

BILL

Supplement to the Sierra Leone Gazette Vol. CXLXIII, No. 85
dated 24th November, 2022

THE CHILD RIGHTS ACT, 2022

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SCHEDULE

No.



2022

A BILL ENTITLED

THE CHILD RIGHTS ACT, 2022

Short title.

Being an Act to repeal and replace the Child Rights Act, 2007 (Act No. 7 of 2007) and the Children and Young Persons Act, (Cap 44), to provide for the promotion of the rights of the child in compliance with the Convention on the Rights of the Child and to provide for other related matters.

[

] Date of commencement.

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

PART I - PRELIMINARY

Interpretation. 1. 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;

"approved school" means a school established under section 27 or a place or institution declared to be an approved school;

"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;

"Chairman" means the Chairman of the Ward Child Welfare Committee referred to in subsection (1) of section 16;

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

"child" means a person below the age of 18 years;

"Commission" means the National Commission for Children established under section 3;

"Convention" means the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20th November, 1989, its Optional Protocols of 8th September, 2000 and the African Charter on the Rights and Welfare of the Child, 1990;

"Council" means the district council;

"Court" means the Family and Children's Court referred to in section 73;

"Executive Secretary" means the Executive Secretary of the Commission referred to in paragraph (h) subsection (1) of section 5;

"female genital mutilation" includes the cutting or removal of a part of the female genitalia;

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

"hazardous labour" means labour which deprives a child of his health, education or development;

"Minister" means the Minister responsible for children's affairs and "Ministry" shall be construed accordingly;

"national parents body" means a body comprising elected representatives from duly recognised parent advocacy organisations;

"probation officer" means a person appointed as such under this Act and includes a deputy probation officer or assistant probation officer;

"service provider" means a 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;

Application of principle of best interests of the child.

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

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

- (a) non-discrimination in the respect accorded to a child in the enjoyment of his rights;
- (b) the right to life and maximum survival and development of a child;
- (c) respect for the views of a child; and
- (d) the spirit of the entire Convention and the Charter.

PART II—CONTINUATION OF THE NATIONAL COMMISSION FOR CHILDREN

The National Commission for Children.

3. (1) There shall continue in existence, the National Commission for Children as a body corporate having perpetual succession and capable of acquiring, holding and disposing of 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.

(2) The Commission shall have a common seal, the use of which shall be authenticated by the signatures of the Commissioner and, in his absence, any other member of the Commission designated in that behalf by the Commission.

Functions of Commission.

4. (1) The object for which the Commission is established is to -

- (a) monitor and coordinate the implementation of the Convention and the Charter;

-
- (b) organise and coordinate on an annual basis the holding of a Child Parliament in order for children to articulate their views;
 - (c) oversee the implementation of Part III; and
 - (d) 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.

(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) 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;

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- (c) 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, reasonable shelter and free basic education, including the provision of adequate school facilities, materials and trained teachers in the rural areas;
 - (d) 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 care and maintenance of children in difficult circumstances, and the prevention and proper management of juvenile delinquency;
 - (e) 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) engage in advocacy for a just and progressive system of juvenile justice, to advocate for the imprisonment of children as a means of last resort and to promote the use of alternatives to the imprisonment of children, as well as to advise Government with regard to bringing existing legislation into harmony with relevant international legal instruments on juvenile justice;

- (g) issue reports, including recommendations, on child rights in Sierra Leone; and
- (h) do all other things as will be conducive to the attainment of the object stated in subsection (1).

5. (1) The Commission shall consist of the Commissioner, who shall be the head of the Commission, and the following other members - Composition of Commission.

- (a) the Chief Director for children's affairs, Ministry of Gender and Children's Affairs;
- (b) a representative of the Ministry of Social Welfare, not below the rank of a director;
- (c) a Paramount Chief, elected by the Council of Chiefs;
- (d) a male and a female child representative from the Children's Forum Network;
- (e) a representative from the Child Rights Coalition in Sierra Leone;
- (f) a representative from the religious community elected by the Inter-Religious Council of Sierra Leone;
- (g) a representative of the Bar Association of Sierra Leone nominated by the Bar Association of Sierra Leone; and
- (h) the Executive Secretary, who shall serve as secretary to the Commission but does not have the right to vote.

(2) The Commissioner shall be appointed by the President, from amongst persons with proven knowledge and experience in child rights matters, on the recommendation of the Minister subject to the approval of Parliament.

Filling of vacancies.

6. (1) Where the Chairman or a member of the Commission dies, resigns, is removed from office or is absent for a continuous period exceeding 3 months or is by reason of illness unable to perform the functions of his office for a continuous period of 3 months, the members of the Commission shall, in the case of -

- (a) the Chairman, elect one of their number to act as Chairman until such time as the Chairman resumes office or another is appointed in his stead; and
- (b) a member, the Chairman shall, subject to this Act, have another person appointed or nominated to the Commission.

(2) Where a person is appointed as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

Tenure of members.

7. (1) The Commissioner shall hold office for a term of 3 years and shall be eligible for re-appointment for a further term of 3 years only.

(2) 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 3 consecutive meetings of the Commission without reasonable cause;
- (f) if he resigns his office by written notice to the President.

8. The Chairman and the other members of the Commission and any person co-opted by the Board under subsection (9) of section 9 shall be paid such remuneration, fees and allowances as Parliament may determine and shall be reimbursed by the Commission for expenses incurred in connection with the discharge of their functions:

Remuneration
of members.

Provided that a member who receives salary from the consolidated fund shall be entitled only to a sitting fee.

9. (1) The Commission shall meet for the dispatch of its business at least once every month and at such time and place as the Chairman may determine.

Meetings of
Commission.

(2) The quorum at any meeting of the Commission shall be 6.

(3) A 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 Commissioner shall preside at every meeting of the Commission and in his absence, the members present shall appoint one of their number to preside.

(5) A member shall have one vote but in the case of an equality of votes, the Commissioner 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 Commissioner to summon a special meeting of the Commission for such purposes as may be stated in the notice.

(7) The Commissioner or, in his absence, the member appointed to act on his behalf shall summon a special meeting within 5 days of the receipt of the notice referred to in subsection (6).

(8) A 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 a 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 Commissioner and kept in proper form as a public record.

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

Disclosure
of interest.

10. (1) A member of the Commission who has any interest, whether direct or indirect in any matter being considered or to be considered by the Commission, shall disclose the nature of his interest to the Commission and the disclosure shall be recorded in the minutes of the Commission and such member shall not take part in any deliberation or decision of the Commission relating to that matter.

(2) A member of the Commission who contravenes subsection (1) shall be guilty of misconduct and shall be liable to be removed from the Commission.

11. (1) The Commission may, for the discharge of its functions, appoint one or more committees to perform such functions as the Commission may determine. Committees of Commission.

(2) A committee appointed under subsection (1), shall consist of members of the Commission or non-members or both as the Commission may decide.

(3) Without prejudice to the generality of subsection (1), the Commission shall appoint an audit committee consisting of such members of the Commission, excluding the Chairman, performing such functions as the Commission may determine.

(4) A committee shall submit a report of its proceedings to the Commission at such time as the Commission may determine.

PART III—THE FUNCTIONS OF THE COMMISSION

12. (1) The object for which the Commission is established is to - Functions of Commission.

- (a) monitor and coordinate the implementation of the Convention and the Charter;
- (b) organise and coordinate on an annual basis the holding of a Child Parliament in order for children to articulate their views;
- (c) oversee the implementation of Part III of this Act; and
- (d) 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.

(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) 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) 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, reasonable shelter and free basic education, including the provision of adequate school facilities, materials and trained teachers in the rural areas;
- (d) seek and mobilize international support toward 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 care and maintenance of children in difficult circumstances, and the prevention and proper management of juvenile delinquency;

- (e) 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) engage in advocacy for a just and progressive system of juvenile justice, to advocate for the imprisonment of children as a means of last resort and to promote the use of alternatives to the imprisonment of children, as well as to advise Government with regard to bringing existing legislation into harmony with relevant international legal instruments on juvenile justice;
- (g) issue reports, including recommendations, on child rights in Sierra Leone; and
- (h) do all other things as will be conducive to the attainment of the object stated in subsection (1).

PART IV - ADMINISTRATION OF THE COMMISSION.

13. (1) The Commission shall have a secretariat which shall be responsible for - Secretariat of
Commission.

- (a) implementing the decisions and directives of the Commission;
- (b) providing administrative, secretarial and other support to the Commission.
- (c) initiating and maintaining high-level contact with local and international child welfare and development stakeholders;
- (d) preparing the annual budgets and reports of the Commission.

(2) The Secretariat shall be headed by an Executive Secretary who shall be responsible to the Commission for managing the Secretariat and keeping records of the Commission including taking and keeping minutes of the meetings of the Commission.

(3) The Secretariat shall have, in addition to the Executive-Secretary, such other officers and staff as may be necessary for the proper discharge of the functions of the Secretariat under this Act.

(4) The Executive Secretary and staff under subsection (3) shall be appointed by the Public Service Commission upon such terms and conditions of service as the Commission may determine.

Regional and district offices of Secretariat.

14. (1) The Secretariat shall be established in each of the administrative regions and districts of Sierra Leone, such regional and district offices of the Secretariat as the Commission may determine.

(2) A regional or district office established under subsection (1) shall be under the supervision of Secretariat, perform such functions as the Commission may determine and shall be provided with such officers and staff as may be necessary for the proper and effective performance of its functions.

15. An officer or employee of the Secretariat or any person acting on the direction of an officer or employee of the Secretariat shall not 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 Secretariat.

PART V-CHILD WELFARE FUNCTIONS OF LOCAL COMMITTEES AND DISTRICT COUNCILS

16. (1) There shall be established in each Ward throughout Sierra Leone, a Ward Child Welfare Committee which shall be responsible to
- Ward Child Welfare Committee.
- (a) advance and monitor the enjoyment of the rights of the child at ward level;
 - (b) promote child rights awareness and enjoyment, in the ward;
 - (c) submit regular observations, reports, and concerns on child welfare to the Secretariat;
 - (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 ward;
 - (f) report domestic violence and all forms of gender based violence to the Secretariat or the police;
 - (g) provide advice to children, parents and other community members in promoting the short and long term best interests of the child;
 - (h) issue recommendations and instructions on the maintenance and support of a particular child or children within the ward;

- (i) consider complaints and concerns referred to it by an adult or child concerning the welfare of a child in the ward;
- (j) undertake other functions that may advance the enjoyment of the rights of the child within the committee's jurisdiction.

(2) The Ward Child Welfare Committee under subsection (1) shall consist of -

- (a) a social services officer responsible for children at the district level;
- (b) a traditional chief;
- (c) an officer from Family Support Unit;
- (d) a parents' representative;
- (e) a representative from the local council; and
- (f) a male and female child.

(3) The Ward Child Welfare Committee shall elect a Chairman from amongst its number.

(4) A social welfare officer under paragraph (a) of subsection (2) shall serve as secretary to the Ward Child Welfare Committee.

(5) A member of the Ward Child Welfare Committee shall hold office for a term of 2 years and shall be eligible for re-appointment for a further term of 2 years only.

District
council to
protect
children.

17. A district council shall promote the welfare and protect the rights of children within its area of authority and shall ensure that within the district, coordinate the responses of governmental agencies in matters concerning children including directing, where there is reasonable grounds to suspect child abuse or a need for care and protection of a child -

-
- (a) a probation officer or social welfare officer accompanied by the police to enter and search premises;
 - (b) a probation officer or the social welfare office to -
 - (i) refer a matter to the appropriate authorities for further action;
 - (ii) remove the child to a place of safety for a period not exceeding 7 days;
 - (ii) bring a child before a court to commit a child to an approved residential home or to the care of a probation officer, social welfare officer or another suitable person.

PART VI—RIGHTS OF A CHILD

18. A child has the right to -

Rights of
a child.

- (a) life, survival and development to the maximum extent possible;
- (b) a name, right from birth;
- (c) acquire a nationality;
- (d) know his natural parents and extended family;
- (e) live with his parents and family unless, prohibited by a court on the grounds that living with his parents would -

- (i) lead to significant harm to the child;
 - (ii) subject the child to serious abuse; or
 - (iii) not be in the best interest of the child;
- (f) grow up in a caring and peaceful environment;
- (g) the estate of his parent, whether or not born in wedlock;
- (h) express an opinion, to be listened to and to be given due weight in accordance with the age and maturity of the child;
- (i) participate in decisions which affect his welfare;
- (j) participate in-
- (i) sports;
 - (ii) positive cultural and artistic activities; or
 - (iii) other leisure activities.

Child in need of care and protection.

19. (1) A child who -

- (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) destitute;
- (e) under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have custody of the child;
- (f) found -
 - (i) wandering and has no home or settled place of abode or visible means of subsistence;
 - (ii) begging or receiving alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise; or
 - (iii) in a street, premises or place for the purpose of begging or receiving alms;
- (g) accompanies a 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;
- (h) frequents the company of a reputed thief or reputed prostitute;
- (i) is residing in a house or the part of a house used by a prostitute for the purpose of prostitution; or
- (k) is otherwise living in circumstances calculated to cause, encourage or favour the seduction or prostitution of or affect the morality of the child;

- (l) is a person in relation to whom an offence has been committed or attempted under the Anti-Human Trafficking Act, 2005;
- (m) 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;
- (n) is otherwise exposed to moral or physical danger.

(2) A child shall not be considered to be in need of care under paragraphs (g), (h) and (i) of subsection (1), if -

- (a) only, that the child associates with is his mother; and
- (b) it is proved that the mother exercises proper guardianship and care to protect the child from corrupt influences.

Right of a disabled child.

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

(2) A person shall not treat a child with disability in an undignified manner.

Right of a child born to detention.

21. (1) A child born in detention has a right to special care, education and training to develop his maximum potential and be self-reliant.

(2) A child born in detention shall be handed over to -

- (a) his father; or
- (b) a relative of either the mother or father.

(2) Where the father of a child born in detention cannot be traced or is unwilling to take the child or a relative of either the mother or father is unwilling to take the child, the Minister shall, subject to section 79, place the child under a foster-care.

22. A child has the right to be protected from recruitment in the armed forces or any other kind of violent conflicts. Rights of child in Court.

23. (1) A child, in Court, has a right to-

- (a) legal representation in Court;
- (b) give an account and express an opinion;
- (c) where necessary, call witnesses in his defence;
- (d) privacy throughout the proceedings in Court.

(2) The court shall explain the right of appeal to a child in Court and to his parent or guardian.

24. (1) A person shall not subject a child to -

- (a) torture, other cruel, inhuman or degrading treatment or punishment including cultural hazardous practice that dehumanises or is injurious to the labour and physical and mental welfare of a child;
- (b) corporal punishment;
- (c) hazardous labour;
- (d) marriage of whatever kind if the child is under the age of 18 years or force a child to be betrothed or the subject of a dowry transaction;

Protection from torture, degrading treatment, hazardous labour early marriage.

- (e) other harmful practices including -
 - (i) female genital mutilation;
 - (ii) cultism;
 - (iii) child initiation;
 - (iv) physical torture and cruelty.
- (3) The correction of a child is not justifiable if -
 - (a) it is unreasonable in kind or in degree according to the age, physical and mental condition of the child; and
 - (b) the child is, by reason of tender age or otherwise, incapable of understanding the purpose of the correction.
- (4) A person or association who contravenes subsection (1), commits an offence and is liable on conviction to a fine of not less than 5,000.00 Leones or imprisonment for a term of not less than 2 years or to both such fine and imprisonment.
- (5) Notwithstanding any law to the contrary, a certificate, licence or registration shall not be granted in respect of a marriage unless the Registrar or other responsible officer is satisfied that the parties to the marriage are of the age of marriage.
- (6) A person who contravenes subsection (5), commit an offence and is liable on conviction to a fine of not less than 5,000,000.00 Leones or imprisonment for a term not less than 2 years or to both such fine and imprisonment.

25. (1) A child shall be -

Other social responsibilities to a child.

- (a) brought up and be educated to take pride in his culture and national identity;
- (b) provided the opportunity to learn at least one indigenous Sierra Leonean language from primary school level;
- (c) rendered appropriate direction and guidance on tradition and cultural standards in the advancement of 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;
- (d) accorded an opportunity to-
 - (i) contribute towards family cohesion;
 - (ii) respect parents and other persons;
 - (iii) exhibit diligence towards studies and work; and
 - (iv) strengthen the positive cultural values of his community.

(2) A person or association that prevents a child from participating in an activity specified in subsection (1) commit an offence and is liable on conviction to a fine of not less than 5,000.00 Leones or imprisonment for a term not less than 2 years or to both such fine and imprisonment.

PART VII—TREATMENT OF YOUNG OFFENDERS

Imprisonment
of a child
prohibited.

26. (1) A child shall not be sentenced to imprisonment unless

- (a) the offence is murder, manslaughter, treason, a cyber or sexual offence; or
- (b) the court considers that other alternative punishment under this Act or any other Act is unsuitable in the circumstances.

(2) A child sentenced to imprisonment under subsection (1), shall be sent to -

- (a) an approved school if he has not attained the age of 18 years; and
- (b) a correctional centre, immediately on his attainment of the age of 18 years, to serve his remaining term of imprisonment .

Approved
school.

27. The Minister may establish an approved school in such Districts or areas in Sierra Leone as he may deem appropriate and appoint fit and proper person or persons to manage an approved school.

Approved
school order.

28. (1) Where a child is convicted for an offence punishable with imprisonment the Court may issue an approved order committing the child to be in an approved school until he attains the age of 18 years or for any shorter period:

Provided that the child shall not be committed to an approved school for a shorter period than 2 years, unless at the time of the order the child is over the age of 17 years in which case the order for committal shall be for the period until such person attain the age of 18 years.

(2) An approved school order made under subsection (1), shall specify-

- (a) the approved school to which the child is to be sent; and
- (b) the person who is to be responsible for conveying him to the approved school.

(3) A certified copy of an approved school order shall be delivered to the person responsible for conveying the child to the approved school who shall, in turn deliver the approved school order to the manager.

29. (1) An approved school order shall be sufficient authority for the detention of the child in the school according to the tenure.

Approved school order constitutes sufficient authority for detention.

(2) A child whilst detained at an approved school in accordance with this Act or whilst being conveyed to or from the approved school shall be deemed to be in legal custody and if he escapes, he may be apprehended without warrant and brought back to the approved school.

(3) A person who knowingly assists or induces a child to escape from an approved school or knowingly harbours or conceals a child who has escaped or prevents him from returning, commits an offence and is liable on conviction to a fine not exceeding 5,000.00 Leones or to imprisonment for a term of not less than 3 months or to both such fine and imprisonment.

30. (1) The operation of an approved school order may be suspended pending the completion of arrangements for the reception of the child into an approved school, or on account of his ill-health or for other good and sufficient reason, and in such a case, the court may remand him in custody or may order him to be committed to the care of a fit and proper person willing to undertake such custody, or may release him on bail.

Operation of approved school order.

(2) A child sent to an approved school shall after the expiration of the period of his detention be under the supervision of the manager of his school until he attains the age of 18 years.

(3) Where the manager of an approved school is satisfied that it is in the best interest of a child under supervision that the child should be recalled to the school, the manager shall make an application to the court for an order authorising him to recall the child to the approved school.

(4) Notice of an application shall be served on a child whom it is intended to recall and on the parent or guardian of the child to give him and the parent or guardian as the case may be an opportunity of being present at the hearing in Court.

(5) Where, after hearing the manager of the school, and after hearing what, if anything, the child in respect of whom the order is sought and his parent or guardian have to say, the court is of the opinion that it is in the best interest of the child that he should be recalled, the court shall make an order accordingly, authorising the manager to recall the child to the approved school, and the manager may recall the child to the approved school.

(6) Where a child in respect of whom an order has been made under subsection (4), fails to obey the order without lawful excuse, he may be apprehended without warrant and taken to the approved school.

(7) A child who has been recalled shall be released as soon as the manager thinks that he can properly be released and in no case shall he be detained after he has attained the age of 18 years.

(8) Where the manager of an approved school is satisfied that a child whose period of detention therein is about to expire needs further care or training, he may, with the approval of the Minister and subject to the order of the court, detain him for a further period not exceeding 12 months and not beyond the date upon which he attains the age of 18 years.

31. Where the manager of an approved school is satisfied that a person committed to the school is of unruly or depraved character that is undesirable that he should remain at the school, he may cause the child to be brought before a Court having jurisdiction in the place where the school is situated or before the Court which made the approved school order, and the Court may in respect of such child make an order which could have been legally made by the committing Court under this Act, for a child to be -

Recall after expiration of approved school order.

- (a) removed from one approved school to another.
- (b) released from an approved school on condition that the child shall live under the charge of a trustworthy and respectable person named in the order of release willing to receive and take charge of him and to keep the child employed at some trade, occupation or calling.

32. Where a child is apprehended with or without a warrant and cannot be brought before a court, the officer in charge of the police station to which the child is brought shall, unless -

Bail of child arrested.

- (a) the charge is one of murder or an offence punishable with imprisonment for a term exceeding 7 years;
- (b) it is necessary, in the interest of such child, to remove him from association with an undesirable person; or
- (c) the officer has reason to believe that the release of the child would defeat the ends of justice,

release the child on a recognisance being entered into by him or his parent or guardian, or other responsible person, with or without sureties for such amount as will, in the opinion of the officer, secure the attendance of the child upon hearing of the charge.

Child failing to observe conditions of recognisance.

33. (1) Where the court before which a child is bound by recognisance is satisfied by information on oath that the child has failed to observe any of the conditions of the recognisance, it may issue -

- (a) a warrant for his apprehension; or
- (b) a summons to the child and his sureties requiring him or them to attend at such court and at such time as may be specified in the summons.

(2) A child apprehended under paragraph (a) of subsection (1), shall, if not brought before the court before which he is bound by recognisance, be brought before any other court.

(3) A court before which a child on apprehension is brought or before which he appears in pursuance of a summons under paragraph (b) of subsection (1), may, if it is not the court before which he is bound by recognisance, remand him to custody or on bail until he can be brought before the court before which he is bound by recognisance.

(4) A court, before which a person is bound by recognisance, on being satisfied that he has failed to observe a condition of the recognisance, may forthwith deal with him as for the original offence.

Variation of conditions of release.

34. A court before which a child is bound by this Act to appear to be further dealt with may, after notice to the child and his parent or guardian,-

- (a) vary the conditions of the recognisance; and

- (b) if satisfied that the conduct of the child has been such as to make it necessary that he should remain longer under supervision, discharge the recognisance

35. The officer-in-charge of a correctional centre shall make arrangements for preventing, so far as practicable, a child while in custody, from associating with adult detainee.

Association
with adult
detainee.

36. (1) The Minister may, by statutory instrument, appoint a fit and proper person or persons to be a probation officer or officers for each District or area where an approved school is established under section 27 and may from time to time appoint a deputy probation officer for a district or area to act in the absence or during the illness or incapacity of the probation officer or officers, and may appoint an assistant probation officer to perform under the direction of the probation officer all or any of the duties of a probation officer in a part of the district or area.

Appointment
of probation
officers.

(2) A probation officer appointed under subsection (1), shall be subject to the control of the court for the district or area for which he is appointed.

(3) A recognisance entered into under section 32 shall, if the court so orders, contain a condition that the offender be under the supervision of a person named in the order during the period specified in the order and such other conditions for securing such supervision as may be specified in the order.

(4) The person named in a probation order shall be -

- (a) a probation officer appointed by the Minister for the district or area for which the court acts;

- (b) a probation officer appointed by the Minister for some other district, if the Court considers it expedient on account of the place of residence of the offender or for any special reason; or
- (c) a person who has been appointed a probation officer for a district or area, if the court considers that the special circumstances of the case render it desirable or if a probation officer has not been appointed.

(5) The person named in a probation order may at any time be relieved of his duties, and in any such case or in any case of the death of the person so named, another person may be substituted by the court before which the offender is bound by his recognisance to appear for conviction or sentence.

(6) It shall be the duty of the probation officer, subject to the control of the court, to -

- (a) visit or receive reports from the person under supervision at such reasonable intervals as may be specified in the probation order or subject thereto as the probation officer may think fit;
- (b) see that the person under supervision observes the conditions of his recognisance;
- (c) report to the Court as to the behaviour of the person under supervision; and
- (d) advise, assist and befriend the person under supervision and when necessary to endeavour to find him employment.

37. (1) Where a child has been found guilty of an offence for which a fine, compensation or costs may be imposed, and the court is of the opinion that the case would be best met by the imposition of a fine, compensation or costs, the court may order that the fine, compensation or costs awarded be paid by the parent or guardian of the child instead of by the child unless the court is satisfied that the parent or guardian cannot be found or that the child has not committed the offence on account of the parent or guardian neglecting to exercise due care of the child.

Parent to pay fine instead of child.

(2) An order under subsection (1) may be made against a parent or guardian who, having been required to attend has failed to do so, but an order shall not be made without giving the parent or guardian an opportunity of being heard.

(3) Sums imposed and ordered to be paid by a parent or guardian under subsection (1) may be recovered by distress.

(4) A parent or guardian may appeal against an order under subsection (1) to the High Court.

38. Child offenders and cases involving child victims of domestic violence and child abuse may be referred to the Family Support Unit of the Sierra Leone Police.

Family Support Unit.

39. (1) The Minister may establish remand homes in such Districts or areas in Sierra Leone as he may deem appropriate and appoint fit and proper person or persons to manage a remand homes.

Remand homes.

(2) The Minister may, by statutory instrument, make rules for the -

- (a) running and management of remand homes;
- (b) inspection, classification, treatment, employment, and control of children detained in custody in remand homes; and
- (c) visitation of children in remand homes.

Remand home order. 40. (1) An order in respect of which a child is committed to custody in a remand home shall be delivered with the child to the person-in charge of the remand home and shall be sufficient authority for his detention in the home in accordance with the tenure.

(2) A child, while detained and being conveyed to and from the remand home shall be deemed to be in legal custody.

(3) A child who escapes from a remand home may be apprehended without warrant and brought back thereto, and a person who knowingly assists or induces a child to escape, or knowingly harbours or conceals a child who has escaped, or prevents him from returning to the remand home, commits an offence and is liable on conviction to a fine not exceeding 5,000.00 Leones or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

PART VIII-RESPONSIBILITIES OF PARENT AND STATE INSTITUTIONS

Responsibility of parent. 41. (1) A parent shall not deprive a child of his welfare whether the parents of the child -

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

(2) A parent shall -

- (a) protect the right to life, dignity, respect, leisure, liberty of his child;
- (b) provide health services, including immunisation against diseases, education and shelter for his child;

- (c) protect the child from neglect, discrimination, violence, abuse, exposure to physical and moral hazards and oppression;
- (d) provide good guidance, care, assistance and maintenance for the child and assurance of the child's survival and development; and
- (e) ensure the registration of the birth of his child and that the names of both parents appear on the birth certificate except when the father of the child is unknown to the mother.

(3) A parent is bound by the responsibilities to his child under subsection (2), whether imposed by law or otherwise, except where he has surrendered such responsibilities in accordance with law, to ensure that in the temporary absence of a parent, the child shall be cared for by a competent person and that a child under 18 months of age shall only be cared for by a person of 18 years and above.

42. (1) A parent shall, in relation to other persons, have, as regard his child, the right, subject to the short-and long-term best interests of the child, to -

Parental rights.

- (a) have the child live with him or regulate the child's residence;
- (b) control and guide the child's upbringing;
- (c) maintain personal relations, if the child is not living with him;
- (d) act as the child's legal representative regarding the child's property and other interests;

- (e) appoint or revoke a guardian for the child, subject to the approval of the court;
- (f) have access to acceptable parenting programmes;
- (g) participate in child welfare committees, court, and other proceedings related to the child.

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

(3) Where a parent makes an application to prevent a co-parent from asserting his rights under subsection (2), the court shall grant the application, if it is satisfied that the exercise of 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 to the Court for financial or other relief.

Responsibilities
of state
institutions.

43. (1) The Ministry, in collaboration with other Ministries and relevant stakeholders, shall promote the enjoyment of children's rights and welfare throughout Sierra Leone and in particular, shall -

- (a) monitor, supervise and coordinate the activities and programs of -
 - (i) child welfare committees in order to ensure the progressive advancement of children's rights and welfare throughout Sierra Leone;
 - (ii) non-governmental organisations and community-based organisations involved in child protection in Sierra Leone;

-
- (b) undertake research on the welfare of children in Sierra Leone;
 - (c) provide administrative and logistical support including training for the effective functioning of the child welfare committees;
 - (d) 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;
 - (e) render expert advice and guidance to child welfare committees and respond to inquiries from child welfare committees;
 - (f) receive and review periodic reports from child welfare committees at all levels;
 - (g) prepare and submit to the Minister an annual report on the status and welfare of children in Sierra Leone which shall be laid in Parliament as soon as practicable; and
 - (h) facilitate information-sharing and networking of child welfare committees.

(2) A military or para-military institution of the state shall

not -

- (a) recruit or conscript or permit such recruitment or conscription of a child into military or para-military service;

- (b) use or permit the use of land mines and other weapons declared by international instruments to be adverse to children.

(3) A district, city or town council shall plan and implement participatory activities that improve the welfare of children and in particular, shall -

- (a) provide formal and informal educational facilities for children at every level;
- (b) actively promote the education of children in their respective localities;
- (c) increase accessibility and affordability of health-care and sanitation for children;
- (d) monitor places frequented by neglected, abandoned, disadvantaged, abused or orphaned children and assist in their positive relocation and development.

(4) A head of ward shall receive and discuss matters that affect or may affect the common welfare of children in the ward and refer to a ward child welfare committee any matter concerning child welfare that is complex or which the community is unable to resolve.

(5) A service provider including a health worker, teacher, social development worker and other governmental and non-governmental service provider shall discharge his duties to children and communities with diligence, fairness, without being swayed by personal interest and without discrimination, respecting people's dignity and worth, taking into account the short and long term interests of the children and in particular, shall -

- (a) advise parents and communities on matters that shall be referred to a child welfare committee;

- (b) render child health and development advice to adolescents, expectant parents, and other parents taking into account the developmental stage of the child concerned;
- (c) account 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;
- (d) 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.

PART IX—PARENTAGE, GUARDIANSHIP, CUSTODY AND MAINTENANCE OF CHILDREN

44. (1) An order to confirm the parentage of a child may be made by the court on an application by any of the following persons Confirmation of parentage.

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

(2) An application for an order to confirm the parentage of a child under subsection (1) may be made -

- (a) before the child is born;
- (b) within 3 years after the death of the father or mother of a child;
- (c) before a child is 18 years; or
- (d) with special leave of the court, after the child has attained 18 years.

(3) The court shall make such order as it considers appropriate, to confirm the parentage of a child on the basis of the evidence before it including, -

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

Application
for custody or
access to
child.

45. (1) A parent, family member or a person who -
- (a) is raising a child may apply to a court for custody of the child; or
 - (b) has been caring for a child may apply to a court for periodic access to a child.

(2) A court shall, in making an order for custody or access to a child, consider the best interests of the child and the importance of a young child being with his mother and 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 court considers relevant.

46. A person who unlawfully removes a child from another person who has the lawful custody of the child commits an offence and is liable on conviction to a fine of not less than 5,000.00 Leones or imprisonment for a term of not less than 2 years or to both such fine and imprisonment.

Unlawful removal of child.

47. (1) A person who has custody of a child may apply to the court for a maintenance order for the child including -

Application for maintenance order.

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

(2) An application for maintenance may be made against a person who is legally liable to maintain a child or contribute towards the maintenance of the child and in such form as the Minister may by statutory instrument prescribe.

(3) The Court shall, in making a maintenance order for the child under subsection (1), consider -

- (a) any social enquiry report on the issue of maintenance before it, for consideration requested by the court to be prepared by a probation officer, protection officer or social services officer;
- (b) the income and wealth of both parents of the child or of the person legally liable to maintain the child;
- (c) any impairment of the earning capacity of the person legally liable to maintain the child;
- (d) the financial responsibility of the person legally liable with respect to the maintenance of other children;
- (e) the cost of living in the area where the child is resident;
- (f) the rights of the child under this Act; and
- (g) any other matter which a court considers relevant.

(4) An application for a maintenance order shall be consistent 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 the Matrimonial Causes Act.

(5) The Chief Justice may, by order, waive part or all of the filing fees or other fees payable for a maintenance order.

48. (1) A Court may award maintenance to the mother of a child, whether married to the father or not, where the father has been lawfully identified. Award of maintenance orders.

(2) When considering an application for maintenance, a court may make a maintenance order which it considers reasonable for a child in the household including-

- (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 9 months after the delivery of the child; and
- (c) the payment of a reasonable sum to be determined by the court for the continued education of the mother if she is a child herself.

(3) A Court may order -

- (a) a periodic payment or lump sum payment for the maintenance of a child and 20% of the earnings of the person who is legally liable to maintain the child may be attached and the attachment order shall be applicable in all cases of failure to pay maintenance;
- (b) for arrears of maintenance against a person legally liable to pay maintenance.

(4) An action may be brought by a parent, a person who has custody of a child or any other person legally liable to maintain the child, to enforce a maintenance order 30 days after the order is made or due.

Person entitled to receive and administer maintenance orders.

49. (1) A 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 court.

(2) Where the parent, guardian or whoever has custody of a child ceases to be a fit person to receive and administer the maintenance order, the 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 court.

Duration of order.

50. (1) A maintenance order made by a Court shall expire when the child attains the age of 18 years or dies before that age and shall lapse before the child attains the age of 18 years, if before that age the child is gainfully employed.

(2) Notwithstanding subsection (1) a Court may continue a maintenance order after a child has attained 18 years, if he is engaged in a course of continuing education or training after that age and on an application made by a parent of the child, a person who has the custody of the child.

Variation or discharge of order.

51. (1) The Court may, on the application of a parent, a person who has custody of a child or any other person legally liable to maintain the child, vary or discharge a maintenance order.

Non-custodial parent to have access to child.

52. A non-custodial parent in respect of whom an application is made to a court for an order of parentage, guardianship, custody, access or maintenance under this Act, shall have access to the child who is the subject of the order.

Application for foster-care placement.

53. (1) An application for the placement of a child in foster care shall be made to the Child Welfare Department in the district council.

(2) A person in whose care a child is placed or committed in forester-care shall -

- (a) be above the age of 21 years and of high moral character and proven integrity;
- (b) assume the same responsibilities in respect of the child's maintenance as the parent of the child while the child remains in his care; and
- (c) liable for contravention of this Act.

(3) A child may be placed in foster-care where -

- (a) the child has been committed to an approved residential home under a care order;
- (b) a recommendation has been made by a probation officer, protection officer or social services 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 a person, a committee comprising a probation officer, probation officer, protection officer or social services officer, the person in charge of the approved residential home and 2 other persons from the community with interest in the welfare of children selected by the district council.

54. Subject to the Adoption Act, 1989, a person who has resided with and taken care of a child in foster care for not less than a continuous period of 18 months and is of the age of above 30 years, may apply to adopt a child

Adoption application by foster parent.

55. (1) The Minister may establish approved residential homes for the care of children in such areas as he may determine.

Approved residential homes for children.

(2) A person, including a non-governmental organisation may also establish and operate a residential home for the care of children, on an application for a licence to operate to the district council and a recommendation of the district council, subject to the approval of the Minister.

(3) A home for the care of children established under subsection (2) shall not be issued a licence to operate unless -

- (a) on inspection by the district council, it meets such standard as the Minister may by statutory instrument prescribe;
- (b) it has been issued a licence to operate by the council after payment of the prescribed fee.

(4) A residential home for the care of children operated by a non-governmental organisation in existence at the commencement of this Act shall-

- (a) apply to the district council for approval and the issue of a licence within a period of 6 months from the commencement of this Act; and
- (b) cease the operation of the residential home for the care of children if it fails to obtain a licence after the 6 months.

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

(6) The staff of a residential home for the care of children, the probation officer, protection officer or social services officer and any other person shall, with respect to a child in a residential home for the care of children, -

- (a) endeavour to reunite with his parents, guardian or relatives and keep in regular contact with the child and his family to ensure that the best interests of the child are sustained; and
- (b) encourage and assist the child to become independent and self-reliant where a child is
 - (i) unable to reunite with his parents, guardian or relatives or to go to foster-parents;
 - (ii) has no parent or foster-parent.

56. (1) A child may be admitted to a residential home for the care of children -

Admission of children into approved homes for children.

- (a) on an order of the court for the protection of the residential child under this Act;
- (b) on the recommendation of a probation officer, protection officer or social services officer, who has determined that a residential 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.

57. (1) While a child is in a residential home for the care of children, the staff of the home shall assume parental responsibility for the child and to safeguard and promote the welfare of the child and ensure that the rights of the child under this Act are protected.

Parental responsibility for child in residential home for children.

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

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

Court may order a parent, guardian etc. to contribute to maintenance of a child in a residential home for Children.

58. (1) A Court may order that the parent, guardian or relative for the care of children to contribute towards the maintenance of the child in the home.

(2) An amount to be contributed under subsection (1) shall be of a reasonable amount and may be varied by the court if there is a change in residential circumstances of the contributor.

Adoption of a child in a residential home for children.

59. (1) Subject to this Act and the Adoption Act, 1989 (Act No. 9 1989) a child in a residential home for the care of children shall not be put up for adoption unless -

(a) by a local council; or

(a) parent or guardian of the child,

after consultation with the management of the home.

(2) The management of a residential home for the care of children shall not put up a child in their home for adoption.

Offences.

60. A person who -

(a) operates a residential home for the care of children without a licence issued by the local council;

(b) continues to operate a home for the care of children in contravention of this Act;

(c) adopts a child in a residential home for the care of children in contravention of section 59;

- (d) obstructs or hinders a person conducting an inspection under section 62, commit an offence and is liable on conviction to a fine of not less than 5,000.00 Leones or imprisonment for a term not less than 2 years or to both such fine and imprisonment and in the case of a continuing offence, to a further fine of not less than 50.00 Leones for each day on which the offence continues.

61. (1) A person shall not operate a day care centre except on the authority of a permit issued by the local council.

Application for permit to operate day-care centre.

(2) An application for a permit to operate a day-care centre under subsection (1), shall be submitted to the local council and accompanied by the prescribed application fee.

(3) A permit to operate a day care centre shall not be issued unless, -

- (a) an inspection of the day care centre has been conducted by the local council; and
- (b) the local council is satisfied that the facilities in the day care centre meets such standard as the Minister may by statutory instrument prescribe; and
- (c) the applicant has paid the prescribed application fee.

(5) A day-care centre in operation without a permit granted by a local council shall be closed by the local council on a 14 days' notice to the owner or operator.

62. (1) A local council shall inspect the premises, books, accounts and other records of a day-care centre in its locality at least once in every 6 months.

Inspection of day-care centres.

(2) Where an inspection of a day-care centre reveals that it is not being managed efficiently in the best interests of the children, the local council shall suspend the permit and the owner or operator shall by a written notice order the owner or operator of the day care centre to make good any default within such time as may be stipulated in the notice.

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

Existing
day care
centre.

63. (1) An owner or operator of a day care centre who intends to continue to operate the day-care centre shall, at the commencement of this Act, apply to the local council for a permit within 6 months.

(2) An applicant under subsection (1) who fails to obtain a licence after the 6 months, shall cease the operation of the day care centre.

64. A person who -

Offences.

- (a) operates a day-care centre without a permit issued by the local council in contravention of subsection (1) of section 61;
- (b) continues to operate a day-care centre in contravention of section 63; or
- (c) obstruct or hinders a local council in conducting an inspection under section 62,

commits an offence and is liable on conviction to a fine of not less than 10,000.00 Leones or to a term of imprisonment of not less than one year or to both such fine and imprisonment and in the case of a continuing offence to a further fine of not less than 50.00 Leones for each day on which the offence continues.

PART X - EMPLOYMENT OF CHILDREN

65. (1) A child shall not be engaged in - Employment
of a child.
- (a) full-time employment unless he is, at least, 15 years of age;
 - (b) work between the hours of 7 o'clock in the evening and 6 o'clock in the morning;
 - (c) work which is likely to be harmful to the health or development of the child and may affect the child's attendance at school or the capacity of the child to benefit from school work;
 - (d) hazardous work which poses a danger to the health, safety or morals of the child including
 - (i) going to sea;
 - (ii) mining and quarrying;
 - (iii) portorage of heavy loads;
 - (iv) manufacturing industries where chemicals are produced or used;
 - (v) alcohol factories;
 - (vi) work in places where heavy duty machines are used; and
 - (vii) work in places such as bars, hotels and places of entertainment where the child may be exposed to immoral behaviour.

(2) Notwithstanding paragraph (a) of subsection (1), a child under the age of 18 years shall not be engaged in full time employment without the written consent of his parent or guardian.

Child
apprenticeship.

66. (1) The minimum age at which a child may commence an apprenticeship with a craftsman is 14 years or after completion of basic education.

(2) The responsibilities of a craftsman towards an apprentice under his care shall be to -

- (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) 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) responsible for the moral training of the apprentice; and
- (f) act in the best interest of the apprentice generally.

(3) The parent, guardian or relative of an apprentice shall enter into an apprenticeship agreement with the craftsman under whose care the apprentice is placed which shall be in accordance with the law relating to labour and employment.

67. (1) An employer in an industrial undertaking shall keep a register indicating the dates of their births if known or of their apparent ages if their dates of birth are not known, of the children employed by him.

Children employed in industrial undertakings to be registered.

(2) For the purposes of subsection (1), 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.

68. A person who contravenes sections 65 or 67 commits an offence and is liable on summary conviction to a fine of not less than 10,000.00 Leones or to imprisonment for a term of not less than one year or to both such fine and imprisonment.

Offences.

PART XI - QUASI-JUDICIAL CHILD ADJUDICATION

69. In a 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 14 years.

Minimum age of criminal responsibility.

Child
Mediation
Panels.

70. (1) There shall be in each district such number of Child Mediation Panels established by the district council which shall have non-judicial functions to mediate in -

- (a) civil matters concerned with the rights of the child and parental duties;
- (b) quasi criminal matters between a child and any person offended by the action of the child, in an attempt to facilitate reconciliation between the parties.

(2) A Child Panel under subsection (1), shall consist of a Chairman nominated by the district council from among the members of the council and the following other members -

- (a) a member of a women's organisation in the district, appointed by the Minister;
- (b) a representative of the Chiefdom Councils in the district, appointed by the Minister;
- (c) a district council member, representing the council, appointed by the Minister;
- (d) 2 other citizens of high moral character and proven integrity from the community, one of whom shall be an educationalist, appointed by the Minister;
- (e) the district social services officer or district protection officer, who shall be secretary to the Child Panel.

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

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

(5) The quorum at any meeting of a Child Panel shall be 4 and in the absence of the Chairman, a member elected by the members present from their number shall preside.

(6) An agreement made between the parties consequent on the mediation of a Child Panel shall be recorded by the secretary to the Child Panel.

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

(8) Subject to this Act, a Child Panel shall regulate the procedure at its meetings.

71. (1) A Child Mediation 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.

Protection of child in mediation.

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

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

Community guidance order.

(2) A community guidance order under subsection (1) requires a child on whom it is imposed to be placed under the guidance and supervision of a person of good standing in the local community for a period not exceeding 6 months for purposes of his reform.

(3) 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.

PART XII- JUDICIAL CHILD ADJUDICATION AND
COURT ORDERS

Family and
Children's
Courts.

73. There shall be such courts to be known as Family and Children's Courts which shall be constituted by a panel consisting of

- (a) a Magistrate as Chairman; and
- (b) not less than 2 and not more than 4 other members, including a Social Services Officer, all of whom shall have proven knowledge or experience in child rights issues,

appointed by the Chief Justice on the recommendation of the Chief Director for children's affairs, Ministry Gender and Children's Affairs.

Jurisdiction
of Family and
Children's
Courts.

74. A Family and Children's 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 any other enactment.

Family and
Children's
Courts
sittings.

75. (1) A Family and Children's Court shall sit either in a separate 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 a person shall not be present at a sitting of a Family and Children's Court unless he is -

- (a) a member or officer of the Family and Children's Court;
- (b) a party, counsel, witness or directly concerned in the case before the Family and Children's Court,;

- (c) a parent or guardian of the child before the Family and Children's Court;
- (d) a probation or social welfare officer; and
- (e) a person whom the Family and Children's Court authorises to be present.

(2) The Chairman of a Family and Children's Court shall arrange for the Court to sit as often as possible to dispose of cases expeditiously.

76. (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 and Children's Court.

77. (1) A child shall have a right to legal representation at a Family and Children's Courts.

Rights of child at Family and Children's Courts.

(2) A child shall have a right to -

- (a) give an account and express an opinion at a Family and Children's Court;
- (b) privacy throughout the proceedings at a Family and Children's Court.
- (c) have the right of appeal explained to him and his guardian and parents.

Publication
of
information
on child
prohibited.

78. (1) A person shall not publish information that may lead to the identification of a child in a matter before a Family and Children's Court except with the permission of the Family and Children's Court.

(2) A person who contravenes subsection (1), commits an offence and is liable on summary conviction to a fine not exceeding 2 thousand Leones or imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Care order
of Court.

79. (1) A Court may issue an interim care order to the district council on application by a probation officer or social welfare officer under subparagraph (iii) of paragraph (b) of section 17.

(2) The interim 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 3 years or until the child attains 18 years whichever is earlier and the Court may make an interim order or may vary the order.

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

(6) A 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.

80. (1) A Court may issue a supervision order to the district council on an application by a probation officer or social welfare officer under subparagraph (iii) of paragraph (b) of section 17.

Supervision
order of
Court.

(2) The supervision order shall be aimed at preventing 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 18 years, whichever is earlier.

81. The duties of a probation officer or social welfare officer with respect to a care or supervision order is to -

Duties of
probation
officer and
social
welfare
officer.

- (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.

Home
visit.

82. 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.

General
provisions
on orders.

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

(2) The 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.

Discharge
of orders.

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

- (a) the child, his legal representative or next friend;
- (b) a probation officer;

(c) a social welfare officer; or

(d) a parent, guardian or relative of the child.

85. 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 Court may be put up for adoption.

Care order
and adoption.

86. In a 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 14 years.

Minimum age
of criminal
responsibility.

PART XIII—MISCELLANEOUS

87. (1) The Minister may, by statutory instrument, make such regulations as he may consider necessary or expedient for giving effect to this Act.

Regulations.

(2) Notwithstanding the generality of subsection (1) the Minister may make rules relating to -

(a) conduct of proceedings and discharge of functions by the Ward Child Welfare Committee;

(b) fosterage;

(c) homes for the care of children

Repeal and savings.

88. (1) The following laws are hereby repealed-

- (a) The Child Rights Act, 2007 (Act No. 7 of 2007);
- (b) The Children and Young Persons Act, Cap. 44;
- (c) The Corporal Punishment Act, 1953 (Act No. 12 of 1953);
- (d) subsections (2) and (3) of sections 2 and Section 5, of the Registration of Customary Marriage and Divorce Act, 2009 (Act No. 1 of 2009);
- (e) section 210 of the Criminal Procedure Act, 1965(Act No.32 of 1965).

(2) Notwithstanding the repeal of an enactment referred to under subsection (1), regulations made under a repealed Act shall in so far as they are consistent with this Act continue in force as if they were regulations made under this Act until such time as they are revoked.

(3) A licence issued under a repealed Act shall continue in force until expiration by passage of time and shall be subject to renewal.

(4) An act done, executed or issued under a repealed Act and in force and operative before the commencement of this Act shall, so far as it could have been done, executed or issued under this Act, have effect as if done, executed or issued under this Act.

MADE this *day* of , 2022.

MANTY TARAWALLI,
Minister of Gender and Children's Affairs.

FREETOWN,
SIERRA LEONE.