



Country fact sheet for the CRC

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REPORT N°	N° 3-5 periodic report for the CRC
PRE-SESSION/SESSION	<ul style="list-style-type: none"> • Pre-sessional: 73rd (February 2016) • Sessional: 73rd (September 2016)
LAWS (THC-1993, GUIDELINES, DOMESTIC LAWS)	<ul style="list-style-type: none"> • The UN Convention on the Rights of the Child, ratified on June 18, 1990; • The Optional Protocol to the CRC, on the Sale of Children, Child Prostitution and Child Pornography of 2000, ratified on September 17, 2001; • The African Charter on the Rights and Welfare of the child of 1990, ratified on May 13, 2002; • The Adoption Act of December 29, 1989; • The children and Young Persons Act of December 31, 1945; • The Prevention of Cruelty to Children Act of 1926; • The Child Rights Act of 2007; • The Anti Trafficking Act of 2005; • The 2013-2018 National Agenda for Prosperity (includes child protection prevention); • The 2013-2017 Ministry of Social Welfare, Gender and Children's affairs Strategic Plan.
GENERAL SITUATION OF CHILDREN DEPRIVED OF THEIR FAMILY	<ul style="list-style-type: none"> • In 2013, the population of Sierra Leone amounted to 6'092'080, with 935'000 children under the age of 5. In 2013, 57'100 persons were living with AIDS. • As mentioned in the 2014 UNICEF annual report, 2014 began with positive indications of Sierra Leone's increasing development, with the improvement in the economic growth rate (11.3%). On 24 May 2014, the first case of the Ebola Virus Disease (EVD) outbreak was recorded and by the end of the year, there were 9'605 confirmed cases and 2'801 deaths. • UNICEF's report reminds us that although the number of people living in extreme poverty in Sierra Leone has decreased to about 13.9%, a substantial number of people cannot meet their basic needs. Chronic malnutrition is high, standing at 38% of children under 5, according to the Demographic and Health Survey (DHS) 2013. About 22% of children aged 6-14 years are out of school, mainly due to poverty, according to the Country Status Report 2013. Poor adolescent girls are more likely to get pregnant. <p>Sources: UNICEF, http://www.unicef.org/statistics/index_countrystats.html and UNICEF Annual report 2014, http://www.unicef.org/about/annualreport/files/Sierra_Leone_Annual_Report_2014.pdf.</p>
	<ul style="list-style-type: none"> • In Sierra Leone, one fifth of children do not live with their biological parents. In 2013, 22'000 children (0-17 years) were orphaned due to AIDS and 310'000 due to all causes. In 2014, 26'400 children were orphaned of one or two parents. In February 2015, UNICEF estimated that 16'000 children had lost one or two of their parents or

ALTERNATIVE CARE OPTIONS

the person who was taking care of them, due to Ebola.

- **Informal care** (“menpikin”) is more widespread than formal care, which has not been regulated until recently. The **2014 Alternative Care Policy** gives general principles regarding menpikin to avoid discrimination, abuse and exploitation, including the consultation of the child, the possibility to terminate it, the obligation to draw a formal agreement and the obligation to maintain a contact between the child and his/her parent (s)/siblings.
- **Formal care**: The Child Rights Act of 2007 regulates kinship, guardianship, children’s homes, foster care and adoption. The main form of alternative care consists in residential care institutions: 58 children’s’ homes in 2011, hardly supervised. There are very few foster parents.
- Progress was made towards building the capacities of the MoSWGCA (Ministry of Social Welfare, Gender and Children’s Affairs), local councils and communities to care for children without parental care. In 2014, an **Alternative Care Policy** was approved by the MoSWGCA and the Cabinet. Implementation of the Policy is captured in the **MoSWGCA Strategic Plan (2013-2017)** and the **Agenda for Prosperity (2013-2018)**. This document provides specific guidance for the protection of abused children who are vulnerable or at risk and the provision of alternative care (informal care through *menpikin*, formal care through children’s home, foster care and adoption). It describes the structures envisaged at national, district and lower levels for implementing the policy. Direction on the expected case management process is provided to the district office of the Child Welfare Departments such as guidelines for deciding if a child is in need of an alternative care placement. Specific guidelines on supporting the care of children in their families are also provided.
- MoSWGCA and local council staff in 14 districts have been trained regarding their roles, and are better able to regulate the 63 existing residential child care facilities hosting 2’159 children, and support FTR (family tracing and reunification).
- A **Family Support Unit** (FSU) is working on protecting children from violence and abuse.

Sources: UNICEF, http://www.unicef.org/statistics/index_countrystats.html and http://www.unicef.org/about/annualreport/files/Sierra_Leone_Annual_Report_2014.pdf.

ADOPTION

- **Adoptions are regulated by the Adoption Act of 1989 and by the Child Rights Act of 2007. Both are outdated. For example, the principle of subsidiarity and the matching procedure are not clearly explained. Sierra Leone is not a party to the Hague Convention. Therefore reforms are necessary in relation to both domestic and intercountry adoptions. There are very few domestic adoptions.**
- On May 2009, Sierra Leone’s government suspended adoptions and undertook to take appropriate measures to review the Adoption Act and accede to the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. On April 13, 2012, the Government of Sierra Leone’s MoSWGCA lifted the suspension on intercountry adoptions that it enacted on May 21, 2009. Official information states that any new intercountry adoptions will take place under the country’s existing legal framework. An interagency committee established by the Ministry continues to work on new adoption laws. We do not have statistics regarding adoption made since 2012.
- The Alternative Care Policy of 2014 mentions that it is important to promote adoptions among Sierra Leone nationals.
- A **“Government’s White Paper on the Findings and Recommendations of the Justice Showers Commission of Inquiry on the HANCI-MAPS (Help a Needy Child International, Maine Adoption Placement Services) Adoption”** was issued under the hand of the Attorney General of Sierra Leone on 13 April, 2012. In this paper a directive was given to the MoSWGCA to immediately suspend the activities of HANCI and the

police was mandated to re-open the adoption cases for further investigation.

- In this paper, the Government also accepts to: “review the Adoption Act” and provide for the following in the review:

(i) that application for leave to take an adopted child out of Sierra Leone made to the High Court is to be granted only on cause shown to the satisfaction of the Court;

(ii) that adequate provision be made to ensure that the safeguards provided in the Adoption Act are respected and honored in cases where inter-country adoption applications are made and also to conform with the procedural requirements provided for in the Hague Convention of 1993, for inter-country Adoption;

(iii) that the Government be obliged to enter into bi-lateral or multi-lateral arrangements with other Governments who are signatories to the Convention to enhance collaboration with the competent authorities of those States;

(iv) that Government takes all appropriate measures through public bodies to provide adequate information on the law regulating adoption in Sierra Leone, to the various Communities in the country;

(v) that adequate preventive provision is made in the new Adoption Bill to act as deterrent for those likely who shall contravene the adoption law;

(vi) that adequate steps be taken by Government or other public bodies to promote the development of adoption counseling and post-adoption services or measures.

(vii) that provision should be made in the Adoption Bill for a social worker or, in the case of adoptees living outside Sierra Leone, the Sierra Leone Embassy, to monitor adoptees to ensure that their welfare is being catered for;

(viii) that the persons whose consent is necessary for any adoption are sufficiently counseled and informed of the effect of their consent and in particular that the adoption will result in the termination of any legal relationship between them or their relatives as applicable and the children;

(ix) that all adoptions are to be done in the best interest of the children;

(x) that penalties for contravention of a provision of the Bill be strengthened to serve as a deterrent;

(xi) that in the event that placement agreement provided for in the Bill is entered into with Sierra Leoneans not habitually resident in Sierra Leone, provision should be made for the supervision of the placement of the child involved, in the applicant’s country.

(xii) that the Bill should provide for the preparation of a report on the adopted child to establish his/her adoptability and also the background, social environment, family history, medical history and any special needs of the child prior to the application for the adoption of the child;

(xiii) that a central authority (or regulatory or supervisory body) be established by the Bill in accordance with Part IV of the Hague Convention of 1993.”

Sources: HANCI Suspended in Sierra Leone; Illegal Adoption Investigation to Resume UPDATED, by Rally, 19 April 2012, <http://www.reformtalk.net/2012/04/19/hanci-suspended-in-sierra-leone-illegal-adoption-investigation-to-resume-updated/>; Government white paper on the findings and recommendations of the justice shows commission of inquiry on the HANCI-MAPS adoption, 17 April 2012, <http://news.sl/drwebsite/exec/view.cgi?archive=8&num=20068&printer=1>; US State Department, <http://travel.state.gov/content/adoptionsabroad/en/country-information/learn-about-a-country/sierra-leone.html>.

- In France no visa has been granted for an adoption from Sierra Leone since 2001.

• **Adoptions from Sierra Leone to U.S. by year:**

2013	2012	2011	2010	2009	2008	2007
33	2	7	14	6	10	19

STATISTICS

Sources: US State Department, <http://travel.state.gov/content/adoptionsabroad/en/country-information/learn-about-a-country/sierra-leone.html>; Mission de l’Adoption Internationale,

	http://www.diplomatie.gouv.fr/fr/adopter-a-l-etranger/
RISKS	<ul style="list-style-type: none"> • Considering the difficult situation of the country, the effective protection of children in Sierra Leone is still weak: Children are still at risk of being illegally adopted, abused or being trafficked.
POTENTIAL QUESTIONS	<ul style="list-style-type: none"> • What has been done today to reform the adoption laws in order to make them conform to the international standards? • What actions have been undertaken to prevent illicit practices? • Has the country starting the process of accessing the 1993 Hague Convention? • Which are the next steps for the effective implementation of the alternative care policy? • Has the country undertaken- or does the country envisage to undertake - actions to promote foster care and domestic adoption? • What are the budget/resources allocated to the MoSWGCA Strategic Plan?