Sierra Leone

Prohibition of Child Marriage Act, 2024

Act 5 of 2024

Legislation as at 11 July 2024

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Sierra Leone

Prohibition of Child Marriage Act, 2024

Act 5 of 2024

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Being an Act to prohibit child marriage, to provide protection for the victim of child marriage, and to provide for other related matters

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

Part I – Preliminary

1. Interpretation

In this Act, unless the context otherwise requires—

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

"**child marriage**" means a union in which either or both of the contracting parties is a child;

"**Child Marriage Prohibition Officer**" means an officer assigned under subsection (1) of section 23;

"**cohabit**" means to live together in a sexual relationship and "cohabitation" shall be construed accordingly;

"**contracting party**" means either of the parties whose marriage has been or is about to be solemnised;

"**conduct**" includes a child marriage presided over by traditional leaders;

"**enjoyment**" includes possession, use of and the exercise of rights over a spouse;

"**lifestyle**" means the standard of living experienced as a spouse;

"**Minister**" means the Minister responsible for Gender and Children's Affairs and "Ministry" shall be construed accordingly;

"**prohibit**" means to forbid or prevent by law; and

"**prohibition**" shall be construed accordingly;

"**promotion**" means the doing of activity that supports or encourages child marriage.

"**Court**" means a Court of criminal jurisdiction established by law in Sierra Leone other than a Local Court established by or under the Local Courts Act, 2011 (Act No. 1 of 2011);.

Part II – Prohibition of child marriage

2. Prohibition of child marriage

(1) A person shall not contract marriage with a child.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a term of imprisonment of not less than 15 years or to a fine of not less than Le. 100,000 or to both such imprisonment and fine.

3. Prohibition of consent to child marriage

(1) A parent, guardian, or person having charge of a child shall not consent for a child to enter into marriage.

(2) Unless the contrary is proven, it shall be presumed that where a child is married, the parent, guardian, or person having charge of the child either gave his consent to the child marriage or otherwise failed to prevent the marriage from being solemnised.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a term of imprisonment of not less than 15 years or to a fine of not less than Le. 100,000 or to both such imprisonment and fine.

4. Obtaining consent by unlawful means

(1) A person shall not use force, duress, deceit, abandon, torture or neglect to compel a child to be betrothed, be subject to a dowry transaction or enter into a contract of child marriage.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a term of imprisonment of not less than 15 years or to a fine of not less than Le. 100.000 or to both such imprisonment and fine.

5. Conduct of child marriage prohibited

(1) A person shall not conduct or preside over a child marriage ceremony.

(2) Unless and until the contrary is proven, it shall be presumed that a person who conducts or presides over a child marriage knows that one or both parties to the marriage is below the age of 18 years.

(3) A person who contravenes sub-section (1) commits an offence and is liable on conviction to a term of imprisonment of not less than 10 years or to a fine of not less than Le. 50,000 or to both such imprisonment and fine.

6. Promotion of child marriage

(1) A person shall not perform an act in promotion of child marriage.

(2) Unless and until the contrary is proven, it shall be presumed that a person who performs an act in promotion of child marriage knows that one or both parties to the marriage is below the age of 18 years.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a term of imprisonment of not less than 15 years or to a fine of not less than Le. 100,000 or to both such imprisonment and fine.

7. Attending a child marriage

(1) A person shall not attend a child marriage ceremony.

(2) Unless and until the contrary is proven, it shall be presumed that a person who attends a child marriage ceremony knows that one or both parties to the marriage is below the age of 18 years.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a term of imprisonment of not less than 10 years or to a fine of not less than Le. 50,000 or to both imprisonment and fine.

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8. Attempted child marriage

A person who attempts to marry a child commits an offence and is liable on conviction to a term of imprisonment of not less than 15 years or to a fine of not less than Le. 50,000 or to both imprisonment and fine.

9. Conspiracy to cause child marriage

A person who conspires to cause a child to marry commits an offence and is liable on conviction to a term of imprisonment of not less than 15 years or to a fine of not less than Le. 100,000 or to both imprisonment and fine.

10. Aiding and abetting child marriage

A person who aids or abets a child marriage commits an offence and is liable on conviction to a terra of imprisonment of not less than 15 years or to a fine of not less than Le. 50,000 or to both imprisonment and fine.

Part III – Prohibition of cohabiting with a child

11. Prohibition of cohabiting with a child

(1) A person shall not cohabit with a child.

(2) A parent, guardian or person having charge of a child shall not permit that child to cohabit.

(3) Unless and until the contrary is proven, it shall be presumed that where a child cohabits, the parent, guardian or person having charge of the child failed to prevent cohabitation.

(4) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a term of imprisonment of not less than 15 years or to a fine of not less than Le. 100,000 or to both imprisonment and fine.

12. Attempted cohabitation with a child

A person who attempts to cohabit with a child commits an offence and is liable on conviction to a term of imprisonment of not less than 15 years or to a fine of not less than Le. 5 0.000 or to both imprisonment and fine.

13. Conspiracy to cause cohabitation with a child

A person who conspires to, cause a child to cohabit with another person, commits an offence and is liable on conviction to a term of imprisonment of not less than 15 years or to a fine of not less than Le. 100,000 or to both imprisonment and fine.

14. Aiding and abetting cohabitation with a child

A person who aids or abets a person in cohabiting with a child commits an offence and is liable on conviction to a term of imprisonment not less than 15 years or to a fine of not less than Le. 50,000 or to both imprisonment and fine.

Part IV – Annulment of child marriage

15. Void child marriage

A child marriage contracted after the coming into effect of this Act shall be void.

16. Petition for annulment of a child marriage

(1) A petition for annulment of a child marriage contracted before the coming into effect of this Act shall be filed by the contracting party who was a child at the time of the marriage.

(2) Where at the time of filing a petition the petitioner is a child, the petition shall be filed by the State.

Part V – Compensation

17. Compensation for a child contracting party

(1) A judge may order the adult contracting party of a child marriage to pay compensation to the child contracting party.

(2) The quantum of compensation payable shall be determined by the court having regard to: the needs of the child; the lifestyle enjoyed by the child during the marriage; and the means of income of the adult contracting party.

(3) The quantum of compensation may be directed to be paid monthly or in a lump sum.

18. Compensation for a child born from child marriage

(1) Where a child contracting party gives birth to a child during child marriage, the court shall make orders for the compensation and custody of, and access to, the child.

(2) An order for the custody of a child under this section, shall be in consideration with the welfare and best interest of the child and such shall be paramount.

19. Legitimacy of a child born from child marriage

Notwithstanding that a child marriage has been annulled by a decree of nullity under Part IV, a child born from a child marriage before the decree is made shall be deemed to be a legitimate child for all purposes.

20. Modification of orders

A Judge shall have power to add, modify, or revoke an order made under Part V if there is a change in the circumstances at any time during or after the petition.

Part VI – Protection for victims of child marriage

21. Injunction

(1) Where the court is satisfied that a child marriage has been arranged or is about to be solemnised, it shall issue an injunction against the—

(a) contracting parties;

(b) parent, guardian, or person having charge of the child; and

(c) person intending to preside or conduct the ceremony, to disallow the marriage.

(2) Subject to sub-section (3), an injunction under subsection (1) shall not be issued against a person unless the court has previously given notice to such person and has afforded him an opportunity to show cause against the issuance of the injunction.

(3) Where there is a case of necessity, the court shall have the power to issue an interim injunction without giving notice.

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(4) The court may either on its own motion or on the application of an aggrieved party rescind or alter an order made under subsection (1).

(5) Whosoever knowing that an injunction has been issued against him under this section disobeys such injunction commits an offence and is liable on conviction to a term of imprisonment of not less than 5 years.

22. Duties of line ministries

(1) The Ministry of Gender and Children's Affairs shall be responsible as lead implementer for—

(a) policy formulation;

(b) resource mobilization;

(c) coordination; and

(d) advocacy.

(2) The Ministry of Social Welfare shall recruit social workers for:

(a) providing counseling for victims of child marriage;

(b) establishing and maintaining safe homes for victims of child marriage;

(c) providing recovery, rehabilitation, reintegration and case management of victims of child marriage; and

(d) community engagement.

(3) The National Commission for Children shall provide monitoring services to the ministerial efforts directed towards victims of child marriage.

23. Child Mariage Prohibition Officers

(1) The Ministry of Gender and Children's Affairs shall assign officers to act as Child Marriage Prohibition Officers.

(2) A Child Marriage Prohibition Officer shall, in the execution of his duties, liaise with—

(a) Paramount Chiefs;

(b) international and local non-governmental organisations, civil society organisations and community-based organisations dealing with child issues;

(c) social workers of the Ministry;

(d) the National Children's Commission;

(e) local councils;

(f) local authorities;

(g) religious leaders;

(h) child-led organisations; and

(i) National Civil Registration Authority.

24. Duties of Child Mariage Prohibition Officer

A Child Marriage Prohibition Officer shall perform the following duties—

(a) prevent the solemnisation of a child marriage by law;

(b) collect evidence for the effective prosecution of persons who contravene this Act;

(c) advise persons not to promote, aid or allow child marriage;

(d) sensitise communities on issues relating to child marriage;

(e) furnish periodic returns and statistics as his superior may authorise; and

(f) discharge any other functions and duties assigned to him.

25. Immunity

A suit, prosecution or other legal proceedings shall not be Immunity, instituted against a Child Marriage Prohibition Officer in respect of his action taken in good faith in the pursuit of this Act.

26. Duty to report

(1) A person who knows or has reason to believe that—

(a) a child is married;

(b) there is a likelihood of a child marriage ceremony taking place; or

(c) a person is cohabiting with a child, shall immediately report it to—

(i) the nearest police station;

(ii) a police post;

(iii) a Child Marriage Prohibition Officer;

(iv) the Paramount Chief;

(v) a Chief;

(vi) a social worker;

(vii) the Chief Administrator of a Local Council;

(viii) a local authority; or

(ix) child welfare committee.

(2) where a person fails to report information leading to the marriage of a child, that person commits an offence and shall be liable on conviction to a term of 5 years or to a fine of Le. 10,000.

Part VII – Miscellaneous provisions

27. Power to make regulations

The Minister may by statutory instrument make regulations to give effect to this Act.

28. Consequential amendments

(1) Subsections (2) and (3) of section 2 of the Registration of Customary Marriage and Divorce Act 2009 are hereby repealed.

(2) The Child Rights Act 2007 is amended by—

(a) repealing and replacing section 34 with the following new section—

"34 **Minimum age of marriage**

(1) The minimum age of marriage of whatever kind shall be 18 years.

(2) A person shall not force a child to be—

(a) betrothed;

(b) the subject of a dowry transaction; or

(c) married.

(3) Notwithstanding a law to the contrary, a certificate, license or registration shall not be granted in respect of a marriage unless the registrar or other responsible officer is satisfied that the contracting parties to the marriage are of maturity.

(4) A person who contravenes subsection (2) of section 34 commits an offence and is liable on conviction to a term of imprisonment of not less than 15 years or to a fine of not less than Le. 100,000 or to both imprisonment and fine;

(b) repealing and replacing section 35 with the following new section—

"35. **Penalty for contravention**

A person who contravenes a provision of Part III, commits an offence and shall be liable on conviction to a fine not less than Le. 100,000 or to a term of imprisonment not less than 15 years or to both such fine and imprisonment.

(c) repealing section 46."

(3) The Christian Marriage Act, Cap. 95 of the Laws of Sierra Leone 1960 is amended by—

(a) repealing and replacing subsection (2) of section 7 with the following new subsection—

"7. **Person under age**

(2) between persons either of whom is below the age of 18;

(b) repealing section 8.

(4) The Muslim Marriage Act, Cap. 96, Mohammedan Marriage, of the Laws of Sierra Leone 1960 is amended by repealing and replacing section 2 with the following new subsection—

"2. **Mahomemedan Marriages valid**

A Muslim marriage entered into and subsisting between persons who have attained the age of 18 and professing the Muslim faith which is valid in accordance with the Muslim law shall be valid for all civil purposes."

(5) The Civil Marriage Act, Cap 97 of the Laws of Sierra Leone 1960 is amended by—

(a) repealing and replacing section 7 with the tallowing new section—

"7. Issue of certificate by Registrar on proof of necessary conditions by affidavit

(1) Subject to subsection (2), by the Registrar shall at any time after the expiration of 21 days and before the expiration of 3 months from the date of the notice of marriage and upon payment of the prescribed fee, issue a certificate in accordance with the Form outlined in Schedule B.

(2) The Registrar shall not issue the certificate referred to in sub-section (1) unless one of the contracting parties appears personally and makes an affidavit stipulating that—

(a) both parties are above the age of eighteen;

(b) neither of the parties is a party to a subsisting marriage;

(c) there is no impediment of consanguinity or affinity or other lawful hindrance to the marriage";

(b) repealing the proviso to section 19.