

Non-
application of
Offences
Against The
Person
Act,1861.

9. Sections 58 and 59 of the Offences Against the Person Act,1861 shall on the commencement of this Act cease to apply in Sierra Leone.

Passed in Parliament this *day of* , in the year of our Lord two thousand and fifteen.

IBRAHIM S. SESAY,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

IBRAHIM S. SESAY,
Clerk of Parliament.

SIGNED this *day of* , 2015.

DR. ERNEST BAIKOROMA,
President.



No.



Sierra Leone

2015

The Safe Abortion Act, 2015

Short title.

Being an Act to prevent maternal death and injury, safeguard reproductive rights determine the circumstances and conditions under which pregnancies may be terminated and to provide for other related matters.

[] Date of commencement.

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

PART I – PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires –

“gestation period” means the period of pregnancy of a female calculated from the first day of the menstrual period which in relation to the pregnancy, is the last;

“health” means a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity;

“health care facility” means premises in which health care is provided as approved by the Ministry responsible for health and certified by the appropriate authorities for that purpose;

“health care provider” means a medical practitioner, midwife or community health officer or (a health care professional), with the appropriate skill registered by the appropriate regulatory authority;

“informed consent” means consent by a female of her own free will after receiving information on the risks and benefits of termination of pregnancy;

“Minister” means the Minister responsible for health; and “Ministry” shall be construed accordingly.

“abortion services” means services that are provided by a person with the appropriate skills using methods consistent with World Health Organization guidelines as may from time to time be issued by the Organisation

PART II – CIRCUMSTANCES IN WHICH AND CONDITIONS UNDER WHICH ABORTION SERVICES MAY BE PROVIDED

2. (1) Abortion services may be provided–

Abortion Services.

(a) during the first twelve weeks of the gestation period of a pregnant female who so requests after counseling using the World Health Organization guidelines;

(b) from the thirteenth week up to the twenty-fourth week of the gestation period upon request of the pregnant female after counseling if –

(i) the continued pregnancy would pose a risk of injury to the female’s health; or

(ii) there is a risk of fetal abnormality

(iii) according to the pregnant female, the pregnancy resulted from rape, incest or other felonious intercourse.

3. (1) No person shall engage in abortion services or provide the means for abortion services unless that person has the appropriate skill as may be determined by the Sierra Leone Medical and Dental Council.

Persons authorized to provide safe abortion services

(2) No person shall provide abortion services unless that person is registered by the appropriate regulatory authority and possesses the appropriate skill in relation to the gestational period.

(3) A person who contravenes subsection (1) or subsection (2) commits an offence and is liable on conviction to a fine not less than ten million Leones and not exceeding fifty million Leones or, to imprisonment for a term not exceeding four years or to both the fine and imprisonment.

Place for
abortion
services.

4. (1) Abortion services shall only be provided in a health care facility.

(2) A person who provides surgical abortion services outside a health care facility commits an offence and is liable on conviction to a fine not less than ten million Leones or not exceeding fifty million Leones or to a term of imprisonment not less than four years or to both the fine and imprisonment.

Conscientious
Objection.

5. (1) Subject to subsection (3), no health care provider shall be under any legal duty to directly participate in abortion services if the health care provider has a conscientious objection to provide abortion services.

(2) Subsection (1) does not apply to any duty to participate in a treatment which is necessary to save the life or to prevent injury to the health of a pregnant female.

(3) A health care provider who has a conscientious objection referred to in subsection (1) shall inform the female who requests abortion services of other approved health care facilities or providers which may be in a position to terminate the pregnancy within a reasonable time.

(4) Any practitioner whose action results in injury or loss of life or both commits an offence and is liable on conviction to a fine not less than ten million Leones or not exceeding fifty million Leones or to a term of imprisonment not less than four years or to both the fine and imprisonment.

6. (1) Subject to subsection (2), a health care provider referred to in section 3 shall not provide or assist in the provision of abortion services unless the health care provider obtains the informed consent of the pregnant female. Informed consent to be obtained.

(2) Where the pregnant female is below 18 years of age, the health care provider shall not provide abortion services unless he or she obtains the consent of the parent or guardian of, or another adult acting *in loco parentis* to the pregnant female.

(3) Where the pregnant female is unable to give informed consent due to a mental, medical or physical incapacity, the health care provider shall not provide abortion services unless he or she obtains consent from the parent or guardian or an adult acting *in loco parentis* capacity.

(4) A person who contravenes any provision of this section commits an offence and is liable on conviction to a fine not less than ten million Leones and not exceeding fifty million Leones or to a term of imprisonment not less than four years or to both the fine and imprisonment.

PART III—MISCELLANEOUS PROVISIONS

7. (1) A person who provides abortion services shall ensure that the identity of the pregnant female concerned is kept confidential. Confidentiality.

(2) Such information shall only be made available for use by the Ministry and its partners for medical research only.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not less than ten million Leones and not exceeding fifty million Leones or to a term of imprisonment not less than four years or to both the fine and imprisonment.

8. The Minister may by statutory Instrument make regulations for giving for giving effect to this Act. Regulation.