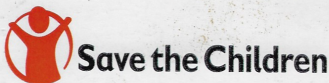


THE ABOLITION OF CHILD MARRIAGE



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**FINAL REPORT OF THE SUB-COMMITTEE ON THE ABOLITION OF CHILD
MARRIAGE**

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1. INTRODUCTION

Terms of reference of the Sub-committee

The sub-committee's terms of reference were "to review the laws dealing with child marriage taking into consideration pertinent provisions of the 1991 Constitution of Sierra Leone, relevant legislation and case-law, Sierra Leone's obligations under international conventions and protocols; and make recommendations that will be considered by the Commissioner

Meetings

The sub-committee held a total of nine meetings at the conference room of the Law Reform Commission's offices in New England, Freetown. Its inaugural meeting took place on 17 November 2016, with the last meeting held on 29th June 2017.

The sub-committee comprised the following members:

- Ms Rhoda Sufian-Kargbo Nuni, Commissioner of the Law Reform Commission, President of the Sierra Leone Bar Association and Chairman of the sub-committee
- Honourable Osman K Conteh
- Honourable Alhaji S Dumbuya
- Honourable Hanna Bundu

- Honourable Karifala S Conteh
- Honourable Regina Marah
- Ms Christiana Davies-Cole, Lawyer, Sierra Leone Bar Association
- Ms Beryl Cummings, Lawyer, Sierra Leone Bar Association
- Ms Cassandra Labor, State Counsel, Law Officers' Department
- Mr Shekou Nuni, Office of the First Lady
- Ms Batu Shamel, UNICEF
- Mr David Lamin, UNICEF
- Ms Agnes Bangali, United Nations Population Fund
- Ms D Evans, Save the Children
- Mr John Saidu, Save the Children
- Mr Fabrizio Valenti, Save the Children
- Ms Kadiatu Bachalle Taylor, Plan International Sierra Leone
- Mr Benjamin Rogers, Plan International Sierra Leone
- Mr Amasara Jalloh, Campaign for Good Governance
- Ms Hawanatu Mansaray, Defence for Children International Sierra Leone

- Mr Abdul M Kemokai, Defence for Children International Sierra Leone
- Mr Hassan Fuad Kanu, Director, Youth and Child Advocacy Network Sierra Leone
- Mr Kenneth Gorvie, Youth and Child Advocacy Network Sierra Leone Ms Ya-M Jah, Youth and Child Advocacy Network Sierra Leone
- Miss Melvina Lisk, Law Reform Commission. Secretary to the sub-committee
- Mr Alfred Paul Juwah, Legal Research Officer, Law Reform Commission
- Mr Edward Lansana, Legal Research Officer, Law Reform Commission
- **Review Methodology**
- In accordance with the Law Reform Commission's usual approach to the review process, the Secretary to the sub-committee identified and circulated to all sub-committee members copies of domestic legislation relevant to child marriage, namely:-
 - The Constitution of Sierra Leone 1991, Act No. 6 of 1991:
 - The Prevention of Cruelty to Children Act, Cap 31 of the Laws of Sierra Leone
 - The Christian Marriage Act, Cap 95 of the Laws of Sierra Leone 1960;
 - The Muslim Marriage Act, Cap 96 of the Laws of Sierra Leone 1960; • The Civil Marriage Act, Cap 97 of the Laws of Sierra Leone 1960;
 - The Child Rights Act 2007, Act No. 7 of 2007:

- The Registration of Customary Marriage and Divorce Act 2009, Act No. 1 of 2009.
- The Sexual Offences Act 2012, Act No. 12 of 2012.

The sub-committee also examined legislation from other jurisdictions in particular India and the Gambia, to see how those countries have dealt with child marriage and so guide the committee in its deliberations and in making recommendations that are best suited for Sierra Leone.

In addition, the sub-committee considered a report prepared by the Ministry of Social Welfare, Gender and Children's Affairs entitled "Consultations: Harmonisation of the Child Rights Act and the Customary Laws in Sierra Leone", which identifies areas of conflict as between the Child Rights Act 2007 and the Registration of Customary Marriages and Divorces Act 2009 and also considered the challenges to implementing both Acts. The Secretary also circulated a matrix setting out the legislative provisions made in relation to child marriage in 51 other African countries.

Members of the sub-committee were drawn from relevant stakeholder institutions and individuals in the field of study, and they were asked to submit position papers setting out their findings and the views of their institutions on child marriage. A number of papers were submitted and were deliberated on by all sub-committee members.

2. BACKGROUND

Child marriage has been defined as a formal marriage or informal union entered into by an individual before reaching the age of 18, and encompasses/ includes child betrothal, cohabitation, and court-approved early marriages following teenage pregnancy. Although

child marriage affects both girls and boys, girls are disproportionately affected in Sierra Leone.

The statistics on child marriage make a disappointing reading: "worldwide, 1.2 billion women alive today [Le. 2014] were married before their 18th birthday. More than one in three (about 250 million) entered into union before age 15. Child marriage among women is most common in South Asia and Africa, and Sub-Saharan Africa, and the 10 countries with the highest rates are found in these two regions. Bangladesh has the highest rate of child marriage involving girls under age 15. South Asia is home to almost half (42%) of all child brides worldwide: India alone accounts for one third of the global total³."

Further, "in sub-Saharan Africa, 40% of girls marry before age 18, and African countries account for 15 of the 20 countries with the highest rates of child marriage. For example, 77% of girls in Niger, and over 60% of girls in Central African Republic and Chad, marry before they turn 18.¹¹"

Factors that perpetuate child marriage

1. Poverty

For poor families, marrying their daughters early is an economic survival strategy because it means one less child to feed or educate and some families believe that sending their daughter in marriage may afford them a chance for a better life. In addition, girls themselves may see marriage as a way out of poverty.

Females in the poorest areas are 2.5 times more likely to marry in childhood than those in the wealthier communities. This disparity is particularly pronounced in certain countries. In India, the median age at first marriage is 19.7 years for women in the richest areas compared

to 15.4 for the poorest women. The same pattern is also observed in the Dominican Republic where at least half of the poorest women entered into their first marriage or union at age 17 compared to age 21 among the richest women

⁵See "Ending Child Marriage: Progress and Prospects", UNICEF report 22 October 2014, and "Child Marriage", International Center for Research on Women.

⁶"A note on Child Marriage", UNICEF July 2012 and "Marriage and Cohabitation: a statistical portrait based on the National Survey of Family Growth", US Department of Health and Human Services 2002.

⁷Ending Child Marriage: Progress and Prospects", UNICEF report 22 October 2014.

⁸"Ending Child Marriage in Africa: Opening the Door for Girl's Education, Health and Freedom from Violence", Human Rights Report, December 2015.

⁹Ending Child Marriage: Progress and Prospects", UNICEF report 22 October 2014.

ii. Poor access to education and health services

Many girls who attend school are forced to leave due to marriage, pregnancy, or family pressure. Although school administrators and teachers should play a critical role in monitoring and encouraging married girls to remain in school, school policies often mean that they instead stigmatise and expel them from the education system.

Another common scenario is that girls are forced into marriage if they leave school at an early age.

Poor access to quality education can also contribute to child marriage: when schools are expensive in terms of school fees, school uniforms, and school supplies, or are a far distance from the child's home, or where the quality of the education provided is poor, many parents may withdraw their daughters from the education system, leaving them at greater risk of marriage.

The adverse consequence of this is that lack of education limits girls' choices and opportunities throughout their lives, as girls and adult women have fewer opportunities financially provided for themselves and their families and are therefore resigned to a life

poverty. In Malawi, for example, nearly two-thirds of women with no formal education have been child brides compared to 5 per cent of women who attended secondary school or high levels of education⁵.

iii. Customary practices and religious beliefs

Underpinning customary practices such as the payment of a dowry ("bride price") are traditional beliefs about gender roles and sexuality and women and girls' subordination which, in turn, perpetuate child marriage. In the context of limited economic resources and opportunities, girls are often seen as economic assets whose marriages provide cattle, animals, money, and gifts.

Both Christian and Muslim religious beliefs are often relied on to justify child marriage. For example, amongst Zimbabwe's religious sects, particularly in the Apostolic faith, girls commonly marry much older men at a very young age.

⁵ "Ending Child Marriage: Progress and Prospects", UNICEF report 22 October 2014.

"Ending Child Marriage in Africa: Opening the Door for Girl's Education, Health and Freedom from Violence", Human Rights Watch December 2015.

"Ending Child Marriage: Progress and Prospects", UNICEF report 22 October 2014.

"Ending Child Marriage in Africa: Opening the Door for Girl's Education, Health and Freedom from Violence", Human Rights Watch December 2015.

iv. Weak laws and lack of enforcement

Legal frameworks play a powerful role in transforming norms and protecting girls' rights. Relevant laws and regulations include: those that set the minimum age for marriage at both girls and boys; requirements for birth and marriage registration; laws that deal with sexual violence and domestic violence; anti-corruption laws; and laws regulating marriage, divorce, custody, and inheritance. At least 20 African countries allow girls to

marry below the age of 18 through their minimum age laws or through exceptions that require parental consent or judicial approval to be given.

Although many African countries have established 18 years as the minimum age of marriage for both boys and girls, weak enforcement has meant that these laws have had little impact. Commonly, the Police may not have adequate training in dealing with these cases, or may not see it as their job to prevent child marriages, or else they defer to the parents' wishes. While birth and marriage registration and dealing with these cases, certification helps to verify the age of spouses at the time of marriage, certificates are rarely produced or verified. For example, only 16% of children in Tanzania under the age of 5 years have been registered with civil authorities, and only about half of these children received a birth certificate.

In addition, many African countries have multiple legal systems where civil, customary and religious laws overlap and sometimes contradict each another. Community religious leaders who align child marriage with customary practices and religious beliefs may also resist the law and their enforcement.

Consequences of child marriage

Poverty and lack of opportunity for education (mentioned above) are both causes and consequences of child marriage.

In addition, child marriage has negative consequences for girls' health: complications resulting from pregnancy and childbirth are the second leading cause of death among adolescent girls aged 15-19 years old globally. Research shows that a girl aged 10-14 is 10 times more likely to die during delivery than mothers aged 20-24; girls aged 15-19 are twice as likely to die during delivery as women aged 20-24. This is due mainly to the fact that the pelvis and birth canal of young girls are not fully developed. Complications in labor are exacerbated by poor hospital facilities and nursing care. In particular, the stress of delivery on physically immature bodies can cause fistulas, which results in constant leaking of urine.

faeces. Girls suffering condition are often ostracised or abandoned by their families and communities.

Limited access to reproductive health information and family planning services means many girls have limited understanding of contraception which would otherwise help them delay pregnancy or allow a sufficient amount of time between each pregnancy

Finally, child marriage has negative consequences for girls in terms of domestic violence risk of which increases when there are large gaps in age between a girl and her husband. African countries do not criminalise marital rape, and even when it is a crime, child brides have little ability to seek help. Married girls and young women between the ages of 15 with low levels of education are at a much greater risk of domestic and sexual violence from their spouses than older and more educated women

Regional and International Initiatives to deal with Child Marriage

Over the years, many well-intentioned policies and initiatives have been launched to deal with child marriage, some with more success than others. Amongst them are the following:

- The African Union's Campaign for Accelerated Reduction of Maternal Mortality in Africa 2009 - the main objective of the campaign is to expand the availability and of universally accessible quality health services, including those related to sexual and reproductive health that are critical for the reduction of maternal mortality:
- The African Union's African Women's Decade, 2010-2020-three of the themes of the campaign are: reducing maternal mortality; increasing literacy levels among women through adult education and achieving higher school retention rates for girls; and reducing violence against women;

- The African Union Campaign to End Child Marriage 2014;
- Agenda 2063: launched in 2015, the Agenda is the African Union's 50-year c p development, which recognises that child marriage is a impediment to regional development and prosperity and so should eradicated;
- The United Nations Sustainable Development Goals 2015, which includes to "eliminate all harmful practices, such as child, early and forced marriage female genital mutilation end child marriage" by 203012.

10 "Ending Child Marriage in Africa: Opening the Door for Girl's Education, Health and Freedom from Violence", Hum Dr 2015.

11 "Ending Child Marriage in Africa: Opening the Door for Girl's Education, Health and Freedom from Violence", H Dece 2015.

12 Goal 5.3 of the United Nations' 2030 Agenda for Sustainable Development.

Child Marriage in Sierra Leone

According to UNICEF statistics produced in 2016, 13% of Sierra Leonean girls named the age of 15, and 39% of Sierra Leonean girls get married f 18. The predominant view domestic laws do not prevent the furtherance of child marriage in Sierra Leone, either because of conflicting provisions and/or challenges in implementing the law.

The NGO Defence for Children International Sierra Leone presented four case studies child marriage to the sub-committee. These case studies illustrate the traumatic harsh of child marriage, but also show that child marriage victims have hope and good prosp they can get assistance and support from the relevant Institutions.

In each of the following case studies, the real name of the victims has been chai reasons of privacy and protection:

1. Child bride escapes from abusive marriage

Fattoh was married off at just 12 years old: "he told my father he would pay the [Fattoh father's] medical bill and give even more money if he could take me as his bride. So that's how I got married. Three days after the wedding, he wanted to have sex with me but I refused. The whole experience was horrifying: I did not know what was happening to me", Fattoh said.

As her husband's second wife, she was the same age as some of his children, yet her childhood was over. She was forced to drop out of school to attend to domestic responsibilities. Fattoh was determined to escape her child marriage. She repeatedly ran away to her parents' home, but each time, her husband came and dragged her back.

A few miles away from Fattoh's hut was the home of 16-year-old Nana*, Fattoh's cousin. Nana was also a child bride. "I explained the situation to Nana", Fattoh said "Together we sought help from a local activist, who finally believed my story and agreed to help".

The child activist took Fattoh to the Ministry of Social Welfare Gender and Children's Affairs, which later referred the case to Don Bosco where Fattoh was housed temporarily for three months.

At Don Bosco, Fattoh was depressed and traumatised: never felt so empty and helpless. She told Defence for Chechen international, Siena Leone PDC the community isolated Fattoh and her family, and prevented them from taking part in most community activities, including naming and traditional wedding ceremonies. "It was a terrible experience for us", Fattoh said. DCI-SL

Fattoh's case was referred to the National Commission for Children (The NCC) where she learnt about DCSL's Socio-Legal Defence Centre [The SLDC], a programme that offers a safe place for vulnerable children to discuss and solve their problems, and where social workers teach children about sexual and reproductive health, child rights, life skills, and how to navigate difficult circumstances, including abusive relationships. The programme aims to help children gain independence and thrive on their own.

The NCC approached DCI-SL for financial support for Fattoh's education, and DCI-SL was impressed by her maturity and determination: "no-one could have imagined how intelligent and how quickly - she would succeed" said Ms. Mansaray, DCI-SL's Programme Manager.

Now, at only 15 years old, Fattoh is excelling in her studies, and has emerged as a powerful advocate for change using her second chance, teaching other girls how to prevent abuse and that quality education can help them determine whether and when to get married.

2. Child bride returns to school in Moyamba

When Amluck* was 10-years old, her father removed her from school and sent her to marry a 45-year-old man she had never met before: "I had to sacrifice all my dreams for the happiness of my father. I was 10 and never ready for such a traumatic experience", Amluck told [her name] in Moyamba.

After the death of her mother, an aunt from Freetown had offered to bring Amluck to the city and enrol her in school, but the aunt had sent her to work instead. As Amluck grew older, the abuse worsened. Because Amluck's family was struggling financially, Amluck's father regarded her as a burden and so pushed her to agree to marry the man, in the hope that she would have peace with him. Instead, Amluck said that "they were the worst days of my life, worse than all the beating and emotional torture I have when staying with my aunt. I was being beaten all the time. Making the adjustments to the reality of marriage and being in a toxic family environment was traumatic enough adding "I became scared and depressed as my husband constantly forced me to have sex with him against my wishes".

When Amluck became increasingly withdrawn, her friend suggested that at DCI-SL's Legal Defence Centre ("SLDC") in Eme Amluck did so, she was in a dire state, legally, mentally, physically; Doris, see a counsellor the SLDC, said that Amluck was silent and unable to discuss her the SLDC. Amluck was given a comprehensive medical examination and psycho worker at she shal Moyamba B situation

counseling.

When DCI-SL assessed Amluck's case, they realised that legal Intervention When der situation worse because Amluck neded reconciliation with her family much more than punishment of her parents by Imprisoning or fining them. Instead, Au needed financial support for her family in order to lift them out of the poverty that forced them to send th girls into early marriage. DCI-SL therefore contacted Amluck's family, offered them mediation, and provided support for Amluck to resume school.

"It is at the Centre that my dream to go to school came back to me" said Amluck this programme. I was welcomed, re-motivated and guided towards resuming studies".

Through its Socio-Legal Defence Centres across the country. DCI-SL partners with se providers to ensure appropriate referrals for children who have been abused or exploit who lack appropriate social care. In particular, DCI-SL is supporting finalisation and adoption of the National Child Welfare Policy by all Mir Departments and Agencies concerned. If the policy is implemented, gifts like Ami will not married off early, and will increase their chances of completing their education.

3. Fighting for justice for children

Nata* was raised in a one room apartment in a small town in Marampa Chiefdom, Por District. Shortly after she turned 14, her father introduced her to a 50-year-old man and

informed her that the man had betrothed her since she was 5 years old. During her brief marriage, Nata endured constant violence: "my husband used to beat me daily as she

One day, Nata's husband beat Nata and forced her to confess to having cheated him with another man. In self-defence, Nata grabbed a nearby knife and killed her husband. She was arrested for murder, and is currently on trial in Freetown detained at a Remand Home. SL has approached the Legal Aid Board to provide legal representation for Nata.

DCI-SL's case management data shows that 76% of girls are in conflict with the law because of problems with their "spouse", highlighting the fact that many girls are in inappropriate relationships, including child marriages, and are further victimised by the criminal justice system.

4. Child bride suffers fistula due to early pregnancy

Manneh* was married when she was just a child. Soon after, she became pregnant, and, at 14 years old, she went into labour. As is the case with many girls of her age, Manneh's body was not mature enough to bear a child, and she suffered obstructed labour that could have killed her.

Unfortunately, Manneh's baby did not survive the childbirth, and the ordeal left Manneh with a devastating injury known as an obstetric fistula, a hole in the birth that makes women's lives immeasurably harder: many are abandoned by their families and hated by their communities; it leaves women leaking urine or faeces, or both often leads to chronic health problems, depression, and deepening poverty. More than two million women worldwide have the condition, and 50,000 to 100,000 develop fistula every year.

"Everywhere I sat, I left a mark, and people would come to see, and talk so about my condition. I was helpless and could not do anything about it", Manneh DCI-SL. Like many other fistula survivors, she felt embarrassed and alienated. "My life has been hell", she said.

Concluding her story, Manneh said "from the Aberdeen Women's Centre, I refused to to my husband. I then stayed in Freetown and later joined girls and women's group in that does advocacy on girls and young women's rights with the support of DCI-SL. I am a proud advocate of girls and women's rights community."

*** Names changed for privacy and protection**

3. LEGISLATION

In accordance with the sub-committee's review methodology, members considered the following provisions of domestic legislation, identified as being most relevant to the list of child marriage:

Sections 34(1)-(3) of the Child Rights Act 2007:

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

(2) No person shall force a child:

(a) to be betrothed:

(b) to be the subject of a dowry transaction: or

(c) to be married.

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

Sections 2(2) and (3) of the Registration customary Marriage and of Divorce Act

"2. (1) Subject to this Act, a customary marriage, contracted after the commencement of this Act, shall be valid only if -

(a) both spouses are not less than eighteen years old and consent marriage; and

(b) the marriage is contracted in accordance with the customary law applicable to any spouses.

(2) Where, either of the prospective spouses, not being a widow or widower less than eighteen years of age, it shall be necessary for the parents to give the marriage and if the parents are dead or for any reason to consent, then the consent may be given by the guardians of the prospective spouses to the marriage, as the case may be.

(3) If the consent of the parents or guardians cannot be obtained or is unreasonably withheld, a Magistrate or Local Government Chief Administrator of the locality in which the marriage is to take place may give his consent"

Sections 4 and 5 of the Sexual Offences Act 2012:

"4.... a person below the age of 18 is not capable of giving consent for the purpose of this Act and, accordingly, it shall not be a defence to an offence under this Act to show that the person has consented to the act that forms the subject matter of the charge."

"5.... the marriage of a defendant and the victim shall not be a defence to an offence under this Act."

Sections 7(2) and 8 of the Christian Marriage Act, Cap 95 of the Laws of Sierra Leone

"7. No marriage may be celebrated under the provisions of this Act-

(1) between persons who are related within the prohibited degrees of consanguinity or affinity according to the law of England:

(2) between persons of whom each or either not being a widow or widower is under the age of twenty-one years, in the case of a person whose personal law is not customary law or under the age of eighteen years, in the case of a person whose personal law is customary law unless the consent of the father, or if he should be dead or unable for any reason to give such consent then of the guardian or guardians, if any, of such person or of a Judge of the High Court or District Officer under section 8 hereof, is first obtained;

(3) between persons either of whom is already married to some person other than a person with whom the intended marriage.

Any person knowing of any lawful impediment or hindrance to an intended marriage must inform the minister by whom any banns are published or who about to celebrate any marriage under this Act, or the Commissioner of Police or the District Officer of the District where such marriage is intended to be celebrated.

8. When the consent of any parent or guardian is required by this Act to an intended marriage and there is no parent or guardian, or such parent or guardian is incapable of giving such consent, or unreasonably withholds such consent, the same may be given by writing under the hand of a Judge of the High Court:

Provided that if the marriage is intended to take place in any district of the Colony, other than the Police District of Freetown, such consent may also be given by The Protectorate, and such consent may be given if the marriage is intended to take place: Provided District Officer as District Officer of the district where the marriage is to be intended to take place in the District Officer of the district in which the marriage is intended to take place that such consent shall not be given unless the Judge or District Officer is satisfied that the intended marriage is a proper one, and the Judge and District Officer aforesaid are hereby

empowered to examine persons on oath or demand Sworn declaration with respect to matter connected with such intended marriage."

Section 19 of the Civil Marriage Act, Cap 97 of the Laws of Sierra Leone:

"19. Any Registrar who celebrates a marriage knowing of one or other of the impediments mentioned in section 7 of the Principal Act, period and house guilty of an 14 hereof, specified in section or without exceeding one hundred pounds or imprisonment, with or without labour, for one year or to both: Provided always that no Registrar, who shall celebrate marriage after certificate or licence duly obtained or between persons both being a widow or widower) shall at the time of such marriage be under the age of twenty-one years, shall be answerable or responsible or liable to any pain, penalty or proceeding for having celebrated such marriage without the consent of the parent, guardian or other person (if any) whose consent is required by law, unless such parent guardian or other person shall enter a caveat against the issue of the Registrar's certificate as hereinbefore provided."

Section 2 of the Muslim Marriage Act, Cap 96 of the Laws of Sierra Leone:

"2. Every marriage entered into and subsisting between persons professing the Muslim religion and domiciled in Sierra Leone which is valid according to Muslim law (hereinafter called Muslim marriage) shall be valid for all civil purposes."

Legislation from other Jurisdictions:

The sub-committee also looked at legislation on child marriage from India and the Gar the relevant provisions of which are as follows:-

India:

The Prohibition of Child Marriage Act 2006:

"2. In this Act, unless the context otherwise requires,

(a) "child" means a person who, if a male, has not completed twenty-one years of age a female, has not completed eighteen years of age;

(b) "child marriage" means a marriage to which either of the contracting parties is a ch

(c) "contracting party", in relation to a marriage, means either of the parties whose ma is or is about to be thereby solemnised;

3. (1) Every child marriage, whether solemnised before or after the commencement of Act, shall be voidable at the option of the contracting party who was a child at the time marriage:

9. Whoever, being a male adult above eighteen years of age, contracts a child marriage be punishable with rigorous imprisonment which may extend to two years or with fine or may extend to one lakh rupees or with both.

10. Whoever performs, conducts, directs or abets any child marriage shall be punished with rigorous imprisonment which may extend to two years and shall be liable to fine which may extend to one lakh rupees unless he proves that he had reasons to believe that the marriage was not a child marriage.

11. (1)Where a child contracts a child marriage, any person having charge of the child whether as parent or guardian or any other person or in any other capacity, lawful or unlawful, including any member of an organisation or association of persons who does act to promote the marriage or permits it to be solemnised, or negligently fails to prevent from being solemnised, including attending or participating in a child marriage, shall be punishable with rigorous imprisonment which may extend to two years and shall also be liable to fine which may extend up to one lakh rupees:

Provided that no woman shall be punishable with imprisonment.

12. Where a child, being a minor-

(a) is taken or enticed out of the keeping of the lawful guardian; or

(b) by force compelled, or by any deceitful means induced to go from any place; or

(c) is sold for the purpose of marriage; and made to or if the minor is married after which the minor is sold or trafficked or used for Immoral purposes,

Such marriage shall be null and void.

16. (1)The State Government shall by notification in the Official Gazette, appoint for the whole State, or such part thereof as may be specified in that or officers to be known as Child Marriage Prohibition Officer having jurisdiction over an office the area or areas specified in the notification.

(3) It shall be the duty of the Child Marriage Prohibition Officer:

(a) to prevent solemnisation of child marriages by taking such action as he may contravening the deem fit;

(b) to collect evidence for the effective prosecution of provisions of this Act; persons

(c) to advise either individual cases or counsel the residents of the locally generally no indulge in promoting, helping, aiding or allowing the solemnisation of child marriages;

(d) to create awareness of the evil which results from child marriages;

(e) to sensitise the community on the issue of child marriages."

The Gambia:

The Children's Act Amendment Act 2016:

"5. Amendment of section 24 (of the Children's Act 2005)

Section 24 of the [Children's Act 2005] is amended by substituting for it the following-

(1) A child shall not be capable of contracting a valid marriage.

(2) For the avoidance of doubt, any marriage purportedly contracted by a child is void.

(3) Any person who wilfully contracts a marriage on behalf of a child or causes a child contract a marriage commits an offence and is liable on conviction to imprisonment not exceeding twenty years.

(4) A person who aids, abets or conspires to contract any form of marriage of a child commits a felony and is liable on conviction to imprisonment not exceeds twenty years

(5) A person who becomes aware of the commission of an offence under sub-section intentionally fails to report it commits an offence and is liable on conviction to imprisonment not exceeding ten years."

Finally, one of the most relevant international Conventions is the Convention on the Elimination of all forms of Discrimination against Women 1979, as follows:

Article 16.2:

"The betrothal and the marriage of a child shall have no legal effect, and all necessary including legislation, shall be taken to specify a minimum age for marriage and to make registration of marriages in an official registry compulsory."

**4. SUMMARY OF POSITION PAPERS SUBMITTED BY
MEMBERS OF THE SUB-COMMITTEE**

In accordance with the sub-committee's review methodology, position papers were prepared by sub-committee members, setting out the views of their respective organisations/institutions on child marriage and suggesting the best way to deal with it in terms of legislation.

1. POSITION PAPER OF THE REPRESENTATIVE OF THE SIERRA LEONE BAR ASSOCIATION

The main points raised in this paper were as follows:-

- Child marriage has the negative effect of causing young women to leave school at a relatively early stage of their education, with no prospect that they will later resume an of training or education;
- Pregnancy at an early age carries a higher risk of fistula or death during child birth, a long-term post-natal health problems,
- Child marriage contravenes sections 4 and 5 of the Sexual Offences Act 2012:

- The current legislation concerning marriage is contradictory. In particular, there are different ways of registering civil, religious, and customary marriages;
- The validity of customary marriages is unclear, despite the Registration of Customary Marriage and Divorce Act 2009;
- Sections 2(2) and (3) of the Registration of Customary Marriage and Divorce Act 2009 have precedence over sections 34(1)-(3) of the Child Rights Act 2007.

The representative, Ms Davies-Cole, concluded that although it would be best practice to draft a new law, she recommends that the Registration of Customary Marriage and Divorce Act 2009 should be amended to harmonise it with the Child Rights Act 2007 and other related marriage laws.

ii POSITION PAPER OF SAVE THE CHILDREN

The main points raised in Save the Children's position paper were as follows:

- Child marriage has adverse consequences for the education, health and prospects of an affected child:
- Socio-cultural and economic factors are part of the reason for child marriage and conflicts in the law add to the problem, as they make it difficult to enforce the law and to reduce public acceptance of the practice marriage:
- The Child Rights Act 2007 supersedes sections (2) and (3) of the Customary Marriage Act, Cap 95 of the Laws of Sierra Leone and also section 19 of the Civil Marriage Act, Cap 95. Similarly, sections 2(2) and (3) of the Registration of Customary

Marriage and Divorce Act 2009 supersede section 34 of the Child 2007. The ne is that child marriage is permitted in Sierra Leone

In light of these broad points, Save the Children is of the opinion that it would to modify amend the existing relevant laws rather than create a new c focuses specifically on prohibiting child marriage. Two reasons for this view or firstly, many African countries include the prohibition of child marriage as pats laws on the rights of children, family la or marriage laws. Secondly, focusing solely on child marriage may "create additional requirement to provisions, which could create further debates and additional delays in passing".

Save the Children therefore makes the following recommendations:-

The Registration of Customary Marriage and Divorce Act 2009 should be amended to that it no longer conflicts with the relevant provision Child Rights Act 2007; this can be achieved by repealing sections 22 the 2009 Act;

Sections 7(2) and 8 of the Christian Marriage Act, Cap 95 of the Laws of Sierra Leone section 19 of the Civil Marriage Act. Cap 95 of the Laws of Sierra Leone should be rep and the remaining provisions of these two c be reviewed to ensure that they do not co the Child Rights Act 20 other relevant legislation;

Female genital mutilation is a practice that encourages child marriage. Steps should b to prohibit it, but this deep-rooted, controversial issue should be dealt with separately f the review on child marriage so as not to delay the review;

- Section 35 of the Child Rights Act 2007 sets out the penalty for "any person w/ contravenes" the Act. This provision should be amended in order to distinguish between the different categories of persons that may have contravened the Act set different penalties, firstly, for the adult that marries the child; secondly, for a

person that "performs, conducts, directs, or abets" the marriage; and, thirdly, for parents or guardians who promote or procure the marriage. Whilst the first and second categories of persons should be penalised, Save the Children is of the view that the third category of persons should not be penalised, because this may cause conflict within the child's family:

- Child marriage often takes the form of cohabiting. To address this, the Child Rights Act 2007 should be amended either to define child marriage as "the formal marriage or informal union (emphasis added) before the age of 18", or to make it clear that cohabiting amounts to harbouring and is therefore prohibited;
- The administrative process relating to registration of customary marriages should be developed to community level so as to make it more accessible, especially in rural areas.

iii. POSITION PAPER OF THE UNITED NATIONS POPULATION FUND

The United Nations Population Fund ("the UNFPA") "works to ensure that adolescents and young people are empowered to enjoy their full rights, fulfil their potential and lead healthy, productive lives". It is therefore "firmly committed to ending child marriage, whose negative consequences include interrupted education, early pregnancy and its accompanying risks, high maternal mortality and morbidity, disempowerment of girls resulting in increased economic dependence and a reduced quality of life for them and their children."

UNFPA was of the opinion that there is "discordance in the laws, resulting in the legitimisation of child marriage". The UNFPA therefore recommended that existing law should be amended and harmonised rather than introducing a new Act, principally because harmonisation would close the gaps in the law and eliminate the variations that currently allow child marriage to continue legally. It is also the case that revising existing legislation would be a shorter process than enacting new legislation.

The UNFPA further recommended the following:-

- Repeal sections 2(2) and (3) of the Registration of Customary Marriage and Divorce Act 2008 and the Christian Marriage Act
- Amend sections 7(2) and (3) of the Christian Marriage Act, Cap 95 of the Laws of Sierra Leone, to expressly state that 18 is the age below which marriage is prohibited, and to remove the exception that allows parents, guardians, or High Court Judges to consent to the marriage of those below the age of 18
- Amend section 2 of the Muslim Marriage Act, Cap. 96 of the Laws of Sierra Leone to state that marriages are valid only if both parties have attained the age of at least 18;
- Amend section 19 of the Civil Marriage Act, Cap 97 of the Laws of Sierra Leone to prohibit the issuance of marriage certificates to anyone below the age of 18.

Further, the UNFPA believes that criminalising child marriage "runs the risk of punishing both victims and perpetrators. Closing existing loopholes to prevent the practice protects victims of child marriage rather than indict them."

iv. POSITION PAPER OF THE NATIONAL COMMISSION FOR CHILDREN

The National Commission for Children ("the NCC") was established in 2007 as an independent body with several functions relating to the realisation of children's rights, including monitoring and coordinating the implementation of the United Nations Convention on the Rights of the Child 1989 and the African Charter on the Right Welfare of the Child 1990, overseeing the implementation of Part II of the Child Act 2007; and advising the government on policies aimed at improving the condition and welfare of children in Sierra Leone.

In 2015, the NCC conducted a fact-finding mission on child marriage in several regions around the country so as to identify the reasons for the prevalence of child marriage and then suggest ways by which to minimise and eventually eradicate the practice. Amongst its findings were the following:-

- Most communities consider child marriage to be a normal traditional practice, but gave negative reasons to justify it, for example: lack of job opportunities for girls, poverty; an occurrence of teenage pregnancy;
- Many communities were unaware of the existing legislation that prohibits child marriage and did not regard it as an offence;
- Lack of the opportunity to attend school or other technical and vocational Institutions, well as insufficient number of trained teachers, contributes to child marriage. In addition, girls sent from rural locations to bigger towns for schooling are often unsupervised and

become "victims of teenage pregnancy and consequently end up being given out in marriage":

In addition, parents often do not regard education as a priority, and girls themselves see this view - "children admire their peers that have had children"

Complaints relating to child marriage are usually dealt with by local community but few communities have bye-laws to deal with it and so it is dealt with informally. Generally, child marriage is unreported and therefore escapes prosecution;

- Parents often decide to marry off their daughters on the basis of signs of puberty rather than by reference to the child's age, and are unaware of children's right to be protected from such as child marriage;

- Parents' poor supervision and minimal concern for the welfare of their children, together with parental ignorance of child rights laws, contribute to the continuance of child marriage;

There are strong traditional and religious beliefs surrounding child marriage, chief among them being that: it is forbidden for a girl to get pregnant out of wedlock; that it is inappropriate for a girl who is neither in school nor in employment to stay at home with parents, and so they should be married off; and that family planning/sexual reproductive health services are inappropriate for girls.

As a result of these findings, the NCC made several recommendations, including the following:-

The Registration of Customary Marriage and Divorce Act 2009 and the Child Rights Act 2007 should be harmonised:

- The National Council of Paramount Chiefs should develop and enforce bye-laws against child marriage;

- Education services and opportunities in the regions should be improved;

- Tribal heads, particularly those of the Fullah, Mandingo and Susu tribes, should be encouraged to "talk to their people to change their perceptions on child marriage and the premium on educating their children";

- The Ministry of Social Welfare, Gender and Children's Affairs should "expedite the resuscitation of Child Welfare Communities in all communities";

- The Inter Religious Council should encourage their members to distinguish between tradition and religion with regard to child marriage, and should influence attitudes about marriage so that it is no longer perceived as an acceptable tradition.

V. POSITION PAPER OF THE YOUTH AND ADVOCACY CHILD NETWORK SIERRA LEON ("YACAN-SL")

YACAN's position paper recommended the following:-

- The amendment of section 2(2) of the Registration of Customary Marriage and Divorce 2009; The formulation of a definition of "child marriage" by the Ministry of Social Well Being, Gender, and Children's Affairs and the Office of the Attorney-General;
- The formulation of system to support the reporting and prosecution of child marriage;
- The provision of safe homes for affected children.

vi. POSITION PAPER OF PLAN INTERNATIONAL

Plan International is a child-centred organisation that "strives for a just world that advances children's rights and equality for girls.... As a result, Plan International Sierra Leone has prioritised child, early, and forced marriage as a key priority area in advancing the rights of girls and young women. Plan International Sierra Leone believes that it can only achieve through partnership."

The general view of Plan International was that "child marriage is a human rights violation that impedes on the development of girls in Sierra Leone and Africa as a whole; and consequently on their families and communities". Plan International therefore recommends that:-

- In the short term, section 2(2) of the Registration of Customary marriage and Divorce 2009 should be amended:
- In the long term, new legislation should be enacted, abolishing child marriage and forced marriage.

Plan International was of the opinion that merely amending section 2(2) of the 2009 Act would not be enough to address child marriage because:-

- Amending section 2(2) alone would not deal with the problem of girls who are abandoned, neglected, or even tortured because they refuse to marry;
- Legislation needs to be introduced to prohibit forced marriage of adult women, as well as child marriage;
- The criminal penalty for child marriage needs to be equal to the severity of the offence, and provision needs to be made for that in new legislation:

- New legislation can consolidate all issues regarding child marriage and forced marriage:
- "The issue of compromise by State or local authority in arranging child marriage not comprehensively dealt with in any law".

vii. POSITION PAPER OF DEFENCE FOR CHILDREN INTERNATIONAL, SIERRA LEONE

Child marriage is a socio-cultural issue, and this needs to be taken into account in mal provision that prohibits child marriage. Some of the reasons given to justify child marriage include that it prevents girls from getting involved in prostitution or having children out wedlock, and that it protects them economically and socially.

Defence for Children International, Sierra Leone, believes that some of the key areas that need to be addressed in relation to child marriage are as follows:-

- There should be a standard age for marriage:
- The government and communities should monitor and discourage child marriage; prevent teenage pregnancies;
- Legal remedies should protect the victims of child marriage during and after criminal and/or civil proceedings. In particular, legal proceedings (in addition to the repeal of child marriage) should not lead to permanent separation and conflict between victim and her family:
- Victims of child marriage should be given support and services so that they can return to school, survive, and have a place to stay".

Defence for Children International, Sierra Leone, believes that harmonisation of the Child Rights Act 2007 and the Registration of Customary Marriage and Divorce Act 2009 will "only address the issue of standardisation of age of consent for marriage", but that the development of a new law "may take some time, but it could be the most desirable option it will provide us all with the opportunity to address all legal gaps concerning child marriage".

Defence for Children International, Sierra Leone, therefore recommended immediate action should be taken to amend section 2(2) of the Registration of Customary Marriage and Divorce Act 2009, and thereafter a new Act should be introduced to "complement existing law and address their loopholes". In particular, the new Act would repeal section 2(2) of the Act and also strengthen section of the Child Rights Act 2007 by providing "more comprehensive protection, access justice, and reparation services for the victims and those who are vulnerable to child marriage recommended Registration

viii. POSITION PAPER OF THE OFFICE OF THE FIRST LADY

The United Nation's Convention on the Rights of the Child 1989 was domesticated in Sierra Leone by the Child Rights Act 2007. Similarly, the Convention on the Elimination of all forms of Discrimination against Women 1979 was domesticated in Sierra Leone by the Registration of Customary Marriage and Divorce Act 2009. Both the 1979 and 1989 Conventions prohibit child marriage.

Sections 2(2) and (3) of the Registration of Customary Marriage and Divorce Act 2009 conflict with both the 1979 and 1989 Conventions and also with the relevant provisions of the Sexual Offences Act 2012 and the Child Rights Act 2007, and have the overall effect of legitimising the practice of child marriage.

The Office of the First Lady therefore recommended that sections 2(2) and (3) of the Registration of Customary Marriage and Divorce Act 2009 should be repealed.

ix. POSITION PAPER OF THE CAMPAIGN FOR GOOD GOVERNANCE ("THE CGG")

In carrying out its remit to consider social conditions that impact on good governance, CGG's viewpoint is that child marriage is a practice that violates children's rights. Taking account of the relevant provisions of the African Charter on the Rights and Welfare of Child 1990 and the Child Rights Act 2007, and also a 2016 study on child marriage conducted by the Ministry of Social Welfare, Gender and Children's Affairs, the CGG recommended that the Muslim Marriage Act, Cap 96 of the Laws of Sierra Leone and the Registration of Customary Marriage and Divorce Act 2009 should be modified to specify 18 years as the minimum age of marriage, and that any marriage is with the consent of parties.

X. POSITION PAPER OF THE UNITED NATIONS CHILDREN'S FUND ("UNICEF")

UNICEF was of the view that abolishing child marriage is both a national priority, under the National Strategy for Reduction of Child Marriage and Pregnancy, and a regional priority under the African Union's "End Child Marriage Campaign", because it violates children's rights under domestic and international law. UNICEF also identified the contradiction in some national laws, for example between the Registration of Customary Marriage and Divorce Act 2009, which recognises child marriage, whereas the Child Rights Act 2007 expressly prohibits it.

UNICEF therefore adopted the approach recommended by the United Nations Committee on the Rights of the Child in its 2016 periodic report on Sierra Leone, namely that Sierra Leone should "... continue harmonising all domestic legislation relating to children with the Convention, including by reviewing the Child Rights Act and ensuring that it has precedence over all other laws and that all the gaps that have been identified in other laws that concern children, such as trafficking, child marriage, child labor and other issues, are adequately addressed".

More specifically, UNICEF recommended that all laws with provisions relating to children (in particular, the Registration of Customary Marriage and Divorce Act 2009) should be harmonised with the Child Rights Act 2007 so as to give effect to section 34 of the 2007 Act regarding the minimum age for marriage, and to expressly prohibit child marriage.

"The United Nations Convention on the Rights of the Child 1989.

5. DISCUSSIONS

At the meeting of the sub-committee on December 2016, by representatives of the various children's rights organisations, sub-committee members noted that the positions of the two organisations were similar. The repeal of sections 2(2) and (3) of the Registration of Customary Marriage and Divorce Act 2009 and the harmonisation of the minimum age of marriage in the Civil Marriage Act, the Christian Marriage Act, and the Muslim Marriage Act of the Child Rights Act 2007. They were also similar in that both organisations preferred modifying existing legislation rather than creating a new Act specifically focusing on child marriage.

Sub-committee members also observed that the position paper of Save the Children on issues such as female genital mutilation, which, although related to the welfare of children, were not strictly within the review mandate of the sub-committee. Responding to that observation, the representative from Save the Children said it was the desire of Save the Children to make clear its position with regard to that practice in the hope that it could lead to a future review of that area.

In the course of the discussions, the sub-committee observed that The Gambia dealt with child marriages by amending the Children's Act 2005. It was further noted that rather than drafting a separate legislation merely to abolish child marriage, some provisions of the Children's Act 2005 were amended by strengthening them to deal with the issue of marriage. Members agreed that if Sierra Leone adopted the same approach, an amendment to the Child Rights Act, 2007 could be drafted to strengthen the provisions relating specifically to child marriage while simultaneously repealing other conflicting provisions in other existing legislation.

The vast majority of members agreed that the sub-committee would recommend the enactment of an amendment law instead of new legislation to tackle child marriage.

Another issue that featured in the discussions was the question of the effect of any mar below the age of eighteen after the abolition of child marriage, namely whether such marriages should be void or voidable. Members noted that both options had their merit demerits - considerations such as the right to inheritance, and legitimacy of children are reasons why other countries have left it as voidable at the instance of the child victim u] attaining the age of majority.

Other suggestions made by sub-committee members included:

- The amending legislation should create inchoate offences in relation to child marriage specifically attempted child marriage and conspiracy to cause child marriage:

The amending legislation should be gender neutral, i.e. It should apply to both girls and

- The amending legislation should include provisions that prohibit cohabitation with a ct

The amending legislation should make child marriage a criminal offence, with provision made for those found guilty of the offence to pay compensation to the child victim.

6. RECOMMENDATIONS

Having concluded in-depth deliberations at the various meetings, the sub-committee se on the following recommendations to abolish child marriage:-

Legislative provision prohibiting child marriage should be by way of amending existing l rather than enacting new legislation.

In furtherance of the above approach, sections 2(2) and 2(3) of the Registration of Cust Marriage and Divorce Act 2009 should be repealed so that there is no longer any confli with the relevant provisions of the Child Rights Act 2007, particularly section 34(1) ther

Sections 7(2) and 8 of the Christian Marriage Act, Cap 95 of the Laws of Sierra Leone, should be amended to state that 18 years is the minimum age requirement for marriage exception that allows parents, guardians or Judges to consent to the marriage of those 18 years should be repealed.

Section 19 of the Civil Marriage Act, Cap 97 of the Laws of Sierra Leone, should be repealed.

Section 2 of the Muslim Marriage Act, Cap 96 of the Laws of Sierra Leone should be amended to state that the minimum age of marriage is 18 years.

The definition of "child" should be standardised as being a person under the age of 18 in conformity with international legal instruments such as the United Nations Convention on the Rights of the Child.

- The Child Rights Act 2007 should be amended to define child marriage as 'the formal marriage or informal union before the age of 18'
- The legislation should amend section 35 of the Child Rights Act 2007 so as to stipulate different penalties for the different categories of persons that contravene provisions prohibiting child marriage.
- The amending legislation should not have retroactive effect
- All child marriages contracted after the coming into force of the amending legislation should be void.
- If the child has attained the age of majority at the time that the amending legislation comes into force, the marriage should be voidable at the option of the child.
- The amending legislation should create new offences relating to child marriage, attempted child marriage and conspiracy to cause child marriage
- The amending legislation should include provisions that prohibit cohabitation with a child.
- The amending legislation should make child marriage a crime as well as wrong, with provision made for those found guilty of the offence to provide compensation to the child victim.
- The amending legislation should include provisions that offer as much protection as possible to children,
- The Ministry of Social Welfare, Gender, and Social Affairs should devise a policy including an implementation plan, to educate the public about child marriage generally and about the amending legislation that is to be enacted.

FAITHFULLY SUBMITTED FOR THE ATTENTION OF THE COMMISSION

RHODA SUFIAN-KARGBO NUNI (MS),,

CHAIRMAN, SUB-COMMITTEE ON CHILD MARRIAGE

**REPORT ON CONSULTATIVE SEMINARS ON THE
ABOLITION OF CHILD MARRIAGE HELD IN THE
PROVINCES, OCTOBER 2017**

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1. INTRODUCTION

Background

At the request of the Attorney-General and Minister of Justice, the Law of the Constitution Sierra Leone Commission established a sub-committee to review the laws dealing with Marriage, taking account of relevant provisions domestic legislation, international obligations, and case-law, in order to propose recommendations to be considered by the Reform Commission.

The sub-committee held several meetings between November 2016 and June 2017 and submitted a final report to the Law Reform Commission in August 2017. It examined both causes and the consequences of child marriage, summarised the position papers submitted by sub-committee members, and concluded with a wide range of recommendations as to legislative changes and policy measures that could be introduced to eliminate child marriage.

In view of the sensitive social and legal issues raised by the subject of child marriage the Reform Commission decided to embark on a series of consultative seminars in the Provinces to publicise the report and also elicit the views of regions.

The team from the Law Reform Commission consisted of one of its Commissioners, Th Sufian-Kargbo Nuni; Maynard A. B. Timbo Esa, the Executive Secretary to Rhoda Sufia Carhission; Mr Abass Kamara, Assistant Draftsman Mr Idrissa K Principal Legal Research Officer, and Miss Melvina Lisk and Alfred Paul Juwah Esto Legal Research Officers.

Consultative seminars were held in Makeni, Kenema, and Bo, on 2nd October 2017, 4th October 2017, and 5th October 2017 respectively.

Methodology

The format of the provincial tour comprised two elements:

1. Radio discussion programmes

The Law Reform Commission held one-hour live radio discussions on child marriage or evening before each of the consultative seminars. The purpose of the programmes was to inform the public about the sub-committee's report on the abolition of child marriage, and to stimulate public debate on the social and legal implications of child marriage.

The Law Reform Commission assembled a panel of five different speakers for each programme, representing: the Law Reform Commission, the Sierra Leone Bar Association, the Office of the First Lady; and organisations and institutions such as Plan International, United Nations Population Fund ("UNFPA"), Youth and Child Advocacy Network ("YACAN"), the National Commission for Children, and the Ministry of Health and Sanitation.

A moderator asked the panellists a series of questions on legal, practical, and social issues relating to child marriage, and phone lines were kept open throughout each programme that members of the public could call in to ask questions and make comments on the issues highlighted.

ii. Consultative seminars

Prior to the consultative seminars, the Law Reform Commission wrote to key stakeholders and partners, inviting them to attend the seminars. These included: the local Paramount Chiefs; the Mayors; the Resident Judges; the District Medical Officers; religious leaders; Provincial Secretary for each District; the Office of the First Lady; national and international NGOs involved in child-related work, such as UNFPA, Plan International, Save the Children and Defence for Children International; the Sierra Leone Police/Family Support Unit; the Okada Riders' Union; the Sowei Council; the Traders' Association; local councillors; the Sierra Leone Teachers' Union; representatives of market women; and the press.

Each seminar started with brief statements made by representatives of organisations and institutions involved in child-related matters, after which participants were divided into groups according to their District and asked to answer four questions. Each group was to write their responses in bullet-point format on flip charts; each group then chose a representative to present their group's responses during the plenary session.

This approach was repeated at each seminar, and in posing uniform questions of three seminars, the Law Reform Commission was able to observe patterns that emerged from responses.

Each seminar concluded with an open-floor discussion on a particular theme where general observations from a cross-section of participants

2. RADIO DISCUSSIONS

Radio discussions were broadcast from one radio station and relayed to another radio station follows: simultaneously

Makeni:

Sierra Leone Broadcasting Corporation ("SLBC") , and Radio Amza 96.9 FM, moderated by Betty Alimany-Sesay.

Panellists on the programme were:

- Maynard A. B. Timbo Esq, Executive Secretary to the Law Reform Commission
- Ms Christiana Davies-Cole, lawyer, the Sierra Leone Bar Association;
- Alfred Paul Juwah Esq. Legal Research Officer at the Law Reform Commission
- Mr Kojo Kwao, Press Officer, Office of the First Lady;
- Mr Hassan Fuad Kanu, Director of YACAN.

Kenema:

SLBC, and Eastern Community Radio 141.9 FM, moderated by Mr Kojo Kwao.

Panellists on the programme were:

- Ms Rhoda Sufian-Kargbo Nuni, Commissioner;
- Maynard A. B. Timbo Esq. Executive Secretary to the Law Reform Commission,
- Mrs Kadiatu Bachalle-Taylor, Plan International;
- Mrs Ady Valcasel, the National Commission for Children;
- Ms Mary Sannoh, Save the Children

Bo:

SLBC and Kiss FM moderated by Mr Kojo Kwao.

Panellists on the programme were:

- Maynard A. B. Timbo Esq, Executive Secretary to the Law Reform Commission
- Ms Christiana Davies-Cole, lawyer representing the Sierra Leone Bar Association
- Dr Alhaj Turay, District Medical Officer for the Southern Province:
- Ms Betty Alpha, United Nations Population Fund ("UNFPA");
- Mrs Ady Valcasel, the National Commission for Children
-

Introduction to the programmes:

In each of the three programmes, the moderator gave a brief background to the Law Reform Commission's work on child marriage, as follows:-

More than 700 million women around the world marry before the age of 18, of whom 21 million marry before the age of 15: 39% of girls in Sierra Leone marry before reaching the age of 18. In light of such disturbing statistics, the government, through the Law Reform Commission, decided to establish a sub-committee to look into the issue of child marriage with stakeholders and experts such as the Office of the First Lady, Plan International, UNFPA, Defence for Children International, the Sierra Leone Bar Association, and the

The sub-committee considered domestic laws, the Constitution of Sierra Leone 1991, the law, and Sierra Leone's international obligations; the sub-committee also held several meetings and produced position papers, from which they developed a report with recommendations as to the way forward to tackle child marriage.

The moderators then posed a number of questions to the panellists on legal and social relating to child marriage. During the panel discussions, calls and text messages were received from members of the public, and their comments and questions were dealt with in air by panellists.

Points raised by panellists:

The definition of "child" and "child marriage":

A "child" is defined under the United Nations Convention on the Rights of the Child 1989 as a person under the age of 18; child marriage refers to a person below the age of 18 who is married.

The Law Reform Commission has a mandate to review laws and, where necessary, develop new ones. There was inconsistency in domestic legislation regarding the definition of "child" but the Child Rights Act 2007 (which was introduced in pursuance of Sierra Leone's obligations under the Nation's Convention on the Rights of the Child 1990) resolved that issues. In this, the Law Reform Commission was aware that there are still gaps in the laws relating to children and so established a sub-committee to look into child marriage.

- The main causes of child marriage:

In 2015, the National Commission for Children ("NCC") conducted a study into child marriage, and made many findings as to why child marriage occurs. One reason is the lack of educational and vocational facilities especially in rural areas. If girls have to finish education at a low level because nearby facilities are not available, they end up staying at home because their parents think that it is better for them to get married.

Other reasons for child marriage are traditional religious beliefs and although people will admit directly that poverty is a reason deduce that - it, for example, parents have six children marrying their daughters will mean that they will get wedding gifts, money, one less child to support; they may also get some financial support from the child's husband.

Plan International also carried out an inquiry into why child marriage and some of the reasons given were that:

- Girls can be given in marriage to settle debts:
- Pride: before a girl gets pregnant and so brings disgrace to the in parents think it is better that the girl should get married at a young age;
- Girls can be used as labour.
- The main consequences of child marriage:

Girls drop out of school, and so their formal education is very limited,
Girls are at risk of contracting sexually transmitted diseases from their husbands

Child marriage perpetuates the cycle of poverty:

- Young girls are more likely to be victims of domestic violence, including marital rape
- If the husband dies, it is common for his family to claim all his property and leave the child bride with nothing.
- Children that marry under the age of 18 contribute greatly to the high maternal mortality rate in Sierra Leone: they are not physically strong enough to cope with pregnancy and child-birth because their bones and womb are not fully developed; they are psychologically unprepared for marriage and pregnancy. Girls under the age of 18 usually have to give birth by caesarian section, but because their bodies are not sufficiently developed to withstand surgery, many often die during surgery
- Of those that try to give birth naturally, often the baby and/or the mother will die: those that manage to give birth naturally suffer complications such as bleeding, which can result in death; another complication is that the baby can get stuck in the birth canal, and if the mother gives birth at home, it can be too late to save her and/or baby by the time she reaches hospital: fistula is another complication of child-birth which can result in the mother becoming a burden and a social outcast.
- In the absence of family life education ("FLE") as a subject in the school curriculum the Ministry of Health and Sanitation has social mobilisation teams that go from school to school to teach FLE, especially in areas where there are a lot of social problems.

- One of the findings of the NCC's 2015 investigation into child marriage is that child marriage cases are often compromised by the very people that brought the case to the court in the first place. The way to stop it is to give the Police proper training on implementing the new law on child marriage, and to sensitise people about the negative effects of child marriage.
- In its deliberations, the sub-committee on the abolition of child marriage noted that poverty is often given as a reason for encouraging child marriage but in fact it does not alleviate poverty: if a young girl marries an old man who later dies, the girl has to return to her family and is no better off because she will have abandoned her education to get married and will find it difficult to resume because her family cannot afford to pay for it; in addition, the child may have the financial burden of caring for a baby:

Overall, child marriage brings more problems than solutions.

- The sub-committee's main recommendations:
 - Marriage should be defined to include both formal and informal (after thereby incorporating cohabitation); unions
 - Provisions on child marriage should extend to include boys as well as girls
 - The Child Rights Act 2007 is silent as to the status of child marriages, and so the committee recommended that all child marriages contracted after new law comes into force should be void; if the child has reached the age of majority when the new law comes into force, the marriage should be voidable, if the child so chooses once s/he reaches the age of 18.
 - Different Acts set different ages for marriage (for example, under the Civil Marriage Act, the age of marriage is 21, although parental consent can be given if the prospective bride/groom is under 21; under the Customary Marriage and Divorce Act 2009, the age of marriage is 18, although parental consent can be given if the proposed bride/groom is under 18; under both customary law and the Muslim Marriage Act, Cap 15:01 of the Laws of Sierra Leone, there is no minimum age for marriage), and those laws need to be harmonised so to provide one, consistent age of marriage.
 - Child marriage should be a criminal offence and also a civil wrong, for which the perpetrator (i.e. the husband) must pay compensation to the child victim if he is unable to pay the compensation, the prison sentence will be increased
 - One of the most debatable issues in relation to child marriage is who should be responsible for it, and that is one of the reasons why the Law Reform Commission decided to consult stakeholders in the provinces. The sub-committee intends to

many people as possible will potentially be caught under the proposed new law, this will make people responsible for their actions: an 85-year-old man that marries a 12-year-old will be caught, the mother and father of the child will be caught; and anyone connected to the marriage in order to make it come to fruition will be caught for example the Imam or Pastor - they should therefore find out the age of the people before conducting a marriage.

- The work of the Government of Sierra Leone and the Office of the First Lady on marriage:

The Agenda for Prosperity 2013-2018 touches on the issues of child marriage and teenage pregnancy, stating that girls living in rural areas are more at risk of child marriage, and that early marriage violates child rights and contributes to the high rate of teenage pregnancy and its associated health and socio-economic problems:

The work of the Office of the First Lady on child marriage and teenage pregnancy is intended to complement the efforts of the government in that respect:

Recognising that traditional leaders have great influence in their communities, the First Lady believes that they have a major role to play in efforts to end child marriage.

In 2014, the Office of the First Lady set up the National Girls' Camp, which aims to teach young girls good morals so that they can become role models in their local communities.

- Child marriage and society

Religious and traditional leaders have a big role to play in ending child marriage because Sierra Leoneans have great respect for religious and traditional leaders: they are well-placed to exert their influence and to talk to people. Child marriage happens because of traditional beliefs - as a girl matures, and if she is not going to school, parents think that she ought to marry. If religious people get involved and tell the people about the bad effects of child marriage, they will be able to help tackle child marriage;

Religion does not have a role to play in encouraging child marriage - child marriage is just a practice that people think is acceptable;

Child marriage will not stop automatically, but it is a process. One person/ institution cannot end child marriage - it is necessary to work in collaboration, and so community stakeholders and even children need to be involved.

Telephone calls and text messages received during the radio programmes, and responses to them, included the following:
Girls go out looking for men when they should be at home

The UNFPA representative on the Bo radio programme responded to this comment, saying that when she was growing up, parents, neighbours, aunts ensured that young girls did the right thing at the right time. In the old days, if you went to meet a boy at his house, his parents would ask what you were doing there; if your neighbour saw you going out at a time when you should not, they would tell you to go back home. That is not so nowadays, but parents still have a role and a responsibility. Parents and communities have lost control parents should discipline their children. When children come home from school, they should be given housework to do, and then after they should do their homework.

Smartphones are spoiling children - they see all that happens between adults and children and this is how they end up getting pregnant.

The NCC representative on the Bo radio programme responded to comment, saying that social media is not for children because it exposes them to negative things such as pornography. Added to that, we have a culture of not talking to children about sex, but parents do not tell the children about sex and the child has a smartphone with access to pornography, then they will experiment. Parents should monitor and supervise their children. There should be a return to the old days when parents were in control.

Constant sensitisation should be a priority

The Save the Children representative on the Kenema radio program responded to this comment, saying that Save the Children has realised that there is a great need to raise awareness about child marriage. In Kailahun there is a project going on in the community whereby community mentors to families and married couples about the negative implications of child marriage. There is also an inter-generational dialogue programme in the community to discuss issues affecting the community, which includes child marriage.

Plan International runs similar programmes in different regions. For example there is the Girls Advocacy Alliance project, which helps young girls to know social norms, and there are projects that bring on board boys and men advocates against child marriage.

Is there a law against cohabiting with a child?

Under the Sexual Offences Act 2012 and also the Prevention of Cruelty to Children Act 31 of the Laws of Sierra Leone, it is an offence to have sexual intercourse with a child. Under the Prevention of Cruelty to Children Act, Cap 31, it is an offence to abduct a child in order to have sexual intercourse:

Will the new law come into effect soon?

This was answered in the affirmative, because recent statistics show that child marriage is increasing, and the adverse consequences of it are such that it needs to be stopped as soon as possible.

3. CONSULTATIVE SEMINARS

Consultative seminars were held at City Council Hall, Makeni on 2nd October 2017, City Council Hall, Kenema on 4th October 2017, and City Council Hall, Bo on 5th October 2017.

The order of events at all three seminars was follows:

1. Opening prayers, followed by welcome address;
2. Statements from key stakeholders and partners;
3. Presentation on the report of the sub-committee on the abolition of child marriage;
4. Group discussions;
5. Plenary session;
6. Closing remarks.

1. Opening Prayers and Welcome Address

Each seminar began with prayers led by a Pastor and an Imam respectively. On behalf of the Chairman of the Law Reform Commission and the Attorney-General and Minister of Justice, the Commissioner, Mrs. Rhoda Sufian-Kargbo Nuni (who served as Chairman for each seminar), thanked all those present for attending. She referred to the increase in the number of child marriages in Sierra Leone, which is all the more disturbing given that 50% of the population of the country are women. She said that girls need to develop in order for the country to develop; education allows girls to reach their full potential, and the benefits of education far outweigh the short-term gains that parents may get from giving their child marriage. She stated further that the African Union has made the eradication of child marriage a priority.

The Commissioner conceded that the issues surrounding child marriage are many, and some of them are not clear cut and so that was why the Law Reform Commission had decided to consult the people of the three provincial regions to get their views on the issue. Although it would not be easy to eradicate child marriage, a good starting point would be to have a law that would be to have a law in place to deal with it.

The Commissioner ended by acknowledging the cooperation of various partners such as UNICEF International, United Nations Population Fund ("UNFPA"), the Office of the First Lady,

UNICEF, Defence for Children International, YACAN, and the National Children Commission.

2. Statements by Key Stakeholders and Partners

At each of the seminars, the Commissioner invited key stakeholders and partners to make statements.

Imams and Pastors were represented at all three seminars, and the general theme of their statements was that:

- There is a belief that Islam favours child marriage, but that idea is based on the misconception that the prophet Mohammed married a girl of eight years old regards marriage as suitable only for those over the age of 18 years and is therefore totally against child marriage;
- Imams play an important role in marriages because they officiate them. It is therefore crucial that Imams are invited to be involved in developing law on child marriage; otherwise it is unlikely to succeed;
- The role of pastors in marriage is to interpret the laws of God and the laws of marriage and so it is important that pastors know the rules governing marriage
- The Bible does not encourage child marriage, and an example of this is the story of Jacob, who had to marry the older sister, Leah, before the younger one Rachel.

The representative of the Office of the First Lady, Mr Kojo Kwakwa, spoke at the seminar in Makeni and Kenema, and made the following points:

- The role of the First Lady is to complement the efforts of government under Agenda for Prosperity;
- Child marriage destroys the potential of children, and so the Office of the First Lady has done a lot of work to eradicate it;
- The strategies the Office of the First Lady include advocacy, engaging stakeholders such as traditional leaders, law enforcement officials, and partners including UNICEF International and the Ministry of Social Welfare, Gender and Children's Affairs; she has also talked to young girls and parents to hear their experiences of child marriage.

- Another strategy is the introduction of the National Girls Camp where young girls from across the country are taught good morals so that they can be positive role models in their communities;
- The Office of the First Lady also supports the reintroduction of sex education in schools;
- The negative effects of child marriage include: the denial of education to children who marry at an early age; poverty: the transmission of sexually transmitted diseases; even death;
- The Office of the First Lady recommends that the relevant laws should be reviewed so as to end child marriage.

The representative of the Sierra Leone Bar Association, Ms Christiana Davies-C spoke at the seminars in Makeni and Kenema, and made the following points:

The Bar Association is a pressure group which, under the leadership of Commissioner Sufian-Kargbo Nuni, has become more involved in the law-making process;

- The essence of the Bar Association is to protect the rights of Sierra Leoneans;

One problem in dealing with cases of child marriage in court is the loopholes in the law which operate in favour of lawyers - these loopholes should be closed;

- One of the reasons for the consultative seminars was to publicise the proposal for a new law on child marriage so that no-one can say that they were unaware of it;
- The consequences of child marriage include: the transmission of sexually transmitted diseases; an increase in the rate of school drop outs; the prevalence of fistula; increase in poverty.

The representative of Plan International, Mrs Kadiatu Bachalle-Taylor spoke at the seminars in Makeni and Kenema, and made the following points:

- 40% of girls in Sierra Leone are given off to marriage before they are 18 years, the cycle of poverty is perpetuated when children give birth to children.
- Since Plan International started operating in Sierra Leone in 1976, their goal has been to protect the girl child with the aim of contributing to the growth of Sierra Leone.
- When child marriage is abolished in Sierra Leone, it will benefit the whole community - child marriage does not contribute to personal or national development because a child that is married is concerned only about survival from day-to-day;

- The purpose of the seminars was to collect the views of the people of the province on how to abolish child marriage, because all stakeholders need to discuss how to bring about the change for the better that we want for our country.

The representative of the National Children's Commission ("the NCC"), Mrs Ady Valcasel spoke at the seminars in Makeni and Kenema, and made the following points:

- The NCC is a government institution that was established in 2015 to promote and protect children's rights, based on the United Nations Convention on the Rights of the Child 1990 and the Child Rights Act 2007;
- Research conducted by the NCC found that three issues affect children, namely child marriage, child labour, and lack of quality education. Of these, the NCC decided to single out child marriage as one of its priorities;
- Studies showed clearly that child marriage has many negative effects, and the increase in Sierra Leone;
- Sierra Leone cannot develop without ending child marriage;
- There is a need to empower the girl child, and Sierra Leone must end child marriage in order to achieve gender equality.

Mr Momodu Ismail, UNICEF Child Protection Officer for South-East Region, spoke at the seminar in Kenema, and made the following points:

- UNICEF is responsible for protecting children's rights, and so works with governments to achieve that goal;
- Recent statistics for Sierra Leone are as follows:

Out of a population of 7,750,000 people, 51% are female, and just over a third are children;

Half of the population aged between 15 and 19 married before the age of 18: A third of child marriage are those in the age group 9 to 18, especially those in rural communities; other groups at risk of child marriage are those that drop out of school, orphans, and those in child-headed households.

The most significant causes of child marriage are female genital mutilation, which leads to teenage pregnancy, which in turn leads to child marriage - all are closely linked;

Other causes of child marriage are: limited opportunities for girls; weak, contradictory laws and weak law enforcement; limited social services; and poverty.

UNICEF fully supports the Law Reform Commission's work in reviewing the law relating to child marriage.

The Director of the Youth and Child Advocacy Network ("YACAN"), Mr Hassan Kasseh spoke at the seminars in Makeni and Kenema, and made the following points:

- YACAN is against child marriage because it has a negative social and economic impact:
- Regional and sub-regional organisations such as the African Union and the Economic Community of West African States are averse to child marriage:
- If Sierra Leone does not end child marriage, the country will not be able to meet targets set under the Sustainable Development Goals and reduce poverty;
- Poverty should not be a reason for parents to "auction" their child in marriage, especially since the financial gain that they get from doing so is short-lived:
- Teenage pregnancy leads to child marriage, and so steps need to be taken to prevent teenage pregnancy:
- The United Nations Committee's Report on the Rights of the Child pointed out that Sierra Leone should take steps to end child marriage.

Brief statements were also made by the following partners, each pointing out the negative effects of child marriage, urging gender collaboration and sensitization at all levels to eradicate child marriage in Sierra Leone, and expressing the hope that an effective law on child marriage will soon be enacted:

- United Nations Population Fund ("UNFPA");
- Defence for Children International;
- Save the Children;
- The Campaign for Good Governance;
- The Family Support Unit of Sierra Leone Police.

Statements made by particular stakeholders are highlighted as follows:

MAKENI

The Paramount Chief, Bombali Chiefdom

- Sierra Leone is lagging behind other countries in tackling the problem of de marriage;
- Since Chiefs play a part in marriages in the Chiefdoms, they should ensure that to be married is of the age of maturity;
- All levels of government, particularly local government, must be involved in this: of child marriage, and the messages about the abolition of child marriage must be transmitted down to village level;
- The chieftaincy of Bombali District is fully supportive of government's effort to stop child marriages in Bombali District.

The Deputy Mayor, Bombali District Council

- Child marriage affects everyone, directly or indirectly;
- It is important to educate girls to ensure the continued participation of women in governance at all levels;
- Bombali City Council had been working to curb child marriage by engaging mothers and children, and one of the initiatives the Council came up with during the Ebola outbreak was to discourage girls from street trading as this exposed them to abuse;
- The issue of abolishing child marriage should be taken down to village level through local councils.

The Deputy Provincial Secretary

- The seminar should reach grass root communities, villages, and Chiefdoms because the practice of early marriage is more prevalent in those communities;
- People in the grass root communities are either unaware of the law prohibiting child marriage or they are aware of the law but refuse to adhere to it, but they need to be educated about the laws on child marriage.

KENEMA

The Personal Assistant to the Paramount Chief

- Child marriage is a threat to society - the country will not develop if it is allowed to continue;

- Child marriage does not happen in Europe because European countries have laws to prohibit it. In Sierra Leone many years ago, there were bye-laws against marriage but these have been superseded by human rights. It also used to be that the Paramount Chief would be asked to intervene in cases of child marriage that rarely happens nowadays;
- Factors contributing factors to child marriage are poverty, illiteracy, social events as dances and parties, and lack of parental control. In addition, he said that child are often the bread winners in their families, and so parents condone child marriage because of the financial gains that they make from it;
- The Law Reform Commission should educate Paramount Chiefs in all communities about child marriage and the new law that is to come into effect to abolish it.

The Resident Minister East, Hon. Karamoh Kabba

- Paramount Chiefs have an important role to play in ending child marriage because they have a network of section Chiefs, town Chiefs, village Headmen that can disseminate information to the grassroots. This network is especially crucial in relation to child marriage because the majority of child marriage offenders are in villages and small towns – if more people know that child marriage is a crime, it will reduce.
- Two of the causes of child marriage are poverty and bad cultural practices are going away in marriage like goat and sheep: they grow up should be abandoned.
- Women are superior to men in terms of sense, emotions, and knowledge – men are only physically stronger than women. Girls therefore need to be given a chance to grow.
- The Minister made the following recommendations:-
 - There is a need for channels of communication, and local authorities have a significant role to play in that respect;
 - Laws should be effective, and they should be enforced;
 - The Ministry of Social Welfare should create safe havens for victims of marriage to try to escape from their marriages: the Ministry should prosecute those that marry children and provide education for child marriage victims;
 - The Law Reform Commission should work with Choice Alliance and Kids Advocacy Network because those groups have been working on child marriage issues for many years, especially as regards taking legal proceedings against those that marry children.

A representative of the Mayor of Kenema

- The whole country should galvanise efforts to minimise child marriage: Kenema City Council takes it so seriously that it has established a Standing Committee on child ma

- Child marriage is a lifestyle that relates to the culture- for example, chi often marry young girls:
- Sierra Leone is good at passing laws, but many of those laws are not functional, practical, or properly enforced. Additionally, many laws are contradictory. Given this unhelpful pattern, and also given the sensitive r of child marriage, law makers should take care in drafting legislation on c marriage; in particular, they should do as much as possible to ensure th new law does not conflict with any other relevant laws;
- One of the lessons of the Ebola crisis was that local authorities need to b involved if any preventative measure is to succeed, and that lesson mus: applied in introducing legislation on child marriage;
- Child marriage is most prevalent in villages and is mainly a problem for tl provinces, not freetown. Any measures introduced to curb child marriage therefore need to be incorporated into local department plans and local activities.

BO

The Paramount Chief of Bo

- As far back as 2010/2011, a position had been taken by the Paramount Chiefs one should marry a girl under 18 years, as a child is not a commodity for sale;
- Chiefs throughout the country are supportive of the Law Reform Commission's to end child marriage in Sierra Leone.

The Paramount Chief of Moyamba

- All Chiefs are against child marriage:
- Bye-laws prohibiting child marriage should be enforced, as that is likely to ensu child marriage stops.

The Mayor of Bo

- Bo City Council will not compromise on the issue of child marriage, otherwise

- The Law Reform Commission should help the council finalise their bye-laws against child marriage;
- Bo City Council supports local Paramount Chiefs and other partners in the fight to stop child marriage.

Dr Alhaji Turay District Medical Officer for the Southern Province

- Before the age of 18 years, the physical structure of a child is not properly mature and this has a great impact on child bearing;
- Statistics show that many children contract HIV/AIDS and other sexually transmitted diseases such as gonorrhoea from their husbands;
- It is difficult for a pregnant child to give birth naturally and so many have to have caesarian sections; Fistula is a common long-term effect of child-birth for children and occurs when the baby gets stuck in the birth canal;
- The high maternal mortality rate in Sierra Leone is largely due to the number of children that die during child-birth because their bodies are insufficiently developed to cope with child-birth;
- Children's lives could be saved if the law on child marriage was effective. The District Medical Officer was therefore in full support of the Law Reform Commission's stance on child marriage.

3. Presentation on the report of the sub-committee on the abolition of child marriage

The presentation was made at each seminar by Maynard A. B. Timbo Esq. Executive Secretary to the Law Reform Commission. The highlights of his presentations are as follows:-

- The mandate of the Law Reform Commission is to review laws and amend or propose new laws where there is a need to do so;
- Consultation with stakeholders is an important part of the review process, and provincial seminars were an opportunity for those present to tell the Law Reform Commission about the key factors that cause child marriage and give their views on all aspects of the issue;
- The definition of "child" ("a person under the age of 18") derives from the United Nations Convention on the Rights of the Child 1990, which was domesticated by the Child Rights Act 2007;
- There is legislation that contains provisions relating to the age of marriage (for example, the Christian Marriage Act, Cap 95 of the Laws of Sierra Leone, the Muslim Marriage Act, cap 97 of the Laws of Sierra Leone, and the Muslim Marriage Act

96 of the Laws of Sierra Leone), but each of these gives different ages. Further Sexual Offences Act 2012 makes it an offence for a person to have sexual intercourse with a person under the age of 18, implying that those under the age of 18 can legally marry.

- 70% of marriages in Sierra Leone are conducted according to customary laws, sections 170 and 171 of the Constitution of Sierra Leone 1991 state are part of the law of Sierra Leone. However, customary law does not prescribe an age for marriage, meaning that child marriage is lawful under that tradition;
- It is because of these contradictions that the Law Reform Commission wishes to harmonise the relevant laws so that the age of marriage is defined in all legislation as 18 years of age;
- Two of the causes of child marriage are poverty and lack of parental control, as quoted from the Agenda for prosperity, which makes several comments about the prevalence of child marriage and its negative effects;
- The sub-committee on the abolition of child marriage considered not only domestic legislation on marriage but also legislation from countries such as India and the Gambia; the sub-committee also took account of Sierra Leone's international obligations;
- The sub-committee came up with several recommendations to abolish child marriage, amongst them:
 - The new law will make child marriage a criminal offence and will apply to many of those involved in the marriage;
 - The new law will apply to boys as well as girls;
 - The new law will cover both marriage and cohabitation;
 - All child marriages that take place after the new law comes into effect will automatically be void.

4. Group discussions

Participants were divided into groups at each seminar according to the Districts of Sierra Leone (Kenema, Kono, and Kailahun at the Kenema seminar; Koinadugu Loko, Tonkoloni, Kambia and Bombali at the Makeni seminar; and Bonthe, Moy Pujehun, and Bo at the Bo seminar) and asked to answer questions formulated by the Law Reform Commission.

A facilitator was assigned to each group to assist them in developing their ideas and responses, and these were presented during the plenary session of each seminar.

Each group's responses are set out in full in the Appendix to this report, entitled "Participant Responses to Group Discussion Questions".

5. Plenary session

At each seminar, key themes were identified by the Commissioner and/or the Law Ref Commission's Executive Secretary and put to a general discussion. The themes, and comments on them, are as follows:

MAKENI:

Discussion theme:

- Who should be punished for child marriage?

Diverse views were expressed: some participants suggesting that the pastors/imams who officiate marriages should be amongst those who should be punished severely, and that they have a responsibility to inquire into the age of persons who will be married before proceeding with the ceremony.

Other participants were of the view that pastors and Imams should not be punished because they merely perform their roles as religious leaders. An Imam summed it up by saying "the sin that someone commits should not be put on someone else".

Another view was that people must take personal responsibility whenever they know a marriage has taken place, or is about to, because child marriage is morally wrong.

Other participants went as far as suggesting that everyone connected to the marriage should be punished, even those who merely attend the marriage of a child, drive the child to the wedding ceremony, or cook for the wedding.

Overall, it was agreed that those who should be held to account for a child marriage should be limited to the mother and father of the child, the adult that marries the child and the Pastor/Imam that officiates the marriage.

KENEMA:

Discussion themes:

- The role of parents
- The role of social media

The Role of Parents

The majority of participants were of the view that parents encourage child marriage because of poverty, religious beliefs, cultural practices and illiteracy. In addition, mothers were blamed for failing to take personal responsibility for their children, and some participants

urged mothers not to look to the child's father for any help but to take on sole responsibility for raising their children.

A school teacher suggested that child marriage should be discussed in schools in order to inform pupils that it has negative consequences.

Many participants spoke of the need for parents to have a good relationship with their children as that gives the child confidence to confide in their parent. Other participants emphasized that people should act as watchdogs for other people's children in their communities.

A police officer from Kenema said that the Police face serious challenges in dealing with issues of child marriage. In particular, child marriage cases are often compromised by parents of the victims, and communities are generally unwilling to cooperate with the Police in prosecuting child marriage cases. In addition, there are no "safe houses" for victims of child marriage to go to.

A Chief from Kailahun said that Chiefs in Kailahun will try to ensure that no girl below 18 is initiated into the Bondo society, since Bondo is a route to provinces.

The role of social media

A parent said that parents should ensure that children do not watch pornographic material. This leads many young girls and boys to engage in sexual activity at a young age, leading to teenage pregnancy and early marriage.

A frequent comment was that children spend an excessive amount of time on social media forums such as WhatsApp and Facebook, and there is therefore a need for parents to monitor what their children are viewing.

Another participant suggested that parents should discourage their children from using smartphones as some children are in WhatsApp groups that show pornographic material. Otherwise, the children use their smartphones to access pornographic material from the internet.

BO

Discussion themes:

- Family planning
- The role of parents

Family planning

The District Medical Officer asked whether it was preferable for a pregnant child to die during childbirth or to undergo family planning. He made the point that girls as young as 13/14 years of age are sexually active, and so was in favour of such girls using contraceptives, although parents should be involved in deciding whether or not their child does so. On a practical note, he suggested that girls who are sexually active should use a particular contraceptive that lasts for five years, rather than daily contraceptives, and

those that have already had several children could be given a contraceptive that prevents them from conceiving again.

An imam said that imams do not get involved in the issue of family planning because it is controversial.

A representative of the UNFPA said that contraception should be given only to those who are sexually active, but she advised that they should be given counselling.

The role of parents

The representative of Defence for Children International noted that parents often compromise in cases that are taken to court because it is the parents that will bear the financial burden of caring for the child if the perpetrator is punished in criminal proceedings. This view was echoed by a participant who said that parents compromise court cases because of poverty so child marriage can never end.

A representative of the Market Women's Association said that children have gone astray because the cause of this is the advent of human rights-children believe that they do not have to be under parental control because they have rights. She added that market women are hard to reduce the number of children involved in street selling, as she acknowledged that contributes to teenage pregnancy, which often leads to child marriage.

In response, another participant said that although children have rights, they also have responsibilities. He was of the opinion that children should be chastised by their parents but not excessively.

A parent made the point that attitudes need to change- people need to be sincere in their actions and those in positions of trust (for example, teachers) should live up to the high standards expected to them.

Adding to this, a councillor said that parents need to check closely on what their children are doing at school and after school- some parents simply do not care.

Other participants were of the view that any man/boy that makes a girl pregnant should be named and shamed.

A commercial bike rider said that young girls themselves are to blame for teenage pregnancy and child marriage because they pester bike riders for money and gifts; bike riders are given in to temptation because they young girls are so persistent.

The Paramount Chief of Moyamba called on the citizens of every community to help look after a child if that child's parents are busy, but he also said that parents themselves are better in bringing up their children. His final comment was that laws should be made to punish and laws should severely punish those involved in child marriage.

6. Closing remarks

In summary, the Commissioner appealed to all participants to discourage child marriage in their communities; she also urged parents to monitor their children's activities more closely. Finally, she expressed the hope that participants would go back and tell people in their respective communities about all that they had learnt at the respective seminars, and to encourage participants that the views gathered from all three seminars would be taken into account in developing law on child marriage.

4. TRENDS IN PARTICIPANTS' RESPONSES TO GROUP DISCUSSION QUESTIONS

At each seminar, participants were divided into groups according to the 12 Districts of Leone and asked to answer set questions. A facilitator was assigned to each group to help them in developing their ideas and responses, and these were presented during the plenary session of each seminar.

Question 1:

What are the factors that encourage child marriage in this community?

Question 2:

What is the best approach to stop child marriage?

Question 3:

Assuming that a law is to be passed to make child marriage a crime, which should be punished- should it be only the parents of the child and the adult that marries the child also those that play a role in facilitating or encouraging the marriage (for example, the imam/family members)

Question 4:

Are there any other important issues that need to be addressed when considering the child marriage?

The responses are set out District-by-district in the Appendix to this report.

Having analysed the responses, the Law Reform Commission has identified common factors in answer to each question, as follows:

Question 1: What are the factors that encourage child marriage in this community?

The factors stated by the majority of the groups were:

Poverty

Customary, religious, and tribal/traditional beliefs and practices Peer group influence especially through the use of social media

Contradictory laws and poor law enforcement

Lack of parental care/single parenting

Other commonly-stated factors were:

Female genital mutilation and the influence of secret societies

Child labour

Teenage pregnancy

Ignorance about the adverse effects of child marriage

Materialism amongst young girls

Question 2: What is the best approach to stop child marriage?

The factors stated by the majority of the groups were:

Consistency in the laws relating to the age of marriage

Make child marriage a criminal offence, and also a civil wrong for which the perpetrator must pay compensation to the child victim in addition to any other punishment imposed on him

Strict enforcement of laws so that cases are prosecuted and not compromised by family/families of those involved

Sensitization/awareness-raising at community level about the negative social and medical effects of child marriage and about the law on child marriage

Reintroduction into the school curriculum of family life education

Reintroduction of bye-laws that can be enforced by traditional leaders in community

Free education for girls from primary school to secondary school level or vocational training opportunities

Other commonly-stated factors were:

Support systems for victims, in terms of accommodation and financial assistance

Gather community structures to monitor and report on child marriage cases through groups such as the Mothers' Club, the Child Rights Coalition, and Child Welfare Communities

Question 3: Who should be punished?

By far the most frequent response amongst the groups was that all those involved in the marriage should be punished, extending to the facilitators of marriages ("the Sababu"), both the child and the adult that attend the marriage.

Other groups limited the sphere of those who should be punished to: the adult that married the child; the parents of the child; and the Priest/imam that officiates the marriage.

Question 4: Any other important issues

The purpose of this general/open-ended question was to elicit suggestions and comments that did not fall under the specific areas covered by the first three questions. The response therefore varied, and chief amongst them were the following:

- The logistics of the police's Family Support Unit ("FSU") should be improved- a frequent comment was that FSU Police spend too much time in their offices and a little time going out in the community;
- Birth registration/birth certificates should be free
- Forensic facilities need to be provided for the FSU and in hospitals
- Cohabiting with a child should be made a criminal offence
- There should be a return to old-fashioned values where the community looks up to children in their neighbourhood as their own children.

5. LAW REFORM COMMISSIONS RECOMMENDATIONS

Having considered both the report of the sub-committee and the comments made by stakeholders, partners, and participants at the three provincial consultative seminars, the Law Reform Commission makes the following recommendations:-

1. New, stand-alone legislation entitled "The Abolition of Child Marriage Act" should be enacted. Amongst other things, the Act should:
 - Make child marriage a criminal offence and a civil wrong;
 - Specify particular groups of offenders and set different penalties for each of them;
 - Include a schedule specifying existing legislation that is repealed or amended in consequence of the new Act;
 - State that child marriages are null and void, and make provision consequential to that.
2. Structures should be put in place to protect victims, for example, safe homes, witness protection, and assistance for the rehabilitation of victims.
3. The family support unit of Sierra Leone police and all those involved in child marriage issues should be given training on the new law.

6. APPENDIX: PARTICIPANT RESPONSES TO GROUP DISCUSSION QUESTIONS

MAKENI CONSULTATIVE SEMINAR

a. Kabala District:

What are the factors that encourage child marriage in this community?

- Poverty
- Female genital mutilation
- Customs and traditional beliefs
- Teenage pregnancy
- Social activities (e.g. nightclubs, beauty contests)
- Peer group influence
- Political influence
- Conflict in the laws
- Customary marriage

What is the best approach to stop child marriage?

- Review of all laws that deal with child marriage
- Enforcement of bye-laws, domestic laws, international laws
- Enact laws that prohibit compromising of cases
- Community participation
- Community leaders should be pro-active
- Family Support Unit should be empowered to monitor communities
- Constant sensitisation/awareness raising at all levels
- Constant mentorship should be part of the school syllabus

Who should be punished?

- All parties that play a part in the marriage should be punished

Any other important issues

- More emphasis on how to control child female genital mutilation Strong laws on teenage pregnancy

b. Port Loko District:

What are the factors that encourage child marriage in this community?

- Poverty
- Tradition (tribal), initiation of Chiefs
- Compensation
- Traditional harmful practice
- Illiteracy/ignorance
- Separation of couples/lack of parental care

What is the best approach to stop child Marriage?

- Financial assistant for the complaint
- Networking of communities, NGOs, CBOs, Imams, Pastors, Family Support Ur
- Awareness raising
- Community bye-laws
- Collaboration
- Popularising the Act
- Enforcement of the laws
- Reinstate family life education as a subject in the school curriculum

Who should be punished?

- All perpetrators must be punished

Any other important issues

- Need to improve the Child Rights Coalition at District level
- Improve the logistics of Family Support Units
- Improve social services at District level
- Empower child welfare communities at Chiefdom level

- Awareness raising messages/jingles
- Empower Mothers' Clubs at community level
- Training of magistrates/lawyers on the Child Rights Act 2007

c. Tonkolili District:

What are the factors that encourage child marriage in this community?

- Demands made by girls to satisfy their need to be recognised in society
- When a girl child loses one or both parents
- Peer group influence
- Low income of the care giver of the child

What is the best approach to stop child marriage?

- Effective Parent/Teachers' Associations to improve girls' communication
- Free education from primary school to secondary school
- Popularisation of the laws related to child marriage
- Arrest and prosecute anyone who takes part in child marriage

Who should be punished?

- Mediators
- Parents
- Religious leaders
- In-laws
- Community Chiefs

Any other important issues

- Girls and boys abscond from home to cohabit with strangers, especially in mini communities
- Provision of interim care centres
- Lack of productive livelihood skills and income opportunities

d. Kambia District

What are the factors that encourage child marriage in this community?

- Ignorance of the effect of child marriage
- Weak law enforcement
- Customs and Traditions
- Religious beliefs
- Lack of parental supervision care
- Peer pressure/attitude

What is the best approach to stop child marriage?

- Grassroots sensitization
- Establishment of female empowerment programmes
- Harmonisation of age of consent
- Development of stand-alone law for marriage
- Equal penalties for individuals responsible for child marriage
- Development and enforcement of standard bye-laws

Who should be punished?

- All those that play a role in encouraging child marriage should be punished e.g. parents of the child, priest/imam, family members, the adult that marries the child

Any other important issues

- Sustainable girls' child support programmes

Bombali District/Makeni:

What are the factors that encourage child marriage in this community?

- Conflicting laws
- Family compromise
- Child marriage is not a criminal offence
- Female genital mutilation/female genital cutting is a pre-requisite to child marriage
- Culture, tradition and norms
- Misinterpretation of Christian and Islamic doctrines
- Illiteracy/ignorance

- Forgery of birth certificates

What is the best approach to stop child marriage?

- Criminalise child marriage
- Free quality education for girls at all levels
- Effective legal frame work
- Awareness raising and advocacy on child marriage
- Enforcement of laws
- Introduce family life education in schools
- Harmonise the laws

Who should be punished?

- Mother father, guardian, officiating clergy, "sababu", area chief, police offices, c DJ, camera man

Any other important issues

- Free birth registration
- Compensation of victims
- Female genital mutilation/female cutting for children
- Court cases relating to child marriage should be the perpetrator versus the state compromise by parent would not be an excuse
- Forensic facilities to be available at all government hospitals
- Not alternative sentence

2. KENEMA CONSULTATIVE SEMINAR

a. Kenema District

What are the factors that encourage child marriage in this community?

- Poverty- lack of livelihood support
- Traditional and cultural practices
- Child sexual abuse
- Single parenting
- Illiteracy
- Religious reasons
- Poor parenting
- Negative peer group influence
- The environment
- Limited enforcement of applicable laws

What is the best approach to stop child marriage

- Strict enforcement of the applicable laws
- Formulate and enforce community bye-laws

- Strengthen child welfare communities
- Sensitisation
- Building the capacities of communities and families through livelihood support
- Meaningful support for the education of girls
- Reintroduction of family life education

Who should be punished?

- Parents
- Priest
- Imam
- Chiefs
- Would-be husband
- Any participating adult in the community

Any other important issues

- Early child initiation
- Issues of compromise at various levels:
 - Law authorities
 - Law enforcement bodies
 - Parents
 - Enforcement of chieftom bye-laws

b. Kono District:

What are the factors that encourage child marriage in this community?

- Inadequate knowledge of community leaders about the negative effects of child marriage

- The inability of the child to learn or cope with lessons at school
- Peer group influence and materialism
- Gender roles, particularly in homes where there are only girls e.g. farming
- Parents' refusal to talk about sex education at home
- Lack of parental control - many children are used as bread winners
- Fear of children getting pregnant (religious beliefs and family disgrace)

What is the best approach to stop child marriage?

- Effective implementation of the law
- Sensitization of grassroots community (stakeholders, girl child, religious groups)
- Educational support for the girl child
- Sexual reproductive health education in communities
- Harsh penalty for perpetrators
- Re-introduce community structures e.g. Mothers' clubs, child welfare commun

Who should be punished?

- Parents, relatives, Imams and Pastors involved

Any other important issues

- Control of children's use of social media
- Child trafficking ("Mend pekin")
- Child labour in mining communities

c. Kailahun District:

What are the factors that encourage child marriage in this community?

- Ignorance

- Poverty
- Cultural and traditional practices i.e, early initiation into secret societies
- Parental consent
- Tribal influence i.e. Fullahs and Mandingos believe in early marriage
- Political influence i.e. to gain chieftaincy and power
- The physical appearance of the individual

What is the best approach to stop child marriage?

- Age of consent should be above 18 years
- Local authorities to be proactive in stopping child marriage
- All laws that relating to marriage must be harmonised
- Continuous sensitisation at all levels
- Allow the girl child to complete senior secondary school education
- Introduce life skills into the school curriculum

Who should be punished?

Key parties involved in the marriage should be punished (Imams/Patio local authorities: not the child)

Any other important issues

- Discourage compromise
- Strict enforcement of the laws
- Greater attention to be given to the girl child by parents, relatives and community stakeholders
- Discourage cohabiting amongst adolescent men/women
- Law Reform Commission must be decentralised

3. BO CONSULTATIVE SEMINAR

a. Bonthe District:

What are the factors that encourage child marriage |in this community?

- Poverty
- Mindset
- Lack of education
- Family-to-family negotiation
- Customs and traditions
- Laziness on the part of parents
- Poor parenting
- Social influence
- Poor law enforcement

What is the best approach to stop child marriage?

- Family life education to be reintroduced in the school curriculum
- The enforcement of the law
- Sensitisation in/of schools, communities, youths, parents

Who should be punished?

- All those that endorse the marriage

Any other important issues

- Community responsibilities
- Go back to the values of the old days

b. Bo District:

What are the factors that encourage child marriage in this community?

PARENTS

CHILD

Abject poverty

Need for material things

Religious beliefs (Islam)

Stepping stone to fortune

Parental neglect

Absence of basic needs/facilities

Polygamous setting

Peer group Influence

Ignorance/illiteracy

Social media interactions

Customs/traditional beliefs

Customs/traditions

Lack of positive parenting

Culture of silence

What is the best approach to stop child marriage?

- Formulation of strict regulations/laws on child marriage
- Harmonise existing laws e.g. Child Rights Act 2007, Sexual Offences Act 2011, customary laws
- Strict punishment for would-be defaulters
- Continuous education/awareness raising
- Strengthen the referral pathway system and ensure speedy trials in court
- Free basic education for the girl child as motivation
- Strengthening existing community structures for monitoring, reporting and follow-up
- Abolition of early initiation of children

- Government's willingness and commitment to stop child marriage e.g. micro-credit facilities
- Provision of targeted economic Incentives for vulnerable communities/families e.g. micro-credit facilities

Who should be punished?

- All parties involved should be culpable for their actions

Any other important Issues

- Traditional rulers should be actively involved in the activities of the Law Reform Commission
- Strengthen existing structures e.g. child welfare communities

c. Moyamba District:

What are the factors that encourage child marriage in this community?

- Cultural and traditional practices
- Lack of proper law enforcement
- Religious beliefs
- Lack of awareness raising Lack of vocational facilities
- Peer group Influence
- Poverty
- Single parenting
- Child neglect/street trading

What is the best approach to stop child marriage?

- Sensitisation on early marriage
- Low enforcement by community stakeholders
- Provision of adequate vocational facilities and adult literacy
- Enforcement of "management in living" in the school curriculum
- Assembly talks in schools

Who should be punished?

- Those who carry the greatest responsibilities (parents, perpetrators, Pastors, Ir and the "Sababu")

Any other important issues

- Free education for children, especially the girl child
- Empowerment of welfare communities and all other child structures
- Support services for victims

d. Pujehun District

What are the factors that encourage child marriage in this community?

- Poverty
- Poor parenting
- Early initiation of girls into secret societies g. Bondo/Sande/cro
- Negative peer group Influence
- literacy
- Inadequate law enforcement
- Early sex
- Lack of mentorship

- Compromise

What is the best approach to stop child marriage?

- Education
- Community sensitisation
- Enforcement of laws and community bye-laws
- Promotion of girl child education
- Women empowerment/capacity building
- Formulation of an Act to harmonise the age of marriage

Who should be punished?

- Husband m
- Priest
- Imam
- Family members of the parents
- Key players

Any other important issues

- The role of children themselves needs more attention
- Early introduction of children to technology i.e, social media, movies
- Conducive learning environment for the child
- Parent should learn to bring up their own children
- Introduction of family planning gives the right to children to have early sex/mon early



The panel of speakers in Kenema



Mr. Momodu Ismail speaking on behalf of UNICEF



Participants at the consultative seminar



Participants at the consultative seminar





Mrs. Rhoda Sufian-Kargbo Nuni speaking at the consultative seminar in Makeni



PowerPoint Presentation by Maynard A.B. Timbo Esq. Executive Secretary to the I Reform Commission



Group discussion at the consultative seminar in Makeni



Group discussion at the consultative seminar in Makeni



Participants at the consultative seminar in Makeni



Group discussion at the consultative seminar in Makeni



The Law Reform Commission's team

**REPORT ON THE CONSULTATIVE
MEETING ON THE DRAFT ABOLITION
OF CHILD MARRIAGE BILL,
2ND OCTOBER 2018**

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BACKGROUND

At the request of the Attorney-General and Minister of Justice, the Law Reform Commission established a sub-committee to review the laws dealing with child marriage, taking account of relevant provisions of the Constitution of Sierra Leone 1991, domestic legislation, International obligations, and case-law, in order to propose recommendations to be considered by the Law Reform Commission.

The sub-committee submitted a final report to the Law Reform Commission in August 2001. The report examined both the causes and the consequences of child marriage, summarised the position papers submitted by sub-committee members, and concluded with a wide range of recommendations as to legislative changes and policy measures that could be introduced to eliminate child marriage.

In view of the sensitive social and legal issues raised by the subject of child marriage, the Law Reform Commission held a series of consultative seminars in the Provinces in October 2001 to publicise the report and also elicit the views of stakeholders in the regions on child marriage.

Thereafter, the Commission engaged the services of a legislative draftsman to prepare a draft Bill on child marriage based on the sub-committee's recommendations and the diverse views expressed in the Provinces. Once drafted, the Commission decided to hold a one-day consultative meeting to elicit the comments of stakeholders from all over the country on the draft "Abolition of Child Marriage Bill". This Commission considers this to be the final stage of the review process.

**THE CONSULTATIVE MEETING ON THE DRAFT ABOLITION OF CHILD
MARRIAGE BILL,
2ND OCTOBER 2018 AT THE HILL VALLEY HOTEL
OLD SIGNAL HILL ROAD, FREETOWN**

i. THE PARTICIPANTS

The meeting was attended by a wide cross-section of stakeholders, including the Deputy Minister of Social Welfare, Gender and Children's Affairs; Paramount Chiefs from the northern, southern, and eastern Provinces, a Chief from the Council of Tribal Heads; Imams and Pastors from the northern, southern, and eastern Provinces; Sierra Leone Police; and international non-governmental organisations such as UN Women and Plan International.

ii. THE AGENDA

The meeting took the following format:-

- Opening statements
- PowerPoint presentations on the report on the provincial consultative meetings on the draft Abolition of Child Marriage Bill
- Group discussions and presentations on the draft Bill

a. Opening statements

Brief statements were made by the Deputy Minister of Social Welfare, Gender and Children's Affairs, Mr. Mohamed, Haji-Kella, and the Chairman of the sub-committee on the abolition of child marriage, Mrs Rhoda Sufian-Kargbo Nuni on behalf of the Law Reform Commission.

Both spoke about the many adverse consequences of child marriage, and the need to enact legislation as a matter of priority to tackle the problem. In concluding, both encouraged participants to take an active part in the day's proceedings.

b. PowerPoint presentations

The Executive Secretary to the Law Reform Commission, M.A.B. Timbo Esq made a presentation that summarised the various stages of the Commission's child project from inception.

He emphasised the recommendations made by the sub-committee on the abolition of child marriage, and the views expressed at the consultative meetings in the provinces. He concluded by saying that the discussion of the draft Bill was the final stage of project, which it would be finalised and submitted to the Attorney-General and Minister of Justice.

The secretary to the sub-committee on the abolition of child marriage made a presentation on the draft Bill, outlining the main provisions and intent behind each of the six Parts of the draft Bill. Issues highlighted included:

- The various criminal offences created in relation to child marriage and cohabitation under Parts II and III of the draft Bill;
- The provision made in Parts IV and V of the draft Bill for annulment of a child marriage;
- The amendments to be made to existing legislation (listed in Part VI of the draft Bill) as to set one consistent age for lawful marriage, namely 18 years of age

III. GROUP DISCUSSIONS

- Participants were divided into four groups, each led by a Paramount Chief. The issues expressed and presented by each group were as follows:-

Group 1

Are there any major issues that are not covered by the draft Bill?

- The responsibilities of government are not clearly indicated in the draft Bill, for example the prosecution and investigation process, and the services available to victims and their families.
- The draft Bill does not make provision for those that lie about the circumstances of child marriage
- The draft Bill does not make provision for those that groom children with the intention of marrying them
- The term "intention" should be defined in the interpretation section of the draft Bill

What term of imprisonment is appropriate for the offences in the draft Bill?

- For all offences in Parts II and III of Imprisonment should III of the draft Bill, the minimum term of be three years and the maximum term should be 10 years

What level of fine is appropriate for the offences in the draft Bill?

- For all offences in parts II and III of the draft Bill, the minimum fine should be Le million and the maximum should be Le 10 Million

Are there any provisions that you would amend?

- The term "Child Marriage prohibition Officer" should be replaced with the term "social worker", as it is more appropriate for the latter to carry out the functions assigned to Child Marriage prohibition Officers under section 27 of the Draft Bill
- In relation to the offences relating to reporting a child marriage/ cohabitation, social workers should be added to the list of those to whom the child marriage/cohabitation should be reported.

Group 2

Are there any major issues that are not covered by the draft Bill?

- The draft Bill does not make provision for marriage that involves two children (a child and an adult)
- The term "promote" should be defined in the interpretation section of the draft Bill

What term of Imprisonment and/or level of fine is appropriate for the offences in draft Bill?

- For marrying a child, a term of imprisonment of up to 5 years and/or a fine of up to Le 20 million;
- for a parent or guardian who gives his/her consent to a child marriage, a term of Imprisonment of not less than 5 years and/or a fine of up to Le 25 million;
- For forcing a child to get married or engaged, a term of imprisonment of not less than 5 years and/or a fine of up to Le 25 million;
- for officiating a child marriage, a term of Imprisonment of up to 2 years and/or a fine of up to Le 20 million;
- For promoting a marriage, a term of imprisonment of up to 1 year and/or a fine of up to Le 5 million;
- For attending a child marriage, a term of imprisonment of up to 1 year and/or a fine of up to Le 5 million;
- For failing to report a child marriage, a term of imprisonment of up to 2 years and/or a fine of up to Le 5 million

- For abandoning, torturing or neglecting a child who refuses to enter to marriage, a term of imprisonment of not less than 3 years;
- For attempting to marry a child, a fine of up to Le 10 million;
- For conspiring to cause a child to marry, a term of imprisonment of not less than 3 years and/or a fine of up to Le 25 million;
- For aiding and abetting a child marriage, a term of imprisonment of up to 5 years and/or a fine of up to Le 25 million;
- For cohabiting with a child, a term of Imprisonment of not less than 5 years and a fine of up to Le 20 million;
- For attempting to cohabit with a child, a fine of up to Le 10 million;
- For conspiring to cause a child to cohabit, a term of imprisonment of up to 5 years and/or a fine of up to Le 25 million;
- For aiding or abetting a person to cohabit with a child, a term of imprisonment of up to 2 years and/or a fine of up to Le 5 million

Are there any provisions that you would amend?

- The offences of "promoting" a child marriage and "attending" a child marriage ceremony are similar and so should be combined as one offence
- Under section 26(3) of the draft Bill, Paramount Chiefs should be added as one group with whom the Child Prohibition Unit should liaise, and the order of organisations/institutions should be rearranged so as to name Sierra Leone Police, Parliament, and the Judiciary

Group 3

Are there any major issues that are not covered by the draft Bill?

- The draft Bill should make provision for safe havens for victims of child marriage. It should be made clear that the homes are to be owned by the government and not private individuals/institutions, to be overseen by the Ministry of Social Welfare, Gender, and Children's Affairs

- Victims of child marriage should be allowed to live in the safe homes for up to 1 months, and the homes should be fully equipped
- The draft Bill should state that counselling will be provided for victims, either in : homes or elsewhere
- The draft Bill should make provision for compulsory birth registration and for the issuance of free birth certificates. These two aspects are important because : assessment is fundamental to determining if a person is a child, especially as c marriage is to be made a criminal offence
- Harboring a child should expressly be stated to be a criminal offence under the Bill

What term of imprisonment and/or level of fine is appropriate for the offences in draft Bill

- For each of the offences of marrying a child; giving consent to a child marriage officiating or conducting a child marriage; and promoting a child marriage, a term imprisonment of 20 years
- For attending a child marriage ceremony, a term of imprisonment of 5 years and fine of not less than Le 10 million

Are there any provisions that you would amend?

- The term "officiate should be defined in the interpretation section of the draft Bill include traditional leaders
- In relation to section 26 of the draft Bill, the Family Support Unit of the Sierra Le Police and also the National Children's Commission should be strengthened rather than creating a new Child Marriage Prohibition Unit

Are there any provisions that are unworkable?

- Generally, the legislation must be popularised if it is to be effective and properly implemented. To achieve this, the legislation should be translated into local languages, and Chiefs and community-based workers should be involved in educating their communities about it

Are there any provisions that are unclear?

- The term "aiding and abetting" in sections 12 and 17 is not commonly understood and so should be defined in the Interpretation section

Group 4

Are there any major issues that are not covered by the draft Bill?

- Under section 8 of the draft Bill, the Chief Administrator of Local Councils should be added to the list of bodies to whom child marriage should be reported
- The term "promote" should be defined in the interpretation section of the draft Bill to include Bondo societies
- The term "officiate or conduct" should be defined in the interpretation section of the draft Bill to include Registration Officers

What term of Imprisonment and/or level of fine is appropriate for the offences in the draft Bill

- For attending a child marriage, a term of imprisonment of six months and/or a fine of Le 1 million
- For failing to report a child marriage, a term of imprisonment of six months and/or a fine of Le 2 million
- For abandoning, torturing or neglecting a child who refuses to enter into marriage, a term of imprisonment of 2 years and/or a fine of Le 5 million
- For each of the offences of: attempting to marry a child; conspiring to cause a child to marry, and aiding and abetting a child marriage, a term of imprisonment of six months and/or a fine of Le 2 million
- For cohabiting with a child, a term of imprisonment of 2 years and/or a fine of Le 5 million
- For each of the offences of: attempting to cohabit with a child; conspiring to cause a child to cohabit; aiding and abetting cohabitation; and failing to report cohabitation with a child, a term of imprisonment of six months and/or a fine of Le 2 million

Are there any provisions that you would amend?

- Social workers should carry out the role proposed for Child Marriage Prohibition Officers in section 27 of the draft Bill pending the establishment of the Child Marriage Prohibition Unit

IV. CONCLUSION

The Commission will factor these comments into the final draft of the Bill and the submit to the Attorney-General and Minister of Justice, together with the sub-committee report and the provincial report.

The Commission is deeply grateful to the organisations that supported the meeting namely UNICEF, Plan International and UN Women - the calibre of the participants and the success of the meeting are in large measure due to their generous contributions.

APPENDIX

ATTENDANCE ABOLITION OF THE CONSULTATIVE MEETING ON THE DRAFT CHILD MARRIAGE BILL, 2 OCTOBER 2018

1. Mohamed Haji-Kella, Deputy Minister of Social Welfare, Gender, and Children's Affairs
2. PC Fasuluku Sonsiama III, Sandor Chiefdom, Chairman of the National Council Paramount Chiefs
3. PC Bai Seboru Kasangha II, Bombali District
4. PC Lappia Boima IV, Kakua Chiefdom, Bo
5. Chief Matthew J. Young, Mende Tribal Head, Western Area
6. Justice EE. Roberts, Commissioner of the Law Reform Commission
7. Rhoda Sufian-Kargbo Nuni, Commissioner and Chairman of the Sub-committee the abolition of Child Marriage
8. M.A.B. Timbo Esq. Executive Secretary to the Law Reform Commission
9. Ms. Olayinka Laggah, Commissioner, National Children's Commission
10. Mustapha Kamara, Assistant Inspector-General, Director of Gender, Sierra Leone Police

11. Sheikh Lahal Luseni, member of the Inter-Religious Council, Bo District
12. Rev. Reuben T. Ansumana, Vice-Chairman of the Inter-Religious Council, Kenema District
13. Rev. Emmanuel S. Farma, Chairman of the Inter-Religious Council, Bo District
14. Rev. Moses F. Khanu, Assistant Secretary-General of the Inter-Religious Council, Bo District
15. Ahaji Sheku Kamara, Chairman of the Inter-Religious Council, Kenema District
16. Sheik Sheku Issa Kargbo, member of the Inter-Religious Council, Bombali District
17. Dr. Sheikh Ibrahim Salieu Kamara, member of the Inter-Religious Council, Wea Area
18. Rev. Dr. Usman Formah, Secretary-General of the Inter-Religious Council, Bor District
19. Ms. Andrea Rita Kamara, National Administrator, Family Support Unit, Sierra Leone Police
20. Ms. Christiana Davies-Cole, Sierra Leone Bar Association
21. Ms. Sonia Gilroy, Programme Specialist, UNFPA
22. Ms. Baidu Massaquoi, Programme Specialist, UN Women
23. Mary Foday, Programme Specialist, UN Women
24. Mr. Hassan Fuad Kanu, Director, YACAN
25. Mr. Amasara Jalloh, Programme Officer, Campaign for Good Governance
26. Mr. Harry Mahol, Gender Officer, Ministry of Social Welfare, Gender, and Child Protection
27. Mr. Benjamin Rogers, Project Manager, Plan International
28. Mr. Jeremiah Sawyer, Save the Children
29. Mr. David Lamin, Child Protection Specialist, UNICEF
30. Mrs Amy T. Kallon, Office of the First Lady
31. Mr. Osman Kamara, Reporter, Radio Democracy 98.1
32. Mr. Musa Coker, Photojournalist, Sierra Leone Union of Photographers

33. Ms. Andrea C.L. Snell, Fourah Bay College, University of Sierra Leone
34. Miss Melvina Lisk, secretary to the sub-committee on the abolition of chil Law Reform Commission
35. Mr. Abass Kamara, Law Reform Commission
36. Mr. Idrissa Kargbo, Law Reform Commission
37. Mr. A.A. Foday-Kai, Law Reform Commission
38. Mr. Afiju Bah, Law Reform Commission
39. Mr. Richard Kamara, Law Reform Commission
40. Mr. Sheku Sesay, Law Reform Commission
41. Mr. Alhaji Barrie, Law Reform Commission



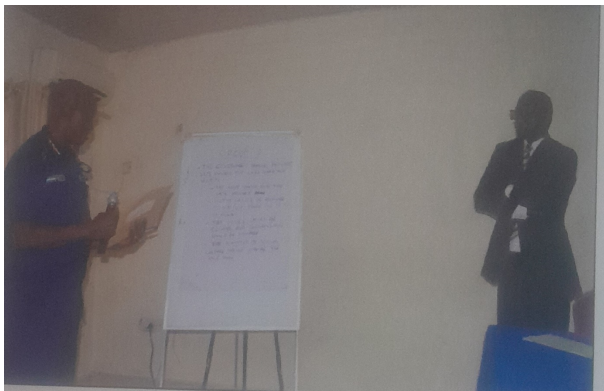
The Honourable Mohamed Haji-Kella, Deputy Minister of Social Welfare, Gender and Children's Affairs speaking at the Freetown meeting



Participants at the Freetown meeting



Group discussion at the Freetown meeting



Group presentation by Mr. Mustapha Kamara, Assistant Inspector General/ Director of Gender, Sierra Leone Police at the Freetown meeting

THE PROHIBITION OF CHILD MARRIAGE BILL 2018
ARRANGEMENT OF SECTIONS

PART 1 - PRELIMINARY

1. Interpretation

PART II - PROHIBITION OF CHILD MARRIAGE

2. Prohibition of child marriage
3. Prohibition on giving consent to child marriage
4. Use of force or ill-treatment of a child
5. Officiating ill treatment of a child a child marriage
6. Promoting a child marriage
7. Attending a child marriage
8. Attempted child marriage
9. Conspiracy to cause child marriage
10. Aiding and abetting child marriage

PART III-PROHIBITION OF COHABITATION WITH A CHILD

11. Prohibition of cohabiting with a child
12. Prohibition on permitting cohabitation with a child
13. Attempted cohabitation with a child
14. Conspiracy to cause cohabitation with a child
15. Aiding and abetting cohabitation with a child

PART IV-ANNULMENT OF CHILD MARRIAGE

16. Void child marriages
17. Voidable child marriages
18. Petition for annulment of a child marriage

PART V-COMPENSATION

19. Compensation for child contracting parties
20. Compensation for children born of a child marriage
21. Legitimacy of children born of a child marriage
22. Modification of orders

PART VI-PROTECTION FOR VICTIMS OF CHILD MARRIAGE

23. Power of judge to issue an injunction
24. Duties of the Ministry of Social Welfare, Gender and Children's Affairs
25. Child Marriage Prohibition Officers of the Family Support Unit
26. Powers and duties of Child Marriage Prohibition Officers
27. Protection of action taken in good faith
28. Duty to report child marriage or cohabitation with a child

PART VII-MISCELLANEOUS PROVISIONS

29. Power to make rules
30. Consequential amendments

A BILL ENTITLED THE PROHIBITION OF CHILD MARRIAGE ACT 2018

Short title Being an Act to prohibit child marriage, to provide protection for the victims of child marriage, and to provide for other related matters.

Date of commencement ENACTED by the President and Members of Parliament in the Parliament assembled.

PART I-PRELIMINARY

Interpretation 1. In this Act, unless the context otherwise requires-

"child" means a boy or a girl below the age of eighteen;

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

"Child Marriage Prohibition Officer" means an officer appointed under section 25(1) of Act:

"cohabit" means to live together and have 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;

"officiate or conduct" includes child marriages presided over by traditional leaders;

"prohibit" means to forbid or prevent by law, and "prohibition" shall be construed accordingly;

"promote" means any person or cultural association of persons that actively encourage or furthers child marriage.

PART II-PROHIBITION OF CHILD MARRIAGE

Prohibition of child marriage (1) No person shall contract a marriage with a child.

(2) A person who contravenes sub-section (1) commits an offence and is liable on conviction to a term of imprisonment of not less than ten years or to a fine of not less than twenty million Leones, or to both imprisonment and a fine.

Prohibition on giving consent to child marriage (1) No parent, guardian, or person having charge of a child shall give his consent for a child to enter into a child marriage

(2) Unless and until the contrary is proved, it shall be presumed that where a child is in the custody of the parent, guardian, or person having charge of the child either gave his or her consent to a child marriage or otherwise failed to prevent the marriage from being solemnized.

(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 ten years or to a fine of not less than twenty million Leones, or to both imprisonment and a fine.

Use of force or ill-treatment of a child (4) No person shall use force, duress, or any deceitful means to compel a child to be:-

(a) betrothed!

(b) the subject of a dowry transactions or

(c) married.

(2) No person shall

(a) abandon

(b) torture: or

(c) neglect

a child that refuses to enter into a contract of child marriage

(3) A person who contravenes sub-sections (1) or (2) commits an offence and is liable on conviction to a term of imprisonment of less than ten years or to a fine of not less than Leones, or to both imprisonment and a fine.

Officiating a child marriage §1) No person shall officiate or conduct a child marriage ceremony.

(2) Unless and until the contrary is proved, it shall be presumed that a person who officiates conducts a child marriage knows that one or both parties to the marriage is below the 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 ten years or to a fine of not less than twenty million Leones, or to both imprisonment and a fine.

Promoting a child marriage (1) No person shall perform any act to promote child marriage.

(2) Unless and until the contrary is proved, it shall be presumed that a person who per any act to promote a child marriage knows that one or both parties to the marriage is t the age of 18 years.

(3) A person who contravenes sub-section (1) commits an offence and's liable on com to a term of imprisonment of not less than ten years or to a fine of not less than twenty million Leones, or to bath Imprisonment and a fine.

Attending a child marriage (7) No person shall attend a child marriage ceremony.

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

(3) A person who contravenes sub-section (1) commits an offence and i liable on conv to a term of imprisonment of not less than six months or to a fine of not less than two r Leones, or to both imprisonment and a fine.

Attempted child marriage 8ny person who attempts to many a child commits on offe and a liable on conviction to a term of imprisonment of not less than ten years or to a f not less than twenty million Leones, or to both Imprisonment and a fine.

Conspiracy to cause and marriage 9y person who conspires to cause a child to mar commits an offence and is liable on conviction to a term of imprisonment of not less th years or to a fine of not less than twenty million Leones, or to both imprisonment and ε

Aiding and abetting child marriage 10person who aids or abets a child marriage commits an offence and is liable on conviction to a term of imprisonment of not less th years or to a fine of not less than twenty million Leones, or to both imprisonment and ε

PART III-PROHIBITION OF COHABITATION WITH A CHILD

Prohibition of cohabiting with a child (1) No person shall cohabit with a child.

(2) A person who contravenes sub-section (1) commits an offence and is liable on con to a term of imprisonment of not less than ten years or to a fine of not less than twenty million Leones, or to both imprisonment and a fine.

Prohibition on permitting cohabitation with a child (1) No parent, guardian, or person having charge of a child shall permit a child to cohabit.

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

(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 ten years or to a fine of not less than twenty million Leones, or to both imprisonment and a fine.

Attempted habitation with a child (1) Any 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 ten years or to a fine of not less than twenty million Leones, or to both imprisonment and a fine.

Conspiracy to cause cohabitation with a child (1) Any 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 ten years or to a fine of not less than twenty million Leones, or to both imprisonment and a fine.

Aiding and abetting cohabitation with a child (1) 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 of not less than ten years or to a fine of not less than twenty million Leones, or to both imprisonment and a fine.

PART IV-ANNULMENT OF CHILD MARRIAGE

Void child marriages (1) Every child marriage contracted after the coming into effect of this Act shall be void.

Voidable child marriages (1) Every child marriage contracted before the coming into effect of this Act shall be voidable at the option of the contracting party who was a child at the time of the marriage.

Petition for annulment of a child marriage (1) A petition for annulment of a child marriage shall be filed by the contracting party, who was a child at the time of the marriage.

(2) If at the time of filing a petition the petitioner is a child, the petition shall be filed through a guardian or next friend.

PART V - COMPENSATION

Compensation for the child contracting party (1) A court 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 a Judge 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.

Compensation for children born of a child marriage 20 Where a child contracting party gives birth to a child during the child marriage, the Judge shall make orders for the quantum of compensation and custody of, and access to, the child.

(2) In making an order for the custody of a child under this section, the welfare and best interests of the child shall be the paramount consideration to be given by the Judge.

Legitimacy of children born of a child marriage 21 Notwithstanding that a child marriage has been annulled by a decree of nullity under part IV of this Act, every child born of a marriage before the decree is made shall be deemed to be legitimate child for all purposes.

Modification of orders 22 A Judge shall have power to add, modify, or revoke any order made under part V of this Act if there is any change in the circumstances at any time before or after the petition.

PART VI-PROTECTION FOR VICTIMS OF CHILD MARRIAGE

Power of judge to issue an injunction 23 Where a Judge is satisfied that a child marriage has been arranged or is about to be solemnised, the Judge shall issue an injunction against: the adult contracting party, the parent, guardian, or person having charge of the child and the person intending to officiate or conduct the child marriage ceremony, to prohibit the marriage.

(2) Subject to sub-section (3), no injunction under sub-section (1) shall be issued against a person unless the Judge has previously given notice to such person and has afforded the person an opportunity to show cause against the issuance of the injunction.

(3) In the case of an emergency, the Judge shall have the power to issue an interim injunction without giving notice.

(4) The Judge may either on his own motion or on the application of an aggrieved party rescind or after any order made under sub-section (1).

(5) Where an application is received under this section, the Judge shall afford the applicant the opportunity of appearing before him either in person or by his solicitor, and if the Judge rejects the application wholly or in part, he shall record in writing his reasons for doing so.

(6) 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 two years or to a fine of not less than five million Leones, or both imprisonment and a fine.

Duties of the Ministry of Social Welfare, Gender, and Children's Affairs
The Ministry of Social Welfare, Gender and Children's Affairs shall be responsible for:-

- (a) establishing and maintaining safe homes for victims of child marriage;
- (b) providing counselling for victims of child marriage;
- (c) making any provision for the rehabilitation of victims of child marriage during proceedings under this Act.

Child Marriage Prohibition Officers of the Family Support Unit
The Family Support Unit online office Leone Police shall have the right to act as Child Marriage Prohibition Officers.

(liaise with:-

2) In the execution of their duties, Child Marriage Prohibition officers

- (a) Paramount Chiefs;
- (b) international and national non-governmental organizations dealing with child marriage issues;
- (c) social workers of the Ministry of Social Welfare, Gender Children's Affairs;
- (d) the National Children's Commission;
- (e) local councils;
- (f) tribal authorities;
- (g) religious leaders.

Powers and duties of Child Marriage prohibition officers
Child Marriage Prohibition Officers shall perform the following duties:-

- (a) prevent the solemnisation of a child marriage by taking action as s/he deems fit;
- (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/her superior be authorise;

Protection of action taken in good faith

- (f) discharge any other functions and duties assigned to him/her

Protection of action taken in good faith. No suit, prosecution or other legal proceedings shall be instituted against a Child Marriage Prohibition Officer in respect of any proportionate action taken in good faith in the pursuance of this Act.

Duty to report child marriage or cohabitation with a child. Any person who knows or has reason to believe that:-

- (a) a child is married; or
- (b) there is a likelihood of a child marriage ceremony taking place
- (c) a person is cohabiting with a child

shall immediately report it to the nearest police station or police post, or a Child Marriage Prohibition Officer, Paramount Chief, Chief, social wots or the Chief Administrator of Local Councils or any local authority.

PART VII - MISCELLANEOUS PROVISIONS

Power to make rules The Minister of Social Welfare, Gender, and Children's Affairs may by statutory instrument make rules for giving effect to this Act.

Consequential amendments The Registration of Marriages and Divorces Act 2001 amended by repealing sub-sections (2) and (3) of section 2

(2) The Child Rights Act 2007 is amended by repealing and replacing section 35 with the following new section:-

35. Any person who contravenes:-

(a) paragraph (a) of sub-section (2) of section 34 commits an offence and is liable on conviction to a term of imprisonment of not less than ten years or to a fine of not less than twenty million Leones, or to both imprisonment and a fine.

(b) paragraph (b) of sub-section (2) of section 34 commits an offence and is liable on conviction to a term of imprisonment of not less than ten years or to a fine of not less than twenty million Leones, or to both imprisonment and a fine.

(c) paragraph (c) of sub-section (2) of section 34 commits an offence and is liable on conviction to a term of imprisonment of not less than ten years or to a fine of not less than twenty million Leones, or to both imprisonment and a fine.

(d) a provision in Part III for which there is no penalty, commits an offence and is liable on conviction to a term of imprisonment of not less than ten years or to a fine of not less than twenty million Leones, or to both imprisonment and a fine."

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

(a) repealing and replacing sub-section 2 of section 7 with the following new sub-section

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

(b) repealing section 8.

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

"2. Every 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 amended by:-

(a) repealing and replacing section 7 with the following new section

7. (1) Subject to sub-section (2), the Registrar shall at any time after the expiration of 1 month 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 stating 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.