the requirements for the proper functioning of the device referred to in paragraph 1 above.

Section 26: (1) Audiovisual communication operators shall ensure the protection of children in programmes posted online and available to the public. To this effect, they shall, as and when necessary, create a safe space which offers families and children a set of 'all-audience' programmes only, free of extracts, trailers, messages and any content or services which are subject to restrictions for children.

(2) They must obtain the consent of parents or guardians before filming or recording children.

(3) Service providers must ensure that publishing the images or recordings takes into account the best interests of the child.

II- ADMINISTRATIVE SANCTIONS

Section 27: Where an online violation of children's rights does not constitute an offence, the ICT regulatory body shall, in conjunction with the Telecommunications Regulatory Board and the National Communication Council, take steps to put an end to such violation.

Section 28: In the event of failure to comply with their obligations, the ICT regulatory body shall issue a demand letter to the Internet access providers, content providers, electronic communication network operators, online advertising professionals and audio-visual communication operators, requesting them to comply within 15 (fifteen) days.

Section 29: Where Internet access providers, content providers, electronic communication network operators, online advertising professionals and audio-visual communication operators fail to heed the warning referred to in Section 28 above, the ICT regulatory body shall impose a penalty of between 1 000 000 (one million) and 10 000 000 (ten million) CFA francs against them.

III- CRIMINAL PROCEDURE AND PENALTIES

Section 30: Audio or video recordings or recordings by any other electronic means of conservation may be admissible as evidence.

Section 31: Writing in electronic form shall be admitted in the same way as paper-based documents, and shall have the same probative value as the latter, provided the person from whom it originates is duly identified and that it has been made out and stored in a manner capable of ensuring its integrity.

Section 32: (1) Infringements of the provisions of this law shall be established by criminal investigation officers with general jurisdiction, sworn agents of the ICT regulatory body or of the ministries in charge of telecommunications and advertising, in accordance with the conditions laid down by the laws and regulations in force.

(2) Reports establishing the infringements as well as the objects and documents seized shall be forwarded to the public prosecutor with jurisdiction.

Section 33: (1) Any Internet service provider who, after becoming aware of the existence of content or behaviour that violates the dignity and integrity of children, fails to report same to the competent authorities, to block or delete same, shall be punishable with fine of from 25 000 000 (twenty-five million) to 250 000 000 (two hundred and fifty million) CFA francs.

(2) The following shall be punishable with the penalties provided for in paragraph 1 above:

- any content provider who allows content offensive to the dignity and integrity of children to flourish on the electronic communication networks or information systems under his/her control;
- any electronic communication network operator or information systems operator who obstructs the deployment by the ICT regulatory body of a device aimed at protecting the dignity and integrity of children within its network or information system, or the collection of data necessary for digital and judicial investigations;

- any advertising professional who uses inappropriate content to broadcast children's advertisements.
- any advertising professional who, under his responsibility and without a legitimate reason, causes the posting online of an advertising message presenting children in a situation of danger or taking advantage of the inexperience or naivety of the latter, and of the fragility of persons with disabilities and any other vulnerable person due to their physical or moral condition.

(3) In case of a repeat offence, the court may also order:

- a ban, permanently or for a period of at least 1 (one) year, from directly or indirectly exercising one or more professional or social activities;
- the temporary closure for a period of at least 1 (one) year of the establishment that was used to perpetrate the criminal acts, under the conditions provided for in Section 34 of the Penal Code;
- the publication of the decision taken, by any electronic means of communicating to the public.

Section 34: (1) Any electronic communication operator who involves children in electronic communication without the written authorization of their parents or guardians shall be punished with the penalties provided for in Section 344 of the Penal Code.

(2) The penalties provided for in paragraph 1 above shall also apply to whoever allows the publication, via electronic means or an information system, under his control, of an advertising message likely to compromise the education of children, cause them bodily or moral harm, alter or attempt to break the trust or respect children have in their parents, teachers or other persons responsible for their moral or intellectual education.

Section 35: Whoever discloses the identity of a child in a situation of vulnerability in treating issues likely to harm the child, especially when there is a risk of stigmatization after such disclosure, shall be punished with imprisonment of from 1 (one) month to 2 (two) years and fine of from 5 000 (five thousand) to 500 000 (five hundred thousand) CFA francs.

Section 36: A penalty of imprisonment of from 1 (one) to 3 (three) years and fine of from 5 000 000 (five million) to 10 000 000 (ten million) CFA francs or only one of such imprisonment and fine shall be imposed against any promoter of online games and bets who fails to prevent a child from having access to such games and bets, by not adopting the following measures:

- publish on the homepage of the gaming site and on the registration pages a visible text which explicitly prohibits access by children to the gaming service;
- require the player to swear about his or her age and enter his or her identification data;

- require the player to use online payment methods;
- prohibit access to children.

Section 37: Whoever produces, bears or disseminates, through an electronic communication means or an information system, a message about child pornography or likely to seriously harm the dignity of a child, shall be punished with imprisonment of from 5 (five) to 10 (ten) years and fine of from 5 000 000 (five million) to 10 000 000 (ten million) CFA francs or only one of such imprisonment and fine.

Section 38: Whoever uses an electronic communication means or an information system to fix, record, publish, make available or transfer, for a fee or free of charge, an image showing paedophilic acts perpetrated on a child shall be punished with imprisonment of from 3 (three) to 6 (six) years and fine of from 5 000 000 (five million) to 10 000 000 (ten million) CFA francs or only one of such imprisonment and fine.

Section 39: (1) Whoever keeps in an electronic communication network or in an information system an image or representation of a paedophilic nature shall be punished with imprisonment of from 1 (one) to 5 (five) years and fine of from 5,000,000 (five million) to 10 000 000 (ten million) CFA francs or only one of such imprisonment and fine.

(2) The penalties provided for in paragraph 1 above shall be doubled where an electronic communication network has been used to disseminate an image or representation of the child to the public.

(3) The provisions of this Section shall also apply to pornographic images of children.

Section 40: Whoever:

- offers, produces or makes available child pornography for distribution;
- acquires child pornography for himself or provides same to a third party through an information system;
- of legal age, makes sexual advances to children less than 16 (sixteen) years old or a person posing as such;
- posts or transmits child pornography through an information system, using an electronic communication network or an information system shall be punished with imprisonment of from 2 (two) to 5 (five) years and fine of from 5 000 000 (five million) to 10 000 000 (ten million) CFA francs or only one of such imprisonment and fine.

Section 41: Whoever commits an indecent act against a child through an electronic communication means shall be punished with imprisonment of from 10 (ten) to 20 (twenty) years and fine of from 10 000 000 (ten million) to 20 000 000 (twenty million) CFA francs or only one of such imprisonment and fine.

Section 42: (1) Whoever, being of legal age, uses electronic communication means to make sexual advances to a child or a person posing as such shall be punished with imprisonment of from 2 (two) to 5 (five) years and fine of from 1 000 000 (one million) to 5 000 000 (five million) CFA francs or only one of such imprisonment and fine.

(2) The penalties provided for in paragraph 1 above shall be doubled where the accused uses ruse, psychological pressure, violence or blackmail via an electronic communication means, to get a child send out sexually explicit or implicit photos or videos of himself/herself.

(3) The penalties provided for in paragraph 2 above shall also apply where the online sexual proposals lead to a physical meeting, a violation of the child's dignity or a sex offence.

Section 43: (1) Whoever uses an electronic communication means or an information system to fix, record, publish or transfer, for a fee or free of charge, any sexual content involving a child shall be punished with imprisonment of from 5 (five) to 10 (ten) years and fine of from 5 000 000 (five million) to 10 000 000 (ten million) CFA francs or only one of such imprisonment and fine.

(2) Whoever offers or makes available sexual content involving a child shall be punished with the penalties provided for in paragraph 1 above.

(3) In case of a repeat offence, the penalties provided for in paragraphs 1 and 2 above shall be doubled.

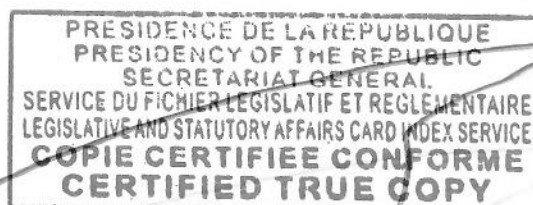
Section 44: Whoever keeps sexual content involving a child in an electronic communication network or information system shall be punished with imprisonment of from 1 (one) to 5 (fives) years and fine of from 5 000 000 (five million) to 10 000 000 (ten million) CFA francs or only one of such imprisonment and fine.

Section 45: Whoever exposes a child to sexual content shall be punished with imprisonment of from 2 (two) to 5 (five) years and fine of from 1 000 000 (one million) to 5 000 000 (five million) CFA francs or only one of such imprisonment and fine.

Section 46: Whoever habitually consults sites containing images of child pornography shall be punished with imprisonment of from 2 (two) to 5 (five) years and fine of from 1 000 000 (one million) to 5 000 000 (five million) or only one of such imprisonment and fine.

CHAPTER IV **MISCELLANEOUS AND FINAL PROVISIONS**

Section 47: All previous provisions repugnant here to are repealed.



Section 48: The conditions for implementing this law shall, as and when necessary, be laid down by separate instruments.

Section 49: This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French./-

PRESIDENCE DE LA REPUBLIQUE
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YAOUNDE, 25 JUIL 2023



PAUL BIYA

PRESIDENT OF THE REPUBLIC