

ACT

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THE CHILD RIGHT ACT, 2007

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SIGNED this *13th day of July, 2007*ALHAJI AHMAD TEJAN KABBAH,
President.

No. 7



2007

The Child Rights Act, 2007.

Short title.

Being an Act to provide for the promotion of the rights of the child compatible with the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20th November, 1989, and its Optional Protocols of 8th September, 2000; and the African Charter on the Rights and Welfare of the Child, and for other related matters.

[

] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

WHEREAS Sierra Leone is a signatory to –

- (1) the Convention on the Rights of the Child, having signed it on 12th February, 1990 and ratified it on 18th June, 1990; and
- (2) the two Optional Protocols to the Convention, *firstly*, on The Sale of Children, Child Prostitution and Child Pornography having signed it on 8th September, 2000 and ratified it on 17th September, 2001; and *secondly*, on the Involvement of Children in Armed Conflict, having signed it on 8th September, 2000 and ratified it in May, 2002; and
- (3) the African Charter on the Rights and Welfare of the Child:

AND WHEREAS the Convention and its two Protocols referred to above and the African Charter, having entered into force, it is now desirable that they be implemented in Sierra Leone;

NOW, THEREFORE, it is enacted by the President and Members of Parliament in this present Parliament assembled as follows:-

PART I—PRELIMINARY

Commence-
ment 1. This Act shall come into operation on such a date as the President shall fix by order in a statutory instrument.

Interpretation. 2. In this Act, unless the context otherwise requires—

“**adoption**” means the legal transfer or vesting through a court order of parental rights to a person or persons;

“**Bare gathering**” means a traditional forum or gathering presided over by a traditional or community leader, open to all members of the community, including children but does not include a court;

“**basic social services**” includes services relating to education, necessary goods, water and health, including reproductive health;

“**Chairman**” means Chairman of the Commission referred to in subsection (1) of section 6;

“**Charter**” means African Charter on the Rights and Welfare of the Child which entered into force on 29th November, 1999;

“**child**” means a person below the age of eighteen;

“**Commission**” means the National Commission for Children established by section 4;

“**Commissioner**” and “**Deputy Commissioner**” mean the persons appointed respectively as such under subsection (1) of section 13;

“**Convention**” means the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20th November, 1989;

“**council**” means the district council;

“**court**” means a Magistrate’s Court or the High Court;

“**Family Court**” means a Family Court referred to in section 76;

“**female genital mutilation**” includes the cutting or removal of any part of the female genitalia;

“**foster parent**” means an adult person who is not a biological or legal parent of a child but willing to provide care and support usually provided by the biological or legal parent; and “foster” and “foster care” shall be construed accordingly;

“**gifts and grants**” means financial support in the form of money and supplies to the Commission for the implementation of this Act;

“**Minister**” means the Minister responsible for children’s affairs and “**Ministry**” shall be construed accordingly;

“**national children and youth forum**” means elected representatives from duly recognised children and youth advocacy organisations;

“**national parents’ body**” means elected representatives from duly recognised parent advocacy organisations;

“**service provider**” means any person or body of persons licensed or otherwise competent to provide services in health, education, child development or protection and for the general well-being of children;

“**young person**” means any person aged between eighteen and twenty-five;

Application of principle of best interests of the child.

3. (1) The fundamental principle to be applied in the interpretation of this Act shall be that the short-and long-term best interests of the child shall be a primary consideration in any decision or action that may affect the child or children, as a group.

(2) In determining the best interests of the child, a person, court or other authority shall take into account the following factors:-

- (a) the following other general principles of the Convention: –

(i) non-discrimination in the respect accorded each child in the enjoyment of his rights;

(ii) the right to life and maximum survival and development;

(iii) respect for the views of the child; and

(b) the spirit of the entire Convention and the Charter.

PART II – NATIONAL COMMISSION FOR CHILDREN

4. (1) There is hereby established a body to be known as the National Commission for Children. Establishment of Commission.

(2) The Commission shall be body corporate having perpetual succession and capable of acquiring holding and disposing of any property, whether movable or immovable and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Commission shall have a common seal the use of which shall be authenticated by the signatures of the Chairman and one other member of the Commission designated in that behalf by the Commission.

5. Except as otherwise provided in this Act, the Commission shall not be subject to the direction or control of any person or authority in the performance of its functions. Independence of Commission.

6. (1) The Commission shall consist of a Chairman who shall be appointed by the President for his knowledge and experience in child rights matters, whether in the legal, health or educational aspects or otherwise, and twelve other members, as follows:- Composition of Commission.

- (a) a Paramount Chief, elected by the Council of chiefs;
- (b) one male parent and one female parent elected by a national parents' body to be convened by the Minister for that purpose;
- (c) one male child or young person and one female child or young person representing young people and children, elected by a national children's and youth forum to be convened by the Minister;
- (d) two representatives of the religious community elected by the Inter-Religious Council of Sierra Leone;
- (e) a representative of UNICEF nominated by UNICEF;
- (f) a representative of the Bar Association of Sierra Leone;
- (g) the technical or professional head of the Ministry, representing that Ministry;
- (h) the Commissioner and Deputy Commissioner referred to in section 13.

(2) A temporary vacancy in the Commission shall be filled in accordance with subsection (1) for the unexpired term of the Chairman or member concerned.

Tenure of members.

7. (1) The Chairman shall hold office for a term of three years and shall be eligible for reappointment.

(2) A member elected or nominated under paragraphs (a) to (f) of subsection (1) of section 6 shall also hold office for three years and shall be eligible for re-election or renomination, as the case may be.

(3) A person shall cease to be a member of the Commission on any of the following grounds:-

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted of an offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Commission without reasonable cause;
- (f) if he resigns his office by written notice to the President.

(4) Section 137 of the Constitution, with the necessary modifications, shall apply to the proof of any misconduct referred to in paragraph (b) of subsection (3).

8. The Chairman and members of the Commission other than the Commissioner and Deputy Commissioner shall be paid such remuneration and allowances as Parliament may determine and such remuneration and allowances shall not be altered to their disadvantage during their tenure of office. Remuneration and allowances of members.

9. (1) The Commission shall hold its first meeting on such date and at such place as the President, after consultation with the Commission, may determine; and thereafter, the Commission shall meet for the dispatch of business at least once every month at such place and time as the Chairman may determine. Proceedings of Commission.

(2) The quorum at any meeting of the Commission shall be six.

(3) Any question which is to be determined by the Commission at any of its meetings shall be decided by a majority of the members present and voting.

(4) The Chairman shall preside at every meeting of the Commission at which he is present and, in his absence, the members present shall appoint one of their number to preside.

(5) Each member shall have one vote but in the case of an equality of votes, the Chairman or the person presiding shall have a casting vote.

(6) A majority of the members may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Commission for such purposes as may be stated in the notice.

(7) The Chairman or, in his absence the member appointed to act in his behalf shall summon a special meeting within five days of the receipt of the notice referred to in subsection (6).

(8) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Commission and shall be incorporated in the minutes of the next succeeding meeting of the Commission:

Provided that, if a member requires that such proposal be placed before a meeting of the Commission, this subsection shall not apply to such proposal.

(9) The Commission may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any matter for decision by the Commission.

(10) The Commission shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form as a public record.

(11) Subject to this Act, the Commission shall regulate its own procedure.

10. (1) Any member having a personal interest, whether pecuniary or otherwise, direct or indirect, through any member of his immediate family or business partner, in any matter to be considered by the Commission, shall disclose the fact of such interest and the nature thereof, and such disclosure shall be recorded in the minutes of the Commission, and such member shall take no part in any deliberation or discussion of the Commission relating to such matter. Disclosure of interest.

(2) Any member who contravenes subsection (1) shall be liable to removal from the Commission.

11. (1) The object for which the Commission is established is to monitor and coordinate the implementation of the Convention and the Charter; to oversee the implementation of Part III of this Act; and to advise Government on policies aimed at the improvement of the condition or welfare of children in Sierra Leone, compatible with the Convention and the Charter. Functions of Commission.

(2) Without prejudice to the generality of subsection (1), it shall be the function of the Commission to -

- (a) keep under review legislation and customary law practices relating to children with a view to advising Government, where appropriate, to adopt legislation and other measures so as to ensure their compatibility generally with the principles and provisions of the Convention and the Charter, in particular, the general principles contained in articles 2, 3, 6 and 12 of the Convention;
- (b) to undertake a progressive study and review of the principle of the best interests of the child with a view to advising Government and other State institutions on the criteria for the

- application of that principle generally and in relation to particular circumstances having a bearing on the respect for the rights of the child, including the right to be protected from economic exploitation;
- (c) to contribute to the process of the decentralization of authority to the districts and other local levels with regard the process of ensuring that every child is registered at birth, and has access to health-care and free basic education, including the provision of adequate school facilities, materials and trained teachers in the rural areas;
- (d) to seek and mobilize international support towards the implementation of the Convention and the Charter by governmental and non-governmental organizations, with special reference to the problem of discrimination against women and children and the provision of facilities for the prevention and proper management of juvenile delinquency;
- (e) to undertake the wide dissemination of the Convention and the Charter generally and through professional training, adult education and child rights promotional activities aimed especially at the registration of births, elimination of forced marriages for girls, female genital mutilation, sexual abuse and economic exploitation of children;
- (f) to engage in advocacy for a just and progressive system of juvenile justice, to promote the use of imprisonment of children as a last resort and the use of alternatives to the imprisonment of children and to advise Government with regard to bringing existing

- legislation into harmony with the relevant international legal instruments on juvenile justice;
- (g) to issue reports, including recommendations, on child rights in Sierra Leone, and
- (h) to do all other things as will be conducive to the attainment of the object stated in subsection (1).

(3) In this section, “Government” includes the Ministry.

12. (1) The Commission shall, for the effective performance of its functions under this Act, appoint such committees with such functions as it considers fit. Committees of Commission.

(2) A committee appointed under subsection (1) shall consist of qualified members of the Commission and the general public.

(3) The committee appointed under subsection (1) shall, in the pursuance of their respective functions, hold public hearings and receive petitions.

13. (1) The Commission shall have a Commissioner and a Deputy Commissioner both of whom shall be appointed by the President for their knowledge and experience in child rights issues, subject to such terms and conditions as the President may determine subject to the approval of Parliament. Appointment of Commissioner and Deputy Commissioner.

(2) The Commissioner and Deputy Commissioner shall hold office for a term of three years each, and shall be eligible for reappointment.

14. (1) It shall be the responsibility of the Commissioner, as head of the Commission— Functions of Commissioner and Deputy Commissioner.

- (a) to provide overall leadership in the conduct and management of the day-to-day business or activities of the Commission;
- (b) to organize fund-raising from donors;
- (c) to initiate and maintain high-level contact with interested parties, both local and international, in relevant areas of the welfare and development of children;
- (d) to monitor and supervise the preparation of the annual budgets and reports of the Commission;
- (e) to recruit and appoint officers and staff of such number and categories as the Commission may specify:

Provided that in making any appointment, the Commissioner shall limit recruitment to positions for which there are vacancies, each with a job description and a continuing justification;

- (f) to ensure non-discrimination and equality of treatment for the staff and all applicants for employment.

(2) In the performance of his functions under this Act, the Commissioner shall be assisted principally by the Deputy Commissioner who shall also act for the Commissioner in the absence of the latter.

Secretariat and staff of Commission.

15. (1) The Commission shall have a secretariat which shall provide administrative, secretarial and other support for the Commission.

(2) The Commission shall also employ in the secretariat such other staff upon such terms and conditions as it may determine.

16. In addition to the secretariat of the Commission located in Freetown, the Commission may establish such provincial or district offices or both as it may consider necessary for the efficient performance of its functions.

Organisation of Commission.

17. No officer or employee of the Commission or any person acting on the direction of an officer or employee of the Commission shall be liable in respect of any matter or thing done by him under this Act in good faith.

Protection of officers and other employees of Commission.

18. (1) The activities of the Commission under this Act shall be financed by funds which shall include -

Funds of Commission.

- (a) moneys appropriated by Parliament for the purposes of the Commission;
- (b) gifts or grants from donors;
- (c) income from any investment by the Commission.

(2) The Commission shall have power to seek funding from donors and coordinate all funding from donors for activities related to the welfare of the child.

(3) All monies received on account of the Commission shall be paid into such bank account as the Commission may determine, but the Commission may invest as it considers fit, any moneys not required for immediate use by the Commission.

19. (1) The Commission shall keep proper books of account and proper records in relation to the funds of the Commission and the books of accounts and records shall be in such form as the Auditor-General may approve.

Accounts and audit.

(2) The books of account of the Commission shall be audited by the Auditor-General or an auditor appointed by him within three months after the end of each financial year.

Financial year of Commission. **20.** The financial year of the Commission shall be the same as the financial year of the Government.

Annual report of Commission **21.** (1) The Commission shall prepare and submit to the Minister, not later than three months after the end of each financial year, a report dealing generally with the activities of the Commission during the financial year to which the report relates, including the Auditor-General's report and the number and types of child-related projects and organisations funded or supported by the Commission.

(2) The Minister shall table the report submitted under subsection (1) before Parliament as soon as practicable.

Regulations. **22.** Subject to sections 56 and 117, the Commission may, by statutory instrument, make such rules and regulations as it may consider necessary for giving effect to this Act.

PART III—CHILD RIGHTS, PARENTAL AND STATE RESPONSIBILITIES

Right to life and maximum survival and development. **23.** (1) Every child has the right to life and to survival and development to the maximum extent possible.

(2) It shall be the primary responsibility of parents to provide support to their children in the enjoyment of the right referred to in subsection (1) but they may be assisted by the State in case of need.

Right to name and nationality. **24.** No person shall deprive a child of the right from birth to a name, the right to acquire a nationality or the right as far as possible to know his natural parents and extended family.

25. No person shall deny a child the right to live with his parents and family and grow up in a caring and peaceful environment unless it is proved in court that living with his parents would – Right to grow up with parents.

- (a) lead to significant harm to the child; or
- (b) subject the child to serious abuse; or
- (c) not be in the best interests of the child.

26. (1) No parent shall deprive a child of his welfare whether— Parental duty and responsibility.

- (a) the parents of the child are married or not at the time of the child's birth; or
- (b) the parents of the child continue to live together or not.

(2) Every child has the right to life, dignity, respect, leisure, liberty, health, including immunisation against diseases, education and shelter from his parents.

(3) Except where the parent has surrendered his rights and responsibilities in accordance with law, every parent has rights and responsibilities whether imposed by law or otherwise towards his child which include the duty to -

- (a) protect the child from neglect, discrimination, violence, abuse, exposure to physical and moral hazards and oppression;
- (b) provide good guidance, care, assistance and maintenance for the child and assurance of the child's survival and development;
- (c) ensure that in the temporary absence of a parent, the child shall be cared for by a competent person and that a child under eighteen months of age shall only be cared for by a person of fifteen years and above.

(4) Each parent shall be responsible for the registration of the birth of their child and the names of both parents shall appear on the birth certificate except when the father of the child is unknown to the mother.

Right to parental property.

27. No person shall deprive a child of reasonable provision out of the estate of a parent, whether or not born in wedlock.

Minimum age of recruitment into armed forces.

28. (1) Every child has the right to be protected from involvement in armed or any other kind of violent conflicts, and accordingly, the minimum age of recruitment into the armed forces shall be eighteen.

(2) The Government shall not -

- (a) recruit or conscript any child into military or para-military service or permit such recruitment or conscription by the armed forces;
- (b) use or permit the use of land mines and other weapons declared by international instruments to be adverse to children.

Right to social activity

29. No person shall deprive a child the right to participate in sports, or in positive cultural and artistic activities or other leisure activities.

Treatment of disabled child.

30. (1) No person shall treat a disabled child in an undignified manner.

(2) A disabled child has a right to special care, education and training wherever possible to develop his maximum potential and be self-reliant.

Right to opinion.

31. No person shall deprive a child capable of forming views the right to express an opinion, to be listened to and to participate in decisions which affect his welfare, the opinion of the child being given due weight in accordance with the age and maturity of the child.

32. (1) No person shall subject a child to exploitative labour as defined in subsection (2).

Protection from exploitative labour.

(2) Labour is exploitative of a child, if it deprives the child of its health, education or development.

33. (1) No person shall subject a child to torture or other cruel, inhuman or degrading treatment or punishment including any cultural practice which dehumanises or is injurious to the physical and mental welfare of a child.

Protection from torture and degrading treatment.

(2) No correction of a child is justifiable which is unreasonable in kind or in degree according to the age, physical and mental condition of the child and no correction is justifiable if the child by reason of tender age or otherwise is incapable of understanding the purpose of the correction.

(3) The Corporal Punishment Act is repealed.

34. (1) The minimum age of marriage of whatever kind shall be eighteen years.

Minimum age of marriage and right to refuse betrothal or marriage.

(2) No person shall force a child -

- (a) to be betrothed;
- (b) to be the subject of a dowry transaction; or
- (c) to be married.

(3) Notwithstanding any law to the contrary, no certificate, licence or registration shall be granted in respect of any marriage unless the registrar or other responsible officer is satisfied that the parties to the marriage are of the age of maturity.

Penalty for
contravention.

35. Any person who contravenes a provision of this Part commits an offence and shall be liable on summary conviction to a fine not exceeding thirty million leones or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

Parental
rights.

36. (1) Every parent shall, in relation to other persons, have, as regards his child, the right, subject to the short-and long-term best interests of the child –

- (a) to have the child live with him or regulate the child's residence;
- (b) to control and guide the child's upbringing;
- (c) to maintain personal relations, if the child is not living with him ;
- (d) to act as the child's legal representative regarding the child's property and other interests;
- (e) to appoint or revoke a guardian for the child, subject to the approval of a court;
- (f) to have access to acceptable parenting programmes;
- (g) to participate in child welfare committees, court, and other proceedings related to the parent's child.

(2) Notwithstanding subsection (1), a parent shall have the right to apply to a court to prevent a co-parent from asserting his rights.

(3) A court shall grant an application referred to in subsection (2), if satisfied that the exercise of any parental rights by the respondent may harm the best interests of the child.

(4) A parent bearing disproportionate burden in his care of his child due to the neglect of parental duties by a co-parent may apply for financial or other relief.

37. (1) A head of village shall have a duty to receive and have discussed in *Bare* or similar gatherings matters that may be affecting or may affect the common welfare of children in the community.

Support from
village heads,
etc..

(2) Any person, including a child, concerned about the welfare of children or any child in the community may communicate his concern to a village child welfare committee.

(3) Any head of a community shall refer to a village child welfare committee any matter concerning child welfare that is complex or which the community fails to resolve.

38. (1) Any health worker, teacher, or social development worker, and all other governmental and non-governmental service providers shall discharge their duties to children and communities with diligence, fairness, without being swayed by personal interest and without discrimination, respecting people's dignity and worth and taking into account the short and long term interests of the children.

Support from
service
providers.

(2) Every social development worker or any other social work professional shall have a duty to advise parents and bring matters that are adversely affecting the welfare of children to a community leader for discussion and agreement on actions in *Bare* or similar gatherings.

(3) Any social development worker or any other social work professional shall have a duty to advise communities on matters that shall be referred to a child welfare committee.

(4) Any community health worker shall have a duty to render child health and development advice to adolescents, expectant parents, and other parents taking into account the developmental stage of the child concerned.

(5) Every service provider shall have a duty to account through *Bare* and other similar gatherings to members of the community for which he is officially responsible on the discharge of his duties in the promotion of child survival, development, participation, and protection.

(6) Any service provider, parent and community member shall report sexual and other forms of abuse to family support units of the Sierra Leone Police who shall be required to maintain a register of child abusers and to take special measures to protect children from such persons.

Support from local council.

39. (1) Every district, city or town council shall plan and implement participatory activities that improve the welfare of children.

(2) In its plans, every district, city or town council shall include the provision of early child care facilities, provision of play and recreational facilities for children particularly of pre-school and basic education age, and adolescents, provide youth friendly health centres and promote child participation in development activities.

Support from central Government

40. (1) The Ministry shall implement policies and programmes for childcare services to help working parents carry out employment and other work-related obligations and necessary activities without unnecessarily harming the best interests of the child.

(2) The Ministry responsible for finance shall reserve into a trust fund and not utilise until after thirty years a proportion of the proceeds from non-renewable resources, for the benefit of children.

Duty to instil cultural and national pride.

41. (1) A child shall be brought up and educated to take pride in his culture and national identity.

(2) Every child shall be provided the opportunity to learn at least one indigenous Sierra Leone language from primary school level.

42. Subject to the short and long term best interests of the child and parental guidance, every member of a child's extended family shall have the authority to render guidance and advice to the child.

Guidance from relatives.

43. A person entitled by custom or tradition to render appropriate direction and guidance and make provision for the needs of the child shall not be prevented from offering such services to the child if the services are in the short and long term best interests of the child.

Guidance and provision from those entitled by customary law.

44. (1) The guidance of the child from parents, relatives and service providers shall include the use of tradition and cultural standards to foster the development of a sense of responsibility in the child, subject to his evolving capacities.

Sense of responsibility in child to be fostered.

(2) The sense of responsibility referred to in this section shall be directed towards the child's own current and future welfare, the respect of parents and elders, the welfare of others, his family, society, his country, and humanity in general.

45. Subject to age and ability and evolving capacities, every child shall contribute towards family cohesion, respect parents and other people, exhibit diligence towards studies and work, and strengthen the positive cultural values of his community.

Child to contribute to respect of parent, family cohesion etc.

46. (1) Subject to subsection (1) of section 34, no person or association shall subject a child to any of the following customary practices:-

Customary practices prohibited for child.

(a) early marriage;

(b) child betrothal.

(2) Any person or association that coerces a child to participate in any of the practices specified in subsection (1) shall be guilty of an offence punishable by a fine of not less than five hundred thousand leones to or imprisonment for a term not exceeding one year or to both such fine and imprisonment.

PART IV—CHILD WELFARE FUNCTIONS OF LOCAL COMMITTEES AND DISTRICT COUNCILS

Village welfare committee.

47. (1) Every head of a village assisted by a social welfare officer shall cause to be elected at a *Bare* gathering in his village members of a village child welfare committee.

(2) The composition of the members of a village welfare committee shall be as follows:—

- (a) a social welfare officer nominated by the Minister;
- (b) a traditional leader elected at a *Bare* gathering;
- (b) a man and woman representing parents elected at a *Bare* gathering;
- (c) one female child or young person, representing young people and children, elected by a specially convened children's and youth forum facilitated by a social welfare officer;
- (d) one male child or young person nominated by a specially convened children's and youth forum facilitated by a social welfare officer;
- (e) three service providers, elected at a *Bare* gathering from a list of service providers nominated by the basic social services ministries;

(f) two representatives (both sexes to be represented) of non-governmental organisations or community based organisations, elected by a specially convened forum of representatives of such organisations working in the village or ward concerned and village or ward stakeholders facilitated by a social welfare officer;

(g) three members from the religious community elected by a specially convened forum, facilitated by a social welfare officer, but not all three representatives shall belong to one religion or be all of the same sex.

(3) The village child welfare committee shall elect a chairman from within its membership.

(4) The social welfare officer nominated to be a member of the village child welfare committee shall serve as secretary of the committee.

(5) A member of the village child welfare committee shall hold office for a renewable term of two years.

(6) A member of the village child welfare committee shall cease to be a member if he—

- (a) dies;
- (b) resigns upon giving one month's notice to the Minister;
- (c) commits a misconduct inconsistent with his role as a member of the village child welfare committee.
- (d) neglects his duties as a member of the committee.

(7) A chiefdom child welfare committee shall determine whether any member of a village child welfare committee has committed an act or omission of misconduct or been negligent under subsection (6).

(8) Any vacancies in a village child welfare committee shall be filled in accordance with subsection (2).

Functions of
village
committee.

48. (1) The object for which a village child welfare committee is elected shall be to advance the enjoyment of the rights of the child at the village level.

(2) Without prejudice to the generality of subsection (1), the duties of a child welfare committee at the village level shall be to-

- (a) promote child rights awareness and enjoyment, in the village or ward;
- (b) monitor the enjoyment of child rights within its jurisdiction;
- (c) submit regular observations, reports, and concerns on child welfare to a chiefdom child welfare committee and the Ministry;
- (d) monitor the advancement of girl child education;
- (e) determine the suitability of a person to foster a child and monitor all foster placements within the village;
- (f) prevent domestic violence and all forms of gender based violence;
- (g) provide advice and instruction to a child alleged to have committed a minor misdemeanour;

- (h) provide advice to children, parents and other community members in promotion of the short and long term best interests of the child;
- (i) issue recommendations and instructions on the maintenance and support of a particular child or children within the village ;
- (j) consider complaints and concerns referred to it by any adult or child concerning the welfare of any child in the village;
- (k) refer to a chiefdom child welfare committee any matters that a village child welfare committee is unable to deal with; and
- (l) undertake any other functions that may advance the enjoyment of the rights of the child within the committee's jurisdiction.

49. (1) Subject to subsection 2, every Paramount Chief shall, with the assistance of a social welfare officer and an officer of the Ministry responsible for local government, cause to be elected from among residents of the chiefdom, members of a chiefdom child welfare committee. Chiefdom
welfare
committee.

(2) The composition of a chiefdom child welfare committee shall be as follows:-

- (a) a social welfare officer nominated by the Minister;
- (b) a traditional leader elected at a meeting of tribal authorities in the chiefdom;
- (c) a man and woman representing parents elected by the various village or ward child welfare committees in the chiefdom on account of such woman's or man's interest and work on child welfare;

- (d) one female child or young person, representing young persons and children elected by a specially convened children's and youth forum, facilitated by the Ministry;
- (e) one male child or young person, representing young people and children elected by a specially convened children's and youth forum, facilitated by the Ministry;
- (f) three service providers, elected from a list of service providers nominated by the basic social services ministries;
- (g) two representatives (both sexes to be represented) of non-governmental organisations or community based organisations, in the chiefdom and other chiefdom stakeholders facilitated by a social welfare officer;
- (h) three persons representing the religious sector in the chiefdom elected in a specially convened forum, facilitated by a social welfare officer but not all three representatives shall belong to one religion or be all of the same sex.

(3) The chiefdom child welfare committee shall elect a chairman from within its membership.

(4) The social welfare officer nominated to be a member of the chiefdom child welfare committee shall serve as a secretary to the committee.

(5) A member of the chiefdom child welfare committee shall hold office for a term of two years shall be eligible for re-election.

(6) A member of the chiefdom child welfare committee shall cease to be a member if he—

- (a) dies;
- (b) resigns upon given one month's notice to the Minister;
- (c) commits a misconduct inconsistent with his role as a member of the chiefdom child welfare committee;
- (d) neglects his duties as a member of Chiefdom child welfare committee.

(7) Any vacancies in a chiefdom child welfare committee shall be filled in accordance with subsection (2).

50. (1) The object for which a chiefdom child welfare committee is elected shall be to coordinate and advance the enjoyment of the rights of the child in the chiefdom. Functions of chiefdom committee.

(2) Without prejudice to the generality of subsection (1), the duties of a chiefdom child welfare committee shall be to -

- (a) render advice to village or ward child welfare committees in the chiefdom;
- (b) receive and attend to cases and questions referred to the Committee from village or ward in the chiefdom child welfare committees;
- (c) monitor the enjoyment of child rights within the chiefdom;
- (d) refer to the district council any matters relating to child welfare that the chiefdom welfare committee is not able to deal with;

- (e) submit regular observations, reports and concerns on child welfare in the chiefdom district council and to the Ministry;
- (f) undertake any other functions that may advance the enjoyment of the rights of the child within the jurisdiction of the committee.

Responsibilities of Ministry.

51. (1) The Ministry, in collaboration with other Ministries, shall have the responsibility to promote the enjoyment of child rights and welfare in Sierra Leone.

(2) Subject to this Act, the Ministry shall have the overall function to monitor, supervise and coordinate the activities of all child welfare committees and to ensure the progressive advancement of children's rights and welfare throughout the country.

(3) In collaboration with relevant stakeholders the Ministry shall undertake research on the welfare of children in Sierra Leone.

(4) Without prejudice to the overall functions specified in this section, it shall be the responsibility of the Ministry to -

- (a) provide administrative and logistical support including training for the effective functioning of the child welfare committees;
- (b) render expert advice and guidance to child welfare committees and respond to inquires from child welfare committees;
- (c) receive and review periodic reports from child welfare committees at all levels;
- (d) prepare and submit to the Commission quarterly reports on the status and welfare of children in Sierra Leone; and

- (e) facilitate information - sharing and networking of child welfare committees.

52. (1) For the avoidance of any doubt, a child welfare committee shall not have jurisdiction over the following cases, which it shall immediately refer to the Sierra Leone Police for investigations, and possible criminal prosecution:-

Jurisdiction of child welfare committee and power to issue instructions and advice.

- (a) the offence of murder;
- (b) the offence of treason;
- (c) the offence of rape, defilement, indecent assault or any other sexual offence;
- (d) felonies related to the serious damage to property, injury to the person, and other serious crimes that may from time to time be specified in the *Gazette* by the Minister responsible for justice;

(2) In determining any matter, a child welfare committee shall issue advice or instruction to any of the parties involved or to any other person.

(3) For the avoidance of doubt, a child welfare committee shall have no power to punish, imprison, impose a fine, order damages, or any other sanctions.

53. (1) Any proceedings of a child welfare committee, when attended by a child, shall be informal.

Proceedings of child welfare committees to be informal.

(2) A child welfare committee and a court handling a matter involving a child shall dispose of such matters as quickly as possible, allowing any child directly concerned to contribute to the search for solutions, according to the child's age and ability.

Appeal from child welfare committee. **54.** Any person, including any child, aggrieved by the decision of any child welfare committee at a level lower than the district, may appeal to a Child Panel within the district.

Failure to comply with instruction of child welfare committee. **55.** (1) Any person who without reasonable cause fails to comply with any instruction of a child welfare committee shall be liable to a fine of not less than Le 50,000.
(2) A social welfare officer may apply to the Family Tribunal or a court for an appropriate order in a case where a person has failed to comply with any instruction of a child welfare committee.

Minister's power to make rules. **56.** Subject to this Act, the Minister shall make rules to regulate the conduct of proceedings and discharge of functions by child welfare committees.

Police family support units. **57.** The Sierra Leone Police shall maintain at each police station, a Family Support Unit that shall have responsibility to deal with alleged juvenile offenders, child victims of domestic violence and to monitor proven child abusers.

District council to protect children. **58.** (1) A district council shall protect the welfare and promote the rights of children within its area of authority and shall ensure that within the district, governmental agencies liaise with each other in matters concerning children.
(2) Subject to this Part, the district council by its appropriate child welfare department, shall investigate cases of contravention of child rights within the district that are reported to it or come to its notice.

Persons to report child abuse and protection cases. **59.** Any person with information on—
(a) child abuse; or
(b) a child in need of care and protection shall report the matter to the district council.

60. (1) For the purposes of this Act, a child is in need of care and protection if the child - Meaning of care and protection.

- (a) is an orphan or is deserted by his parents and relatives;
- (b) has been neglected or ill-treated by the person who has the care and custody of the child;
- (c) has a parent or guardian who does not exercise proper guardianship;
- (d) is destitute;
- (e) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child;
- (f) is found wandering and has no home or settled place of abode or visible means of subsistence;
- (g) is found begging or receiving alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise, or is found in any street, premises or place for the purpose of begging or receiving alms;
- (h) accompanies any person when that person is begging or receiving alms, whether or not there is any pretence of signing, playing, performing, offering anything for sale or otherwise;
- (i) frequents the company of any reputed thief or reputed prostitute;

- (j) is residing in a house or the part of a house used by any prostitute for the purpose of prostitution, or is otherwise living in circumstances calculated to cause, encourage or favour the seduction or prostitution of or affect the morality of the child;
- (k) is a person in relation to whom an offence has been committed or attempted under the Anti-Human Trafficking Act, 2005;
- (l) is found acting in a manner from which it is reasonable to suspect that he is, or has been, soliciting or importuning for immoral purposes;
- (m) is otherwise exposed to moral or physical danger.

(2) A child shall not be considered to come within the scope of paragraphs (i) and (j) of subsection (1) if the only reputed prostitute that the child associates with is his mother and if it is proved that she exercises proper guardianship and care to protect the child from corrupt influences.

Repeal of Part IV of Cap.44.

61. Part IV of the Children and Young Persons Act is repealed.

Investigation by district council.

62. (1) If the district council has reasonable grounds to suspect child abuse or a need for care and protection of a child, it shall direct a probation officer or social welfare officer accompanied by the police to enter and search the premises where the child is kept to investigate.

(2) The district council shall direct the probation officer or the social welfare officer to refer the matter to a Child Panel established under section 71, if the child is not in immediate need of care and protection.

(3) If after investigation, it is determined that the child has been abused or is in need of immediate care and protection, the district council shall direct a probation officer or social welfare officer accompanied by the police to remove the child to a place of safety for a period of not more than seven days.

(4) Before the expiry of the seven-day period referred to in subsection (3), the child shall be brought before a Family Court by the probation officer or social welfare officer for an order to be made.

(5) Until the Family Court determines the order, the Family Court may commit the child to an approved residential home or to the care of a probation officer, social welfare officer or other suitable person.

63. (1) A Family Court may issue a care order to the district council on application by a probation officer or social welfare officer under subsection (4) of section 62. Care order of Family Court.

(2) The care order shall remove the child from the situation where he is suffering or likely to suffer significant harm and shall transfer the parental rights to the council.

(3) The probation officer or social welfare officer shall take custody of the child and shall determine the most suitable place for the child which may be -

- (a) an approved residential home;
- (b) with an approved fit person; or
- (c) at the home of a parent, guardian or relative.

(4) The maximum duration of a care order shall be three years or until the child attains eighteen years which ever is earlier and the Family Court may make an interim order or may vary the order.

(5) The Family Court may make a further order that the parent, guardian or other person responsible for the child shall pay for the cost of maintaining the child.

(6) A Family Court shall not designate the manager of an institution as an approved fit person to whom the care of a child can be entrusted unless the institution is one which the Minister has approved by notice published in the *Gazette* or the institution is assigned that function by or under an Act of Parliament.

Supervision
order of
Family Court.

64. (1) A Family Court may issue a supervision order to the district council on an application by a probation officer or social welfare officer under subsection (4) of section 62.

(2) The supervision order shall be aimed at preventing any significant harm being caused to a child whilst he remains at his family home in the custody of his parent, guardian or relative.

(3) The supervision order shall place a child under the supervision of the probation officer or social welfare officer while he remains in the custody of his parent, guardian or relative.

(4) The maximum duration for a supervision order shall be one year or until the child attains eighteen years, whichever is earlier.

Duties of
probation
officer and
social welfare
officer.

65. The duties of a probation officer or social welfare officer with respect to a care or supervision order are to—

- (a) advise and help the child and his family;
- (b) take reasonable steps to ensure that the child is not subjected to harm; and
- (c) hold regular reviews to plan for the future of the child.

66. A probation officer or social welfare officer shall be permitted by a parent, guardian or relative of the child to visit the child while he is with any of them. Home visit.

67. (1) A child who contravenes an order from the Family Court and runs away may be apprehended without warrant by the police and returned to the place of the care or supervision order. General provisions on orders.

(2) The Family Court may make another order where the child has run away in order to place the child elsewhere if the approved fit person is not willing to take the child.

68. A care or supervision order may be discharged in the best interests of the child by the Family Court on the application of - Discharge of orders.

- (a) the child;
- (b) a probation officer;
- (c) a social welfare officer; or
- (d) a parent, guardian or relative of the child.

69. A child under a care order whose parent, guardian or relative does not show an interest in the welfare of the child within a period stipulated by the Family Court may be put up for adoption. Care order and adoption.

PART V—QUASI-JUDICIAL AND JUDICIAL CHILD ADJUDICATION

70. In any judicial proceeding in Sierra Leone, a child shall not be held to be criminally responsible for his actions if he is below the age of fourteen years. Minimum age of criminal responsibility.

71. (1) There shall be established in each district such number of Child Panels as the district council may consider necessary. Establishment and function of child panels.

(2) A Child Panel shall have non-judicial functions to meditate in criminal and civil matters which concern a child as may be prescribed under this Act.

Composition
of Child
Panel.

72. (1) A Child Panel shall consist of the following persons in the relevant district:—

- (a) a chairman nominated by the district council from among the members of the council;
- (b) a member of a women's organisation;
- (c) a representative of the Chiefdom Councils in the district;
- (d) the district social welfare officer, who shall be the secretary;
- (e) a district council member, representing the council;
- (f) two other citizens from the community of high moral character and proven integrity one of whom shall be an educationalist.

(2) The members of a Child Panel shall be appointed by the Minister.

(3) The tenure of office of a Child Panel shall be the same as that of the district council.

Meetings of
Child Panel.

73. (1) A Child Panel shall meet as often as may be necessary but shall meet at least once every month.

(2) The quorum at any meeting of a Child Panel shall be four and in the absence of the chairman, a member elected by the members present from their number shall preside.

(3) Any agreement made between the parties shall be recorded by the secretary to the Child Panel.

(4) Any person with a significant interest in a matter before a Child Panel may be invited to attend and participate in its deliberations.

(5) A Child Panel shall permit a child to express his opinion and participate in any decision which affects the child's welfare commensurate with the level of understanding of the child concerned.

(6) Except as otherwise provided in this Part, a Child Panel shall regulate the procedure at its meetings.

74. A Child Panel may mediate in any civil matter concerned with the rights of the child and parental duties. Child Panel
in civil
matters.

75. A Child Panel shall seek to facilitate reconciliation between the child and any person offended by the action of the child. Child Panel
in quasi
criminal
matters.

(2) A child appearing before a Child Panel shall be cautioned as to the implications of his action and that similar behaviour may subject him to the juvenile justice system.

(3) A Child Panel may decide to impose a community guidance order on a child with the consent of the parties concerned in the matter.

(4) A community guidance order means placing the child under the guidance and supervision of a person of good standing in the local community for a period not exceeding six months for purposes of his reform.

(5) A Child Panel may in the course of mediation propose an apology, restitution to the offended person or service by the child to the offended person.

Family Courts. **76.** Subject to section 77, there shall be a Family Court which shall exercise the jurisdiction conferred under this Act.

Composition of Family Court. **77.** A Family Court shall be duly constituted by a panel consisting of a chairman who shall be a Magistrate and not less than two and not more than four other members all of whom shall be appointed for their knowledge or experience in child rights issues, including a social welfare officer, appointed by the Chief Justice on the recommendation of the chief social welfare officer.

Jurisdiction of Family Court. **78.** A Family Court shall have jurisdiction in matters concerning parentage, custody, access and maintenance of children and shall exercise such other powers as are conferred on it by this Act or under any other enactment.

Family Court sittings. **79.** (1) A Family Court shall sit either in a different building or room from that in which sittings of other courts are held, or on different days from those on which sittings of other courts are held and no person shall be present at any sitting of a Family Court except -

- (a) members and officers of the Family Court;
- (b) parties to the case before the Family Court, their counsel, witnesses and other persons directly concerned in the case;
- (c) the parent or guardian of the child before the Family Court;
- (d) probation and social welfare officers; and
- (e) any other person whom the Family Court authorises to be present.

(2) The chairman of a Family Court shall arrange for its sitting as often as possible to dispose of cases expeditiously.

80. (1) The proceedings at a Family Court shall be as informal as possible and shall be by enquiry and not by adversarial procedures. Procedure at Family Court.

81. (1) A child shall have a right to legal representation at a Family Court. Rights of child at Family Court.

(2) A child shall have a right to give an account and express an opinion at a Family Court.

(3) A child's right to privacy shall be respected throughout the proceedings at a Family Court.

(4) The right of appeal shall be explained to the child, guardian and parents.

82. (1) No person shall publish any information that may lead to the identification of a child in any matter before a Family Court except with the permission of the Family Court. No publication of information on child.

(2) Any person who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding two million leones or imprisonment for a term not exceeding one year or to both such fine and imprisonment.

PART VI – PARENTAGE, CUSTODY AND MAINTENANCE OF CHILDREN

83. (1) The following persons may apply to a Family Court for an order to confirm the parentage of a child - Application for parentage.

- (a) the child;
- (b) the parent of a child;
- (c) the guardian of a child;
- (d) a probation officer;
- (e) a social welfare officer; or
- (f) any other interested person.

(2) The application to a Family Court under subsection (1) may be made—

- (a) before the child is born; or
- (b) within three years after the death of the father or mother of a child; or
- (c) before a child is eighteen years of age or after the child has attained that age with special leave of the Family Court.

Evidence of parentage.

84. The following shall be considered by a Family Court as evidence of parentage:—

- (a) the name of the parent entered in the register of births;
- (b) performance of customary ceremony by the father of the child;
- (c) refusal by the parent to submit to a medical test;
- (d) published acknowledgement of parentage; and
- (e) any other matter that the Family Court considers relevant.

Medical test.

85. A Family Court may order the alleged parent to submit to a medical test and the Court shall on the basis of the evidence before it make such order as it considers appropriate.

Custody.

86. A parent, family member or any person who is raising a child may apply to a Family Court for custody of the child.

Access.

87. A parent, family or any person who has been caring for a child may apply to a Family Court for periodic access to the child.

88. (1) A Family Court shall consider the best interests of the child and the importance of a young child being with his mother when making an order for custody or access. Consideration for custody or access.

(2) Subject to subsection (1), a Family Court shall also consider –

- (a) the age of the child;
- (b) that it is preferable for a child to be with his parents except if his rights are persistently being abused by his parents;
- (c) the views of the child, if the views have been independently given;
- (d) that it is desirable to keep siblings together;
- (e) the need for continuity in the care and control of the child; and
- (f) any other matter that the Family Court considers relevant.

89. No person shall unlawfully remove a child from another person who has the lawful custody of the child. Unlawful child removal.

90. (1) A parent or any other person who is legally liable to maintain a child or contribute towards the maintenance of the child is under a duty to supply the necessaries of health, life, education and reasonable shelter for the child. Duty to maintain child.

(2) For the purposes of subsection (1) “education” means basic education.

(3) Subject to this Act, the father of the child, whether it is legitimate or not, is legally liable to maintain the child.

Application
for main-
tenance order.

91. (1) The following persons who have custody of a child may apply to a Family Court for a maintenance order for the child:—

- (a) a parent of the child;
- (b) the guardian of the child; or
- (c) any other person.

(2) The following may also apply to a Family Court for a maintenance order:—

- (a) the child by his next friend;
- (b) a probation officer; or
- (c) a social welfare officer.

(3) The application for maintenance may be made against any person who is legally liable to maintain the child or contribute towards the maintenance of the child.

Considerations
for main-
tenance
orders.

92. A Family Court shall consider the following when making a maintenance order:—

- (a) the income and wealth of both parents of the child or of the person legally liable to maintain the child;
- (b) any impairment of the earning capacity of the person legally liable to maintain the child;
- (c) the financial responsibility of the person legally liable with respect to the maintenance of other children;
- (d) the cost of living in the area where the child is resident;

(e) the rights of the child under this Act; and

(f) any other matter which a Family Court considers relevant.

93. (1) A Family Court may request that a probation officer or social welfare officer should prepare a social enquiry report on the issue of maintenance before it for consideration. Request for social enquiry report.

(2) A Family Court shall, in making any order consider the social enquiry report prepared by the probation officer or social welfare officer.

94. A Family Court may award maintenance to the mother of a child whether married to the father or not, where the father has been identified, and the maintenance shall include the following:— Form of maintenance orders.

(a) medical expenses for the duration of her pregnancy, delivery or death of the child;

(b) a periodic allowance for the maintenance of the mother during her period of pregnancy and for a further period of nine months after the delivery of the child; and

(c) the payment of a reasonable sum to be determined by the Family Court for the continued education of the mother if she is a child herself.

(2) A Family Court may order a periodic payment or lump sum payment for the maintenance of a child and the earnings or property of the person legally liable to maintain the child may be attached.

(3) The attachment order shall be applicable in all cases of failure to pay maintenance.

(4) When considering an application for maintenance, a Family Court may make a maintenance order which it considers reasonable for any child in the household.

(5) A Family Court may make an order for arrears of maintenance against any person legally liable to pay maintenance.

Persons entitled to maintenance orders .

95. (1) Any person who has custody of a child who is the subject of a maintenance order is entitled to receive and administer the maintenance order of the Family Court.

(2) If the parent, guardian or whoever has custody of the child should cease to be a fit person, the Family Court of the area where the child is resident may appoint another person to have custody of the child and administer the maintenance order and that person shall act as if originally appointed by the Family Court.

Duration of order.

96. (1) A maintenance order made by a Family Court shall expire when the child attains the age of eighteen years or dies before that age.

(2) A maintenance order shall lapse before the child attains the age of eighteen years, if before that age the child is gainfully employed.

Continuation of maintenance orders in certain cases.

97. (1) Notwithstanding section 96, a Family Court may continue a maintenance order after a child has attained eighteen years, if the child is engaged in a course of continuing education or training after that age.

(2) An application under this section may be brought by a parent of the child, any person who has the custody of the young person or the young person concerned.

Variation or discharge of orders.

98. (1) A Family Court may, if satisfied, vary or discharge a maintenance order on the application of a parent, the person who has the custody of the child or young person or any other person legally liable to maintain the child.

99. An action may be brought by any person to enforce a maintenance order thirty days after the order is made or due. Enforcement of order.

100. A non-custodial parent in respect of whom an application is made to a Family Court for an order of parentage, custody, access or maintenance under this Part shall have access to the child who is the subject of the order. Non-custodial parent to have access to child.

101. The provisions of this Part are to be read as one with the Matrimonial Causes Act, Cap 102, and no action may be brought for a maintenance order if an application for maintenance is pending in matrimonial proceedings under that Act. Avoidance of multiple maintenance applications.

102. Any person who—
 (a) unlawfully removes a child from another person who has lawful custody of the child contrary to section 89; or
 (b) fails to supply the necessaries of health, life, education and reasonable shelter for a child when legally liable to do so contrary to section 90; or
 (c) brings an action for a maintenance under this Part while an application for maintenance is pending in matrimonial proceedings,
 Offences under this Part.

commits an offence and is liable on summary conviction to a fine not exceeding five hundred thousand leones or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

103. The forms to be used and the procedure for this Part shall be provided for by regulations made under this Act. Procedure for application.

104. The Chief Justice may, by statutory instrument, waive part or all of the filing fees or other fees payable for an application under this Part. Waiver of fees.

Foster-care placement.

105. (1) Where –

- (a) a child has been committed to an approved residential home under a care order;
- (b) a recommendation has been made by a probation officer or social welfare officer that an approved residential home is the most suitable place for a child; or;
- (c) a child has been placed in an approved residential home by any person,

a committee comprising a probation officer, social welfare officer, person in charge of the approved residential home and two other people from the community with interest in the welfare of children selected by the district council may place the child with a foster-parent.

(2) An application to foster a child shall otherwise be made to a probation officer, social welfare officer or to the person in charge of the approved residential home who shall forward the application to the district council.

(3) A foster-parent in whose care a child is placed or committed shall have the same responsibilities in respect of the child's maintenance as the parent of the child while the child remains in his care.

(4) A foster-parent is liable for contravention of any provision of this Act.

(5) The Minister may, by statutory instrument, make regulations on fosterage.

Persons who can foster.

106. Any person above the age of twenty one years of high moral character and proven integrity may be a foster-parent to a child.

107. A foster parent is a person who is not the parent of a child but is willing to undertake the care and maintenance of the child.

Definition of foster-parent.

108. Subject to the Adoption Act, 1989, a person who has resided with and taken care of a child as a foster parent for not less than a continuous period of six months, may apply to adopt a child if he is at least thirty years of age.

Adoption application by foster-parent.

PART VII—INSTITUTIONALISED CARE AND MISCELLANEOUS MATTERS

109. (1) The Government may establish an approved residential home referred to in this Act as home for the care of children in such areas as the Minister may determine.

Approval of residential home.

(2) Any person, including a non-governmental organisation may also establish and operate a home for the care of children, subject to the approval of the district council.

(3) An application for the approval of a home shall be submitted to the district council.

(4) The district council shall cause the home to be inspected and if the home meets the required standard it shall be approved by notice published in the *Gazette*.

(5) Upon approval by the district council, the home shall obtain a licence to operate issued by the council after payment of the prescribed fee but this provision shall not apply to a government home.

(6) Any non-governmental home for the care of children in existence at the commencement of this Act shall apply to the district council for approval and the issue of a licence within a period of six months from the commencement of this Act.

(7) An applicant under subsection (6) who fails to obtain a licence after the six months referred to therein, shall cease the operation of the home concerned.

Council to monitor homes.

110. A district council shall monitor homes within its area of authority.

Power of Minister to give directives to homes.

111. The Minister may give such orders and directions to a home for the care of children as may be expedient in the public interest.

Inspection of homes.

112. The Minister may direct the inspection of a home for the care of children by the district council at any time to ensure that the home is being maintained at the required standard.

Admission of children to homes.

113. (1) A child may be admitted to a home for the care of children—

- (a) pending the determination by a Family Court of a protection order under this Act;
- (b) on the recommendation of a probation officer or social welfare officer who has determined that the approved home for the care of children is the most suitable place for the child; or
- (c) if the child is an orphan and family care and fosterage are not available.

(2) If a home for the care of children fails to maintain the required standard, its licence to operate may be cancelled or suspended by the district council and alternative arrangements shall be made by the council for the child in the home.

(3) It shall be the responsibility of the staff of a home for the care of children, the probation officer social welfare officer and any other person to assist a child resident in the home for the care of children to become reunited with its parents, guardian or relatives.

(4) After a child has been returned to his family home from a home for the care of children, the probation officer and social welfare officer shall keep in regular contact with the child and his family to ensure that the best interests of the child are sustained.

(5) Where a child is unable to return to his parents or to go to foster-parents or has no parent or foster-parent, he shall be encouraged and assisted by the home for the care of children and the probation officer and social welfare officer to become independent and self-reliant.

114. (1) While a child is in a home for the care of children, the staff of the home for the care of children shall assume parental responsibility for the child and ensure that the rights of the child under this Act are protected. Parental responsibility of staff of approved homes.

(2) Notwithstanding subsection (1) the parents, guardian or relatives of a child in a home for the care of children shall supplement the efforts of the home to safeguard and promote the welfare of the child by visiting the child and otherwise protecting the interests of the child.

(3) Parental responsibility of a child in a home for the care of children shall include an application to a Family Court to protect the best interests of the child where necessary.

115. (1) A Family Court may order that the parent, guardian or relative of a child in a home for the care of children shall contribute towards the maintenance of the child in the home. Power of Family Court to order contribution.

(2) Any amount to be contributed shall be reasonable and may be varied by the Family Court if there is a change in circumstances of the contributor.

116. (1) Subject to this Act a child, in a home for the care of children may be put up for adoption if it is in the best interests of the child. Approved home and adoption.

(2) The decision for the adoption of a child in a home for the care of children shall be taken by the district council after consultation with the management of the home.

117. The Minister may by statutory instrument make regulations for homes for the care of children. Regulations on homes.

Offences.

118. (1) The penalty for contravention in respect of the rights of the child and parental duty in section 114 shall apply to any person in a home for the care of children who fails to uphold the rights of the child.

(2) Any person who—

- (a) operates a home for the care of children without a licence issued by the district council; or
- (b) continues to operate a home for the care of children in contravention of this Act; or
- (c) obstructs or hinders any person conducting an inspection under section 112,

commits an offence and is liable on summary conviction to a fine not exceeding Le5 million or to a term of imprisonment not exceeding one year or to both such fine and imprisonment and in the case of a continuing offence, to a further fine not exceeding Le50,000 for each day on which the offence continues.

Permit to operate day-care centres.

119. (1) Subject to this section, no person shall operate a day-care centre except under a permit issued by the district council.

(2) An application for a permit to operate a day-care centre shall be submitted by the applicant to the district council.

(3) The application shall be accompanied by such fees as may be prescribed.

(4) The council shall inspect the proposed day-care centre and if it meets the required standard it shall approve the application and grant a permit upon payment of the fee for the permit as prescribed.

(5) Any day-care centre in operation without a permit granted by a council shall be closed on fourteen days' notice to the owner or operator by the council.

120. (1) The council shall inspect the premises, books, accounts and other records of a day-care centre at least once in every six months.

Inspection of day-care centres.

(2) If the inspection reveals that the day-care centre is not being managed efficiently in the best interests of the children, the council shall suspend the permit and the owner or operator shall be ordered to make good any default within a stipulated time.

(3) If the owner or operator fails to make good the default within the stipulated time, the permit shall be cancelled.

121. A district council shall make such bye-laws as it may determine for the operation of day-care centres within its district.

Bye-laws and guidelines.

122. (1) The Minister may, in addition to the bye-laws, issue such policy directives as may be necessary for the operation of day-care centres.

Policy directives.

(2) A policy directive under subsection (1) shall be issued for administration by the district council.

123. (1) Any person who owns or operates a day-care centre immediately before the commencement of this Act who intends to continue to operate the day-care centre shall apply to the district council for a permit within six months of the commencement of this Act.

Existing operators.

(2) An applicant under subsection (1) who fails to obtain a licence after the six months referred to therein, shall cease the operation of the day-care centre concerned.

124. Any person who—

- (a) operates a day-care centre without permit issued by the district council; or
- (b) continues to operate a day-care centre in contravention of this Act; or
- (c) obstruct or hinders any person conducting an inspection under section 120,

General offence and penalty.

commits an offence and is liable on summary conviction to a fine not exceeding Le2 million or to a term of imprisonment not exceeding one year or to both and in the case of continuing offence to a further fine not exceeding Le50,000 for each day on which the offence continues.

PART VIII – EMPLOYMENT OF CHILDREN

125. The age of fifteen shall be the age at which the compulsory primary education of a child shall end, and also the minimum age for the engagement of a child in full-time employment.

126. (1) No person shall employ a child in night work.
(2) Night work constitutes work between the hours of eight o'clock in the evening and six o'clock in the morning.

127. (1) The minimum age for the engagement of a child in light work shall be thirteen years.
(2) Light work constitutes work which is not likely to be harmful to the health or development of the child and does not affect the child's attendance at school or the capacity of the child to benefit from school work.

128. (1) The minimum age for the engagement of a person in hazardous work is eighteen years.
(2) Work is hazardous when it poses a danger to the health, safety or morals of a person.
(3) Hazardous work includes–

- (a) going to sea;
- (b) mining and quarrying;
- (c) portering of heavy loads;

- (d) manufacturing industries where chemicals are produced or used;
- (e) work in places where machines are used; and
- (f) work in places such as bars, hotels and places of entertainment where a person may be exposed to immoral behaviour.

129. For the avoidance of doubt, this Part shall apply to employment in the formal and informal sectors. Application.

130. (1) An employer in any industrial undertaking shall keep a register of the children and young persons employed by him and of the dates of their births if known or of their apparent ages if their dates of birth are not known. Registration of children and young persons in industrial undertakings.

(2) An industrial undertaking is an undertaking other than one in commerce or agriculture and includes–

- (a) mines, quarries and other works for the extraction of minerals from the earth;
- (b) undertakings in which articles are manufactured, altered, cleansed, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in ship building or in the generation, transformation or transmission of electricity or motive power of any kind;
- (c) undertakings engaged in the transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, warehouses and airports.

Offences under this Part.

131. (1) Any person who contravenes the provisions of this Part commits an offence and is liable on summary conviction to a fine not exceeding Le10 million or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) Notwithstanding subsection (1), any person who contravenes subsection (1) of section 130 commits an offence and is liable on conviction to a fine not exceeding Le500,000.

Enforcement in formal sector.

132. (1) A district labour officer shall carry out any enquiry he may consider necessary in order to satisfy himself that the provisions of this Part with respect to labour by children and young persons in the formal sector are being strictly observed.

(2) For the purposes of this section, any person may be interrogated by a district labour officer.

(3) If a district labour officer is reasonably satisfied that the provisions of this Part are not being complied with he shall report the matter to the police who shall investigate the matter and take the appropriate steps to prosecute the offender.

Enforcement in informal sector.

133. (1) The district council shall be responsible for the enforcement of the provisions of this Part in the informal sector.

(2) For purpose of this section, any person may be interrogated by a member or officer of the district council deputed in that behalf by the council.

(3) If the member or officer of the council deputed in that behalf is reasonably satisfied that the provisions of this Part are not being complied with, he shall report the matter to the police who shall investigate the matter and take the appropriate steps to prosecute the offender.

(4) Where the offender is a family member of the child whose rights are being infringed under this Part, the district council shall request a probation officer or social welfare officer to prepare a social enquiry report on the matter.

(5) The social enquiry report prepared under subsection (4) shall be considered by the police before any action is taken against the offender.

134. This Act applies to child apprentices in the informal sector. Act to apply to apprenticeship in informal sector.

135. The minimum age at which a child may commence an apprenticeship with a craftsman is fifteen years or after completion of basic education, whichever is later. Minimum age for apprenticeship.

136. The responsibilities of a craftsman towards an apprentice under his care shall be to— Responsibilities of craftsman.

- (a) train and instruct the apprentice in a trade to the best of the ability, skill and knowledge of the craftsman and to the best ability of the apprentice or cause the apprentice to be trained in a trade under the supervision of the craftsman;
- (b) be responsible for any harm caused to the apprentice in the course of his training;
- (c) provide food for the apprentice unless otherwise agreed;
- (d) provide a safe and healthy environment for the apprentice;
- (e) provide for the moral training of the apprentice; and
- (f) protect the best interests of the apprentice generally.

Apprenticeship agreement.

137. (1) The parent, guardian or relative of an apprentice shall enter into an apprenticeship agreement with the craftsman.

(2) The agreement shall be in accordance with the custom which obtains in the specific trade but shall not include the performance of any induction ceremony which may conflict with the rights of the child contained in this Act.

(3) The agreement shall contain such matters as may be agreed between the parties and may include -

- (a) provision that the parent, guardian or relative shall bear the cost of protective clothing and the basic tools for the training of the apprentice;
- (b) a duty that the craftsman is to provide shelter for the apprentice; and
- (c) a provision that the craftsman is to give the apprentice an allowance of not less than half the minimum national daily wage for his daily sustenance.

(4) The agreement shall be in writing and shall contain provisions in the best interests of the parties and the apprentice.

(5) Should either party to the agreement contravene its terms, the agreement shall immediately lapse unless there is a contrary intention in the agreement.

Duties of apprentice.

138. An apprentice shall diligently and faithfully obey and serve the craftsman and shall agree—

- (a) that he will not absent himself from the apprenticeship without permission;

(b) to prevent any deliberate damage to the property of the craftsman; and

(c) not to conceal any damage to the property of the craftsman.

139. (1) The conditions for the release of an apprentice upon the completion of his training shall not be exploitative and shall be in accordance with the best interests of the child under this Act. Release of apprentice.

(2) The craftsman shall on completion of a period of apprenticeship issue a certificate of release to the apprentice which shall indicate that the apprentice has completed his training.

(3) If the craftsman refuses to issue the certificate of release without just cause he commits an offence and is liable on summary conviction to a fine not exceeding Le2 million or six months imprisonment or both such fine and imprisonment.

140. Disputes related to an apprenticeship agreement shall be referred to the district labour officer of the district concerned by the parties to the apprenticeship agreement or the apprentice. Resolution of disputes.

141. The enactments specified in the first column of the Schedule are amended to the extent specified in the second column thereof with a view to the adoption of a consistent or uniform legal definition of the age of maturity or of child as the case may be. Amendments to secure uniform definition of 'child', etc.

SCHEDULE

(Section 141)

Name of enactment

Extent of amendment

1. Protection of Women and Girls Act, Cap. 30.

In section 2, immediately after the word “under”, substitute “eighteen” for “twenty-one”.

Name of Enactment**Extent of amendment**

- Section 3, immediately after the word “girl” insert the words “under eighteen years of age”.
2. Prevention of Cruelty to Children Act, Cap. 31. Substitute “eighteen years” for “sixteen years” in section 2, definition of “child” and in section 4.
3. Children and Young Persons Act, Cap. 44. Section 2, definition of “young person” substitute “eighteen years” for “seventeen years”.
4. Muslim Marriage Act, Cap 96. Section 9 (2) paragraphs (a) and (b) for the words appearing after “intestate” substitute, “if eighteen years or above”.

Section 10, for “twenty-one years” substitute “eighteen years”.
5. Armed Forces of Sierra Leone Act, 1961 (Act No. 34 of 1961) Section 2, the definition of “boy” substitute “eighteen years” for “seventeen and half years”

In section 16 (2) and any other reference to the age of enlistment, attestation or recruitment into the Armed Forces of Sierra Leone, substitute “eighteen years” for the reference to “seventeen and a half years”.
6. Interpretation Act, 1971 (Act No. 8 of 1971) Section 4, in definition of “infant” substitute “eighteen years” for “twenty-one years”.

Passed in Parliament this 7th day of *June*, in the year of our Lord two thousand and seven.

A. A. KEMOKAI,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

A. A. KEMOKAI,
Clerk of Parliament.