**Sierra Leone**

ECPAT International has developed [a legal checklist](https://ecpat.org/wp-content/uploads/2021/09/SECTT-Checklist_ENG-1.pdf) for governments providing guidance for legal interventions and measures to adopt in order to improve their national legal frameworks. This will help to effectively address the crime of sexual exploitation of children in travel and tourism, including its online elements.

The legal checklist was developed based on the recommendations of the first [Global Study](https://ecpat.org/wp-content/uploads/2021/08/Global-Report-Offenders-on-the-Move.pdf) on sexual exploitation of children in the context of travel and tourism. Following the development of this legal checklist, ECPAT International conducted country legal analysis for Sierra Leone and other countries in Africa, as well as Southeast Asia, Asia and the Americas.

The country analysis serves as a baseline to indicate and track the implementation status of the legal interventions within and across the four regions. It provides governments with clear directions for improving their actions with respect to child protection against sexual exploitation in the context of travel and tourism, including its online elements.

The table below allows easy assessment of existing legislation against the 24 measures of the legal checklist. It will be updated as the laws and policies change. An [explanatory note](https://ecpat.org/wp-content/uploads/2021/08/SECTT-Checklist_ENG_Explanatory-note.pdf) and an [assessment matrix](https://ecpat.org/wp-content/uploads/2021/09/Assesment-Matrix_2021SEP_ENG_v2.pdf) can be consulted for further reference.

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Recommendations** | **Implemented** | **Legislation** |
| 1. | Establish by law **extra-territorial jurisdiction**, within the parameters of Article 4 OPSC, for all offences of sexual exploitation of children, including those occurring in the online environment. | No | Provisions on extraterritorial jurisdiction over cases of sexual exploitation of children are very limited in Sierra Leone.  The National courts of Sierra Leone have jurisdiction for certain crimes, including corruption (Anti-Corruption Act, article 137), treason (Treason and State Offences Act, article 1) and over offences committed by public officers abroad who were acting or purporting to act in the course of their official duties (Criminal Procedure Acts, article 42).  The laws don’t include dispositions for passive extraterritorial jurisdiction.  The Anti-Human Trafficking Act states, in its article 14, that national courts in Sierra Leone shall have jurisdiction to try an offence under this Act where the act constituting the offence has been carried out:  (a) wholly or partly in Sierra Leone;  (b) by a citizen of Sierra Leone anywhere;  (c) by a person on board a vessel or aircraft registered in Sierra Leone.  The law doesn’t include dispositions for passive extraterritorial jurisdiction.  It is not specified whether these provisions apply to crimes committed online. |
| 2. | Include in extradition treaties the sexual exploitation of children as **extraditable offences** and apply when appropriate the rules of article 5 OPSC, regardless the nationality of the (alleged) offender. | Partially | Requests by Sierra Leone for extradition from other countries are generally regulated by bilateral and multilateral treaties.  The Extradition Act sets forth general requirements for extradition and specific stipulations for:   * Commonwealth states (First Schedule); * The Republic of Guinea (Second Schedule); and * The other states with which Sierra Leone has an extradition treaty (Third Schedule).   If extradition is sought by a state not listed as a treaty state in one of the three schedules, extradition may not be granted.  For all countries listed in the schedules except the Republic of Guinea, extradition may be made for an enumerated list of serious offences, including procuring, or trafficking in, women or young persons for immoral purposes.  For the Republic of Guinea, extradition may be made for any crime that is also a crime in Sierra Leone (article 22).  The Extradition Act will also regulate offences included within the Anti-Human Trafficking Act (article 17).  Therefore, not all the SEC-related offences are included in the national provisions. |
| 3. | Do NOT require the principle of **double criminality** for proceeding with extraterritorial jurisdiction or extradition for sexual offences against children. | Partially | The principle of double criminality doesn’t apply in cases of extra-territorial jurisdiction.  In cases of extradition:   * For Commonwealth countries (First Schedule), the Attorney General’s consent is required to extradite a suspect for an offence that would not constitute a crime under the laws of Sierra Leone (Extradition Act, article 17) * No extradition will be granted to the Republic of Guinea (Second Schedule) unless the crime in question is a crime punishable under the laws of Sierra Leone, was committed in Guinea, and the accused or convicted has not – and is not liable to be – punished in Sierra Leone (Extradition Act, article 22); * For countries outside the Commonwealth listed in the Third Schedule, no extradition may be made unless the crime is also punishable in Sierra Leone with a prison term of at least twelve months (Extradition Act, article 23). |
| 4. | Abolish **statutory limitations** for the prosecution of ALL offences of sexual exploitation of children. | Yes | The laws don't prescribe any statutory limitation periods for the prosecution of SEC-related offences. |
| 5. | Set up **conditions for any travel** by persons convicted of sexual exploitation of children. | No | The Non-Citizens (Registration, Immigration and Expulsion) Act of 1 June 1965 as amended on 11 September 1980 prohibits the entry of non-citizens who, from official Government records, or from information officially received is deemed by the Governor-General to be undesirable and any person who is or has been:  (i) a brothel keeper;  (ii) a householder permitting the defilement of a young girl on his premises;  (iii) a person allowing a person under thirteen years of age to be in a brothel;  (iv) a person causing or encouraging the seduction or prostitution of a girl under thirteen years of age;  (v) a person trading in prostitution; or  (vi) a procurer.  No provisions on the prohibition of foreigners convicted of sexual exploitation of children to leave the country have been found. |
| 6. | Ensure **consistency in the definition of a ‘child’** as anyone under the age of 18 for all crimes of sexual exploitation, regardless of the age of sexual consent. | Partially | Not all the national laws in Sierra Leone define ‘child’ as anyone under the age of eighteen years old.  The Anti-Human Trafficking Act (article 1) and the Sexual Offences Act (article 1) define a “child” as a person under the age of eighteen years.  The Child Right Act (article 2) defines a “child” as a person under the age of eighteen years and a “young person” means any person aged between eighteen and twenty-five;  The Criminal Procedure Act defines a child as anyone under fourteen years old (article 2).  The Child and Young Person Act defines a “child” as anyone under fourteen years old and a “young person” as anyone between fourteen and eighteen years old (article 2).  The Criminal Procedure Act defines a “child” as anyone under fourteen years old and a “young person” as anyone between fourteen and seventeen years old (article 2).  The Anti-Human Trafficking Act criminalises the trafficking of child for the purposes of engaging in any other form of sexual exploitation, including but not limited to pimping, pandering, procuring, profiting from prostitution, maintaining a brothel, and crimes related to child sexual abuse material (CSAM).  The Sexual Offences Act, article 22, penalises a person who intentionally causes a child to watch another person engaging in a sexual activity; or look at an image of another person engaging in a sexual activity.  The Sexual Offences Act criminalises anyone  who intentionally meets the child with sexual intent or travels with the intention of meeting the child in any part of Sierra Leone (article 23).  The Sexual Offences Act penalises anyone who makes, produces, distributes, transmits, prints or publishes CSAM; anyone who imports, exports, advertises, sells or shows CSAM, and anyone who possesses CSAM for the purpose of distributing, publishing, exporting, selling or showing it.  Anyone who possesses or accesses CSAM, anyone who invites or causes a child to be in any way concerned in the making or production of CSAM, or anyone who procures a child for the purpose of making or producing CSAM commits an offence (article 28). Finally, article 30, criminalises, anyone who participates as a client or is otherwise involved with a child in an act of child prostitution or anyone invites, persuades or induces a child to engage in child prostitution with him or her or any other person. |
| 7. | Ensure that the **age of sexual consent** for both males and females is 18 and a close in age exemption (up to 3 years) is provided for consensual sexual relationships between adolescents in order to allow voluntary, well-informed and mutual sexual contact between close in age peers and to prevent criminalization of young people in willing sexual relationships. | Partially | The Sexual Offences Act establishes 18 as te=he age of sexual consent (article 4). However, the Sexual Offences (amended) Act establishes that a child who engages in an act of sexual penetration on another child or rape commits an offence and is liable on conviction to a term of not less than five years and not more than fifteen years (article 4 amending article 19 of the Sexual Offences Act).  The law defines ‘rape´ as a person who commits an act of of sexual penetration on another without the consent of that other person and ‘an act of sexual penetration’ as any act which causes the penetration to any extent of the vagina, anus or mouth of a person by the penis or any other part of the body of another person, or by an object.  The law doesn’t include a close-in-age exception and doesn’t clarify if acts of sexual penetration can also refer to consensual sexual activities among peers. |
| 8. | Have a law or regulation establishing a **mechanism for centrally registering sex offenders** that has been implemented/setup. | No | In 2019, the Sexual Offences Act was amended and article 44 was replaced by giving the responsibility to the Minister responsible for Social Welfare, Gender and Children Affairs to establish, maintain and publish annually a sexual offender database.  However, to date no information has been found about the implementation of this database. |
| 9. | Establish **bail conditions** that prohibit individual accused of sexual offences against children from traveling outside of the country. | No | Article 79 of the Criminal Procedure Act authorises the Court to admit a person charged to any felony to bail. In addition, the accused person who is to be admitted to bail shall procure guarantors as in the opinion of the Court will be sufficient to ensure his appearance as and when required, and shall with him enter into a recognisance to appear and take his trial before the said Court. |
| 10. | Provide in law that the **mere attempt** to commit a crime of sexual exploitation of children is criminalised. | Yes | The attempt to commit the offence of trafficking under the Anti-Human Trafficking Act will be punished as if the offence had been completed (article 18).  Those who attempt to commit offences under the Sexual Offences Act will be punished with a fine of ten million Leones or a term of imprisonment of not less than one year and not more than ten years or to both (article 43). |
| 11. | Impose more severe sentences for **reoffending** in case of sexual exploitation against children, e.g. by defining reoffending as an aggravating circumstance, regardless of whether the crimes were perpetrated abroad or in-country. | No | No provisions on the national legislation have been found regarding recidivism. |
| 12. | Provide for **mandatory reporting** for particular professions that have likelihood to have contact with kids who might disclose. | Yes | The Child Right Act states that any service provider, parent and community member shall report sexual and other forms of abuse to family support units of the Sierra Leone Police who shall be required to maintain a register of child abusers and to take special measures to protect children from such persons (article 38).  The Child Right Act defines “service providers” as: “*any person or body of persons licensed or otherwise competent to provide services in health, education, child development or protection and for the general well-being of children*”.  In addition, article 59 states that any person with information on child abuse or a child in need of care and protection shall report the matter to the district council. |
| 13. | Establish obligatory government-regulated child protection standards for the tourism industry for example, attach responsibility to an appropriate regulatory authority and/or implement industry specific **national codes for child protection** as a legal requirement for the travel and tourism industry to operate. | No |  |
| 14. | Ensure the liability of travel and tourism businesses (in operations and supply chains) for criminal conduct including:   * Organising travel arrangements or transportation that are explicitly or implicitly meant to create or facilitate opportunities to engage (involve) children in sexual activities; * Procuring, aiding or abetting the exploitative sexual conduct with a child; * Advertising or promoting sexual exploitation of children; * Benefitting, by any means, from any form of sexual exploitation of a child (or children) in the context of their travel and tourism business. | Partially | Although there are no specific laws ensuring the liability of the private travel and tourism sector for SECTT, some provisions exist within the national legislation.  The Sexual Offences Act, article 34, criminalises, with fifteen years of imprisonment, anyone who makes or organizes any travel arrangements for or on behalf of any other person, whether that other person is resident within or outside Sierra Leone, with the intention of facilitating the commission of any sexual offence against a child, irrespective of whether that offence is committed. In addition, is also criminalised with fifteen years of imprisonment whoever prints or publishes, in any manner any information that is intended to promote or facilitate conduct that would constitute a sexual offence against a child and anyone who introduces, organizes or facilitates contact with another person under the auspices of promoting tourism in any manner in order to promote conduct that would constitute a sexual offence against a child. |
| 15. | Criminalise the **grooming of children for sexual purposes** (often called ‘solicitation’ in law) including through Internet and other communication technologies to facilitate either online or offline sexual exploitation. | No |  |
| 16. | Establish legislation requiring for a **criminal background check** for every person (national or non-national) applying for work with or for children or who is currently working with or for children. Introduce legislation prohibiting convicted sex offenders to hold positions involving or facilitating contact with children. | No |  |
| 17. | Regulate and monitor the use of volunteers (including in **‘voluntourism’**) in settings and activities that involve direct contact with children, particularly prohibiting visits to orphanages/residential care settings in favour of redirecting the industry towards solutions that support community-based care. | No |  |
| 18. | Ratify and implement relevant **regional and international instruments** related to child’s rights and sexual exploitation of children. | Partially | * Convention on the Rights of the Child - Ratified in 1990 * Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography - Ratified in 2001 * Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure - Not ratified * ILO Convention on the Worst Forms of Child Labour (No. 182) - Ratified in 2011 * UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children - Ratified in 2014 * The United Nations’ World Tourism Organisation’s (UNWTO) Framework Convention on Tourism Ethics - Not ratified * Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) - Not Ratified * Council of Europe Convention on Cybercrime (Budapest Convention) - Not Ratified * African Union Charter on the Rights and Welfare of the Child - Ratified in 2002 * African Union Convention on Cyber Security and Personal Data Protection - Not ratified (signed in 2016) |
| 19. | Establish **protection measures** for child victims at any stage of the legal process against the suspected offender. | No | The Trafficking in Persons Act allows at any time, a trafficked victim to ask to be placed under protection (article 48). The law does not make explicit difference between national and non-national child victims, but it does not even clearly state if relevant provisions would be applied to non-nationals.  Protection measures should be mandatory for child victims of any type of sexual exploitation at any stage of the legal proceedings. |
| 20. | Establish **child-friendly interviewing practices by professionally trained police.** | Partially | The Sexual Offences Act establishes, in its article 40, that a child witness giving evidences during proceedings will benefit from different measure such as:   * The use of a screen or other arrangement to prevent the witness from seeing the defendant; * The presence of a support person of the witness’s choosing seated with the witness when he or she is giving evidence; * The adjournment of the proceedings or any part of the proceedings to chambers or some other premises; * The exclusion from the court, while the witness is giving evidence, of all or any without a direct interest in the proceedings * Permitting a video-recording of an interview of the witness to be admitted as the evidence- in-chief of the witness; and * directing that the witness’s evidence be taken at a pretrial hearing and that the record of the witness’s evidence at that hearing be admitted as evidence at the trial.   The Sexual Offences Act does not make explicit difference between national and non-national child victims, but it does not even clearly state if relevant provisions would be applied to non-nationals.  Article 80 of the Child Right Act states that proceedings at a Family Court shall be as informal as possible and shall be by enquiry and not by adversarial procedures.  The Child Right Act applies the principle of the best interest of the child and applies the same right to nationals and non-nationals. |
| 21. | Ensure that national legislation provides the **right for child victims to receive support in their recovery and rehabilitation**, including accessing re-integration services. | Yes | In 2013, the Residual Special Court for Sierra Leone (RSCSL) was established. The RSCSL contains provisions on witness and victim protection including the obligation to ensure that victims receive support, counselling and other appropriate assistance, including medical assistance, physical and psychological rehabilitation, especially in cases of rape, sexual assault and crimes against children.  Article 39 of theSexual Offences Act stipulates that a victim of a sexual offence shall be entitled to free medical treatment and free medical report. |
| 22. | Establish a **national reporting mechanism (e.g. hotline)** that coordinates access to services, and helps to overcome reluctance to report sexual exploitation of children. | Partially | In April 2020, UNICEF has supported the Ministry of Gender and Children's Affairs to set up the 116 phone in helpline. Victims can call for free at any time to report cases of violence and exploitation, including sexual violence as well as receive psychoogical, medical and social support.  However, this reporting system is not specific to cases of sexual exploitation or abuse of children. |
| 23. | Create **data retention and** preservation laws, regulations and procedures, to ensure the retention and preservation of digital evidence and enable cooperation with law enforcement which applies to ISPs, mobile phone companies, digital social media and communication companies, cloud storage companies, based in/operating in national jurisdiction. | No |  |
| 24. | Ensure that national legislation provides the **right for all child victims of sexual exploitation to seek compensation** in national courts from convicted perpetrators who harmed them and/or through state-managed funds. | Yes | The Anti-Human Trafficking Act stipulates that the court shall order the defendant to pay restitution to the victim (article 23). The law does not make explicit difference between national and non-national child victims, but it does not even clearly state if relevant provisions would be applied to non-nationals.  The Sexual Offences Act stipulates that the court may, in addition to any other punishment, order the person convicted to pay the victim a compensation (article 37). The law does not make explicit difference between national and non-national child victims, but it does not even clearly state if relevant provisions would be applied to non-nationals. |

**Sierra Leone - Legislation**

[The Anti-Human Trafficking Act](https://sherloc.unodc.org/res/cld/document/sle/2005/the_anti-human_trafficking_act_2005_html/Sierra-Leone_Anti-Human-Trafficking-Law_2005.pdf)

[The Child Right Act](https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/78338/83704/F1971620091/SLE78338.pdf)

[The Child and Young Person Act](https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/92357/107512/F-299305639/SLE92357.pdf)

[Prevention of Cruelty to Children](https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/70677/70591/F2119244766/SLE70677.pdf)

[The Sexual Offences Act 2012](https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/92359/107514/F369087386/SLE92359.pdf)

[The Sexual Offences (amended ) Act 2019](http://rogee.sl/docs/ROGEE-Sierra-Leone-Act-Sexual-Offences-2019.pdf)

[The Rules of Procedure and Evidence](http://www.rscsl.org/Documents/RSCSL-Rules.pdf)

[The Criminal Procedure Act](http://www.sierra-leone.org/Laws/1965-32.pdf)

[The Extradition Act](https://www.refworld.org/docid/3ae6b50320.html)

[The Non-Citizens (Registration, Immigration and Expulsion) Act of 1 June 1965 as amended on 11 September 1980](https://www.refworld.org/docid/3ae6b5020.html)