

# COUNTRY SITUATION

## SIERRA LEONE

### Reviewed by local contacts



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## GENERAL SITUATION

### Geographical situation

- [Sierra Leone](#) is a West-African country on the Atlantic coast, South of Guinea, and North of Liberia. Its capital, Freetown, is one of the world's largest natural harbours.
- It is a former British colony that became independent in 1961.

### Political situation & governance

- Sierra Leone is a [constitutional parliamentary Republic](#).
- The country is divided in [five administrative units](#): the Western Area, including Freetown, and the Northern, Eastern, North-Western and Southern provinces. Provinces are divided into local councils, called *district council* in rural areas (divided again into chiefdoms councils) and *city or municipal councils* in urban areas. The three levels of governments are thus: national government, local and chiefdom councils.
- The country was shaken in the recent past by a civil war, from 1991 to 2002. In 2004, elections were held for the first time in three decades and, the same year, a UN-backed tribunal, the Special Court for Sierra Leone, began war crime trials on atrocities committed by both sides during the war. [A truth and reconciliation commission](#) was also set up and operated in between 2002 and 2004. Traumas experienced during the war are still felt today. The government also has the task of rebuilding the country's infrastructure and social governmental services while fostering [reconciliation](#).
- As per the [Transparency.org Corruption Index](#), Sierra Leone ranked 115/180 in 2021.

### Population

- Estimated [population of 7.7 million](#). More than 48% of the population is under age 18 ([UNICEF 2021 Annual report](#)).
- Around 70% of the population lives below the poverty line and more than 65% of children live in poverty (Child Rights Coalition, Submission to the UPR of Sierra Leone, 2015; [UNICEF Annual report of 2019](#)). The Human Development Index of 2020 ranks Sierra Leone near the bottom, the 182<sup>nd</sup> country out of 189.
- Sierra Leone is composed of around [18 ethnic groups](#) with specific cultural features such as chieftaincy, patrilineal descent and farming methods. The most spoken language is Krio, which is a language derived from English and a variety of African languages. Other languages include Mende, Temne, and Limba. English is the official language and used in administration and commerce.

### Economic & social situation

- Besides being an agricultural country and a [mining center](#), Sierra Leone is one of the African countries involved in the **trade of the so-called blood diamond** ([diamond trade](#) sustaining an insurgency). Since the 1960s, official export of diamond declined because of smuggling and the depletion of reserves. By the 1990s, during the war, most of the reserves of diamond were controlled by rebel forces, providing them with a source of funding.
- Sierra Leone experienced a civil war that [lasted for 11 years](#) (1991-2002) and left [more than 50 000 dead](#). The illicit trade of diamond played a large role in leading to and perpetuating the civil war.
- The civil war and the **high level of poverty** has undermined the ability of families and communities to care for children. The war led to many children being placed in institutions, and, as per NGO reports, many of them were victims of illegal adoptions and child trafficking (Child Rights Coalition, [UPR Submission, 2015](#)). The war also **destroyed many schools** and still in 2015 it was reported that 50% of them were functioning sometimes in poor conditions (Alternative Care Policy, 2014).



- Civilians were also violently [expelled from diamond mining districts](#) to keep control of them. Atrocities committed during the war included mass murder, mutilations, and sexual violence as a tool of war. [First UN peacekeeping troops](#) and then also British troops intervened and occupied the country to help end the war.

### Children's rights

- **Weakened Family Structures:** Around a quarter of the children in the country are considered vulnerable and lack the protection of primary caregivers. Over 10% of them are orphans having lost one or both parents and over 15% of them live with other adults than their parents even though they are alive. Other than orphans, there is a large number of vulnerable children, for example living in poverty, with adults who are sick or who are sick themselves, in households headed by elderly adults or other children (Alternative Care Policy, 2014).
- **Birth registration:** With the support of [UNICEF](#) (p.3), by end of 2021, 97% of births (127 076 out of 131 032) notified by the Ministry of Health and Sanitation were successfully registered by the National Civil Registration Authority (NCRA). However, only 29% per cent were issued with birth certificates, a situation which UNICEF tries to address.
- **Child marriage:** The incidence of **early child marriage** is high too, with data from 2017 showing that 30% of girls were married before the age of 18, and 13% before the age of 15. UNICEF is actively working towards addressing this situation ([UNICEF 2021 Annual report](#)).
- **Female genital mutilation (FGM):** Another prevailing harmful practices is female genital mutation ([CRC NGO report, June 2021](#)).
- **Health/Ebola:** The country reported more than 14 000 cases of [Ebola](#) and close to 4 000 deaths. The Ebola crisis of 2014-2016 has also increased the vulnerability of some children and the need for reunification support and placement with secure alternative care solutions. It is estimated that 8000 children have lost one or both parents during the crisis (Child Rights Coalition- Sierra Leone, [UPR Submission, 2015](#)). Most of the children orphaned by Ebola are living with the care of family members or friends of their deceased parents. According to a 2015 NGO report in the frame of the UPR, children placed in alternative care face the same risks of trafficking than those that were placed after the war. Moreover, UNICEF is actively engaging with over 11 000 community mobilizers, religious leaders, community health workers and community radios across sixteen districts, for the adoption of positive and protective behaviours for children, with emphasis on among others on COVID-19 and EVD prevention and vaccination, and child protection ([UNICEF 2021 Annual report](#)).

## CHILDREN DEPRIVED OF PARENTAL CARE AND ALTERNATIVE CARE OPTIONS

### Applicable laws and policies & competent authorities

- The main legislation regulating children's rights is the the [Child Rights Act of 2007 \(CRA, hereafter\)](#). Through the passage of this act, progress was made towards providing the basic principles, a framework as well as capacities for the **Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA, hereafter)**, local councils and chiefdoms to offer alternative care options (Section 62, CRA; [Mapping, 2010](#), MSWGCA, UNICEF, Child Frontiers).
- In 2014, an **Alternative Care Policy**<sup>1</sup> was approved by the MSWGCA and the Cabinet which includes policy proposals relative to the alternative care of children as well as guidelines for local councils that have the jurisdiction of the different means of alternative care of children. The implementation of the Policy was captured in the MSWGCA Strategic Plan (2013-2017) and the Agenda for Prosperity (2013-2018) which describe the structures envisaged at national, local and chiefdom levels for implementing the policy.
- According to the Alternative Care Policy, institutional weaknesses that triggered the passage of the policy included poor access to birth registration, insufficient child-specific provisions within the justice system,

<sup>1</sup> Available upon request at the ISS/IRC.



limited access to quality education and other basic services. Furthermore, limited infrastructure to receive children in rural areas increased the movement of children towards urban areas and thus away from their parents.

- The **MSWGCA** is the Ministry responsible for the enjoyment of child rights and welfare according to the Child Rights Act. It has the function to monitor, supervise, and coordinate the activities of all child welfare committees and to ensure the advancement, through planning, coordination and supervision, of child rights and welfare across the country ([CRA](#), section 51).

#### Family support & prevention of unnecessary family separation

- **Family Support Units (FSUs)** are units at each police station that have the responsibility to deal with alleged juvenile offenders, children who are victims of domestic violence and to monitor proven child abusers ([CRA](#), section 57). The FSUs and the MSWGCA have signed a memorandum of understanding regarding roles and responsibilities in child protection. Social workers of the MSWGCA are supposed to be attached to FSUs to assist the police in counseling and support the child (see Policy on Alternative Care for Children 2014).
- The Alternative Care Policy foresees the creation of **Child Welfare Departments (CWDs)** in each local district, which will consist of a team of social workers or allied professionals whose task is to provide effective statutory child protection services or manage the delivery of such services by NGOs. Each CWD is in charge of providing: services aimed at supporting families to stay together (see also specific guidelines on supporting the care of children in their families, pp. 21 and ff.); staff able to manage care and supervision orders; and alternative care services, etc.

However, ISS/IRC was not able to ascertain the practical implementation of concrete measures by these structures.

#### Gatekeeping mechanism & family reintegration

- If the **District Council** has reasonable grounds to suspect child abuse or a need for child protection, it will direct a probation officer or a social welfare officer accompanied by the police to enter and search the premise where the child lives to investigate ([CRA](#), section 62).
- If after the investigation, the officer determine that the child has been abused and is in need of immediate care and protection, the District Council will direct the officer and the police to remove the child to a place of safety for a period of 7 days. Before the end of the 7 days, the child will be brought before the **Family Court** by the officer for a **care order** to be determined.
- Until the order is determined, the Family Court can commit the child to an approved residential home or to the care of a probation officer, social welfare officer or other suitable person ([CRA](#), section 62). Once it is made, the care order will remove the child from the situation where he or she is suffering or likely to suffer significant harm and shall **transfer the parental rights to the local council**.
- The probation officer or social welfare officer of the local council will take the **custody of the child** and will determine the most suitable place for the child, which can be an approved residential home, an approved fit person or at the home of a parent, a guardian or a relative.
- Otherwise, if the child remains at the home of a parent, a guardian or a relative, the Family Court may issue a **supervision order** to the district council to prevent any significant harm being caused to a child whilst he remains at his family home ([CRA](#), Section 63). The supervision order has a maximum duration of one year or until the child reach 18 years old whichever comes first ([CRA](#), section 64).
- The **care order** will have a maximum duration of either three years or the attainment of 18 years old by the child, whichever comes first. The Family Court can also make **an interim order or vary the order** ([CRA](#), section 63)
- A care or supervision order can be discharged earlier if it is in the best interests of the child ([CRA](#), section 68).
- A child under a care order, whose parents, guardian or relative does not show an interest in the welfare of the child within the period stipulated by the Family Court can be put for **adoption** ([CRA](#), section 69).



## ALTERNATIVE CARE OPTIONS

**Competent Authorities: Child Welfare Departments (CWDs).** In each district, the local councils are responsible for the management of child protection and alternative care service. Under the CRA there is now a statutory role for Local Councils in promoting child rights and in child protection. In 2014, the Alternative Care Policy Guidelines introduces guidelines for local councils aimed at implementing the child protection strategy and develop structures to manage child protection services. The child protection personnel will work together under one roof in a child protection unit (p. 12).

**Main reasons:** In 2008, 52% of children in institutions were there because of poverty, 30% because their carer had died, 8% because they had been abandoned and 5% because they had been neglected or abused (Better Care Network, Report on "[Alternative Care of children around the Globe](#)", 2019, p. 108)

**Statistics of children deprived of parental care/in care:** As per [latest data \(2013\)](#), nearly one in every four children in Sierra Leone (24%) does not live with either biological parent. Of these, 77% have two living biological parents and another 16% have one living parent. Only 7% of children who do not live with a biological parent have no surviving parent. As per the same source, the percentage of children aged 0-18 living outside of parental care has stayed relatively constant in Sierra Leone since its last [DHS survey](#) in 2008, when the proportion was 24%.

### Kinship care/informal care (*menpikin*)

Kinship care is of **informal nature** in Sierra Leone. It is a custom in the country and is **called *menpikin***. It is more widespread than regulated formal care and the extent to which a situation of informal kinship becomes *de facto* adoption is not known ([CRA](#), section 69). During the conflict in Sierra Leone, thousands of children were taken on by others and remained in these arrangements post-conflict, yet there has never been a culture of formal adoption to make the relationship official (Better Care Network, Report on "[Alternative Care of children around the Globe](#)", 2019, p. 109).

The practice benefits many children who cannot live with their parents who need education, nutrition and health care. However according to the Alternative Care Policy, in some circumstances, the practice benefits more the receiving families than it benefits the child. He or she can be used as a source of cheap labor and can lead the child to have a miserable existence separated from parents, brothers and sisters. In general, *menpikin* is reported to sometimes lead to discrimination, child abuse, excessive labor and punishment as well as sexual exploitation.

**Statistics:** While there are no official numbers, most children living with neither biological parent (95%) live in households headed by a relative (DHS 2013, [Children's Care and Living Arrangements](#)). In 2016, 17% of children under 15 lived away from their parents (Better Care Network, Report on "[Alternative Care of children around the Globe](#)", 2019, p. 109).

### Foster care

**Legal framework/policy:** [CRA](#), sections 106 and following; Alternative Care Policy 2014, Section 3.6.2.

**Types:** Apart from the MSWGCA and FSUs foster care is also facilitated by NGOs. However, there are only a few NGOs that manage fostering programs which mainly aim to place the children and provide support.

**Eligibility criteria for children:** Foster care is only available for children placed in residential homes under a care order, by a recommendation of a probation or welfare officer or by any other person.

**Requirements for carers:** Any person above the age of 21 and who has a proven integrity and moral character can be a foster parent to a child ([CRA](#), section 106).



**Process:** An application to foster a child will be forwarded to the district council by an officer or by the residential home. After at least 6 months of foster care of the child, the foster parent can adopt the child if they are at least 25 years old and 21 years older than the child. If the foster parent is a relative of the child, the age limit is 21 years old, the same age necessary than for fostering ([CRA](#), section 108; Adoption Act, section 3).

**Monitoring & complaint mechanism:** According to the Alternative Care Policy of the MSWGCA of 2014, a reason for its creation was that the placement of children in foster care was uncoordinated and unregulated. Often the court orders were not properly documented and in fact formal fostering with court orders and supervision were not really practiced. There was also limited plans to trace families and exit strategies for children barely existed. Questions remain if the situation changed since 2014 following the passing of the policy. A foster parent will have the same responsibilities towards the child as a parent ([CRA](#), section 105). According to the [CRC NGO report](#) (2021), there are accounts of children suffering emotional and physical abuse in foster care.

**Support and follow-up:** While the Alternative Care Policy emphasises the need for periodic review, ISS/IRC was not able to gather information on what is concretely being done to support foster families and how follow-up is implemented in practice.

**Statistics:** not available.

### Institutional care

**Legal framework/policy:** [CRA](#), Sections 109 and following.

**Types:** Residential homes are called *homes for the care of children* and any person, including NGOs can establish and operate such home with the approval of the district council.

**Process:** A child can be admitted to such a care home if the child is orphaned, and family care or fostering is not available, on the recommendation of a probation officer or social welfare officer. Residential care is considered when it is the most suitable place for the child or pending the determination by a Family Court of a protection order.

**Monitoring & complaint mechanism:** When a child is at a residential home, the staff of the home assume parental responsibility for the child ([CRA](#), section 114). However as to the [CRC NGO report](#), submitted in June 2021, monitoring and inspection of care institutions should be strengthened.

**Support and follow-up:** It is the responsibility of the staff of the home, as well as the probation or welfare officer, to assist the child who reside at the home to become reunited with his or her parents, guardian or relative. After reunification and return to family home, the officer has to keep in regular contact with the child and his family to ensure that the best interests of the child are sustained ([CRA](#), section 113). A child in a home can also be put to adoption if it is in the best interests of the child ([CRA](#), section 116). According to the 2021 [CRC NGO report](#), providing counselling services for children in care institutions is important.

**Statistics:** not available.

### Leaving care

No relevant information was found.

### Focus on specific groups of children

According to [CRC NGO report \(2021\)](#), children with disabilities are among the most vulnerable group of children (e.g. persisting discrimination in terms of education, health care, meaningful participation in society, etc.). the report also highlights families hiding or abandoning/relinquishing children with disabilities due to social stigma faced. Among the many recommendations, the NGO report stresses the need to “Support poor families with disabled children to provide parental care and basic needs.”



## Comments of the ISS/IRC

### Progress:

Despite a complex reality and harsh living conditions in the country, the government of Sierra Leone is to be commended for the adoption of its 2007 Child Rights Act as well as its 2014 Alternative Care Policy.

### Remaining challenges to be addressed:

The Committee on the Rights of the Child has however stressed the following [List of issues prior to reporting](#) (October 2021), which give an indication on important gaps:

- **At the institutional level:** need to clearly define the mandates of the Ministry of Social Welfare and the Ministry of Gender and Children's Affairs with relation to children's issues and explain how they coordinate their mandates on children's rights; and to strengthen the capacity of the National Commission for Children to develop a comprehensive policy and strategy on addressing and monitoring children's rights and protection issues and clarify its role and mandate (para.5)

- **With regards to birth registration:** the CRC Committee wishes to know more about the measures the country has put in place to address obstacles to systematic and full birth registration and certification (para. 15)

- **Compliance with the CRC** (para. 12), the Committee requests the government to inform about the steps taken to, among others:

*(a) Undertake child rights impact assessments for any proposed policy, legislative, regulatory, budget, international cooperation or other administrative decision that affects children and their enjoyment of their rights;*

*(b) Ensure that the right of the child to have his or her best interests taken as a primary consideration is appropriately integrated into, and consistently applied in, all legislative, administrative and judicial proceedings and decisions.*

- **With regards to alternative care** (para. 19), the State party is requested to provide an update on the measures taken or envisaged to: (...)

*(b) Fully implement the national alternative care policy for children, in particular with regard to regulating informal care, including men pikin (informal foster care with another family);*

*(c) Strengthen formal alternative care structures;*

*(d) Provide data on residential and foster care for children;*

*(e) Strengthen the monitoring of residential institutions, including with a view to verifying whether they adhere to minimum norms and standards, whether they regularly review placements, whether they provide individual development and reintegration plans and whether they enable the reporting, monitoring and remedying of cases of the maltreatment of children;*

*(f) Increase the human, technical and financial resources allocated to alternative care centres and child protection services;*



## ADOPTION

**Accession to/Ratification of the 1993 Hague:** Sierra Leone is not a party to the 1993 Hague Convention.

**National laws/policies:** Adoptions are regulated specifically by the **Adoption Act of 1989<sup>2</sup>** and generally by the **[Child Rights Act of 2007](#)**.

**Temporary suspension:** from May 2009 to April 2012, Sierra Leone's government suspended adoptions because of concerns over the legality of adoptions and welfare of adopted children. During that period, the MSWGCA set up an [interagency committee](#) to work on new adoption laws and procedures. In April 2012, the government [lifted the suspension](#) and stated that any new intercountry adoptions would take place under the country's existing legal framework. The interagency committee also continued its work on new adoption laws.

## CENTRAL AUTHORITY

**Ministry of Social Welfare, Gender, and Children's Affairs** is the central Authority for adoption, which can be domestic or intercountry

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*Sources:* Adoption Act, 1989; US Department of State, Intercountry Adoption, Sierra Leone, [update from 2019](#).

## FULL/SIMPLE ADOPTION

There is one type of adoption: **full adoption**. The adoption extinguishes all vested rights, obligations and liability of the birth parent or custodian towards the child, and they cannot transfer property to them in a will. Rights, obligations and liabilities in relation to custody are now vested with the adopter and, when the adopter(s) dies, any property disposed of by will, shall devolve in all respect as if the adopted child is the birth child of the adopter.

*Sources:* Adoption Act, 1989, sections 12-13; CRA, 2007, section 2.

## SUBSIDIARITY PRINCIPLE

The adoption laws of Sierra Leone make no reference to exhaustions of other possibilities of placement of a child before adoption, nor the priority of domestic adoption over intercountry adoption.

*Source:* Adoption Act, 1989.

## CHILD ADOPTABILITY

Adoptions must be completed **in Sierra Leone**.

**A child under a care order** from the Family Court **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. **A home for the care of children** can also be put to adoption if it is in the **best interests of the child**. A 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.

An adoption order will not be granted if the child has not been in the **continuous care and possession of the adoptive parents for at least 6 months, in Sierra Leone, immediately preceding the granting of adoption**.

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<sup>2</sup> Available upon request at the ISS/IRC.





Hence, considering this fostering requirement, the US State Department states that a child must be over 6 months old.

Sources: Adoption Act, 1989, sections 1, 3; CRA 2007, sections 69, 108, 116; US Department of State, Intercountry Adoption, Sierra Leone, [update from 2019](#).

## **PROSPECTIVE ADOPTIVE PARENTS (PAPs)**

### **Age limits**

Unless related to the child, one of the prospective adoptive parents must be at least 25 years old and 21 years older than the child or is 21 years old and a relative of the child (other than parents). The mother or father of the child can adopt them and, in that case, there are no age restrictions.

### **Status**

Application can be made by a sole applicant or made jointly by a married couple. A single man may not adopt a child unless the child is a son of the applicant or there are exceptional circumstances.

### **Residence or any other criteria indicated in the law**

PAPs are required to be residing in Sierra Leone and fostering the child for at least 6 consecutive months immediately preceding the granting of the adoption order. For international PAPs, the US State Department adds that “prospective adoptive parents are required to reside in and foster the child in Sierra Leone. Proxy fostering is not permitted.” Contrary to this information, as shared by a local source, some judges are inclined to waiving this requirement. In such case, the child remains in the institution, being placed under the care of a social worker who is expected to give periodic reports on the child’s well-being, while the PAPs are expected to provide maintenance and support for the concerned child.

Sources: Adoption Act, 1989, sections 2-3; US Department of State, Intercountry Adoption, Sierra Leone, [update from 2019](#); information provided by a local contact.

## **CONSENTS**

### **Consent of the child**

As per the website of the US State Department, the child is required to consent to his or her adoption If the child is more than 16 years old, he or she must consent to the adoption.

### **Consent of biological parents/guardians**

- Birth parents of the child must give their consent to the adoption. Parents, including sole and surviving parents can irrevocably relinquish their parental rights by doing so in writing at the MSWGCA. Sometimes they have already done so before placing the child in a residential home.
- The High Court may dispense with the consent of any parent of the child if the court is satisfied that the parent has abandoned, neglected or persistently ill-treated the child, or cannot be found, or is incapable of giving their consent, or the consent is unreasonably withheld.
- The High Court can require any person who is not the parent of the child but that has right and obligations towards them (under an order of a court, an agreement, under customary law or otherwise) to give their consent to the adoption. It is the
- Chief Social Development Officer responsibility to assist the Court and report on this matter in preparation of such determination.

### **Withdrawal of consent**

Birth parents who have granted consent to the adoption may withdraw their consent during the adoption proceedings, with the High Court’s permission. The Court will determine the issue with regard to the welfare of the child.



## PROCEDURE

PAPs need to submit a letter with relevant documents to the Social Development Officer in the MSWGCA in Freetown. The Ministry needs to obtain all necessary consents to adoption, including the birth parents' consent if they have not already relinquished their parental rights, and provide fostering approval.

The documents required are the following:\*

- 1) Petition for adoption
- 2) Written consent of living biological parents
- 3) Affidavits concerning the PAPs
- 4) Marriage certificate if appropriate
- 5) Evidence of finances such as bank statements and job letters (e.g. lease or mortgage agreement)

*\* Other documents could be requested. As indicated by a local contact, a home study report of PAPs is also requested birth certificates, passports and police clearance.*

When receiving the fostering approval, **the family court will issue a supervision order** for PAPs to foster the child in Sierra Leone for a minimum period of 6 months. After the 6-months fostering period begins, **the prospective adoptive parent(s) files a petition for adoption with the High Court**. The High Court is the entity that will make the adoption order. In cases of intercountry adoptions, it allows the adoptive parents to leave Sierra Leone after the fostering period with the child. As per information from a local source, the Ministry of Social Welfare, Gender and Children's Affairs will need to provide approval for the adoption decision to take place after realisation of this fostering period. This is also in line with the information provide on the website of the US State Department.

**Upon receipt of the Ministry's fostering approval and when receiving the petition for adoption, the High Court may order an investigation** by an investigator appointed by the Court. If this is done, the investigator should file a written report with the High Court within 30 days of issuance of the investigation order. The High Court will schedule a hearing when it is satisfied that these steps are completed. The hearing should be attended by PAPs and the adoptive child, but the High court can waive the appearance of the child for good cause. The Court can also require the birth parents or relinquishing relatives to appear in court to confirm their sworn statements or affidavits. The High Court must be satisfied that the moral and temporal interest of the child will be served by the adoption. Normally the High Court makes a ruling after one hearing. In some cases, it requests additional documentation or investigation and schedules another hearing. If the High Court is satisfied that all requirements of the 1989 Adoption Act are met, it will issue a court order that grants a final adoption and permission to take the child outside the jurisdiction of Sierra Leone.

The High Court may also make an **interim order postponing the determination of the application**. The interim order gives custody of the child to the applicant for a period of maximum 2 years probationary period. The terms of the order can have regard to maintenance, education and supervision of the welfare of the child. The High Court may impose conditions to the interim order such as that the child be under the supervision of an officer appointed by the Chief Social Development Officer or that the child may not be taken out of Sierra Leone without the leave of the court. **When the applicant(s) are not citizens of Sierra Leone**, the High Court will make an interim order for a period of no less than 6 months.

- The applicants or any aggrieved person can **appeal the adoption decision**. However, they cannot appeal a decision to postpone the application or a decision for interim order.
- Intercountry adoptions may take as long as two years to be completed. There is no time requirements for the High Court to process adoptions.
- All hearings are held in closed session



Sources: Adoption Act, 1989, section 7; US Department of State, Intercountry Adoption, Sierra Leone, [update from 2019](#); information provided by a local source.

## MATCHING

The adoption laws and policies of Sierra Leone make no reference to matching.

As per information provided by a local contact, “the matching is either done remotely via photos or videos, or the family will visit Sierra Leone and meet the concerned child prior to the matching in the institution. A lawyer handling the adoption procedure will then write a formal letter of request on behalf of the said family to the chief social service officer at the Ministry of social welfare informing him of the family’s intention to adopt the minor (names and date of birth, etc.)”

Further, information received indicates that relinquishment and consent procedures might only then be initiated, and birth parents are informed about the consequences of their consent.

Source: information provided by a local source.

## PROBATIONARY PERIOD

PAPs need to be in Sierra Leone fostering the child for a probationary period of at least 6 months immediately preceding the granting of the adoption for the adoption order to be issued. As explained above, it is also possible for the High Court to make an interim order giving custody of the child to the applicant for a period of maximum 2 years probationary period.

Sources: Adoption Act, 1989, section 2; CRA, section 108; US Department of State, Intercountry Adoption, Sierra Leone, [update from 2019](#).

## ADOPTION DECISION

The High Court of Sierra Leone can decide the following the receipt of the petition for adoption:

1. Granting the order for adoption.
2. Ordering of an investigation to determine if the adoption should be granted.
3. Making of an interim order postponing the determination of the application.

Sources: Adoption Act, 1989, section 7; US Department of State, Intercountry Adoption, Sierra Leone, [update from 2019](#).

## REGISTRATION

**Birth registration/certificate:** The name of the adoptive parents can be added to the birth certificate of the child. The adoptive parent must go to the Office of the Birth Records to get a new birth certificate. An affidavit reflecting the changes to the certificate must be filed with the Justice of the Peace which will be transmitted to the Office of the Birth Records in order to get a certificate with the child’s new name.

**Passport:** To travel out of Sierra Leone, adoptive parents have to get a passport for the child. An application must be filled at the passport office in Freetown, and they must provide a copy of the child’s new birth certificate, IDs from the adoptive parents and the adoption decree. It can be available in 1-2 days if an expedited option is chosen, otherwise it will be ready within 2 weeks

Source: US Department of State, Intercountry Adoption, Sierra Leone, [update from 2019](#).

## ADOPTION EFFECTS

The adoptee acquires the status of son/daughter of the adoptive parent(s) and is integrated with the descendants of the family. The ties with his or her natural family are extinguished.

Source: Adoption Act, 1989, section 12-13.



## POST-ADOPTION FOLLOW-UP

After the placement, to comply with Sierra Leone post-adoption requirements, adoptive parents have to fill status reports until the child is 21 years old.

Source: US Department of State, Intercountry Adoption, Sierra Leone, [update from 2019](#).

## ADOPTION BREAKDOWN

No information was found.

## SEARCH FOR ORIGINS

The adoption laws and policies of Sierra Leone make no reference to the search of origins.

## ADOPTION ACCREDITED BODIES (AABs)

The adoption laws and policies of Sierra Leone make no reference to ABBs.

## SANCTIONS

It is unlawful for the PAPs or any birth parents of the child to receive or give any payments or other rewards in consideration of the adoption of the child, except with the sanction of the Court. It is also unlawful for anyone who is not a parent of the child to facilitate any arrangements under which the child would be placed with a person who is not the parent of the child, whether or not the arrangement will lead to the adoption of the child. Committing these acts in contravention of the law can lead, on summary conviction, to a fine not exceeding 5000 Leones or to imprisonment for a term not exceeding 6 months or, or to both.

Except with the order of the Court, it is unlawful to permit, cause or procure the possession of the child to be transferred outside of Sierra Leone to a person who is not a relative or guardian of the child if they believe that this person has entered an agreement with the parent of the child to arrange the adoption of the child outside of Sierra Leone. Committing such acts can lead to a fine of 20 000 Leones or to imprisonment for a term not exceeding 2 years, or to both.

Source: Adoption Act, 1989, Sections 19, 20.

## COSTS

- Birth certificate costs 1500 Leones.
- Filing for writ of adoption at High Court costs 12 500 Leones .
- Passport from Sierra Leone costs 750 000 Leones .

As per a local source, donations (in-kind or of monetary nature) to the child's institution are in practice actively encouraged aimed at supporting children that remain in the institution.

Sources : US Department of State, Intercountry Adoption, Sierra Leone, [update from 2019](#); information provided by a local source.

## STATISTICS

As per ISS/IRC annual ICA statistics the following adoptions were registered in the past years:

Year	2019	2020	2021
France	-	-	1
Italy	-	-	1
USA	34	13	20



ISS/IRC is also aware that ICA take place from Sierra Leone to Greece.

Source: ISS/IRC Annual ICA Statistics based on information provided by the main receiving States.

## Comments of the ISS/IRC

In line with the CRC Committee (see para. 19, [List of issues prior to reporting](#), October 2021), it is of peremptory importance for Sierra Leone to consider the accession to/ratification of the 1993 Hague Convention in order to ensure compliance of its adoption procedures with applicable international standards, especially given the high risk of unregulated adoption processes (2021 [CRC NGO report, p. 11](#)).

Essential key safeguards are currently missing in the existing procedures, such as: the principle of subsidiarity, the determination of the child's adoptability based on thorough socio-legal-medical and psychological assessments, the child's consent even prior to the age of 16, a matching procedure that is based on the child's needs and interests and undertaken by independent and trained professionals, the preparation of the adoptable child and PAPs, etc.

In addition, it is worrisome that there are clear indications that in practice certain requirements of the law are being circumvented (6 months fostering period) and that the practice of donations/contributions to child care institutions do seem to exist.

ISS/IRC clearly discourages from undertaking intercountry adoptions from Sierra Leone in light of the above.

## LEGISLATION

### International instruments

	Signature (S) / Ratification (R) / Accession (A) / In Force (F)
<a href="#">United Nations Convention on the Rights of the Child (1989)</a>	13 February 1990 (S) 18 June 1990 (R)
<a href="#">Optional Protocol</a> to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	8 September 2000 (S) 17 September 2001 (R)
<a href="#">Hague Convention</a> on Protection of Children and Co-operation in respect of Intercountry Adoption (1993)	-
<a href="#">Hague Convention</a> on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (1996)	-
<a href="#">United Nations Convention on the Rights of Persons with Disabilities</a> (2006)	30 March 2007 (S) 4 October (R)
<a href="#">Apostille Convention</a> (1961)	-

### Regional instruments

	Signature (S) / Ratification (R) / Accession (A) / In Force (F)



<a href="#">African Charter on the Rights and Welfare of the Child (1990)</a>	14 April 1992 (S) 13 May 2002 (R)
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### Domestic legislation/regulation

	Language
<a href="#">The Constitution of Sierra Leone, 1991</a> and <a href="#">amendments of 2002 and 2008</a>	In English
<a href="#">The Local Government Act, 2004</a> (and subsequent amendments)	In English
<a href="#">The Child Right Act, 2007</a>	In English
<a href="#">The Adoption Act, 1989</a>	In English

## PARTICULARLY RELEVANT SOURCES OF INFORMATION

### Periodic review by the CRC Committee

- List of Issues prior to Reporting, CRC Committee: Combined fifth to Seventh Periodic Report: Sierra Leone, [CRC/C/SLE/QPR/6-7](#), October 2021
- Concluding Observations of the Committee on the Rights of the Child: Sierra Leone, [CRC/C/SLE/CO/3-5](#), October 2016

### Other organisation

- [UNICEF Sierra Leone](#) - General information on the situation of children and the activities of UNICEF in the country.
- [US Department of State](#) – Country Profile on intercountry adoption
- [Child Rights Coalition, UPR Submission, 2015](#)
- [Children’s Report on the Implementation of the CRC Convention in Sierra Leone](#), June 2021
- [Better Care Network](#), Report on “[Alternative Care of children around the Globe](#)”, 2019.

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