

**BILL**

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THE SAFE MOTHERHOOD AND REPRODUCTIVE HEALTH  
CARE ACT, 2024

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## MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Act is to provide for safe motherhood and reproductive health care throughout Sierra Leone, to set the standards of sexual and reproductive health care, to provide for the right to make decisions regarding safe motherhood and reproductive health and to provide for other related matters.

The Act is divided into 5 parts-

Part I - makes provision for the definition of words used in the Act and states the object of the Act.

Part II - vests the administration of the Act on the Minister responsible for health and to facilitate access to the highest attainable standard and quality safe motherhood and reproductive health care services throughout Sierra Leone.

Part III - deals with the right of access to safe motherhood and reproductive health care.

Part IV - contains finance and accounting provisions.

Part V - contains miscellaneous provisions including the power to make regulations and repeal.

MADE this day of, 2024

DR. AUSTIN DEMBY  
*Minister of Health and Sanitation*

FREETOWN  
SIERRA LEONE.

No.



Sierra Leone

2024

## A BILL ENTITLED

**THE SAFE MOTHERHOOD AND REPRODUCTIVE  
HEALTH CARE ACT, 2024**

Short title.

Being an Act to provide for safe motherhood and reproductive health care throughout Sierra Leone, to set the standards of safe motherhood and reproductive health care, to provide for the right to make decisions regarding safe motherhood and reproductive health care 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 -
- "adult" means a person aged 18 years and above;
  - "basic emergency obstetric and new born care" includes the administration of parenteral antibiotics or anticonvulsants, administration of intravenous fluid, using vacuum extractor or forceps to assist vaginal birth, manual removal of a placenta, removing the products of conception following a miscarriage or termination of pregnancy;
  - "basic obstetric care" means routine care provided for women during pregnancy, childbirth and post-natal period for positive maternal and neonatal outcome;
  - "child" means a person below the age of 18;
  - "confidentiality" means the right of patients to keep their records private and represents physicians' and medical professionals' moral and legal obligations in handling patients' sensitive medical and personal information;
  - "contraceptive method" means the intentional prevention of conception through the use of various devices, sexual practices, chemicals, drugs, or surgical procedures;
  - "emergency obstetric care" means care provided to treat and save the life of a woman experiencing a complication of pregnancy or childbirth;
  - "essential new born care" means care for all babies in

the first days after birth and involves immediate care (delayed cord clamping, thorough drying, assessment of breathing, skin-to-skin contact, early initiation of breastfeeding), thermal care, resuscitation when needed, support for breast milk feeding, nurturing care, infection prevention, assessment of health problems, recognition and response to danger signs, timely and safe referral when needed and offered both in the health facility and at home;

"family planning" means the ability of individuals and couples to anticipate and attain their desired number of children and the spacing and timing of their births;

"gender-based violence" means harmful acts directed at an individual based on their gender, and rooted in gender inequality, the abuse of power and harmful norms;

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

"health care provider" means an individual health professional or a health care facility or organisation licensed to provide health care diagnosis and treatment services including medication, surgery and medical devices;

"infertility" means difficulty to achieve a pregnancy after 12 months or more of regular unprotected sexual intercourse;

"information, education, communication for sexual and reproductive health" means a public health approach aiming at changing or reinforcing health-related behaviours to promote safe motherhood and reproductive health through communication methods and principles;

"Minister" means the Minister responsible for Health;

"new-born" or "neonate" means a child up to 28 days of age;

"privacy" means the right to maintain and respect space, including personal space (physical privacy), personal data (informational privacy);

"quality" means the degree to which health care services for individuals and communities -

- (a) are safe, timely, effective, efficient, equitable and patient centred;
- (b) increase the likelihood of desired health outcomes; and
- (c) are consistent with current professional knowledge;

"reproductive cancer" means a cancer that occurs in the reproductive organs and includes cancer in the breast, cervix, uterus, vulva, endometrium or ovaries;

"reproductive health" means a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes;

"responsible adult" means a person aged above 21 or a Healthcare provider acting in the best interest of the patient or client;

"safe motherhood" means initiatives, practices, protocols and service delivery guidelines structured to give mothers high-quality gynaecological, family planning, prenatal, delivery and postpartum care, in order to achieve optimal health for the mother, foetus and infant during pregnancy, childbirth and postpartum;

"sexual health" means a state of physical, emotional, mental and social well-being in relation to sexuality that requires a positive and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence;

"sexual and reproductive health" means a state of complete physical, mental and social well-being in all matters relating to the reproductive system, where people are able to have a satisfying and safe sex life, the capability to reproduce and the freedom to decide if, when, and how often to do so;

"sexual and reproductive health service" means health care service offered, arranged, or furnished for the purpose of maternal health, neonatal health, preventing pregnancy, terminating a pregnancy, managing pregnancy loss, or improving maternal health and birth outcomes including, care for preconception; contraception, maternity care (ANC, Intrapartum, Postnatal, EmONC), termination of pregnancy, infertility, STI Management, reproductive cancer, fistula and other reproductive health care;

"termination of pregnancy" means a procedure or process of ending a pregnancy;

"unsafe termination of pregnancy" means a procedure for terminating pregnancy carried out either by a person lacking the necessary skills or in an environment that does not conform to minimal medical standards, or both;

"vulnerable women and children" means women, children and persons belonging, or perceived to belong, to groups that are in a disadvantaged position or marginalised.

Object  
of Act.

2. The object of this Act is to-

- (a) provide a framework for the protection and advancement of safe motherhood and reproductive health rights for every person;
- (b) create an enabling environment for the reduction of maternal and child morbidity and mortality; and
- (c) ensure access to quality safe motherhood and reproductive health care services throughout Sierra Leone

## PART II - ADMINISTRATION OF ACT

Responsibility  
of Minister.

3. (1) The Minister responsible for health shall, in order to facilitate access to the highest attainable standard and quality safe motherhood and reproductive health care services throughout Sierra Leone, -

- (a) formulate and implement a comprehensive national strategy and plan of action to promote the realisation of the right to safe motherhood and reproductive health care services throughout Sierra Leone;
- (b) provide the necessary mechanisms and infrastructure to facilitate access to preventive, promotive, curative, rehabilitative, palliative sexual and reproductive health services throughout Sierra Leone;
- (c) develop standards to be maintained in the provision of safe motherhood and reproductive health care services throughout Sierra Leone including -

- (i) the number of trained health care professionals required to provide safe motherhood and reproductive health services in a health facility;
- (ii) the type and quantity of diagnostic and therapeutic equipment required by a health facility in order to provide safe motherhood and reproductive health services effectively; and
- (iii) the quality of medical supplies for treatment of the complications arising in the delivery of safe motherhood and reproductive health services;
- (d) promote research and innovation in the field of safe motherhood and reproductive health;
- (e) carry out sensitisation programmes on family planning methods and services;
- (f) put in place mechanisms to -
  - (i) enhance access to family planning, information, counselling and services in designated health facilities;
  - (ii) improve the education, training and skills of health professionals including allied health professionals to ensure effective delivery of quality safe motherhood and sexual and reproductive health care services throughout Sierra Leone; and

- (g) establish linkages and networks with local and international developmental partners and organisations to mobilise and source for funding to promote the realisation of the right to safe motherhood, reproductive health and the delivery of effective reproductive health services.

(2) The Minister shall, for the attainment of his responsibility under subsection (1), -

- (a) designate public and private safe motherhood and reproductive health care facilities;
- (b) authorise private reproductive safe motherhood and reproductive health care facilities,
- (c) provide preventive, promotive, curative, rehabilitative, palliative, safe motherhood, sexual and reproductive health care services throughout Sierra Leone.

(3) The reproductive health care services to be provided by a reproductive health care facility under subsection (1), include-

- (a) pre-conception care;
- (b) support during a pregnancy, comprising -
  - (i) antenatal, childbirth and postnatal care;
  - (ii) immunisation and treatment of other conditions;
  - (iii) basic and emergency obstetric care; and
  - (iv) essential and emergency new-born care;

- (c) adolescent friendly health services;
- (d) prevention and treatment of HIV and other sexually transmitted infections;
- (e) prevention, detection, and management of sexual and gender-based violence;
- (f) prevention, detection, and management of reproductive cancers;
- (g) provision of information, counselling and services for -
  - (i) family planning, including modern contraceptives;
  - (ii) prevention and treatment of obstetric fistula;
  - (iii) reproductive health and wellbeing;
  - (iv) subfertility and infertility;
- (h) safe termination of pregnancy, where -
  - (i) the age of the pregnancy is 14 weeks or less;
  - (ii) the continued pregnancy will endanger the life of a pregnant woman or adolescent girl;
  - (iii) the termination of pregnancy is necessary to prevent injury to the physical or mental health or social wellbeing of a pregnant woman or adolescent girl;
  - (iv) there is malformation of the foetus which will affect its viability or incompatibility with life; or

- (v) the pregnancy is a result of sexual penetration, rape or incest;
- (i) prevention and treatment of complications of unsafe termination of pregnancy;
- (j) treatment of obstetric fistula;
- (k) appropriate referral services for emergencies and other reproductive health services; and
- (l) prevention and treatment of childhood illnesses,

Provided that the requirements in subparagraphs (ii), (iii) and (iv) of paragraph (h) are based on the advice of a certified medical practitioner and that in subparagraph (v), there is reasonable ground to believe, based on police investigations and legal advice from the relevant authority, that such sexual penetration, rape or incest has occurred

(4) A person shall not, notwithstanding subsection (2), be forced, threatened, enticed or allured to obtain a reproductive health care service under this Act.

Reporting requirement.

4. A reproductive health care facility providing reproductive health care services under subsection (1) of section 3, shall submit monthly summary report of its activities and programmes to the Minister.

Support to vulnerable women and children.

5. (1) The Minister shall, subject to this Act, take such measures as may be necessary to protect and support vulnerable women and children in need of safe motherhood and reproductive health care services, who are -

- (a) in distress;
- (b) neglected by family or relatives;
- (c) victims of sexual assault; or
- (d) mentally challenged.

(2) The Minister shall, in order to protect and support vulnerable women and children provide -

- (a) free or reasonably low priced reproductive health care services for vulnerable women and children;
- (b) emergency medical services for vulnerable women and children.

6. (1) A reproductive health care provider shall ensure that Confidentiality

- (a) registers and records are kept confidential; and
- (b) all necessary steps are taken to ensure that the identity of a patient is not accessible to unauthorised persons.

(2) The responsibility to keep information and records on safe motherhood and reproductive health services confidential under subsection (1) shall not apply where such information is required by -

- (a) the Minister or a person authorised or designated by him -
  - (i) when carrying out the duties of the Minister under this Act; and
  - (ii) for research and statistical purposes;
- (b) a person in charge of a public health facility or authorised health facility when carrying out his duties under the Act;
- (c) a person who is acting pursuant to a court order;
- (d) the Registrar of a health professional regulatory body or member of staff authorised by him, conducting an investigation of an alleged misconduct or negligence; or
- (e) a person who is acting with the consent of a person to whom the information relates.

(3) A reproductive health care provider who contravenes subsection (1) commits an offence and is liable on conviction to a fine of not less than NLe. 5, 000.00 or imprisonment for a term not exceeding 12 months and may be subjected to other disciplinary measures.

### PART III - RIGHT OF ACCESS TO SAFE MOTHERHOOD AND REPRODUCTIVE HEALTH CARE

Right to safe motherhood and reproductive health care.

7. (1) A person shall have the right of access to -

- (a) reproductive health services without bias or and reproductive discrimination based on gender, age, sex, marital status, socio-economic status, physical or other disabilities, geographical location, ethnicity, religious belief, tribe, political affiliation, education level or other status;
- (b) sexual and reproductive health information, education and counselling.

(2) A person shall, in the access of sexual and reproductive health care services, be -

- (a) treated with dignity and respect;
- (b) accorded respect of privacy and confidentiality;
- (c) protected from harm, ill-treatment and all forms of violence including physical, verbal and psychological;
- (d) protected from economic and sexual exploitation.

(3) A reproductive health care provider who contravenes subsection (1) or subsection (2) commits an offence and is liable, on conviction, to a fine of not less than NLe. 5, 000.00 or imprisonment for a term not exceeding 12 months and may be subjected to other disciplinary measures.

8. (1) A reproductive health care provider shall not provide safe motherhood and reproductive health care services to a person unless with the informed consent of the person. Requirement for informed consent.

(2) Informed consent shall, for purposes of subsection (1), be obtained, in the case of-

- (a) a minor, from a person with parental responsibility for the minor or a responsible adult acting in the best interest of the minor;
- (b) a person with cognitive disability, with the consent of a responsible adult;
- (c) an emergency, including -
  - (i) loss of consciousness;
  - (ii) incapacitation; or
  - (iii) other life-saving intervention, from a responsible adult.

(3) A reproductive health care provider who contravenes this section commits an offence and is liable, on conviction, to a fine of not less than NLe. 5, 000.00 or to imprisonment for a term not exceeding 12 months and may be subjected to other disciplinary measures

9. (1) A person shall have a right to express choices and preferences in respect of diverse safe motherhood and reproductive health care services and procedures. Right to accept or refuse.

(2) Notwithstanding the generality of subsection (1), a woman shall have the right to determine, on her own behalf, matters relating to family planning including -

- (i) the number and spacing of her children;
- (ii) whether to continue with or terminate a pregnancy;

Protection from discrimination. 10. (1) A person shall not be discriminated against in the access to safe motherhood and reproductive health care services on grounds of origin, religion, race, ethnicity, age, sex, occupation, sexual identity, physical or health condition, disability, marital status, pregnancy, creed, state of reproductive morbidity, personal relationship or any other status.

(2) A reproductive health care provider who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine of not less than NLe. 5, 000.00 or to imprisonment for a term not exceeding 12 months and may be subjected to other disciplinary measures.

PART IV - FINANCIAL PROVISIONS

Funding for safe motherhood and reproductive health services. 11. (1) The activities of the Ministry in relation to safe motherhood and reproductive health care services shall be financed by funds consisting of -

- (a) monies appropriated by Parliament to the reproductive Ministry for the purposes of providing safe health care motherhood and reproductive health care services;
- (b) monies given to the Ministry by way of gifts, endowments, bequest, grant or other contributions by persons and organisations for the purposes of providing safe motherhood and reproductive health care services;

- (c) monies which may, from time to time, accrue to the Ministry for the purposes of providing safe motherhood and reproductive health care services.

(2) The funds to the Ministry under subsection (1) shall be applied only for the purposes of providing safe motherhood and reproductive health care services approved in the budget of the Ministry.

12. (1) The Ministry shall keep proper books of account and other records in relation to the activities, property and finances of the Ministry under subsection (1) of section 11, in a form approved by the Auditor-General, and shall prepare in respect of each financial year of the Ministry Finance an annual financial statement which shall include -

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds.

(2) The accounts of the Ministry kept under subsection (1) shall, not later than 3 months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him, shall be entitled to have access to all books of account, vouchers and other financial records of the Ministry and to require such information and explanation thereon as he may think fit.

(4) The Ministry shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Ministry.

(5) The Auditor-General or an auditor appointed by him shall submit to the Minister, a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to -

- (a) irregularities in the accounts;
- (b) any matter that are likely to adversely affect the activities of the Minister in relation to the provision of safe motherhood and reproductive health care services under this Act; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Minister.

Financial  
year.

13. The financial year of the Ministry shall be the same as year of the financial year of the Government of Sierra Leone.

Annual  
report.

14. (1) The Minister shall lay copies of the annual report on the performance of its functions, in relation to the provision of safe motherhood and reproductive health care services during that year and on its policy and programmes, before Parliament.

(2) The annual report submitted under subsection (1), shall include the accounts and annual financial statement prepared under section 11 and the report of the audit thereon.

(3) The Ministry shall make copies of the annual report available to all stakeholders once it has been laid before Parliament.

#### PART V - MISCELLANEOUS

15. The Minister may, by statutory instrument, make Regulations. regulations, for the effective carrying out of the provisions of this Act.

16. (1) Sections 58 and 59 of the Offences against the Person Repeals. Act are hereby repealed.

(2) Paragraphs (b) and (c) of subsection (1) of section 35 of the Pharmacy and Drugs Act are hereby repealed.