

Missing Children in Southeast Asia: Model Framework & Regional Review

July 2016



International Centre
FOR MISSING & EXPLOITED CHILDREN

*A publication of The Koons Family Institute on
International Law & Policy*

Missing Children in Southeast Asia:
Model Framework & Regional Review

This is the first in an occasional series of reports on missing children's issues in Asia.

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The opinions, findings, conclusions, and recommendations expressed herein are those of ICMEC and do not necessarily reflect those of any of our donors.

As always, ICMEC extends its continuing gratitude to Jeff and Justine Koons for their unwavering support for our mission.

About Us

The International Centre for Missing & Exploited Children (ICMEC) works around the world to advance child protection and safeguard children from abduction, sexual abuse, and exploitation. Headquartered in Alexandria, Virginia, U.S.A., ICMEC also has regional representation in Brazil and Singapore. Together with an extensive network of public and private sector partners, ICMEC's team responds to global issues with tailored local solutions.

The Koons Family Institute on International Law & Policy (The Koons Family Institute) is ICMEC's in-house research arm. The Koons Family Institute combats child abduction, sexual abuse, and exploitation on multiple fronts by conducting and commissioning original research into the status of child protection laws around the world, creating replicable legal tools, promoting best practices, building international coalitions, bringing together great thinkers and opinion leaders, and collaborating with partners in the field to identify and measure threats to children and ways ICMEC can advocate change.

Our Mission

For more than 15 years, ICMEC has been identifying gaps in the global community's ability to properly protect children from abduction, sexual abuse and exploitation and expertly assembling the people, resources and tools needed to fill those gaps.

ICMEC works every day to make the world safer for children by eradicating child abduction, sexual abuse and exploitation. To this end, **ICMEC's mission is to advocate, train and collaborate to protect the world's children.**

- **ADVOCATE:** ICMEC proposes changes to laws, treaties and systems based on rigorous research and the latest technology to better protect children worldwide.
- **TRAIN:** ICMEC provides tools to professionals who interface with children to improve prevention, facilitate treatment for victims and increase the efficacy of the identification and prosecution of people who victimize children.
- **COLLABORATE:** ICMEC builds international networks of professionals across disciplines to anticipate issues, identify gaps and develop cross-cutting solutions.

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Acknowledgments

We would like to thank the following organizations and individuals for their assistance and guidance with researching national legislation and policies relevant to missing children in Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Singapore, and Vietnam:

- Vaughan Bagley, *former ICMEC Consultant*, for undertaking the research and drafting of this report;
- Legal interns and research fellows: Vauravee Visavaverasak, *Research Fellow*; Elburg van Boetzelaer, *Research Fellow (Singapore)*; Lucinda Hatton, *Research Fellow*; Naomi (Praveen) Van Treuren, *Legal Intern*; Ai Ping Then, *Research Fellow (Singapore)*; Parameswari, *Research Fellow (Singapore)*; and Tra Mi Phan, *Legal Intern*;
- Various law enforcement agencies, government agencies, prosecutors, and advocates throughout Southeast Asia who responded to our requests for assistance and verification of the research; and
- Our donors, without whom our work would not be possible.

The points of view and opinions presented in this publication are those of the International Centre for Missing & Exploited Children and do not necessarily represent the official position or policies of the other organizations and individuals who assisted with the research.

The country-specific content in this report is current and verified as of February 2016.

Foreword

All children have the right to live without fear of abduction and free from sexual abuse and exploitation. Every child deserves a safe childhood where they are able to grow into healthy and successful adults. Yet, every day, across the globe, children go missing. They may be victims of family or non-family abductions, runaways, or missing for unknown reasons. While the majority of children who are reported missing return on their own after a short period of time, the longer a child is missing, the more vulnerable he or she becomes. The threat of exposure to high-risk activities such as substance misuse, sexual exploitation, human trafficking, and even the risk of death, increases the longer a child is missing.

The issue of missing and abducted children is complex and multi-faceted. It is a global issue lacking a global response: there is no harmonized, international strategy aimed at addressing the problem of missing children. There is no international convention related to missing children, except for the 1980 Hague Convention on the Civil Aspects of International Child Abduction, which specifically addresses abduction of children by their non-custodial parents. While international legal instruments, such as the United Nations Convention on the Rights of the Child, provide a universal definition for a “child,” there is no similar global consensus defining “missing child” or outlining the process of investigating cases involving missing and abducted children.

In response to this lack of legislation and information, ICMEC initiated a series of regional reports assessing the current mechanisms that exist for missing children around the world. As many countries do not have specific laws addressing missing children, we looked more in depth at national strategies and country-specific mechanisms addressing missing and abducted children. We analyzed countries’ policies and practices, identified trends and themes concerning child protection and exploitation in the region, and, through this report, we offer broader recommendations for addressing the issue of missing children that can be integrated into existing national and regional approaches to child protection.

The first report in this series, *Missing Children in Central America: Research of Practices and Legislation on Prevention and Recovery*, was published in collaboration with the UNICEF Latin America and Caribbean Office. It has been used by law enforcement and civil society organizations in Central America to develop and strengthen mechanisms related to missing children. As a result of that report, three countries invited ICMEC to train first responders on issues related to missing children, and one country created a unit within its police force specifically focused on missing and abducted children.

This report, focused on Southeast Asia, is similar in scope and purpose and aims to inspire the same interest in missing children’s issues throughout the region. We have a global duty of care to help find any child who has gone missing for any reason and ensure that all children experience a safer childhood.



Ambassador Maura Harty, *ret.*
President & CEO
International Centre for Missing & Exploited Children

Executive Summary

The Issue

What it means to be “missing” is understood in a variety of ways around the world. The concept is largely dependent on national context and cultural and social influencers. The lack of an agreed upon definition of the term makes it difficult to know the full extent of the problem globally and to determine how best to protect children from going missing or from being abducted – or how to find them when they do.

There is an undeniable connection between missing children and the issue of child exploitation. The threat of exposure to high-risk activities increases significantly the longer a child is missing. Children who go missing, run away, or are abducted are often exposed to or suffer:¹

- Sexual exploitation, trafficking in persons, and prostitution;
- Illegal/unsafe employment;
- Involvement in criminal activity, both as a victim and as a perpetrator;
- Deterioration of physical and emotional health;
- Lack of education;
- Substance misuse;
- Risk of physical and sexual assault; or
- In some circumstances, death.

On an international level, there is no harmonized, global strategy aimed at addressing the problem of missing children and child abduction. General international child protection instruments, which address some – but not all – aspects of missing/abducted children issues, include: the United Nations Convention on the Rights of the Child,² the United Nations Convention for the Protection of All Persons from Enforced Disappearance,³ and the 1980 Hague Convention on the Civil Aspects of International Child Abduction.⁴ However, no international legal instruments provide a universal definition of the term “missing child” to guide processes to report and investigate missing and abducted child cases.

On a national level, few countries have legislation specific to missing children, and national strategies, when they do exist, vary from country to country. Even fewer countries have policies in place to facilitate data collection, and statistics, when available, can be inaccurate and unreliable due to: under-reporting/under-recognition; inflation; incorrect database entry of case information; and deletion of records once a case is closed. Without accurate information, it is difficult to fully understand the issue of missing children and begin to formulate effective solutions leaving missing child cases under-addressed.

¹ Kelly Dedel, *Juvenile Runaways, Problem-Oriented Guides for Police, Problem Specific Guide Series No. 37*, DEP’T OF JUSTICE (Aug. 2010) 4, at http://www.cops.usdoj.gov/files/RIC/Publications/e12051223_Juvenile.pdf (on file with the International Centre for Missing & Exploited Children).

² Convention on the Rights of the Child, article 1, *opened for signature* Jan. 26, 1990, G.A. Res. 44/25, U.N. GAOR 61st plen. mtg. at 166, U.N. Doc. A/44/736 (1989). The Convention on the Rights of the Child defines “child” as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”

³ International Convention for the Protection of All Persons from Enforced Disappearance, G.A. Res. A/RES/61/177, U.N. Doc. A/HRC/RES/2006/1 (Dec. 20, 2006) (on file with the International Centre for Missing & Exploited Children).

⁴ 1980 Convention on the Civil Aspects of International Child Abduction, Oct. 25, 1980, T.I.A.S. No. 11670, 1343 U.N.T.S. 98 (on file with the International Centre for Missing & Exploited Children).

Even with the challenges of data collection, it has been estimated that:

- In Australia, an estimated 20,000 children are reported missing every year.⁵
- In Canada, an estimated 45,288 children are reported missing each year.⁶
- In Chile, an estimated 9,258 children went missing in 2012.⁷
- In Germany, an estimated 100,000 children are reported missing each year.⁸
- In India, an estimated 70,000 children go missing each year.⁹
- In Jamaica, an estimated 1,941 children were reported missing in 2015.¹⁰
- In Russia, an estimated 45,000 children were reported missing in 2015.¹¹
- In South Africa, an estimated 1,460 children are reported missing every year.¹²
- In Spain, an estimated 20,000 children are reported missing every year.¹³
- In Turkey, an estimated 48,000 missing children are searched for every year.¹⁴
- In the United Kingdom, an estimated 112,853 children are reported missing every year.¹⁵
- In the United States, an estimated 460,000 children are reported missing every year.¹⁶

These estimates illustrate the pervasiveness of the issue of missing children. While many children who are reported “missing” are recovered or return to their homes voluntarily, a family and even an entire community can be forever changed by a missing child. Parents and siblings experience shock,

⁵ AUSTRALIAN FEDERAL POLICE, National Coordination Centre, at <http://www.missingpersons.gov.au/education-training/working-with-young-people> (last visited Mar. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

⁶ GOVERNMENT OF CANADA, *Canada’s Missing – 2015 Fast Fact Sheet – MC/PUR Missing child subjects by province, sex and probable cause*, at <http://www.canadasmissing.ca/pubs/2015/index-eng.htm> (last visited July 10, 2016) (on file with the International Centre for Missing & Exploited Children).

⁷ Francisco Águila, *Más de 80% de los desaparecidos en 2012 fueron hallados en primeros 4 días de investigación*, EL MERCURIO, Nov. 3, 2012, at <http://www.emol.com/noticias/nacional/2012/11/02/567741/mas-de-16-mil-personas-extraviadas-fueron-halladas-por-carabineros-en-los-primeros-cuatro-dias-despues-de-su-desaparicion-en-2012.html>; <http://diario.latercera.com/2012/11/05/01/contenido/pais/31-122255-9-carabineros-localizo-al-83-de-las-personas-encargadas-por-presunta-desgracia.shtml> (last visited Feb. 10, 2016) (on file with the International Centre for Missing & Exploited Children).

⁸ *Initiative Vermisste Kinder*, at <http://www.vermisste-kinder.de/> (last visited Mar. 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁹ BACHPAN BACHAO ANDOLAN, *Missing Children of India – Synopsis*, 2011 (on file with the International Centre for Missing & Exploited Children).

¹⁰ JAMAICA OFFICE OF THE CHILDREN’S REGISTRY & MISSING PERSON MONITORING UNIT, *Missing Children’s Statistics 2015* (on file with the International Centre for Missing & Exploited Children).

¹¹ *Interview with Pavel Astakhov MIA “Russia Today”*, Apr. 4, 2016, at <http://www.rfdeti.ru/display.php?id=11071> (last visited July 10, 2016) (on file with the International Centre for Missing & Exploited Children).

¹² South Africa Crime Statistics, at <http://www.crimestatssa.com/resources.php> (last visited July 22, 2015) (on file with the International Centre for Missing & Exploited Children).

¹³ *Spain Joins EU Hotline for Missing Children*, Sep. 22, 2010, at <http://www.theleader.info/article/25040/spain-joins-eu-hotline-formissing-children/> (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁴ Hurriyrt Daily News, *Police search for 4,000 missing children every month in Turkey* (Feb. 2, 2015), at <http://www.hurriytdailynews.com/police-search-for-4000-missing-children-every-month-in-turkey.aspx?pageID=238&nID=77789&NewsCatID=341> (last visited July 22, 2015) (on file with International Centre for Missing & Exploited Children).

¹⁵ NATIONAL CRIME AGENCY, *UK Missing Persons Bureau – Missing Persons Data Report 2014/2015* 15, May 16, 2016, at <http://www.missingpersons.police.uk/download/56> (last visited July 19, 2016) (on file with International Centre for Missing & Exploited Children).

¹⁶ FEDERAL BUREAU OF INVESTIGATION, *NCIC Active/Expired Missing and Unidentified Analysis Reports*, at <https://www.fbi.gov/about-us/cjis/ncic/ncic-missing-person-and-unidentified-person-statistics-for-2015> (last visited Mar. 18, 2016) (on file with the International Centre for Missing & Exploited Children).

uncertainty, fear, guilt, and pain as they struggle to reestablish their family structure and function normally both in the child's absence and after the child's return.¹⁷ Children may leave home for a variety of reasons, for example because of miscommunication, conflict, neglect, or abuse at the hands of these very same family members. The underlying reasons why a child runs away must be addressed, and the child and family members should receive ongoing support, education and other services throughout the reunification process.

Thus, it is vital that every country implement appropriate legislative and policy measures to ensure that resources are available to help missing children and their families, and that investigations are thorough and efficient, giving each child a greater chance of returning home. In order for this to happen, systems must be in place to detail how law enforcement, government agencies, and the public can work together not only to prevent children from going missing, but to locate them quickly and protect against exploitation.

The Report

In September 2010, ICMEC initiated a series of regional reports on legislation and policies regarding missing and abducted children. In preparation for this undertaking, ICMEC prepared a list of criteria, both legislative and policy-based, to guide our research, which later evolved into the Model Missing Child Framework presented here. The first report in this series, [*Missing Children in Central America: Research of Practices and Legislation on Prevention and Recovery*](#), was published in October 2011 in collaboration with the UNICEF Latin America and Caribbean Office. The Model Missing Child Framework was adopted by ICMEC, as a formal framework in August 2015.

This report, the second in the series, reviews current legislation, policies, and best practices related to missing children in ten Southeast Asian countries, as determined by their membership in the Association of Southeast Asian Nations (ASEAN): Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic (also referred to as Lao PDR or Laos), Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam. This report contains a regional review and country-specific information – including legislation, policies, and practices – along with a gap analysis and regional recommendations for developing and strengthening existing mechanisms concerning missing and abducted children in Southeast Asia.

Realizing the importance of taking into consideration varying cultural, religious, socio-economic, and political norms, our Model Missing Child Framework resembles a menu of concepts that can be applied in all countries in the region and throughout the world to build strong, well-rounded national responses. The Model Missing Child Framework consists of 12 fundamental topics and provisions that are essential to facilitate more efficient investigation, management, and resolution of missing children cases. In this report, the Model Missing Child Framework is followed by an overview of related international law, as well as a discussion of regional context, including challenges, legal frameworks, regional initiatives, and recommendations. The final section of this report contains a regional legislative review with country-specific information.

The regional legislative review looks at a core set of criteria to provide an understanding of national legislation on the issue of missing and abducted children. The core set of criteria contains six points, which are part of the Model Missing Child Framework, those that ICMEC has identified as most critical to addressing the issue on a national level. In particular, we are looking to see if national legislation and policies:

1. Exist with specific regard to missing children and provide a definition of “missing child”;
2. Require missing child cases to be immediately investigated;

¹⁷ NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN, *A Child is Missing: Providing Support for Families of Missing Children* (2007), at http://www.missingkids.com/en_US/publications/NC172.pdf (last visited July 19, 2016) (on file with the International Centre for Missing & Exploited Children).

3. Set entry and exit requirements for children;
4. Establish a national registry of reported missing child cases;
5. Provide reporting mechanisms to report a missing child and provide tips; and
6. Institute a rapid public notification system.

It is important to note that the regional legislative review accompanying the Model Missing Child Framework is not about criticism, but rather about assessing the current state and awareness of the issue, and learning from one another's experiences. Additionally, a lack of legislation specific to missing children does not mean that no action has been taken to address missing children's issues. When taken together, the regional context, regional legislative review, and country-specific findings present a fuller picture of existing efforts. This review suggests that although the countries discussed in this report may not have an abundance of legislation specific to missing children, the region has shown a willingness to address the issue. There is evidence of increased awareness and a willingness to launch new and helpful initiatives. Country-specific findings can be found in Appendix II.

Methodology

As a first step, ICMEC developed an inquiry form, containing a list of questions focused on legislation and policy and based on the Model Missing Child Framework, to gain a sense of how the issue of missing and abducted children is addressed by countries in the region. The inquiry form can be found in Appendix I.

Open source research into legislation, policies, and best practices was conducted with the help of in-house legal interns who aimed to identify trends, common themes, and potential gaps in response to the issue. Primary sources of information include: LexisNexis; government submissions to the U.N. Special Rapporteur on the Sale of Children, Child Prostitution, and Child Pornography and the U.N. Committee on the Rights of the Child; national legislative resources; law enforcement agencies' and non-governmental organizations' websites; news articles; and direct contact with in-country non-governmental organizations, law enforcement agencies and officers, and attorneys.

In the final phase, detailed letters containing the results of the research were assembled for each country and sent to representatives from non-governmental organizations, law enforcement entities, and government agencies in each nation in order to verify our findings and elicit additional comment. ICMEC received feedback from seven of the ten countries; no responses were returned from any source in Brunei Darussalam, Indonesia, or Myanmar.

Results

There have been many regional advances in recent decades in the overall child protection arena. However, missing children remain underserved and under-protected in the region. No country in Southeast Asia has passed legislation specific to missing children. The Philippines introduced bills in 2010 and 2013, but neither passed and will need to be reintroduced for further consideration. While all ten ASEAN countries outline charges in their criminal codes relating to abduction, kidnapping, neglect, and sexual exploitation (a potential risk factor for missing children), no criminal code in the region distinguishes between the different categories of missing children. However, there are a few statutes in the region that address street children who leave their homes and can thus be considered runaways.

In summary, this report reveals that:

- No country in the region has comprehensive legislation specific to missing children;
- Cambodia has designated legislation mandating that cases involving children, which could include missing children, be immediately investigated while Malaysia, the Philippines, and Singapore have police policies in place;

- Indonesia is the only country that has measures in place for entry into and exit out of the country to help prevent international child abductions;
- Only Malaysia and Thailand have internal policies guiding the work of law enforcement in the search for missing children. However, the existing policies are unclear;
- No country in the region has a national registry for missing children;
- No country in the region has a clear mechanism for reporting missing children;
- Malaysia and Thailand have missing children case management systems in place;
- Only Malaysia has a rapid notification system in place to alert the public about cases of missing children;
- Only Malaysia has formal agreements between agencies working on cases of missing children;
- Singapore acceded to the 1980 Hague Convention on the Civil Aspects of International Child Abduction in 2011, as did Thailand in 2002 (as a non-contracting member);
- Singapore is the only country in the region that has a national law specific to international child abduction;
- The Philippines and Singapore are the only countries that criminalize parental abduction. Brunei Darussalam, Malaysia, and Myanmar address the issue in their laws by including a good faith exception for parents who believe they have the right to custody of the child.

Research demonstrates that countries in the Southeast Asian region have made significant efforts in the broader realm of child protection and enacted legislation that highlights both the responsibility of the State and parents to protect children. There is specific legislation that protects children from abandonment, abuse, exploitation, and neglect, but much of this legislation does not acknowledge a link between child exploitation and missing children. Many of the tools aimed at protecting abused, exploited, and trafficked children have not yet been extended to include the concept of missing children. While resources may be a concern, there is great potential for improvement by amending legislation, expanding existing efforts, and enhancing cross-border and regional collaboration. However, without concrete prevention and protection mechanisms for missing children, law enforcement agencies, the courts, and governments in the region cannot ensure that their responsibility to protect children, including missing and abducted children, is consistently upheld.

Terminology

There is no global consensus on how to define the term “missing child.” At a minimum, the definition of a “missing child” should include “any person under the age of 18 whose whereabouts are unknown.” Additional definitions can be found in the Model Missing Child Framework.¹⁸

Topics Addressed

Fundamental topics addressed in the Model Missing Child Framework include:

1. National legislation with a definition of “missing child;”
2. Reporting mechanism;
3. Immediate investigation of missing children cases;
4. Regulations regarding cross-border travel with children;
5. Comprehensive database of missing and unidentified children;
6. Case management system to organize and record case information;

¹⁸ See the Model Missing Child Framework on page 1 of this report.

7. Photo distribution system;
8. Responses and investigative procedures;
9. Formal agreements between agencies involved in missing children investigations and child protection overall;
10. Community engagement programs to educate the public on a variety of missing children's issues;
11. Rapid emergency child alert system; and
12. Prevention framework.

Model Missing Child Framework

A comprehensive strategy that is aimed at addressing the issue of missing and exploited children must extend beyond legislation. A robust, multi-faceted national missing child framework is necessary to facilitate more efficient investigation, management, and resolution of missing children cases. Acknowledging this need, ICMEC developed the Model Missing Child Framework, which includes legislative provisions as well as policies, practices, systems, mechanisms, tools, and other initiatives. The Model Missing Child Framework has since been peer reviewed by experts around the world and formally adopted by ICMEC; it represents a best practice and an important step in changing the way the international community responds when a child goes missing. A national framework should include, but not necessarily be limited to, the following:

1. *National Legislation with a Definition of “Missing Child”*

Establish clear definitions at the national level¹⁹ to assist with internal processes related to reporting missing children and investigating such cases.

A proposed definition of a “missing child” is any person under the age of 18 whose whereabouts are unknown.

There are many different types of missing children cases and each category requires a different, yet immediate, response. As such, it is critical that countries implement national policies delineating how the different cases will be investigated. Sample categories include, for example:

Endangered Runaway

A child who is away from home without the permission of his or her parent(s) or legal guardian(s)

Family Abduction

The taking, retention, or concealment of a child or children by a parent, other family member, custodian, or his or her agent, in derogation of the custody rights, including visitation rights, of another parent or family member

Non-Family Abduction

The coerced and unauthorized taking of a child by someone other than a family member

Lost, Injured, or Otherwise Missing

Facts are insufficient to determine the cause of a child’s disappearance

Abandoned or Unaccompanied Minor

A child, not accompanied by an adult legally responsible for him or her, including those travelling alone without custodial permission, those separated by an emergency, those in a refugee situation, and those who have been abandoned or otherwise left without any adult care

This list is in no way exhaustive, and should be developed to respond to local needs and context.

2. *Reporting Mechanism*

Countries should have a mechanism in place that allows the public to easily report a child missing and provide leads on a case. The reporting mechanism also should provide educational

¹⁹ If federal/national legal systems do not allow for a federal/national definition, then legislation in **each** state, province, etc. should define “missing child.”

materials/information to the public on the issue. This can be done through a dedicated toll-free hotline and/or a simple website managed/maintained by law enforcement or by a non-governmental organization (NGO) working in conjunction with the investigative agency.

The reporting mechanism should be:

- available nationwide 24 hours a day, 7 days a week;
- free of charge;
- accessible to both children and adults; and
- staffed by properly-trained personnel.

There should be no waiting period to intake a report of a missing child; and a standardized intake form should be used to record all reports of missing children. Consideration should be given to implementing policies that protect the identity of anyone calling in to report a child missing, and to maintain the confidentiality of the information that is reported, when appropriate.

Long-term sustainability is paramount to the success of the reporting mechanism and must be considered from inception. Whether a hotline or a website, basing the reporting mechanism on a public-private partnership model has the potential to provide access to current technology and other resources to support the reporting mechanism.

Once the reporting mechanism is up and running, it also can serve as the platform for awareness campaigns that highlight the importance of public support to the success of missing children investigations.

3. Immediate Investigation of Missing Children Cases

Time is of the essence when a child is reported missing. Therefore, it is important that responses be well-coordinated and carried out so that each hour is used efficiently. A study conducted in the United States found that in the 735 cases of missing child homicides analyzed, 76.2% of the children who died were murdered within the first three hours of going missing.²⁰ In this context, it is crucial that the report of a missing child be taken immediately and that no waiting period exists either in written policy or in practice. The intake of the report should occur immediately and the investigation should begin without delay. This is true even when missing children are believed to be runaways as they, too, are at high risk for murder, sexual abuse and exploitation, along with a whole host of other crimes. When a child goes missing, it may be an indication of other underlying issues or problems.

It is vital that no time is wasted as the risk of harm experienced by the child while missing increases with each passing hour.

4. Regulations Regarding Cross-Border Travel with Children

It is crucial that countries have clear and comprehensive regulations regarding cross-border travel with children. Entry and exit procedures prevent and deter potential abductions and/or trafficking, and can be linked to civil and criminal consequences for those who attempt to circumvent the system. These procedures may include requiring documentary evidence of the relationship between the adult and child, written or notarized permission from the legal guardian authorizing travel, and dual signature and physical presence requirements at the time of application for a minor's passport.

²⁰ WASHINGTON STATE ATTORNEY GENERAL'S OFFICE, *Case Management for Missing Children Homicide Investigation* (2006) 7 and 13, at <http://www.atg.wa.gov/child-abduction-murder-research> (last visited Apr. 3, 2016) (on file with the International Centre for Missing & Exploited Children).

Additionally, the implementation of a database containing relevant entry and exit records (ideally integrated with missing children registries or databases) can be a valuable tool for law enforcement.

5. *Comprehensive Database of Missing and Unidentified Children*

Experience shows that registries are extremely helpful in the investigation of missing children cases, particularly in situations where a child travels between states/provinces or across national borders. With the increased mobility and interconnectivity of our world, it is that much more important to be able to track these children. For this reason, it is highly advisable that countries establish a national registry that can be accessed and maintained by a central authority for the sharing of information across jurisdictions, borders and agencies/institutions.

6. *Case Management System to Organize and Record Case Information*

Case management systems are a critical aspect of any agency's work on missing children cases. A good case management system must track key information such as how many cases are being investigated, who is in charge of each investigation, what investigative actions have been taken, and by which agency. Such a system can highlight repeat incidents (when a child goes missing on multiple occasions) and can enable appropriate interventions.

It is paramount that countries have an adequate case management system containing as much information about the case as possible to ensure coordination across all fields and minimal confusion and/or duplication of efforts. It is also particularly important that essential information related to the investigation be available to every unit, agency and organization involved to ensure that every person working on the case has access to the same information.

Ideally, this case management system should include:

- Biometric information, including DNA, fingerprints, and dental records, of missing children and their families for cross-reference in cases where visual identification of the child may not be possible. DNA testing is very useful in helping to solve long-term missing children cases or "cold cases." These types of cases are often the hardest to solve as new evidence is difficult to find and witness testimony may become less reliable as time passes;
- Information on unidentified children in orphanages, shelters, day care centers, morgues, and other relevant agencies;
- Mandatory review periods during which case information and investigations are updated;
- Case categorization based on the definition of "missing child";
- Periodic review of long-term missing children cases;
- Media activity; and
- Details of other partners involved in the case.

It is vital that all staff are trained on how to enter information into, and retrieve information from, the system.

7. *Photo Distribution System*

Each agency working on missing children cases should have some means of distributing a missing child's photo and description to the public to involve the community in the search and increase the chances of locating the child. A well-established distribution system will bring widespread coverage to such cases, provide law enforcement with indispensable leads, and keep the missing child's information in the public until he or she is recovered.

A photo distribution system should include disseminating photos and vital information through:

- Websites, social media, and apps;
- Screensavers, RSS feeds, and Java banners;

- Registered distribution lists via email and fax; and
- Corporate partners displaying the information on TV screens, bulletin boards, other information screens, service vehicles, etc.

It is important for agencies to acquire consent from the guardian of the missing child, or the investigative agency, and to take the child's privacy into consideration before distributing any information to the public. With new technology being developed every day, it is key for agencies to have procedures in place to remove any reference to a child once he or she has been recovered.

As part of the investigative strategy, whether or not to use media to generate publicity for a case should be considered; it is important to determine whether or not publicity would be in the best interests of the investigation. Consideration also should be given to which types of media (i.e., print, digital/online, social) to use and to what extent.

8. *Responses and Investigative Procedures*

Any agency – law enforcement or NGO – that accepts reports of missing children should have policies or standard operating procedures in place outlining their response to reports of missing children and investigative procedures. These include, but are not limited to:

- In-taking a report of a missing child, including what immediate actions the individual recording the report should take;
- Interviewing suspects, family members, friends, and witnesses;
- Developing the investigative strategy;
- Identifying the resources needed and determining available resources to search for the missing child;
- Collecting and managing forensic evidence;
- Devising special procedures for children missing abroad;
- Determining how and when to activate response protocols; and
- Managing media involvement.

Essential personnel should be trained regularly on these responses and procedures.

When developing policies and procedures for the reporting and investigation of a missing child, it is crucial that each response be governed by the assumption that the child is in danger until the contrary is confirmed. Law enforcement should not dismiss any reports of a missing child and should always launch an investigation immediately, no matter the age, race, gender, or circumstances of the disappearance. Consequently, it is vital that all police officers, detectives, and investigators be trained on how to handle a report of a missing child (i.e., what to look for and what questions to ask of suspects, family, neighbors, and friends), or that specialized investigative units be readily available.

9. *Formal Agreements between Agencies Involved in Missing Children Investigations and Child Protection Overall*

These agreements should include the articulation of each organization's roles and responsibilities, as well as the jurisdiction and duties of each agency or organization to eliminate duplication of efforts and to ensure a comprehensive response.

These agreements also should include government agencies and NGOs that are working with children and/or advocating for children's rights.

10. *Community Engagement Programs to Educate the Public on a Variety of Missing Children's Issues*

Parents/guardians should be encouraged to report a missing child as quickly as possible and not assume the child will come home on his or her own, even if he or she has done so in the past.

Parents/guardians should be advised to maintain up-to-date information of their children, including photographs, contact information for medical and dental practitioners who hold their children's records, and government-issued documents, which can be provided to the investigative agency in the first few hours after the child goes missing.

Parents/guardians also should be informed of law enforcement responsibilities. Law enforcement engagement with the community is key to the success of community programs and often crucial to locating a missing child quickly. In many countries law enforcement officers give prevention presentations to local school children and may distribute Child Identity Kits, which include a recent photo, key data about the child, fingerprints, and possibly a child's biological sample for DNA profiling if needed later.

When fully implemented, engaging the community in the official response may allow law enforcement to react more effectively, thereby enhancing the likelihood of a swift and successful recovery. In developing such policies, it is important to consider what role the private sector can play, as well as what capabilities the NGO community has, and in what ways NGOs can collaborate with law enforcement (i.e., receiving leads from the public, distributing photographs of missing children, or educating the public on the issue).

11. *Rapid Emergency Child Alert System*

Once the basic components for responding to a missing child case are in place, consideration should be given to the implementation of a Rapid Emergency Child Alert System.

For example, the AMBER Alert Program in the United States is a voluntary partnership between law enforcement, broadcasters, transportation agencies, and others working together to activate urgent bulletins in the **most serious** missing children cases (AMBER Alerts are issued in only 1% of all such cases in the United States). The goal is to instantly galvanize an entire community to assist in the search for and safe recovery of the missing child by providing detailed information on the missing child, the suspected abductor, the suspected abductor's vehicle, etc.

Rapid Emergency Child Alert Systems should be subject to strict criteria, such as:

- Cases in which law enforcement has reason to believe the missing child is younger than 18;
- The missing child has been abducted or is in imminent danger of serious bodily injury or death; and
- There is a sufficient description of the child and/or suspected abductor for them to be recognized by the public.

It is important to highlight that a Rapid Emergency Child Alert System alone is not enough. It is paramount that a comprehensive response to a report of a missing child first be established by law enforcement and relevant partner agencies, and that the Rapid Emergency Child Alert System complements the overall missing child response.

12. *Prevention Framework*

A comprehensive prevention framework should be developed and integrated into all relevant areas and practices. The creation of this framework should be guided by a clear understanding of the issue of missing children and child abduction both domestically and regionally, as well as the effects the experience has on children and adults alike.

Ideally, a prevention framework should include a variety of core components, such as:

- A public awareness campaign to promote increased awareness and inform the community of available services and resources;
- An educational and awareness campaign delivered to students and educators throughout schools at all levels;
- Training for border officers and other law enforcement on possible indicators of abduction and trafficking, including victim and perpetrator profiles; and
- Judicial mechanisms/tools such as child custody orders, protection orders, and safekeeping of passports by a neutral party. These tools can help prevent and deter parental child abduction.

Public awareness campaigns inform adults and children of potential risks through the development of targeted safety materials such as posters, reading materials, and educational games. It is very helpful for all parties involved, from private industry and civil society to law enforcement agencies, to form a collaborative approach and provide a consistent prevention message to the community. These materials should offer tips to parents and children on how to stay safer and avoid harm, including basic safety practices such as not opening the door for or accepting gifts from strangers, giving out personal information on the telephone or Internet, or approaching vehicles on the street. In addition, parents should be encouraged to maintain up-to-date information and identification of their children, including medical and dental records (whenever possible), government-issued documents, photographs, etc. If available, fingerprint records and biological samples also may be collected. Parents should help their children memorize their full name and home address, the parents' full names and contact information, and any other relevant emergency resources. Additional tips can be tailored to address specific areas of concern such as runaways, online grooming, trafficking, parental abduction, and other issues.

International Legal Instruments

Around the world, children go missing every day for a variety of reasons. On an international level, there is no harmonized, global strategy aimed at addressing the problem of missing children. There is an obvious need for systems that detail how law enforcement, governmental agencies, and the public can work together not only to prevent children from going missing, but to locate them safely. To ensure that the issue of missing children is addressed globally, it would greatly benefit from United Nations support through a dedicated international Convention or an Optional Protocol under the United Nations Convention on the Rights of the Child.

Several general international child protection instruments, which address some – but not all – aspects of missing/abducted children issues, include: the United Nations Convention on the Rights of the Child,²¹ the Optional Protocol to the United Nations Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography,²² the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children,²³ the Optional Protocol on the involvement of children in armed conflict,²⁴ the United Nations International Convention for the Protection of All Persons from Enforced Disappearance,²⁵ and the 1980 Hague Convention on the Civil Aspects of International Child Abduction.²⁶

²¹ Convention on the Rights of the Child, *supra* note 2.

²² Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, G.A. Res. 54/263, Annex II, U.N. Doc. A/54/49, Vol. III, art. 2, para. C, *entered into force* Jan. 18, 2002 [hereafter *Optional Protocol*] (on file with the International Centre for Missing & Exploited Children).

²³ The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, G.A. Res. A/RES/55/25, Nov. 15, 2000, *entered into force* on Dec. 25, 2003 (on file with the International Centre for Missing & Exploited Children).

²⁴ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, G.A. Res. A/RES/54/263 (May 25, 2000), *entered into force* Feb. 12, 2002 (on file with the International Centre for Missing & Exploited Children).

²⁵ International Convention for the Protection of All Persons from Enforced Disappearance, *supra* note 3.

²⁶ 1980 Convention on the Civil Aspects of International Child Abduction, *supra* note 4.

Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child²⁷ (CRC) aims to ensure a broad range of human rights for children – including civil, cultural, economic, political, and social rights.²⁸ While the CRC does not specifically address missing children, it is a useful tool to help protect children from risk factors that can contribute to a child going missing.

The CRC was opened for signature by the UN General Assembly on 20 November 1989 and entered into force on 2 September 1990.²⁹ There are currently 197 States Parties (196 countries have ratified and one country has signed, but not ratified) to the CRC.³⁰

Relevant to missing children,

- Article 1 defines “child” as “...every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”
- Article 2.2 explains that all children should be protected against all forms of discrimination.
- Article 3.2 stipulates that the State must provide protection and care as is necessary for the child’s well-being.
- Article 9.1 states that a child shall not be separated from his or her parents against their will, except when competent authorities determine separation is in the best interest of the child.
- Article 9.3 stipulates the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis.
- Article 10.1 specifies that the State will handle applications by a child or his or her parents to enter or leave the territory of a State Party for the purpose of family reunification.
- Article 11.1 specifies that the State must put measures in place to combat the illicit transfer and non-return of children abroad.
- Article 18.1 indicates that both parents have common responsibilities for the upbringing and development of the child.
- Article 19 provides that the State should have appropriate legislative, administrative, social, and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.
- Article 34 requires the State to protect the child from all forms of sexual exploitation and sexual abuse.

²⁷ Convention on the Rights of the Child, *supra* note 2.

²⁸ See Convention on the Rights of the Child, U.N. Treaty Collection Status Chart, at https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en (last visited Mar. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁹ Convention on the Rights of the Child, *supra* note 2.

³⁰ Convention on the Rights of the Child, U.N. Treaty Collection Status Chart, *supra* note 28.

- Article 35 requires the State to provide appropriate national, bilateral, and multilateral measures to prevent the abduction of, the sale of, or traffic in children for any purpose or in any form.
- Article 39 stipulates that States must take appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman, or degrading treatment or punishment; or armed conflicts.

Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography

The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography³¹ (*Optional Protocol*) to the CRC addresses the criminalization of the sale of children, child prostitution, and child pornography.

The Optional Protocol was opened for signature by the UN General Assembly on 25 May 2000 and entered into force on 18 January 2002.³² Currently, 173 countries have ratified the Optional Protocol and 9 others have signed, but not yet ratified, it.³³

This Optional Protocol does not refer to missing children explicitly; however, research previously mentioned shows the important link between child sexual exploitation and missing children. It is important for countries to ratify the Optional Protocol as it contributes to the protection of children and may prevent a child from going missing or being abducted.

- Article 1 prohibits the sale of children, child prostitution, and child pornography.
- Article 2 provides the following definitions:
 - (a) “Sale of children” means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;
 - (b) “Child prostitution” means the use of a child in sexual activities for remuneration or any other form of consideration;
 - (c) “Child pornography” means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.
- Article 3 requires States Parties to criminalize the sale of children, child prostitution, child pornography, and offering a child for the purposes of sexual exploitation, organ transfer, or forced labor, whether committed domestically or transnationally, on an individual or organized basis.
- Article 10.1 specifies the need for international cooperation by multilateral, regional, and bilateral arrangements for the prevention, detection, investigation, prosecution, and punishment of these responsible for the acts outlined in Articles 1 and 2.

³¹ Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, *supra* note 22.

³² *Id.*

³³ See Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, U.N. Treaty Collection Status Chart, at https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11-c&chapter=4&lang=en (last visited June 7, 2016) (on file with the International Centre for Missing & Exploited Children).

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (*Optional Protocol on Children in Armed Conflict*) acknowledges the harmful impact armed conflict has on child and the long-term consequences it has for durable peace, security, and development of a country.³⁴ The Optional Protocol on Children in Armed Conflict strengthens Article 38 of the CRC, recognizing the need for special protection for persons under the age of 18.

The Optional Protocol on Children in Armed Conflict was opened for signature by the UN General Assembly on 25 May 2000 and entered into force on 12 February 2002.³⁵ Currently, 165 countries have ratified the Optional Protocol on Children in Armed Conflict, and 14 other countries have signed, but not ratified, it.³⁶

The Optional Protocol on Children in Armed Conflict does not specifically address missing children's issues; however, the strong connection between children involved in armed conflict and missing children makes this a valuable resource.

- Article 2 states that persons under 18 years should not be compulsorily recruited into the armed forces.

³⁴ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, *supra* note 24.

³⁵ See Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, U.N. Treaty Office Chart of Signatures and Ratifications, at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en (last visited Mar. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

³⁶ *Id.*

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children

The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (*Palermo Protocol*), supplementing the United Nations Convention against Transnational Organized Crime, is the first international instrument focused on preventing and combating trafficking in persons, especially women and children.³⁷ The Palermo Protocol – the first global legally binding instrument with an agreed upon definition for “trafficking in persons” – was adopted by the UN General Assembly in an effort to facilitate harmonized national approaches and the development of domestic criminal offenses to support international cooperation in the investigation and prosecution of trafficking in persons cases.³⁸

The Palermo Protocol was opened for signature by the UN General Assembly on 15 November 2000 and entered into force on 25 December 2003. Currently, 169 countries have ratified the Palermo Protocol, and 3 other countries have signed, but not ratified, it.³⁹

While the Palermo Protocol does not focus directly on missing children’s issues, the link between trafficking and missing children makes this an important tool.

- Article 2 outlines the purpose of the Palermo Protocol to prevent and combat trafficking in persons, protect and assist victims of trafficking, and promote cooperation among States.
- Article 3 (a) provides a definition of “trafficking in persons” as follows:
“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
- Article 11 articulates the need for strong border controls to help prevent and detect trafficking in persons.
- Article 13 explains the need for measures to verify travel and identity documents.

³⁷ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, *supra* note 23.

³⁸ *United Nations Convention against Transnational Organized Crime and the Protocols Thereto*, at <https://www.unodc.org/unodc/treaties/CTOC/> (last visited June 10, 2016) (on file with the International Centre for Missing & Exploited Children).

³⁹ See Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, U.N. Treaty Office Chart of Signatures and Ratifications, at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en (last visited Mar. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

International Convention for the Protection of All Persons from Enforced Disappearance

The International Convention for the Protection of All Persons from Enforced Disappearance (*International Convention on Enforced Disappearance*) recognizes the seriousness of enforced disappearance, which constitutes a crime and, in some circumstances, is defined in international law.⁴⁰

The International Convention on Enforced Disappearance was opened for signature by the UN General Assembly on 20 December 2006 and entered into force on 23 December 2010. Currently, 52 countries have ratified the International Convention on Enforced Disappearance, and 50 countries have signed, but not yet ratified, it.⁴¹

The International Convention on Enforced Disappearance focuses on a particular circumstance of how a person may go missing or be abducted. It provides a broad framework to combat the issue and create measures to protect women and children.

- Article 1 provides that no one should be subjected to enforced disappearance.
- Article 2 defines “enforced disappearance” as “...the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”
- Article 3 stipulates that States Parties take appropriate measures to investigate acts of enforced disappearance.
- Article 12.1 ensures that any individual who alleges that a person has been subjected to enforced disappearance can report the information to authorities for investigation.
- Article 19 provides that personal information collected during the search for a disappeared person will not be used or made available for purposes other than the search.
- Article 23 ensures that each State Party will provide training for professionals involved in enforced disappearance cases, such as law enforcement, military, public officials, and medical personnel.
- Article 25.1 (a) requires that each State Party take measures to prevent and punish the wrongful removal of children subjected to enforced disappearance.
- Article 25.1 (b) requires that each State Party implement measures to prevent the falsification, concealment, or destruction of documents attesting to the true identify of children who have been subjected to enforced disappearance.

⁴⁰ International Convention for the Protection of All Persons from Enforced Disappearance, *supra* note 3.

⁴¹ See International Convention for the Protection of All Persons from Enforced Disappearance, U.N. Treaty Collection Status Chart, at https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-16&chapter=4&lang=en (last visited Mar. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

- Articles 25.2 and 25.3 stipulate that each State Party take the necessary measures to search for and identify children subjected to enforced disappearance and assist one another in searching for, identifying, and locating children subjected to enforced disappearance.
- Article 26 establishes a Committee on Enforced Disappearances to carry out the functions provided for under the International Convention on Enforced Disappearance.

Convention of 25 October 1980 on the Civil Aspects of International Child Abduction

The Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (*Hague Abduction Convention*) seeks to combat international parental child abduction by providing a system of cooperation between Central Authorities in Contracting States and a rapid procedure for the return of the child to the country of the his or her habitual residence.⁴²

The Hague Abduction Convention was opened for signature by The Hague Conference on Private International Law on 25 October 1980 and entered into force on 1 December 1983.⁴³ Currently, 94 countries (72 Member States and 22 Non-Member States) have ratified or acceded to The Hague Abduction Convention.⁴⁴ With regard to parental abduction:

- The preamble notes that the best interests of the child are of paramount importance in matters relating to their custody.
- Article 1 defines the objects of the Hague Abduction Convention as securing the prompt return of children wrongfully removed to or retained in any Contracting State, and ensuring that the rights of custody and access under the law are respected in each Contracting State;
- Article 2 requires that Contracting States take all appropriate measures within their territories to secure the implementation of the objects of the Hague Abduction Convention with the most expeditious procedures available.
- Article 3 considers the removal or retention of a child to be wrongful if it is in breach of custody rights of a person under the law of the State in which the child was habitually resident before the removal or retention.
- Article 7 requires that Central Authorities cooperate to secure the prompt return of children, including discovering the child's whereabouts, securing the voluntary return of the child, providing legal aid and advice, providing administrative arrangements for the child's return, and sharing information.
- Article 8 provides a mechanism to report the removal or retention of a child in breach of custody rights and seek assistance in securing the return of the child.

⁴² Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, *supra* note 4.

⁴³ The Hague Abduction Convention initially was open for signature only by the Member States of The Hague Conference on Private International Law. However, it now is open to any State.

⁴⁴ See Convention of 25 October 1980 on the Civil Aspects of International Child Abduction: Status Table, at <https://www.hcch.net/en/instruments/conventions/status-table/?cid=24> (last visited Mar. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

Regional Context

All countries reviewed in this report are members of the Association of Southeast Asian Nations (ASEAN). While ASEAN does not currently have policies or programs specific to missing children's issues, it has passed several agreements on children's rights and broader child protection issues, as well as initiated two commissions promoting children's participation and overall well-being. These initiatives provide important outlets for ASEAN members to take further action to address missing children's issues regionally and encourage Member States to enact legislation on missing children nationally.

Despite the lack of a regional legal framework specific to missing children and the regional challenges that exacerbate missing children's issues, such as high rates of sex trafficking and a lack of national and regional data collection and response mechanisms, advances have been made. For instance, the Philippines drafted two bills specifically regarding missing children; Cambodia has a law requiring that cases involving children be immediately investigated upon receipt of a complaint; and Malaysia has a rapid emergency child alert system to notify the public when a child goes missing. In addition to these national legislative efforts, there have been several multi-national child protection initiatives, including efforts by INTERPOL, the Coordinated Mekong Ministerial Initiative Against Trafficking, the Asian Human Rights Commission, and various public-private partnerships. Although no country in Southeast Asia has passed comprehensive legislation specific to missing children, these initiatives show that the region has demonstrated awareness of and a willingness to work toward ensuring that children are better protected.

Regional Considerations

Perhaps the greatest challenge in gaining insight into the issue of missing and abducted children specific to the Southeast Asian region is the lack of available data. Much of the information that is available pertains to Southeast Asia or Asia more broadly and to related issues, such as missing persons, child exploitation, and human trafficking. Missing children cases often are under-reported or under-recognized, and few countries in the region have policies in place to facilitate data collection. The data that is available may be inaccurate due to imprecise or inconsistent collection methods, lack of a consistent definition of "missing child" and response to the issue, and, in some cases, reluctance to engage law enforcement.

While concrete statistics are limited, there is significant anecdotal information indicating that many children who are missing or abducted become vulnerable to sexual exploitation, trafficking, and prostitution. With the global increase in attention to the issue of human trafficking, some studies have attempted to estimate the number of child trafficking victims in Southeast Asia. For example, the International Labor Organization reported that of the over 2 million children under 18 years of age worldwide working in prostitution, half live in Asia.⁴⁵ UNICEF estimated that 35% of the sex workers in the Greater Mekong Sub-region⁴⁶ are under the age of 17.⁴⁷ These numbers present a grim picture of child sex trafficking in the region, and significantly highlight the need for legislative and policy reform to protect vulnerable children.

Studies also show high rates of child abuse in Southeast Asia and throughout Asia. A UNICEF report published in 2012, "Child Maltreatment: Prevalence, Incidence, and Consequences in the East Asia and Pacific Region," compiled data and research on child abuse in the region and its effect on the

⁴⁵ *United Nations Background Note: Children's Rights*, Page 2 (on file with the International Centre for Missing & Exploited Children).

⁴⁶ The Greater Mekong Sub-region includes: Cambodia, Lao PDR, Myanmar, Thailand, Vietnam, and Yunnan Province, China.

⁴⁷ *Child Trafficking Prevalent Throughout Southeast Asia*, VOICE OF AMERICA, Oct. 29, 2009, at <http://www.voanews.com/content/a-13-child-trafficking-prevalent-throughout-southeast-asia-67390462/382777.html> (last visited Feb. 9, 2016) (on file with the International Centre for Missing & Exploited Children).

family and the community. This UNICEF report asserted that, in East Asia, between 10% (China) and 30.3% (Thailand) of children suffer from physical abuse. The prevalence of severe abuse (kicking, beating with objects, and beating or fisting to the point of physical injury) ranges from 8.6% to 23.1% across the region.⁴⁸ A study in the Philippines examining adverse childhood experiences among a sample of adults found that 22.5% experienced physical neglect such as a lack of food and dirty clothing, and 43.6% reported psychological neglect, including not feeling loved and feeling hated by family members.⁴⁹ Generally speaking, child abuse, abandonment, and neglect are some of the key reasons children run away from home. When the root causes are not resolved, the underlying issues may worsen, pushing children out of their homes and onto the streets, making them increasingly vulnerable.

Asia-Pacific, including the Southeast Asian countries discussed in this report, is the world's most disaster-prone region.⁵⁰ According to a 2013 World Bank Report, the Asia-Pacific region has accounted for 61% of global losses from disasters in the past 20 years, with more than 1.7 billion people affected.⁵¹ Recent history has shown that natural disasters, including earthquakes, volcanic eruptions, tsunamis, typhoons, and cyclones often displace people, separate families, and leave large numbers of missing children in their wakes.⁵² According to the Red Cross, Typhoon Haiyan, known in the Philippines as Typhoon Yolanda, left 22,000 people missing in 2011.⁵³ Research suggests that the impact of natural disasters will continue to be significant as East Asian cities continue to grow, with greater concentrations of people in urban areas, thus becoming increasingly vulnerable to disasters and the displacement they cause.⁵⁴ This represents a challenge for the region as ASEAN Member States and other affected countries must develop tools to locate missing children and reunify families in the aftermath of disasters.

According to the International Organization for Migration, in 2010, Asia hosted 27.5 million migrants, approximately 13% of the total global figure.⁵⁵ Southeast Asia, in particular, is experiencing what some have termed a "migrant crisis" as exponentially increasing numbers of migrants, both documented and undocumented, from Bangladesh and Myanmar have relocated to Indonesia, Malaysia, and Thailand.⁵⁶ Such emigration and immigration can result in missing children. Unaccompanied or abandoned migrant children may have travelled alone, with or without custodial permission, or may have been separated from family members while traveling. Many of these

⁴⁸ UNICEF, CHILD MALTREATMENT: PREVALENCE, INCIDENCE AND CONSEQUENCES IN THE EAST ASIA AND PACIFIC REGION (2012) xi, at http://www.unicef.org/eapro/Child_Maltreatment.pdf (last visited Feb. 9, 2016) (on file with the International Centre for Missing & Exploited Children).

⁴⁹ *Id.* at xii.

⁵⁰ *Asia-Pacific report: World's most disaster prone region experiences three-fold rise in deaths*, UN NEWS CENTRE, Dec. 18, 2014, at <http://www.un.org/apps/news/story.asp?NewsID=49642#.VhQAVPIVhHw> (last visited Feb. 9, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵¹ *Strong, Safe and Resilient – A Strategic Policy Guide for Disaster Risk Management in the East Asia and the Pacific*, THE WORLD BANK, June 3, 2013, at <http://www.worldbank.org/en/news/feature/2013/06/03/strong-safe-and-resilient-a-strategic-policy-guide-for-disaster-risk-management-in-the-east-asia-and-the-pacific> (last visited Feb. 9, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵² *Disaster Response*, NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN, at <http://www.missingkids.org/DisasterResponse> (last visited Feb. 9, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵³ Carmela Cruz and Chico Harlan, *Aid starts flowing to Philippine typhoon survivors, but thousands missing*, THE WASHINGTON POST, Nov. 14, 2013, at https://www.washingtonpost.com/world/asia_pacific/aid-starts-flowing-to-philippine-typhoon-survivors-but-thousands-missing/2013/11/14/24c71fcc-4d4b-11e3-9890-a1e0997fb0c0_story.html (last visited Feb. 9, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁴ *Strong, Safe and Resilient – A Strategic Policy Guide for Disaster Risk Management in the East Asia and the Pacific*, *supra* note 51.

⁵⁵ *Asia and the Pacific*, INTERNATIONAL ORGANIZATION FOR MIGRATION (2015), at <http://www.iom.int/asia-and-pacific> (last visited Feb. 12, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁶ *Understanding Southeast Asia's Migrant Crisis*, THE NEW YORK TIMES, May 14, 2015, at <http://www.nytimes.com/interactive/2015/05/14/world/asia/Understanding-Southeast-Asias-Migrant-Crisis.html> (last visited Feb. 9, 2016) (on file with the International Centre for Missing & Exploited Children).

children are refugees, asylum-seekers, or stateless.⁵⁷ According to the United Nations High Commissioner for Refugees, migrant children, particularly refugees, are especially vulnerable to physical abuse, kidnapping, sexual exploitation, sex trafficking, and forced labor, including forced donation of organs, forced drug smuggling, and begging.⁵⁸ With no indication that current influxes of migrants and refugees will ebb, ASEAN Member States contend with yet another regional challenge and thus must develop policies that take unaccompanied and missing migrant children into consideration.

Regional Legal Framework

While improving domestic legislation and policies within each Southeast Asian country is vital to the progress of creating a universal definition of, and standard approach to, the issue of missing children, a cohesive regional response also is essential. The ASEAN governing body is in a unique position to lead this movement and transform the region's response to the issue of missing children. ASEAN was established to foster cooperation in the economic, social, cultural, technical, educational, and agricultural fields, as well as to promote peace and stability within the region.⁵⁹ The organization has the ability to pass legally-binding agreements, develop protocols and instruments, and associate with businesses and civil society organizations, which ultimately allows ASEAN to promote certain regional issues with a large-scale and unified perspective. While ASEAN does not currently have programming on missing children's issues, ASEAN could play a significant role in making concrete changes in support of child protection and, more specifically, missing children's issues, throughout Southeast Asia.

Since its inception, ASEAN has passed more than 80 formal, legally-binding agreements.⁶⁰ These agreements, between and among ASEAN Member States, are international legal instruments that were either signed by authorized representatives or ratified by Member States. Several of these agreements reflect the organization's commitment to children's rights and child protection issues. In 2001, ASEAN adopted the Declaration on the Commitments for Children, which recognizes children's rights in accordance with the CRC and calls on Member States to protect children and equip them to achieve their full potential.⁶¹ In 2004, ASEAN adopted the Declaration Against Trafficking in Persons Particularly Women and Children, which committed Member States to adopt a regional network and utilize existing domestic laws and policies to prevent and combat trafficking in persons.⁶² In 2010, ASEAN's Hanoi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children pledged to foster concerted efforts for the enhancement of the welfare and development of women and children in the ASEAN region.⁶³ In 2013, ASEAN published the ASEAN Human Rights Declaration, which established a framework for human rights cooperation in the region; Article 26 (3) of this Declaration protects all children in the region from economic and social exploitation.⁶⁴ Lastly,

⁵⁷ 2015 UNHCR subregional operations profile – South-East Asia, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (2015), at <http://www.unhcr.org/pages/4b17be9b6.html> (last visited Feb. 9, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁸ UNHCR concerned at reports of sexual violence against refugee women and children, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, Oct. 23, 2015, at <http://www.unhcr.org/562a3bb16.html> (last visited Feb. 12, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁹ About ASEAN, ASEAN, at <http://www.asean.org/asean/about-asean> (last visited Feb. 9, 2016) (on file with the International Centre for Missing & Exploited Children).

⁶⁰ ASEAN Legal Instruments, ASEAN, at <http://agreement.asean.org/home/index.html> (last visited Feb. 9, 2016) (on file with the International Centre for Missing & Exploited Children).

⁶¹ Declaration on the Commitments for Children in ASEAN (adopted Aug. 2, 2001) (on file with the International Centre for Missing & Exploited Children).

⁶² ASEAN Declaration Against Trafficking in Persons Particularly Women and Children (adopted Nov. 29, 2004) (on file with the International Centre for Missing & Exploited Children).

⁶³ Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children (adopted Oct. 28, 2010) (on file with the International Centre for Missing & Exploited Children).

⁶⁴ ASEAN Human Rights Declaration (adopted Nov. 18, 2012) (on file with the International Centre for Missing & Exploited Children).

in 2015, ASEAN adopted the Convention Against Trafficking in Persons, Especially Women and Children, which reaffirmed its prior commitments and acknowledged that trafficking in persons constitutes a violation of human rights.

As a result of these agreements, in 2010, ASEAN established the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) and the ASEAN Children's Forum (ACF). The ACWC is aimed at promoting the well-being, development, and participation of women and children. One of the mandates of the ACWC is to develop policies, programs, and innovative strategies to promote and protect the rights of women and children. Likewise, the ACF, which takes place every two years, is comprised of child representatives from each ASEAN Member State who participate in community building and advocate for issues affecting their lives, including children's rights. The ACWC met for the first time in Indonesia in February 2011,⁶⁵ and the ACF met in the Philippines in 2010, Singapore in 2012, and Thailand in 2014.⁶⁶

Regional Initiatives

Despite the challenges the region faces, there have been several successful multi-national child protection efforts to address the issue of missing children. In addition to the efforts by ASEAN, INTERPOL, which addresses both crimes against children and missing persons cases, also has also been instrumental in the region. In June 2014, INTERPOL implemented Project Childhood, a joint program with World Vision, the United Nations Office on Drugs and Crime (UNODC), and the Australian AID Program, to combat the issue of child sexual exploitation through prevention and protection in the Greater Mekong sub-region.⁶⁷ In September 2014, the INTERPOL Global Complex Innovation Centre (IGCI) was opened in Singapore. The IGCI is a research and development facility to assist with training, operational support, partnerships, and the identification of crime and criminals.⁶⁸ While neither Project Childhood nor the IGCI is aimed at specifically addressing the issue of missing children, both projects increase INTERPOL's presence and resources in the region and present opportunities for future collaboration on the issue.

Another organization instrumental in regional awareness raising is the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT). In 2004, the governments of the six countries in the Greater Mekong Sub-region⁶⁹ signed a Memorandum of Understanding (MOU) to commit to responding to human trafficking.⁷⁰ COMMIT is managed by six national task forces comprised of representatives from the government, law enforcement, social services, the criminal justice system, women's organizations, and other agencies from their respective countries. Delegates from these task forces convene biannually to hold discussions and set priorities at the regional level. COMMIT has implemented a series of anti-trafficking activities, including a training initiative in Cambodia, cross-border collaboration efforts in Myanmar and Thailand, and a shelter improvement program in Vietnam.⁷¹ COMMIT also has leveraged multi-sectoral partners, including UN agencies, NGOs, and

⁶⁵ *Women and Children Rights Get Spotlight in ASEAN*, ASSOC. OF SOUTHEAST ASIAN NATIONS, Feb. 16, 2011, at <http://www.asean.org/women-and-children-rights-get-spotlight-in-asean/> (last visited Feb. 9, 2016) (on file with the International Centre for Missing & Exploited Children).

⁶⁶ *ASEAN and Child Rights*, CHILD RIGHTS COALITION ASIA, at <http://childrightscoalitionasia.org/asean-and-child-rights/> (last visited Feb. 9, 2016) (on file with the International Centre for Missing & Exploited Children).

⁶⁷ *Sex offenders*, INTERPOL, at <http://www.interpol.int/Crime-areas/Crimes-against-children/Sex-offenders> (last visited Feb. 9, 2016) (on file with the International Centre for Missing & Exploited Children).

⁶⁸ The INTERPOL Global Complex for Innovation, INTERPOL, at <http://www.interpol.int/About-INTERPOL/The-INTERPOL-Global-Complex-for-Innovation/About-the-IGCI> (last visited Feb. 9, 2016) (on file with the International Centre for Missing & Exploited Children).

⁶⁹ The Greater Mekong Sub-region, *supra* note 46.

⁷⁰ *COMMIT: The Coordinated Mekong Ministerial Initiative Against Trafficking*, COMMIT, at <http://www.no-trafficking.org/commit.html> (last visited Feb. 9, 2016) (on file with the International Centre for Missing & Exploited Children). See also 2004 COMMIT MOU, at <http://un-act.org/publication/2004-commit-mou/> (last visited Feb. 26, 2016) (on file with the International Centre for Missing & Exploited Children).

⁷¹ *Id.*

inter-governmental organizations.⁷² While COMMIT's work is currently trafficking-specific, the organization is poised to broaden its reach to include the issue of missing children.

Like COMMIT, the Asian Human Rights Commission (AHRC) is an independent, non-governmental body that seeks to promote greater awareness of human rights in Asia and mobilize Asian and international public opinion to ensure that human rights abuses no longer occur. AHRC operates in: Afghanistan, Bangladesh, Cambodia, Hong Kong, India, Indonesia, Myanmar, Nepal, Pakistan, the Philippines, South Korea, Sri Lanka, and Thailand. AHRC investigates allegations of human rights violations through independent, three-person commissions, and develops educational programs to generate awareness of human rights abuses. Of note, AHRC has operated the website www.disappearances.org since 1998. This website, called "a Cyberspace Graveyard for Disappeared Persons," contains news articles, press releases, country reports, and other documents on cases involving missing persons. AHRC considers missing persons a "dastardly human rights crime."⁷³

Collaboration between government, law enforcement agencies, NGOs, and the private sector is essential to developing a successful regional response to the issue of missing children and all aspects of child protection. The Southeast Asia region has seen several successful public-private partnerships through which relevant stakeholders on the national, regional, and international levels have worked together to address the issue of missing children. For example, in 2007, RHB Banking Group partnered with the Royal Malaysia Police to provide alternative channels of communication to distribute posters of missing children and develop a child safety campaign.⁷⁴ Similarly, in 2010, two NGOs, Action Pour Les Enfants Cambodia and the International Justice Mission, and the Cambodian Ministry of Interior signed an MOU to formalize their working relationship and allow the NGOs to conduct training sessions on rescue operations for Cambodian law enforcement agencies.⁷⁵

⁷² *Id.*

⁷³ *Asian Human Rights Commission*, AHRC, at <http://www.humanrights.asia/> (last visited Feb. 9, 2016) (on file with the International Centre for Missing & Exploited Children).

⁷⁴ *Directory of Asia-Pacific Human Rights Centers*, PBWORKS, at <http://hurights.pbworks.com/w/page/11947501/Hong%20Kong%20Centers> (last visited Feb. 9, 2016) (on file with the International Centre for Missing & Exploited Children).

⁷⁵ *IJM Renews Historic Agreement with Cambodian Law Enforcement*, IJM, Nov. 6, 2013, at <https://www.ijm.org/news/ijm-renews-historic-agreement-cambodian-law-enforcement> (last visited Feb. 9, 2016) (on file with the International Centre for Missing & Exploited Children).

Recommendations & Conclusion

As a first step, ICMEC recommends that all of the countries addressed in this report adopt a basic child protection infrastructure, which includes, at a minimum, the elements detailed in the Model Missing Child Framework. To ensure that children in the region are better protected, adopting a framework is a gateway to further action and sustainable change. There must be comprehensive, cross-sectoral efforts to implement and enforce the provisions of that framework in order for it to be a truly useful tool for addressing missing children's issues and combating child exploitation. However, implementation – viewed broadly – goes well beyond simply ensuring that each component of the framework is integrated into the existing systems within a country. Effective implementation is fostered by a robust alliance amongst stakeholders to help maximize resources, avoid duplication of efforts, facilitate the exchange of information, and aid in the swift identification of child victims and the perpetrators who harm them. In some cases, countries may develop and implement good practices despite an absence of law.

In addition to national frameworks, a regional plan of action also should be developed to provide guidance to countries and their respective government agencies. As all of the Southeast Asian countries discussed in this report are members of ASEAN, this regional body is in an excellent position to develop and implement a regional plan and to encourage the countries of Southeast Asia to work together and coordinate their efforts to better protect children. Shared resources would allow countries to broaden their expertise, and collective monitoring would hold countries accountable for progress. Similarly, a data-sharing system would allow countries to improve investigative efficiency and effectiveness as children are moved, trafficked, migrating, displaced, and otherwise missing across national borders, and better define the scope of the problem and allocate the necessary resources. When well-aligned, these regional efforts can also serve as important motivators for a country to frame child protection as a national priority and drive legislation towards effective and lasting implementation.

ASEAN should work to ensure that the 2004 Declaration Against Trafficking in Persons Particularly Women and Children and the 2015 Convention Against Trafficking in Persons, Especially Women and Children, are effectively implemented in all Member States. Improved border control mechanisms, focused specifically on children, would help address human trafficking, and also help identify vulnerable unaccompanied or abandoned migrant children and deter potential cross-border abductions.

Regional collaboration must also be extended to address emergency situations, such as natural disasters, and the children who are displaced and missing as a result of them. ASEAN has taken steps to enhance the regional capacity for disaster response operations, and has developed regional mechanisms and institutions to respond to disaster-hit areas. However, these mechanisms do not yet address missing children. ASEAN seems the natural leader to develop a better way to coordinate the reunification of families separated during natural disasters and a tool specifically to report children displaced during a disaster that can be utilized across the region.⁷⁶

With the efforts of multi-national organizations, such as COMMIT and AHRC, Southeast Asian nations are taking steps towards a more collaborative landscape. These partnerships can facilitate formal agreements between agencies involved in child protection; foster community engagement programs; and help with the development of prevention, awareness, and training campaigns. These partnerships also can lead to the establishment of regional task forces, thereby increasing the reach of localized initiatives and further enhancing the protection of children across the region. It also is important to stimulate multi-national, public-private alliances. Partnerships between governments, local, national, and international law enforcement agencies, NGOs, and the private sector may

⁷⁶ Disaster Response, *supra* note 52.

provide a mechanism for alerting authorities of ongoing investigations; facilitate data exchange; address cross-border issues; disrupt the movement of criminals; and improve the ability to locate missing children and suspected abductors. In addition to providing funding, the private sector can be vital in the development of innovative solutions as seen with the RHB Banking Group in Malaysia.

Collaboration is a fundamental pillar of ICMEC's work, as evidenced by our Global Missing Children's Network (GMCN). The GMCN brings together law enforcement and NGOs around the world that are working on missing children's issues and cases, and provides member countries with useful resources as they develop meaningful missing children responses. The GMCN hosts a free multi-lingual database for its members that displays and distributes images of and information about missing children to the public through the Internet, and is a mechanism for sharing information and best practices. To date, 24 countries from four continents participate in the GMCN and many others collaborate by sharing best practices and models.⁷⁷ In December 2015, ICMEC held its annual GMCN conference in Singapore and invited various Southeast Asian organizations to participate with the goal of encouraging future membership in the GMCN. Southeast Asian countries can utilize the resources of the GMCN as they develop their own domestic legislation and policies as well as continue to build on other public-private alliances to create innovative programs, develop more reliable information systems, maximize resources, and ultimately enhance child protection.

Finally, around the world, funding is often the greatest impediment to the success of missing children investigations, prevention and awareness campaigns, and other related initiatives. Consequently, it is strongly recommended that countries collaborate, share information, and engage partners to maximize existing resources. In addition, the connections between missing children and other issues more often at the forefront of media conversations, such as human trafficking and natural disasters, should be noted. The invariable overlap between these issues should be highlighted so that missing children's issues garner more attention and possibly financial support, and be incorporated into existing mechanisms addressing these related issues.

⁷⁷ The following countries are represented in the GMCN: Albania, Argentina, Australia, Belarus, Belgium, Brazil, Canada, Germany, Greece, Ireland, Italy, Jamaica, Mexico, the Netherlands, New Zealand, Poland, Romania, Russia, Serbia, South Africa, South Korea, Spain, the United Kingdom, and the United States.

Regional Legislative Review Results

Please consult *Appendix II* for additional country-specific information.

✘ = No
✓ = Yes

Country	Is there legislation specific to missing children that includes a definition of “missing child”?	Are there laws requiring missing child cases to be immediately investigated?	Are there entry and exit requirements for children?	Is there a national registry of reported missing child cases?	Are there reporting mechanisms to report a missing child/provide tips?	Does a rapid public notification system exist?
Brunei Darussalam	✘	✘ ⁷⁸	✘	✘	✘	✘
Cambodia	✘	✓ ⁷⁹	✘	✘ ⁸⁰	✘	✘
Indonesia	✘	✘ ⁸¹	✓ ⁸²	✘	✘	✘
Lao PDR	✘	✘ ⁸³	✘	✘	✘	✘
Malaysia	✘	✓ ⁸⁴	✘	✘	✘	✓

⁷⁸ The Children and Young Persons Order of 2006 of Brunei Darussalam acknowledges the need for immediate protection for children when there is physical and emotional harm, neglect, and abandonment.

⁷⁹ Article 74 of the Criminal Procedure Code of Cambodia indicates that the Judicial Police must start a preliminary investigation immediately upon receiving a complaint of any kind with the advice of a prosecutor.

⁸⁰ Email Correspondence with Eric Meldrum, Agape Int’l Missions, Feb. 6, 2014 (on file with the International Centre for Missing & Exploited Children). As of 2014, Agape International Missions was working to build the Cambodian Missing Children and Anti-trafficking Project (CaMCAT) to be the first database on missing children. No current information is available.

⁸¹ According to the Ministry of Social Affairs of Indonesia, the police will take a report at any time from a parent or guardian. However, it then takes 24 hours to process the information before an investigation can begin.

⁸² Australian Government Refugee Tribunal, Country Advice Indonesia: Child, Exit Procedures and Parental Consent (on file with the International Centre for Missing & Exploited Children) If the child is traveling with an adult other than his or her parents, the parent’s written consent, copies of both parent’s passports, and a copy of the child’s birth certificate must be provided to the immigration officials by the accompanying adult (Australian Government Refugee Tribunal, Country Advice Indonesia: Child, Exit Procedures and Parental Consent) (on file with the International Centre for Missing & Exploited Children)

⁸³ Under Articles 39 and 40 of the Law on the Protection of the Rights of Children of Lao PDR, if the Committee on the Protection and Assistance to Children receives a report of a child in need of special protection, the Committee will take “immediate measures.”

⁸⁴ The Government of Malaysia launched the NUR Alert in 2011 headed by the Royal Malaysian Police who have the responsibility to investigate missing child cases immediately when a child is missing under 12 years of age. This requirement for immediate investigation is not specifically designated in legislation but is a policy for the launch of the NUR Alert.

Country	Is there legislation specific to missing children that includes a definition of “missing child”?	Are there laws requiring missing child cases to be immediately investigated?	Are there entry and exit requirements for children?	Is there a national registry of reported missing child cases?	Are there reporting mechanisms to report a missing child/provide tips?	Does a rapid public notification system exist?
Myanmar	✗	✗	✗	✗	✗	✗
Philippines	✗ ⁸⁵	✗ ⁸⁶	✗ ⁸⁷	✗	✗	✗
Singapore	✗	✗ ⁸⁸	✗	✗	✗	✗
Thailand	✗	✗	✗	✗	✗	✗
Vietnam	✗	✗	✗	✗	✗	✗

⁸⁵ The Philippines introduced two Bills regarding missing children: 1) Senate Bill No. 351, entitled the “National Children Recovery Program Act (2013); and 2) House Bill No. 77, known as the “National Center for Missing Children Act” (2013). Both Bills would have provided a definition of missing children but the Bills have not passed and need to be reintroduced.

⁸⁶ According to police policy, introduced by the Chief Director General, the Philippines only responds immediately if a missing child is younger than 12 years old.

⁸⁷ In cases where a child is traveling abroad alone, with someone other than his or her parents, or with one parent where there is an ongoing legal custody battle, children must obtain a travel clearance from the Department of Social Welfare and Development and present the travel clearance to the Immigration Officer prior to departure. (Bureau of Immigration of the Philippines) (on file with the International Centre for Missing & Exploited Children).

⁸⁸ The Information Booklet on Police Procedures by the Singapore Police Force provides that if a family member or friend has searched and failed to locate the missing person, they must make a police report immediately.

Appendix I.

Inquiry Form

International Instruments

1. Has the country signed and ratified the United Nations Convention on the Rights of the Child?
 Yes, ratified on:
 No
If necessary, was implementing legislation passed?
 Yes, passed on:
 No

2. Is the country a signatory to The Hague Convention on the Civil Aspects of International Child Abduction?
 Yes, ratified on:
 No

If necessary, was implementing legislation passed?
 Yes, passed on:
 No:

National Legislation

3. Is the term “child” defined in national legislation?
 Yes:
 No

3.1. If so, how is “child” defined? Please describe the definition of child found in the different codes particularly if the definition varies from one source to another (Criminal Code, Civil Code, child code/act, etc.) and cite codes, articles and sections in each definition.

4. Does the country have specific national legislation covering missing children?
 Yes (*please respond to questions 4.1.1 to 4.1.12*)
 No (*please respond to questions 4.2.1 to 4.2.4*)
 Currently being developed (*please respond to questions 4.1.1 to 4.1.12*)

4.1. If yes:
 - 4.1.1. How is the term “missing child” defined?

 - 4.1.2. Where is the definition of “missing child” found in the national legislation? Please cite code, articles and sections (Criminal Code, Civil Code, child code/act, etc.).

 - 4.1.3. Does the legislation designate an agency/department/division/organization in charge of taking a report of a missing child? If yes, please provide a brief description of the agency and a point of contact (PoC) for said organization.
 Yes. Brief description of the organization and PoC:
 No

 - 4.1.4. Is there any national/state written policy guidance on which agency should intake a report of a missing child (i.e., any law enforcement agency, some other mandated non-law enforcement agency, local law enforcement where the child went missing, local law enforcement in the child’s place of habitual residence, etc.) and how to proceed? If yes, please provide a copy of the policy (if possible) and/or provide a brief summary.

- Yes
- No. Describe:

4.1.5. Does the legislation account for/specify different categories of “missing children” (i.e., runaways, missing for an unknown reason, victims of stranger abduction, victims of family abduction, victims of trafficking, etc.)? If so, please describe these categories, citing the code, articles and sections (Criminal Code, Civil Code, child code/act, etc.).

- Yes, describe:
- No

4.1.6. Does legislation on missing children mandate law enforcement (or any other agency investigating the case) to begin an investigation immediately upon receiving the report of a missing child? If not, please describe the cases that require parents (or anyone else) to wait prior to reporting a child as missing, and indicate the waiting period. Please cite code, articles and sections (Criminal Code, Civil Code, child code/act, etc.).

- Yes
- No. Cases and Waiting period?

4.1.7. If the mandated agency is a law enforcement agency, are there any written policies to address possible jurisdictional conflict (i.e., if a child goes missing in a place other than the place of her habitual residence)? If so, please describe the internal policy.

- Yes, description of policy:
- No

4.1.8. If the agency in charge of receiving the report (intake agency) is different than the agency responsible for investigating the missing child case (investigative agency), is there a specified amount of time in which the intake agency must forward the report to investigative agency (law enforcement or any other)?

- Yes. How long?
- No

4.2. If the answer is no, and there is no specific legislation on missing children:

4.2.1. Are there supporting laws to protect/address/account for children that go missing (including, but not limited to: runaways, missing for an unknown reason, victims of stranger abduction, victims of family abduction, victims of trafficking, etc.)? Please describe which laws are used, citing the code, articles and sections (Criminal Code, Civil Code, child code/act, etc.).

- Yes. Laws:
- No

4.2.2. Does law enforcement (or any other organization) have written policies to guide their response to missing children? If yes, please describe if policy does or does not encompass different categories of “missing children” (i.e., runaways, missing for an unknown reason, victims of stranger abduction, victims of family abduction, victims of trafficking, etc.)?

- Yes, describe:
- No

4.2.3. Is law enforcement required to investigate all cases of missing children immediately? If not, please describe if there is an established waiting period for certain cases of missing children (i.e., children who run away from home, family

abduction, etc.), which cases should wait to be reported and how long? Please cite code, articles, and sections (Criminal Code, Civil Code, child code/act, etc.).

- Yes
 No. Waiting period?

4.2.4. Are there any organizations (law enforcement and non-law enforcement) involved in the process of investigating and locating missing children (including, but not limited to: runaways, missing for an unknown reason, victims of stranger abduction, victims of family abduction, victims of trafficking, etc.) in the country? If so, please describe their duties/roles (investigation of the missing child case, family assistance, dissemination of posters, etc.).

- Yes. Description of organizations role:
 No

5. Does the country have legislation governing the entry and exit of children in the country?

- Yes
 No
 Currently being developed

5.1. If yes, are there any provisions that would prevent a child's removal from the country without the permission of his/her custodial parent/legal guardian? Please describe the procedures as well as the requirements for leaving/entering the country (i.e., if the permission of both parents is needed, how this permission can be obtained, who reviews the documentation, etc.). Please cite code, articles, and sections (Criminal Code, Civil Code, child code/act, etc.).

- Yes, please describe:
 No

6. Are there sentencing guidelines, sentencing enhancements, or aggravating factors in place when child abduction is considered a crime? If yes, how are they implemented?

- Yes, describe:
 No

Policies & Practices Questions

7. When investigating a missing child case, which local/national/federal agency/department is responsible for conducting the investigation?

8. Please check any mechanisms that exist in the country to register and/or track citizens (including but not limited to civil and criminal records).

- Birth registration
 Fingerprinting
 DNA database
 Criminal databases
 Missing persons
 Conflict-specific databases
 Natural disaster management databases
 Other. Please describe:

8.1. Is there a separate or specific database related to register and/or track missing children? (civil and criminal records)

- Yes, is it legislated? If so, please provide details:
 No

9. Is there a clear mechanism for reporting missing children to law enforcement or to other designated organizations? If so, please describe the mechanisms and the steps for reporting a child as missing.
- Yes, please describe procedures:
 No
10. What data is collected when a missing child report is filed? Please describe all categories, and attach a copy of any forms used for this purpose.
11. Are there separate definitions/categorization of what is considered a missing child by law enforcement or other designated organization handling cases? (i.e., runaways, missing for an unknown reason, victims of stranger abduction, victims of family abduction, victims of trafficking, etc.)
- Yes, describe:
 No
12. Are there mechanisms/tools for investigating “cold cases,” that is, cases of children who have been missing for long periods of time? If yes, please describe the mechanisms/tools.
- Yes, which:
 No
13. Are there any requirements or restrictions for reporting and/or investigating a missing child case (for example, must a parent/guardian make the report to law enforcement or anyone can report, only cases of abduction/trafficking/kidnapping can be reported, any age limits, etc.)? If yes, please describe
- Yes, which:
 No
14. In case of multiple agencies/organizations working on missing child cases (law enforcement, social workers, NGOs, etc.) are there meetings to coordinate actions/strategize? If yes, please describe the frequency of those meetings.
- Yes, how often:
 No
15. Is there a notification system to alert law enforcement agencies, and/or other relevant authorities of a missing child, not including the public? If so, please describe how the system works and who is notified.
- Yes, describe how it works:
 No
16. Are cases of missing children publicized in the media? If so, whose responsibility is it to coordinate with the media?
- Yes, focal point:
 No
17. Does a rapid notification alert to the public exist in missing child cases? If yes, please describe how these rapid notification alerts work.
- Yes, describe how it works:
 No
18. Are there awareness campaigns being carried out in the country? Do they encompass multiple agencies/organizations working in missing child cases (law enforcement, social workers, NGOs, etc.)? If yes, please provide examples.

- Yes, how often:
- No

19. Are there any organizations providing emotional, financial or other support and advocacy for families and children? Please provide names and contact information.

Appendix II.

Country-Specific Findings⁸⁹

Brunei Darussalam.....	32
Cambodia.....	36
Indonesia.....	40
Lao People’s Democratic Republic.....	44
Malaysia.....	48
Myanmar.....	53
Philippines.....	57
Singapore.....	63
Thailand.....	67
Vietnam.....	72

⁸⁹ The subheadings that are included in each country section are based on the Model Missing Child Framework and reflect the information that could be found/verified for that country. Not all subheadings will be present in each of the country sections.

BRUNEI DARUSSALAM

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child		27 Dec 1995 a ⁹⁰	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography		21 Nov 2006 a	
Protocol to Prevent, Suppress and Punish Trafficking in Persons			
UN Optional Protocol on the Involvement of Children in Armed Conflict			
UN Convention for the Protection of All Persons from Enforced Disappearance			
Hague Convention on International Child Abduction			

In Brunei Darussalam, there are six laws that refer directly or indirectly to missing children:

1. 1951 Penal Code, as amended in 2001;
2. Women and Girls Protection Act of 1973;
3. Kidnapping Act of 1999;
4. The Guardianship of Infants Act of 1999;
5. Trafficking and Smuggling of Persons Order of 2004; and
6. Children and Young Persons Order of 2006.

Definition of “Missing Child”

The Children and Young Persons Order of 2006 (hereafter referred to as the “Children Order”) encompasses a broad array of child protection issues by covering juvenile courts, temporary custody arrangements, trafficking in children, abandonment, neglect, physical and sexual abuse by a guardian, assisting a child or young person in escaping from custody, and forced begging. While there is no specific definition of “missing child” in Brunei Darussalam’s legislation, Section 2(2) of the Children Order defines a “child or young person in need of protection” to include children who have been neglected, exposed to moral danger, fallen into bad association, or been abandoned. The Children Order does not only protect those children who have been physically or emotionally harmed, but also those who are at substantial risk of such harm.

Kidnapping and Abduction

The 1951 Penal Code, as amended in 2001, as well as the Children Order, have specific provisions that may be applied to the kidnapping of children or young persons across borders. Section 360 of the Penal Code states:

⁹⁰ Brunei Reservation upon signature: “[The Government of Brunei Darussalam] expresses its reservations on the provisions of the said Convention which may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the State, religion, and without prejudice to the generality of the said reservations, in particular expresses its reservation on articles 14, 20 and 21 of the Convention.”

Whoever conveys any person beyond the limits of Brunei Darussalam, without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from Brunei Darussalam.⁹¹

In addition, the Kidnapping Act of 1999 provides punishments for abduction, wrongful restraint, and wrongful confinement, regardless of age.⁹²

The 1951 Penal Code, as amended in 2001, criminalizes abandoning a child under the age of 12 years, kidnapping a minor from lawful guardianship (under the age of 14 if a male and 16 if a female), and the importation of a girl below 21 years of age knowing that she may be forced or seduced into illicit intercourse with another person.⁹³

Parental Abduction

Brunei Darussalam does not appear to criminalize parental abduction as Section 361 of the Penal Code, “Kidnapping from lawful guardianship,” includes an exception clause for fathers who in good faith believe they have parental rights absent a custody order.⁹⁴ Brunei Darussalam is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

The Department of Immigration and National Registration under the Ministry of Home Affairs is responsible for issuing passports for Bruneian citizens, but it is unclear whether there are special requirements for parents who want to take their child out of the country.

In questions related to custody and/or the administration of any property belonging to or held in a trust for an infant, the Guardianship of Infants Act of 1999 ensures the welfare of the infant is the paramount consideration. Sections 4 and 5 of this Act guarantee that the mother and the father will have equal rights to apply to the court and the father will not be given preference over the mother in cases of custody or administration.⁹⁵ This Act only applies to those families who do not profess the Islamic faith; Sharia Courts handle all cases of custody and domestic disputes for the Muslim population.

Reporting Mechanism

The Woman and Child Abuse Crime Investigation Unit is responsible for all issues involving women and children, however the Unit does not have a dedicated hotline for the public to report missing children. The Royal Brunei Police refers the public to the general police number 993 to report any crime and missing persons.⁹⁶ The Community Development Department (Japem) within the Ministry of Culture, Youth, and Sports manages the Welfare Helpline 141 and provides shelter to victims of child abuse and abandonment when necessary.⁹⁷

⁹¹ The Penal Code of Brunei Revised Edition 2001, Section 360 Kidnapping from Brunei Darussalam (on file with the International Centre for Missing & Exploited Children).

⁹² The Kidnapping Act of 1999, Section 3 states “whoever, with intent to hold any person for ransom, abducts or wrongfully restrains or wrongfully confines such person shall be guilty of an offence and shall be punished on conviction with death.”

⁹³ The Penal Code of Brunei, *supra* note 91, at Sections 317 - Exposure and abandonment of child under 12 years by parent or person having care of it; 361 - Kidnapping from lawful guardianship; 366B - Importation of girl from foreign country; 372 - Selling minor for purposes of prostitution etc., and 373 - Buying minor for purposes of prostitution (on file with the International Centre for Missing & Exploited Children).

⁹⁴ The Penal Code of Brunei, *supra* note 91, at Section 361.

⁹⁵ The Guardianship of Infants Act of 1999, Section 4 - Welfare of infant to be paramount consideration; Section 5 - Equal right of mother to apply to court (on file with the International Centre for Missing & Exploited Children).

⁹⁶ Bandar Seri Begawan, *Police Seek Two Missing Persons*, THE BRUNEI TIMES, June 22, 2014, at <http://www.bt.com.bn/news-national/2014/06/22/police-seek-two-missing-persons>; Abdul Akim Kassim & Bandar Seri Begawan, *Missing Persons' Belongings Found*, THE BRUNEI TIMES, at <http://www.bt.com.bn/frontpage-news-national/2014/01/15/missing-person%E2%80%99s-belongings-found> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

⁹⁷ U.S. DEP'T OF STATE, BRUNEI HUMAN RIGHTS REPORT (2012) 16, at <http://www.state.gov/documents/organization/204398.pdf> (last visited Apr. 23, 2016) (on file with the International Centre for Missing & Exploited Children).

The Welfare Helpline 141, created in 2006, was expanded in December 2010 to include a 24-hour hotline.⁹⁸ Helpline 141 handles reports involving women and children, receiving calls specifically in cases of abuse, neglect, protection, exploitation, and family problems.⁹⁹ In order to increase awareness, a number of Brunei government agencies have partnered to conduct roadshows to schools, speaking to both students and teachers, about children's rights and how children can protect themselves.¹⁰⁰ It is unknown whether Helpline 141 receives calls regarding missing or abducted children, or if the Helpline is well-known within the community.

Aside from the various departments within the Royal Brunei Police investigating crimes against children, the Children and Young Persons Act Part IV establishes specific Action Teams on Child Protection that are responsible for coordinating locally-based services focused on protecting children.¹⁰¹ The Action Teams are overseen by the Department of Community Development.¹⁰²

Investigation of Missing Child Cases

Currently, there is no legislation mandating the immediate investigation of missing children's cases. The Children and Young Persons Order does acknowledge the need for immediate protection when there is physical and emotional harm, neglect, or abandonment of a child, but it is unclear how this is implemented in practice or how "immediate" is defined.¹⁰³ The Woman and Child Abuse Crime Investigation Unit of the Royal Brunei Police conducts awareness campaigns throughout the nation to highlight the issues of child exploitation and domestic violence.¹⁰⁴ Additionally, the Royal Brunei Police have a Human Trafficking Unit (HTU) that recently was expanded to include more officers.¹⁰⁵ As many missing child cases are classified under associated crimes such as abduction, kidnapping, human trafficking, forced labor, or forced begging, HTU or the Woman and Child Abuse Crime Investigation Unit may be responsible for investigating these cases.

Alert Mechanism

Despite the Government of Brunei's work to establish a helpline and Action Teams on Child Protection, there remains very little data on cases of missing children and no indication was found of a national missing child database or a case management system. The Royal Brunei Police notifies the public about missing children by posting missing persons' pictures and descriptions on its website and issuing press releases that are often published in local and national newspapers such

⁹⁸ Wardi Buntar, *Japem's 141 helpline now a 24-hour hotline*, THE BRUNEI TIMES, Jan. 3, 2011, at <http://www.bt.com.bn/news-national/2011/01/03/japems-141-helpline-now-24-hour-hotline> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

⁹⁹ *Id.*

¹⁰⁰ Quratul-ain Bandial, *MKM proposes roadshow to raise awareness on child rights*, THE BRUNEI TIMES, Nov. 11, 2015, at <http://bt.com.bn/news-national/2015/11/11/mkm-proposes-roadshow-raise-awareness-child-rights> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁰¹ Children and Young Persons Order of 2006 of Brunei, Section 13 – Establishment of Action Teams on Child Protection; Section 14 – Membership of Action Teams on Child Protection; Section 15 – Proceedings on Action Teams on Child Protection; Section 16 – Coordination (on file with the International Centre for Missing & Exploited Children).

¹⁰² *Id.*

¹⁰³ The Children and Young Persons Order of 2006 of Brunei, *supra* note 101, at Article 25 (1) – Duty of member of the family; Article 26 (1) – Duty of child care centre.

¹⁰⁴ Diyana Ibrahim, *90% of teenage abuse cases stem from Internet misuse*, THE BRUNEI TIMES, Nov. 25, 2011, at <http://www.bt.com.bn/news-national/2011/11/25/90-teenage-abuse-cases-stem-internet-misuse> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁰⁵ U.S. DEP'T OF STATE, *Trafficking in Persons Report 2013 – Brunei* (June 19, 2013) 106, at <http://www.state.gov/documents/organization/210738.pdf> (last visited Apr. 23, 2016) (on file with the International Centre for Missing & Exploited Children).

as the Brunei Times.¹⁰⁶ However, the process and requirements for determining which cases are posted or distributed to the media are unclear.

Trafficking

The Women and Girls Protection Act of 1973 focuses on the protection of women and girls and the suppression of brothels. This legislation specifically criminalizes the importation of women and girls into Brunei Darussalam for buying, selling, procuring, or trafficking purposes.¹⁰⁷ This legislation focuses on women and girls, and does not address men or boys.

The Trafficking and Smuggling of Persons Order of 2004 (hereafter referred to as the “Trafficking Order”) defines human trafficking and specifically addresses child trafficking and exploitation, as well as people smuggling more generally.¹⁰⁸

Although Brunei Darussalam has made considerable efforts to implement the Trafficking Order and recently expanded its anti-trafficking police force unit, forming an *ad hoc* interagency committee to coordinate all anti-trafficking efforts, the nation has not ratified or acceded to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons. It has, however, acceded to the UN Convention on the Rights of the Child in 1995 and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography in 2006.

¹⁰⁶ Bandar Seri Begawan, *Police Seeking Missing Woman*, THE BRUNEI TIMES, Feb. 12, 2016, at <http://www.bt.com.bn/news-national/2016/02/12/police-seeking-missing-woman> (last visited Apr. 22, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁰⁷ The Women and Girls Protection Act of 1973, Section 4 (1) states that, “any person who buys, sells, procures, traffics in, or imports into Brunei for the purpose of such traffic, and whether or not for the purpose of present or subsequent prostitution, any woman or girls, shall be liable to imprisonment of either description for 5 years and to a fine of \$20,000.”

¹⁰⁸ Trafficking and Smuggling of Persons Order of 2004, Dec. 22, 2004, Section 4 - Offence of people trafficking; Section 5 - Offence of children trafficking; Section 7 (1) - Offence of people smuggling (on file with the International Centre for Missing & Exploited Children).

CAMBODIA

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child		15 Oct 1992 a	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	27 Jun 2000	30 May 2002	
Protocol to Prevent, Suppress and Punish Trafficking in Persons	11 Nov 2001	2 Jul 2007	
UN Optional Protocol on the Involvement of Children in Armed Conflict	27 Jun 2000	16 Jul 2004	
UN Convention for the Protection of All Persons from Enforced Disappearance		27 Jun 2013 a	
Hague Convention on International Child Abduction			

In Cambodia, there are three laws that refer directly or indirectly to missing children:

1. Criminal Procedure Code of 2007;
2. Law on the Suppression of Human Trafficking and Commercial Sexual Exploitation 2008; and
3. Penal Code of 2009.

Kidnapping and Abduction

Broadly, the Penal Code of 2009, Book 2, provides general provisions that protect children under the age of 15 years from abandonment and kidnapping. For example, Article 327 prohibits the “unlawful removal of a minor from the person who has legal custody” and penalizes the offender with a minimum of one month and a maximum of one year imprisonment, increasing this sentence to one to three years if the child is being held outside of Cambodia.¹⁰⁹

Parental Abduction

Parental abduction is not considered a crime in Cambodia, nor is it directly mentioned in any Cambodian legislation. Cambodia is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.¹¹⁰ Dissolution of marriage is frowned upon in Cambodian culture, particularly in rural areas, though divorce is legal.¹¹¹ Both parents are considered to have equal rights over the custody of their children.¹¹²

¹⁰⁹ Criminal Code of the Kingdom of Cambodia 2009, Nov. 30, 2009, Article 327 – Taking Away a Minor (on file with the International Centre for Missing & Exploited Children).

¹¹⁰ *Cambodia*, INTERNATIONAL PARENTAL CHILD ABDUCTION, at <http://travel.state.gov/content/childabduction/english/country/Cambodia.html> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

¹¹¹ Dorine Van Der Keur, *Legal and Gender Issues of Marriage and Divorce in Cambodia*, CAMBODIA L. AND POL’Y J., at <http://cambodialpj.org/article/legal-and-gender-issues-of-marriage-and-divorce-in-cambodia/> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

¹¹² Law on Marriage and Family of the State of Cambodia, July 18, 1989, Article 27 states, “Rights and obligations of the father and the mother with regards to the child are equal in the case of a divorce.”

Reporting Mechanism

Research has shown that reports of missing people can be made to the local police precincts in person. However, Cambodian law enforcement typically does not conduct a thorough investigation without a clear element of trafficking or exploitation in the missing child's case.¹¹³ Even when an investigation is undertaken, it is within the prosecutor's discretion to determine whether further action should be taken.

There are a number of hotlines dedicated to child protection, although none focus explicitly on missing children. In 2000, the Cambodian National Police Anti-Human Trafficking and Juvenile Protection Department under the Ministry of Interior established a 24/7 UNICEF-supported hotline to report possible trafficking cases.¹¹⁴ Potential victims, their families, and third parties can report cases and obtain referral information for different services through this hotline. There is a second 24/7 hotline administered by Action Pour Les Enfants (APLE)¹¹⁵ that takes reports of child sexual abuse and exploitation.

Child Helpline Cambodia provides free, confidential, 24-hour telephone counseling, information, referral, and follow-up services for children and young people up to the age of 25 on any issues with which they may be struggling.¹¹⁶ The services are available through the 1280 Helpline and by text message to 1293.

Friends International's Childsafe Network offers immediate protection to children at risk of being harmed. In Cambodia, one of the three member organizations, M'Lop Tapang, hosts a 24-hour confidential hotline (012 478 100) for reporting a child being abused or at risk of abuse.¹¹⁷ In addition, Childsafe works with clinics, emergency shelters, counseling hotlines, and other NGOs to provide services to these at-risk children.¹¹⁸

Investigation of Missing Child Cases

Article 74 of the Criminal Procedure Code indicates that the Judicial Police must start a preliminary investigation immediately upon receiving a complaint of any kind with the advice of a prosecutor.¹¹⁹ However, the Cambodian National Police has minimal funding and resources from the State to conduct such investigations, which causes them to be particularly selective of the cases they undertake.¹²¹

Case Management/Database

Although there currently is no database in place to record reports of missing children, in 2014, Agape International Missions (AIM) had begun seeking funds to design and build such a database.¹²² Within the scope of "The Digital Justice Project," an initiative focusing on fighting human trafficking

¹¹³ Email Correspondence with Eric Meldrum, *supra* note 80.

¹¹⁴ HUMANTRAFFICKING.ORG, *Cambodia – Government Agencies*, at <http://www.humantrafficking.org/organizations/41> (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

¹¹⁵ *Internet Hotline*, APLE, at <http://aplecambodia.org/internet-hotline/> (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

¹¹⁶ CHILD HELPLINE INTERNATIONAL, at <http://childhelpline.org.kh/en/> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

¹¹⁷ M'LOP TAPANG, at <http://mloptapang.org/projects/24-hour-confidential-hotline/> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

¹¹⁸ *ChildSafe Network*, CHILD SAFE INT'L, at <http://thinkchildsafe.org/hotline/> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

¹¹⁹ Criminal Procedure Code of the Kingdom of Cambodia, Aug. 6, 2007, Article 74 – Actions to be taken after Receipt of Complaints (on file with the International Centre for Missing & Exploited Children).

¹²⁰ Email Correspondence with Eric Meldrum, *supra* note 80.

¹²¹ *Id.*

¹²² *Id.*

and tracking missing children,¹²³ AIM was working to launch the Cambodian Missing Children and Anti-Trafficking Project (CaMCAT), which was to be the first database of missing and trafficked children in Cambodia.¹²⁴ The database was planned to eventually be made publically available online in order to communicate information about current cases.¹²⁵ AIM signed a formal agreement with the Cambodian National Police allowing AIM to administer the database, website, and case management system.¹²⁶ The status of the database development is currently unknown, but as of late 2015, funding had not yet been secured for the project. However, once funding is secured and the database is functional, cases will be submitted by the police, local churches, and AIM's expansive network of NGO partners working in the child protection space.¹²⁷ In the future, The Digital Justice Project intends to accommodate fingerprints and DNA information in its system, and then will be incorporated into CaMCAT once the technology becomes available.¹²⁸

Alert Mechanism

There is no mechanism currently in place to notify the public about cases of missing children in Cambodia. Historically, NGOs have distributed posters and flyers, and used social media, radio, and television announcements to disseminate information.¹²⁹ Many times parents have taken it into their own hands to generate public awareness about their missing child.

Awareness-Raising Initiatives

APLE¹³⁰ and the International Justice Mission¹³¹ (IJM) have signed an MOU with the Ministry of Interior through its Law Enforcement Advancing Protection of Children and Vulnerable Persons (LEAP) framework. The overall goal is to enhance cooperation between civil society and the Cambodian National Police on investigations, training, and rescue operations.¹³² While APLE and IJM work on child protection issues more generally, AIM works to build awareness specifically of missing children to law enforcement.¹³³

Trafficking

On the regional level, in 2003, Cambodia signed an MOU with Thailand to cooperate in the elimination of human trafficking, and signed a similar agreement with Vietnam in 2005 on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking. In 2004, the Coordinated Mekong Ministerial Initiative MOU was signed by Cambodia, China, Laos, Myanmar, Thailand, and Vietnam.¹³⁴ In addition, in 2011, four new Border Liaison Offices (BLOs) were established on the border between Cambodia and Vietnam. Both countries created multi-

¹²³ Digital Justice Project, AGAPE INTERNATIONAL MISSIONS, 2014, at <http://gratianeq.com/wp-content/uploads/2014/03/DJP-One-Pager.pdf> (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

¹²⁴ Email Correspondence with Eric Meldrum, *supra* note 80.

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *16 December Evaluation of the Memorandum of Understanding*, APLE, 2013 (on file with the International Centre for Missing & Exploited Children).

¹³¹ *IJM Renews Historic Agreement with Cambodian Law Enforcement*, Nov. 6, 2013, at <http://www.ijm.org/news/ijm-renews-historic-agreement-cambodian-law-enforcement> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

¹³² Email Correspondence with Mr. Seila Samleang, Action Pour Les Enfants, Mar. 5, 2014 (on file with the International Centre for Missing & Exploited Children).

¹³³ Email Correspondence with Eric Meldrum, *supra* note 80.

¹³⁴ WORLD VISION, *Tackling Human Trafficking in the Greater Mekong Sub-region* (2013) 11, at <http://www.wvi.org/sites/default/files/1296%20WVI%20final%20lowres%20260713.pdf> (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

agency national committees to oversee the work of the new BLOs and their newly expanded mandate to include all forms of cross-border trafficking and smuggling.¹³⁵

On the national level, in response to the growing presence of human trafficking in the region, the Cambodian Government passed its first anti-trafficking legislation in 2008, the Law on the Suppression of Human Trafficking and Commercial Sexual Exploitation. This law criminalizes and punishes those who kidnap and/or profit from the sale of children and the sentence remains the same when cross-border travel is involved.¹³⁶ Penalties range from 15 to 20 years imprisonment for the abduction and sale of a minor.¹³⁷

The “Agreement on Guidelines for Practices and Cooperation between the Relevant Government Institutions and Victim Support Agencies in Cases of Human Trafficking” details how police, medical professionals, lawyers, and shelters should work together to ensure that no further trauma is experienced by trafficking survivors.¹³⁸ However, no such protocol exists for missing or abducted children, and there is no indication that the Government of Cambodia is addressing the connection between trafficking and missing child cases.

¹³⁵ *New BLOs in Cambodia - Vietnam*, UNODC, Nov. 28, 2011, at <https://www.unodc.org/southeastasiaandpacific/en/2011/11/blo-cambodia-vietnam/story.html> (last visited Apr. 25, 2015) (on file with the International Centre for Missing & Exploited Children).

¹³⁶ Law on the Suppression of Human Trafficking and Sexual Exploitation 2008, Dec. 20, 2007, Article 10 – Unlawful Removal with Purpose; Article 11 – Unlawful Removal for Cross-border Transfer; Article 17 – Transportation with Purpose (on file with the International Centre for Missing & Exploited Children).

¹³⁷ *Id.* at Articles 10 and 17.

¹³⁸ *Agreement on Guidelines for Practices and Cooperation between the Relevant Government Institutions and Victim Support Agencies in Cases of Human Trafficking, Phnom Penh*, HUMANTRAFFICKING.ORG, Feb. 6, 2007, at http://www.humantrafficking.org/uploads/updates/Guidelines_for_Victims_Support_Agencies.pdf (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

INDONESIA

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child	26 Jan 1990	5 Sep 1990	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	24 Sep 2001	24 Sep 2012	
Protocol to Prevent, Suppress and Punish Trafficking in Persons	24 Sep 2001	24 Sep 2012 ¹³⁹	
UN Optional Protocol on the Involvement of Children in Armed Conflict	24 Sep 2001	24 Sep 2012 a	
UN Convention for the Protection of All Persons from Enforced Disappearance	27 Sep 2010		
Hague Convention on International Child Abduction			

In Indonesia, there are three laws that refer directly or indirectly to missing children:

1. Penal Code, as amended in 1982;
2. National Law on Child Protection of 2002; and
3. Law on the Eradication of the Criminal Act of Human Trafficking of 2007.

General Child Protection

The National Commission on Child Protection was established by Presidential Decree in 2003 as an independent entity.¹⁴⁰ Its mission is to provide reports, suggestions, and feedback to the President of Indonesia on child protection issues, as well as to collect and evaluate data and oversee the implementation of child protection legislation. In addition, the Ministry of Women Empowerment and Child Protection is responsible for the enactment of a number of laws and regulations for the protection of children in Indonesia.¹⁴¹

The exact number of missing children in Indonesia is unknown. In 2012, 129 children were reported missing to the National Commission for Child Protection. Of those 129 cases, 27 children were

¹³⁹ Indonesia Declaration and Reservation upon signature: Declaration: "..., the Government of the Republic of Indonesia declares that the provisions of Article 5 paragraph (2) Sub-paragraph c of the Protocol will have to be implemented in strict compliance with the principle of the sovereignty and territorial integrity of a state...."

Reservation: "...the Government of the Republic of Indonesia conveys her reservation not to be bound by the provision of Article 15 (2) and takes the position that dispute[s] relating to the interpretation and application on the Protocol which have not been settled through the channel provided for in Paragraph (1) of the said Article, may be referred to the International Court of Justice only with the concern of all Parties to the dispute...."

¹⁴⁰ INDONESIAN NATIONAL COMMISSION ON CHILD PROTECTION, at <http://www.kpai.go.id/profil/> (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁴¹ ASEAN INTER-PARLIAMENTARY ASSEMBLY, 3rd AIPA Caucus Report Summary Table of National Initiatives on Topic B, Summary Table for Indonesia - Welfare and Protection of Children (on file with the International Centre for Missing & Exploited Children).

befriended by an adult stranger using Facebook and the adult lured them out of the city to be drugged and sexually exploited.¹⁴²

Definition of “Missing Child”

Indonesia does not expressly define a missing child in its statutes; however Article 59 of the National Law on Child Protection of 2002 indirectly defines “children in need of special protection”:

The government or an authorized state institution shall be responsible and accountable for providing special protection to children in emergency situations, children who find themselves in dealings with the law, children from minority and isolated groups, children who find themselves being exploited economically or sexually, children who are traded, children who become victims of the misuse of narcotics, alcohol, psychotropic substances and other addictive substances, children who are the victims of kidnapping, sale or trading, children who are the victims of both physical and/or mental violence, disabled children, children who are the victims of abuse, and neglected/abandoned children.¹⁴³

Kidnapping and Abduction

Articles 68 and 71 of the National Law on Child Protection reiterate that children who have been neglected, maltreated, kidnapped, sold, or traded shall receive supervision, prevention, care, and rehabilitation from the State.¹⁴⁴ Runaways are not explicitly included, nor are street children or children who have been forced to beg in exchange for food and shelter. Forced begging and forced labor of children under 12 years of age are criminalized in Article 301 of the Penal Code of Indonesia as amended in 1982, but the Article does not outline any specific protection for the child.¹⁴⁵

Parental Abduction

Indonesia is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction and only criminalizes abduction and kidnapping generally, without reference to parental abduction in particular. Currently, if the child is traveling with an adult other than his or her parents, the parents’ written consent, copies of both parents’ passports, and a copy of the child’s birth certificate must be provided to immigration officials by the accompanying adult.¹⁴⁶ There are no laws or policies that address children traveling with only one parent.

Reporting Mechanism

Although no written policies exist, research indicated that a parent or guardian who reports a child missing at a local police station must provide information including the child’s name, age, school, photograph, parents’ names, and a copy of the child’s birth certificate.¹⁴⁷

Once a report of a missing child has been made by a parent or guardian, the Indonesian National Police notifies the public of a missing persons’ case by posting photographs of and other relevant

¹⁴² Margie Mason, *Facebook used to kidnap, traffic Indonesian girls*, THE WASHINGTON TIMES, Oct. 29, 2012, at <http://www.washingtontimes.com/news/2012/oct/29/facebook-used-to-kidnap-traffic-indonesian-girls/> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁴³ Republic of Indonesia Law No. 23 Year 2002 on Child Protection, Part Five – Special Protection, Article 59 (on file with the International Centre for Missing & Exploited Children).

¹⁴⁴ *Id.* at Articles 68 and 71.

¹⁴⁵ The Penal Code of Indonesia, Article 301 states “the person who surrenders or leaves a child under the age of twelve years who is under his legal authority to another person, knowing that it will be used for begging or carrying out begging, for performing dangerous feats or dangerous labor or labor detrimental to the health, shall be punished by a maximum imprisonment of four years.”

¹⁴⁶ AUSTRALIAN GOVERNMENT REFUGEE REVIEW TRIBUNAL, *Country Advice Indonesia: Child, Exit Procedures and Parental Consent*, Feb. 9, 2010 (on file with the International Centre for Missing & Exploited Children).

¹⁴⁷ Email correspondence with Lt. Col. Reinhard Hutagaol, Head of Sub-section Specialized Economic Crime, INTERPOL, International Relations Division, Indonesian National Police, Feb. 27, 2012 (on file with the International Centre for Missing & Exploited Children).

information on its national website, printing missing person posters, and providing information to television news outlets for broadcast.¹⁴⁸

Telepon Sahabat Anak 129 (TSA 129), a children's helpline that began in 2005, is the product of an MOU among various Indonesian governmental bodies.¹⁴⁹ TSA 129 accepts calls from children concerning emergency situations such as economic and sexual exploitation, drug abuse, alcohol/psychotropic/ other addictive substances (drugs), abduction, sale and trafficking, physical and mental violence, and abuse and neglect.¹⁵⁰ TSA 129 then refers the child to counseling.¹⁵¹ The TSA 129 Helpline also collaborates with various ministries to build awareness of violence against children,¹⁵² and assists with reunifying children with their families after natural disasters.¹⁵³

Indonesian National Police Regulation No. 10 established the Women and Children Services Unit in 2007, which is charged with protecting women and children who are victims of crime.¹⁵⁴ The unit handles complaints, allegations, and investigations into domestic violence, sexual abuse, and human trafficking of women and children, and provides training for police officers on recognizing and handling these sensitive issues.¹⁵⁵

Investigation of Missing Child Cases

According to INTERPOL's National Central Bureau Indonesia, the Indonesian National Police do not have specific written regulations regarding missing children cases, but they do consider missing children to be a priority and treat them as such.¹⁵⁶ INTERPOL Indonesia states that cases of missing children are handled by individual police precincts that communicate with each other on a regular basis. Only cases that need more extensive investigations are taken to the regional level.¹⁵⁷ It is, however, unclear which cases qualify for this degree of attention, or how and how often police precincts communicate.

Case Management/Database

According to information provided by an Indonesian law enforcement officer, there is no "proper" national database for cases of missing children or missing persons in Indonesia.¹⁵⁸ However, several emergency response organizations such as the Red Cross, Save the Children, UNICEF, and the Indonesian Ministry of Social Affairs, have set up temporary databases to help residents locate missing family members following natural disasters and in response to an increase of internally displaced persons.

¹⁴⁸ Email correspondence with Reinhard Hutagaol, *supra* note 147.

¹⁴⁹ TESA 129, at <http://tesa129.badungkab.go.id/tentang-tesa-129/> (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ HUMAN RIGHTS WATCH, *Workers in the Shadows: Abuse and Exploitation of Child Domestic Workers in Indonesia* (2009) 53-54, at https://www.hrw.org/sites/default/files/reports/indonesia0209_webwcover.pdf (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁵⁵ *Id.*

¹⁵⁶ Email correspondence with Reinhard Hutagaol, *supra* note 147.

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

Trafficking

The 2007 Law on the Eradication of the Criminal Act of Human Trafficking (hereafter referred to as the “Human Trafficking Law”) defines and outlaws human trafficking and criminalizes the transport of children for the purposes of human trafficking or sexual exploitation, either into or out of Indonesia.¹⁵⁹ These appear to be the only provisions in Indonesian law addressing cross-border travel with children.

The 2007 Human Trafficking Law also criminalizes illegal adoption in Article 5, which provides that anyone who adopts children with the intention to exploit them shall be liable to imprisonment or fine.¹⁶⁰

¹⁵⁹ Law of the Republic of Indonesia Number 21 Year 2007 on Eradication of the Criminal Act of Human Trafficking, Articles 6 and 17 (on file with the International Centre for Missing & Exploited Children).

¹⁶⁰ *Id.* at Article 5.

LAO PEOPLE'S DEMOCRATIC REPUBLIC

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child		8 May 1991 a	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography		20 Sep 2006 a ¹⁶¹	
Protocol to Prevent, Suppress and Punish Trafficking in Persons		26 Sep 2003 a ¹⁶²	
UN Optional Protocol on the Involvement of Children in Armed Conflict		20 Sep 2006 a	
UN Convention for the Protection of All Persons from Enforced Disappearance	29 Sep 2008		
Hague Convention on International Child Abduction			

In the Lao People's Democratic Republic, there are three laws that refer directly or indirectly to missing children:

1. Penal Law of 1989, as amended in 2005;
2. Law on Development and Protection of Women of 2004; and
3. Law on Protection of the Rights and Interests of Children of 2006.

General Child Protection

Lao PDR has taken important steps to protect at-risk children by establishing the Committee for Protection and Assistance to Children under the Ministry of Labor and Social Welfare. This Committee, created by the 2006 Law on the Protection of the Rights and Interests of Children, is responsible for receiving reports of at-risk children and children in need of special protection, to identify and use emergency measures to protect and assist them, and to advise and monitor their progress and their relationships with "various centers and relevant places and to collect statistics on children in need of special protection and children at risk in the area under its responsibility."¹⁶³

¹⁶¹ Laos Reservation upon signature: "The Lao People's Democratic Republic [...] does not consider itself bound by Article 5 (2) of the said Optional Protocol."

¹⁶² *Id.*

¹⁶³ Lao People's Democratic Republic on the Promulgation of the Law on the Protection of the Rights and Interests of Children No. 95/NA, Dec. 27, 2006, Article 36: "The Committee for Protection and Assistance to Children has the following main rights and duties: (1) To receive reports on children who are at risk and children in need of special protection, and to identify and use emergency measures to protect and assist them; (2) To create conditions and provide assistance to the families of children in need of special protection and children at risk to enable them to solve the problem in the right way by themselves; (3) To advise, monitor and regularly inspect the care and assistance to children provided by various centers or relevant places; (4) To collect statistics on children in need of special protection and children at risk in the area under its responsibility, to summarize on the execution of its own work and regularly report to the higher authority."

Definition of “Missing Child”

The legislation of Lao PDR does not provide a definition for a “missing child.” However, Article 2 of the 2006 Law on the Protection of the Rights and Interests of Children (hereinafter referred to as the Children’s Law) defines children in need of special protection,¹⁶⁴ neglected children,¹⁶⁵ and abandoned children.¹⁶⁶ The Children’s Law also requires that a network system be established¹⁶⁷ to:

monitor children who have been neglected or taken advantage of; to collect data and statistics relating to children in need of special protection and regularly report to the Committee on Protection and Assistance to Children; to provide counselling and recommendations to children in need of special protection; and to facilitate and collaborate with relevant sectors concerning protection and assistance to children. In addition, any person or organization that knows of or observes any situation regarding any child at risk of needing special protection or any child in need of special protection must promptly notify or report on that situation to the Committee on Protection and Assistance to Children or to an investigation agency if it is a criminal offence.¹⁶⁸

In 2004, the first Child Protection Networks (CPNs) in Lao PDR were established and, as of 2010, they were functioning in 244 villages in 5 provinces.¹⁶⁹ The CPNs create a safety net for children by building the capacity of communities to identify, address, and assist victims of child abuse and exploitation.¹⁷⁰ While CPNs do not exclusively protect missing children, missing children may be considered “children in need of assistance and protection” and, thus, prime candidates to receive assistance.

Kidnapping and Abduction

The Lao PDR Penal Law of 1989, as amended in 2005, has provisions for rape, human trafficking, and the “trade and abduction of human beings for ransom, sale or other purposes.”¹⁷¹ However, the language is not particularly detailed; it does not provide a general definition for abduction or the confinement of a child, nor does it provide for other kinds of abduction aside from kidnapping for ransom.

Reporting Mechanism

There does not appear to be a clear mechanism for reporting a missing child to the police, CPNs, or the Committee for Protection and Assistance to Children. However, in December 2009, the Lao National Tourism Administration launched hotline 192 following a country-wide symposium on

¹⁶⁴ Lao People’s Democratic Republic on the Promulgation of the Penal Law of 1989, as amended in 2005, Article 2 (2): “Children in need of special protection means those who are half-orphaned, orphaned, abandoned, neglected or without parental care; children who are victims of physical abuse, sexual abuse, prostitution, human trafficking; children who work in hazardous conditions seriously affecting their life or health; exploited and displaced children; drug-addicted children; children affected by HIV/AIDS; and children adversely affected by legal proceedings.”

¹⁶⁵ Law on the Protection of the Rights and Interests of Children No. 95/NA, *supra* note 163, at Article 2 (4) – Neglected children means children whose parents or guardians do not provide care, education, encouragement, and conditions necessary for the development of the children, such as: health, sufficient and hygienic nutrition, safe shelter, education, and moral development, based on the economic condition of the family.

¹⁶⁶ Law on the Protection of the Rights and Interests of Children No. 95/NA, *supra* note 163, at Article 2 (5) – Abandoned children means children whose parents or guardians do not provide guardianship, care, or upbringing.

¹⁶⁷ Law on the Protection of the Rights and Interests of Children No. 95/NA, *supra* note 163, at Article 35 – Policies on protection and assistance to children.

¹⁶⁸ Law on the Protection of the Rights and Interests of Children No. 95/NA, *supra* note 163, at Article 38 – Reporting.

¹⁶⁹ UNICEF LAO PDR, *Country Office Annual Report 2010*, at http://www.unicef.org/eapro/2010_ANNUAL_REPORT_LAO_PDR1.pdf (last visited Feb. 22, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁷⁰ *Id.*

¹⁷¹ Penal Law of 1989, as amended in 2005, *supra* note 164, at Article 100 – Trade and Abduction of Human Beings.

tourism and child protection.¹⁷² This 24-hour hotline is staffed by a specially trained team of tourism police with the aim of keeping children safe from sexual exploitation. The hotline launch was preceded by an awareness campaign focused on schools and the public via billboards and banners.¹⁷³

Since 2012, the Counseling and Protection Centre for Women and Children in Vientiane has operated a nationwide hotline for the public to report incidents of domestic violence and receive counseling. Domestic violence in the home has been shown to be one of the primary reasons children end up on the streets in Lao PDR.¹⁷⁴ Data is not publically available regarding the number of calls received from children.

Investigation of Missing Child Cases

Lao PDR law forbids the use of private investigative agencies to search for a missing child. One NGO official working in the country explained that “by the letter of the law all investigative functions are reserved to the state security apparatus.”¹⁷⁵

Although, Lao PDR law does not specifically mandate the immediate investigation of a missing child case, under Articles 39 and 40 of the Law on the Protection of the Rights of Children, if the Committee on the Protection and Assistance to Children receives a report of a child in need of special protection, the Committee will take “immediate measures.”¹⁷⁶ Article 38 also states that any person or organization that knows of or observes any situation in which a child is being put at risk must contact the authorities or the Committee, but does not provide clear contact information or an explanation of what information must be provided. It also is unclear who decides in which situations a child is in need of special protection and what response “immediate measures” would entail.

Trafficking

The Law on the Development and Protection of Women of 2004 provides a definition for “trafficking in women” and specifically states that a child under 18 years of age, regardless of whether there is deception, threat, or force, is considered a victim of human trafficking if he or she has been involved in pornography, prostitution, or forced labor.¹⁷⁷

In addition, Article 134 of the Penal Law of 1989, as amended in 2005, defines the offense of human trafficking as the:

recruitment, moving, transfer, harbouring, or receipt of any person within or across national borders by means of deception, threats, use of force, debt bondage or any other means [and using such person in] forced labour, prostitution, pornography, or anything that is against the fine traditions of the nation, or removing various body organs [of such person], or for other unlawful purposes.

...

¹⁷² Lao PDR’s Tourism Authority sets up a Child Protection Hotline, UNITED NATIONS OFFICE ON DRUGS AND CRIME, Dec. 7, 2009 (on file with the International Centre for Missing & Exploited Children).

¹⁷³ *Id.*

¹⁷⁴ U.S. DEP’T OF STATE, *Country Reports on Human Rights Practices for 2012 – Laos* 17, at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204213> (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁷⁵ Email Correspondence between anonymous contact and the International Centre for Missing & Exploited Children, Dec. 7, 2013 (on file with the International Centre for Missing & Exploited Children).

¹⁷⁶ Law on the Protection of the Rights and Interests of Children No. 95/NA, *supra* note 163, at Articles 39 and 40.

¹⁷⁷ Lao People’s Democratic Republic On the Promulgation of the Law on Development and Protection of Women, Nov. 15, 2004, Article 24 – Trafficking in Women and Children (on file with the International Centre for Missing & Exploited Children).

Any of the above-mentioned acts committed against children under 18 years of age shall be considered as human trafficking even though there is no deception, threat, use of force, or debt bondage.

Where human trafficking is performed as a regular profession or in an organised group, where the victims are children, where there are two or more victims, where any victim is a close relative of the offender, or where any victim suffers serious injury or becomes an invalid or insane...¹⁷⁸

The Lao Anti-People Trafficking Unit (LAPTU) was created in 2005 as part of national law enforcement and an additional six provincial anti-trafficking units were formed in 2006 and 2007.¹⁷⁹

With the increase of child sex tourism and trafficking in the region,¹⁸⁰ in 2010, Lao PDR signed an agreement with Vietnam on Bilateral Cooperation in Preventing and Combating Trafficking in Persons and Protection of Victims of Trafficking.¹⁸¹ One such initiative, World Vision's End Trafficking in Persons Program, is working in the Greater Mekong Sub-region to help reduce human trafficking by lowering the risk to vulnerable populations and offering survivors needed rehabilitative services.¹⁸² In November 2012, the Prime Minister signed a long-awaited National Plan of Action on Human Trafficking, signifying a nationwide commitment to the issue.¹⁸³

¹⁷⁸ Penal Law of 1989, as amended in 2005, *supra* note 164, at Article 134.

¹⁷⁹ UNITED NATIONS INTER-AGENCY PROJECT ON HUMAN TRAFFICKING IN THE GREATER MEKONG SUB-REGION (UNIAP), *COMMIT Sub-Regional Plan of Action – Achievements in Combating Human Trafficking in the Greater Mekong Sub-Region 2005-2007* 14, at http://www.no-trafficking.org/reports_docs/commit/commit_spa1_achievements.pdf (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁸⁰ *Project Childhood introduced to Lao PDR*, UNITED NATIONS OFFICE ON DRUGS AND CRIME (Jan. 11, 2012), at <http://www.unodc.org/southeastasiaandpacific/en/2012/01/childhood-lao-pdr/story.html> (last visited Feb. 22, 2016).

¹⁸¹ Tackling Human Trafficking in the Greater Mekong Sub-region, *supra* note 134.

¹⁸² Email correspondence with Ms. Le Viet Anh, Policy/Advocacy Coordinator at End Trafficking in Persons, World Vision Vietnam, Mar. 24, 2014 (on file with the International Centre for Missing & Exploited Children).

¹⁸³ *Id.*

MALAYSIA

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child		17 Feb 1995 a	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography		12 Apr 2012 a ¹⁸⁴	
Protocol to Prevent, Suppress and Punish Trafficking in Persons		26 Feb 2009 a ¹⁸⁵	
UN Optional Protocol on the Involvement of Children in Armed Conflict		12 Apr 2012 a	
UN Convention for the Protection of All Persons from Enforced Disappearance			
Hague Convention on International Child Abduction			

In Malaysia, there are six laws that refer directly or indirectly to missing children:

1. Penal Code of 1936;
2. Immigration Act of 1959;
3. Kidnapping Act of 1961;
4. The Guardianship of Infant Act of 1961;
5. Child Act of 2001; and
6. Anti-Trafficking in Persons Act of 2007.

General Child Protection

The overall landscape of child protection legislation covers a broad range of issues, even including a number of regulations regarding cross-border travel. The Child Act of 2001 (hereafter referred to as the “Child Act”) is the country’s primary legislation for the protection, care, and rehabilitation of children.

Definition of “Missing Child”

A “missing child” is not specifically defined in the Child Act or in any other Malaysian legislation. The Child Act does, however, define a “child in need of protection and rehabilitation” as one who:

is being induced to perform any sexual act, or is in any physical or social environment which may lead to the performance of such act; (b) lives in or frequents any brothel or place of assignation; or (c) is habitually in the company or under the control of

¹⁸⁴ Malaysia Reservation upon signature: “1. The Government of Malaysia declares that the words ‘any representation’ in article 2 paragraph (c), shall be interpreted to mean ‘any visual representation’. 2. The Government of Malaysia understands that article 3 paragraph (1)(a)(ii) of the said Optional Protocol is applicable only to States Parties to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at the Hague on 29 May 1993.”

¹⁸⁵ *Id.*

brothel-keepers or procurers or persons employed or directly interested in the business carried on in brothels or in connection with prostitution.¹⁸⁶

Abandonment

The Guardianship of Infants Act of 1961 discusses abandonment in the context of guardianship and the powers of the State in situations of neglect. Neither the Child Act nor the Guardianship of Infants Act, make any reference to runaways or children going missing, although a child who is abandoned or neglected can become a runaway or a missing child.

Kidnapping and Abduction

The Penal Code of 1936 includes provisions for all forms of kidnapping and abduction, the buying or selling of a person either inside or outside of Malaysia, and the forcible compelling of a child to leave his or her guardian.¹⁸⁷

Sections 360 and 372 of the Penal Code of 1936 further criminalize the taking of another person into or out of the country without their consent for the purpose of prostitution or sexual intercourse.¹⁸⁸ Additionally, the Child Act refers specifically to the bringing or sending of a child into or out of Malaysia under false representation or pretense.¹⁸⁹

The Kidnapping Act of 1961 does not directly address the kidnapping of children.

Parental Abduction

Malaysia is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction, and parental child abduction is not a crime in Malaysia. However, according to information provided by a Royal Malaysian Police official in the Sexual, Women and Child Investigations Division, the abduction of one's own child may be considered a criminal/punishable offense if there is a court order specifying that the other parent has legal custody of the child.¹⁹⁰ In this situation, the case would be investigated under Section 361 of the Penal Code of 1936 – Kidnapping from Lawful Guardianship¹⁹¹:

Whoever takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

Explanation—The words “lawful guardian” in this section include any person lawfully entrusted with the care or custody of such minor or other person.

Exception—This section does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

¹⁸⁶ Laws of Malaysia, Act 611, Child Act 2001, Section 38 – Meaning of child in need of protection and rehabilitation (on file with the International Centre for Missing & Exploited Children).

¹⁸⁷ Laws of Malaysia, Act 574, Penal Code of 1936, as amended in 2006, Section 360 – Kidnapping from Malaysia; Section 362 – Abduction; Section 369 - Kidnapping or abducting child under ten years with intent to steal movable property from the person of such child (on file with the International Centre for Missing & Exploited Children).

¹⁸⁸ *Id.* at Section 372 – Exploiting any person for purposes of prostitution.

¹⁸⁹ Child Act of 2001, *supra* note 186, at Section 42 – Inquiries and detention of a child who has been bought or acquired under false pretences, etc.

¹⁹⁰ Email correspondence with Ms. Hamidah Yunus, Principle Assistant Director, Sexual and Child Investigation Division, Royal Malaysia Police Headquarters, Apr. 2, 2014 (on file with the International Centre for Missing & Exploited Children).

¹⁹¹ Malaysian Penal Code of 1936, as amended in 2006, *supra* note 187, at Article 361 – Kidnapping from lawful guardianship.

The Immigration Act of 1959 requires that all Malaysians, including children, have valid travel documents,¹⁹² but there is no requirement that children must be accompanied by or have written permission from both parents.

Reporting Mechanism

There are no clear reporting mechanisms in place for reporting missing children's cases, but the general Royal Malaysian Police number 999 accepts calls regarding missing children.¹⁹³ Additionally, there is one existing hotline run by two partner agencies dedicated to the protection of children: Talian Nur and Childline Malaysia.

Talian Nur 15999 is a 24-hour hotline that was set up in 2007 by the Ministry of Women, Family, and Community Development to address complaints of abuse, neglect, domestic violence, welfare assistance, and child abandonment.¹⁹⁴ In 2010, a private non-profit public safety project, Childline Malaysia, was founded specifically to handle calls from children in need of information, care, and protection. Although Talian Nur and Childline share the same 15999 number, Childline operators only attend to calls from children, while Talian Nur operators accept calls from both children and adults.¹⁹⁵ Childline refers callers to outside agencies for counseling and support. Talian Nur refers criminal cases to the Royal Malaysian Police.¹⁹⁶

Childline received 3,128 calls from children in 2011. Since its inception in 2007, Talian Nur has received an average of 100 calls per month from adults.¹⁹⁷ Childline Malaysia collaborates with UNICEF, as well as a number of smaller organizations to raise awareness about the helpline and conduct community outreach.

The Sexual, Women and Child Investigations Division of the Royal Malaysian Police's Bukit Aman Headquarters collects data on missing children based on the information collected in the police reporting system.¹⁹⁸ It is unclear exactly what information is collected.

Investigation of Missing Child Cases

In 2007, 8-year-old Nurin Jazlin was kidnapped, sexually assaulted, tortured, and murdered near her home in a large township in Kuala Lumpur.¹⁹⁹ This tragic case ignited nationwide horror, voiced on social media, blogs, and news outlets about the inefficiency of local police efforts, poor media ethics, and public insensitivity, pushing the Malaysian Government to prioritize the search for missing children and transform its investigative procedures related to missing child cases.

When receiving a report of a missing child case that does not seem to be a kidnapping, the Royal Malaysian Police will carry out an investigation immediately and inform the control center to alert the

¹⁹² Malaysian Immigration Act of 1959/63, as amended in 2006, Section 73 – Provision for internal travel documents (on file with the International Centre for Missing & Exploited Children).

¹⁹³ Royal Malaysian Police Force – Missing Persons, *Police Emergency Numbers* (on file with the International Centre for Missing & Exploited Children).

¹⁹⁴ CHILD RIGHTS COALITION MALAYSIA, *Status Report on Children's Rights in Malaysia December 2012 14*, at http://www.crin.org/docs/Report_on_Childrens_Rights_.pdf (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁹⁵ *Id.*

¹⁹⁶ *Talian Nur Hotline Launched*, THE STAR ONLINE, Dec. 5, 2007, at <http://www.thestar.com.my/story.aspx/?file=%2f2007%2f12%2f5%2fnation%2f20071205131631&sec=nation> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁹⁷ *Id.*

¹⁹⁸ Email correspondence with Ms. Hamidah Yunus, *supra* note 190.

¹⁹⁹ Timothy Lim, *A Big Death of a Small Girl*, UNICEF MALAYSIA, Oct. 3, 2007, at http://www.unicef.org/malaysia/news_7404.html (last visited Mar. 30, 2016) (on file with the International Centre for Missing & Exploited Children).

police officers on the ground and begin the search.²⁰⁰ If and when the district's investigating officers believe that an emergency alert should be issued and the parents or guardians agree, the Sexual, Women and Child Investigations Division of the Royal Malaysian Police sends an alert with the child's information to the 31 task force members who then disperse it within their company's departments and units.²⁰¹ The task force consists of representatives of banks, media outlets, customs, immigration, maritime, Malaysian airports, local governments, district councils, the Women, Family and Community Development Ministry, and telecommunication companies.²⁰² The news of the case must be disseminated to all police officers and task force members within 24 hours of the report of a missing child.²⁰³ It is then up to each task force member to determine in what medium and how often the alerts are displayed until the child is found.²⁰⁴

Alert Mechanism

In 2008, the uncle of murdered Nurin Jazlin drafted a proposal for the creation of an alert mechanism and submitted it to Women, Family and Community Development Minister Datuk Seri Shahrizat Abdul Jalil. The NURIN (Nationwide Urgent Response Information Network) Alert was modeled after the United States' AMBER Alert system and sought to serve as an emergency response system to incite the authorities and the community through a comprehensive network to locate missing children.²⁰⁵ In January 2011, the Malaysian Government approved the NUR (National Urgent Response) Alert.²⁰⁶

With this achievement, Malaysia became the first – and, to date, only – country in Southeast Asia with a rapid emergency child alert system in place to enhance awareness and enlist community support in the search for missing children. A Task Force, headed by the Royal Malaysian Police and the Ministry of Women, Family and Community Development, oversees the implementation of the NUR Alert, ensuring that immediate action is taken when a child is reported missing and in immediate danger.²⁰⁷ The NUR Alert is limited to use only for missing children ages 12 and under when there is no suspicion of kidnapping.²⁰⁸ The Royal Malaysian Police believe that the information in kidnapping cases must be kept completely confidential so as not to jeopardize the investigation.²⁰⁹

1,800 children in Malaysia between the ages of 12 and 18 were reported missing between 2010 and 2012.²¹⁰ As of December 2012, the NUR Alert had only been activated in five missing child cases.²¹¹ In February 2014, a newspaper revealed that the alert had been used ten times.²¹²

²⁰⁰ Email correspondence with Ms. Hamidah Yunus, *supra* note 190.

²⁰¹ Tan Choe Choe, *NUR Alert Used in only 5 Cases*, NEW STRAITS TIMES EDITORIAL, Mar. 18, 2012 (on file with the International Centre for Missing & Exploited Children).

²⁰² *Id.*

²⁰³ *Tracing Missing Children Through NUR Alert*, MALAYSIAN DIGEST, Feb. 10, 2011, at <http://www.malaysiandigest.com/archived/index.php/15-features/personality/25148-tracing-missing-children-through-nur-alert.html> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁰⁴ *Id.*

²⁰⁵ SUKA Society, *NUR Alert for Missing Kids*, at <http://www.sukasociety.org/nur-alert-for-missing-kids/> (last visited Apr. 19, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁰⁶ ASEAN INTER-PARLIAMENTARY ASSEMBLY, *3rd AIPA Caucus Report, Country Report Malaysia: Welfare and Protection of Children* (2011) (on file with the International Centre for Missing & Exploited Children).

²⁰⁷ *Id.*

²⁰⁸ *Tracing Missing Children Through NUR Alert*, *supra* note 203.

²⁰⁹ Tan Choe Choe, *supra* note 201.

²¹⁰ CHILD RIGHTS COALITION MALAYSIA, *STATUS REPORT ON CHILDREN'S RIGHTS IN MALAYSIA* (2012), *supra* note 194.

²¹¹ *Id.*

²¹² Lee Mei Li, *Reporting a Lost Child*, THE STAR, Feb. 21, 2014, at <http://m.thestar.com.my/story.aspx?hl=Reporting+a+lost+child&sec=lifestyle&id=%7BEA933097-C81C-4D99-B58D-108D8F972D34%7D> (last visited Mar. 30, 2016) (on file with the International Centre for Missing & Exploited Children).

According to an official at the Royal Malaysian Police, that number increased to 11, 9 of which have since been solved.²¹³

²¹³ Email correspondence with Ms. Hamidah Yunus, *supra* note 190.

MYANMAR

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child		15 Jul 1991 a	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography		16 Jan 2012 a	
Protocol to Prevent, Suppress and Punish Trafficking in Persons		30 Mar 2004 a	
UN Optional Protocol on the Involvement of Children in Armed Conflict	28 Sep 2015		
UN Convention for the Protection of All Persons from Enforced Disappearance			
Hague Convention on International Child Abduction			

In Myanmar, there are three laws that refer directly or indirectly to missing children:

1. Penal Code of 1861;
2. Child Law of 1993; and
3. Anti-Trafficking Law of 2005.

General Child Protection

In June 2012, the Government of Myanmar and the United Nations signed an action plan to eliminate the recruitment and employment of children in the Armed Forces.²¹⁴ According to a statement from the Myanmar Army's Chief of Staff, the Armed Forces have released 272 child soldiers since 2012.²¹⁵ However, in 2014 a 17-year old child soldier was jailed for leaving the military.²¹⁶

The Government has made efforts to sanction officials involved in exploiting young children, but prosecution has been difficult.²¹⁷ Children of the urban poor, street children, and orphans tend to be the primary targets of army recruiters.²¹⁸ Street children, if they do not first fall victim to various forms of exploitation, are often arrested by police and placed in government institutions.²¹⁹

²¹⁴ U.S. DEP'T OF STATE, *Trafficking in Persons Report Country Narratives Burma (2013)* 112, at <http://www.state.gov/j/tip/rls/tiprpt/countries/2013/215412.htm> (last visited on Apr. 25, 2016) (on file with the International Centre for Missing and Exploited Children).

²¹⁵ Salai Thant Sin, *Burmese Child Soldier Imprisoned for Leaving Military*, THE IRRAWADDY, Jan. 22, 2014, <http://www.irrawaddy.org/burma/burmese-child-soldier-imprisoned-leaving-military.html> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

²¹⁶ *Id.*

²¹⁷ *Trafficking in Persons Report Country Narratives Burma (2013)*, *supra* note 214.

²¹⁸ *Id.* at 111.

²¹⁹ TERRE DES HOMMES MYANMAR, at <http://www.tdh.ch/en/countries/myanmar> (last visited Apr. 22, 2016) (on file with the International Centre for Missing & Exploited Children).

Terre des Hommes, a global NGO dedicated to child protection, helps children living in government facilities reunite with their families. Since 2010 when the program began, the organization has helped 470 children return home.²²⁰ Terre des Hommes has begun communicating with the Myanmar Police Force²²¹ to establish a better mechanism for protecting street children and helping reunite them with their families whenever possible.²²²

Definition of “Missing Child”

While there is no specific definition of a “missing child” in Myanmar’s domestic legislation, the Child Law of 1993 defines a “child who is in need of protection and care” broadly, including those who have been neglected, orphaned, earn a living by begging, inflicted with a contagious disease, are of unsound mind, are in the custody of cruel parents or guardians, or who use narcotic drugs.²²³

Additionally, the Child Law criminalizes abetting runaways,²²⁴ employing a child to beg,²²⁵ and using a child in pornography materials.²²⁶ “Abetting a runaway” is described in the Child Law as follows:

Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 6 months or with fine which may extend to kyats 1000 or with both:

Inducing a child to escape from a training school, home, temporary care station or custodian; abetting the run away; harbouring, concealing or preventing the child from going back to the original place, knowing that the child has escaped.

Kidnapping and Abduction

The Myanmar Penal Code of 1861 contains articles very similar to those of Malaysia, with a few distinguishable differences. It comprises a wide range of kidnapping and abduction categories, including that which is for ransom, moveable property, murder, slavery, or exploitation, as well as for kidnapping from lawful guardianship and from Myanmar.²²⁷ Article 361 states:

whoever takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.²²⁸

This Article also contains the same exception as that of Malaysia’s Penal Code, stating:

This section does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child, or who in good faith believes himself

²²⁰ *Id.*

²²¹ The Myanmar Police Force is formally known as The People’s Police Force. See Online Burma/Myanmar Library, at <http://www.burmalibrary.org/show.php?cat=2120> (last visited 27 May 2016) (on file with the International Centre for Missing & Exploited Children).

²²² *Id.*

²²³ The Child Law (1993), The State Law and Order Restoration Council Law No. 9/93, July 14, 1993, Article 32 (on file with the International Centre for Missing & Exploited Children).

²²⁴ *Id.* at Article 65.

²²⁵ The Child Law (1993), *supra* note 223, at Article 66 (c).

²²⁶ *Id.* at Article 66 (f).

²²⁷ Penal Code of 1861 of Myanmar (on file with the International Centre for Missing & Exploited Children).

²²⁸ *Id.* at Article 361 *Kidnapping from Lawful Guardianship*.

to be entitled to the lawful custody of such child, unless such an act is committed for an immoral or unlawful purpose.²²⁹

Parental Abduction

Myanmar is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction, and there are no specific legal provisions or entry and exit requirements preventing a parent from taking a child out of the country.

Reporting Mechanism

There are no clear reporting mechanisms or hotlines in the country specifically dealing with cases of missing children or even child protection more generally. However, the People's Police Force's emergency number (199) can be used to register complaints and receive reports of missing persons.

Investigation of Missing Child Cases

If a report of a missing child is made to the police, it remains unclear what guidelines, if any, exist to help officers through the investigative process and ensure that the case is prioritized and handled immediately. In 2008, the Ministry of Home Affairs, in collaboration with UNICEF, detailed a plan to organize a special police force dedicated to child protection under the umbrella of the People's Police Force.²³⁰ The stated purpose of this police force is to:

(a) to assist protection of child rights in accordance with the *Convention on the Rights of the Child* and Child Law; (b) to protect [against] violence, abuse, neglect and exploitation of children; (c) to protect children in conflict with the law in line with the Child Law; and (d) to provide assistance for the correction of delinquent and street children.²³¹

However, no information could be found to verify the existence of this specialized force or whether it has been implemented. While it is unknown whether or not the People's Police Force has a special department dedicated to child protection, the newly created Anti-Human Trafficking Department currently is coordinating with the Central Body for Suppression of Trafficking in Persons, under the Ministry of Home Affairs.²³²

Case Management/Database

Presently, there is neither a national missing children's database nor a case management system in place. Consequently, the number of missing children reports made annually is unknown.

In May 2012, the Myanmar Red Cross Society launched a "Restoring Family Links Service" to help families reconnect when "normal channels of communication are disrupted or difficult."²³³ As this service is mainly focused on internally displaced persons, it is unclear what collaboration, if any, the Red Cross Society has had with the People's Police Force to ensure efficiency and proper data collection. While the Ministry of Social Welfare, Relief and Resettlement is tasked with helping reunify and rehabilitate victims of natural disasters and human trafficking, the level of involvement by the Ministry with cases of missing children is unknown.

²²⁹ *Id.*

²³⁰ UN CONVENTION OF THE RIGHTS OF THE CHILD, Comm. on the Rights of the Child, *Consideration of the Reports submitted by States parties under article 44 of the Convention, Third and Fourth periodic reports of States parties due in 2008, Myanmar*, July 14, 2009 (on file with the International Centre for Missing & Exploited Children).

²³¹ *Id.*

²³² *Central Body for Suppression of Trafficking in Persons*, THE REPUBLIC OF THE UNION OF MYANMAR MINISTRY OF HOME AFFAIRS CENTRAL BODY FOR SUPPRESSION OF TRAFFICKING IN PERSONS, at <http://myanmarhumantrafficking.gov.mm/> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

²³³ *Myanmar Red Cross Society Launches Restoring Family Links Service*, MYANMAR RED CROSS SOCIETY, May 10, 2012, at <http://myanmarredcrosssociety.org/rfl-launch/> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

Trafficking

In 2005, Myanmar passed its first Anti-Trafficking in Persons Law, which defined the various facets of the crime including fraudulent marriages and adoptions, the creation of false documentation, forced labor, and sexual exploitation. Article 16 created a Central Body for Suppression of Trafficking in Persons (Central Body) and relevant working groups. Led by the Ministry of Home Affairs, this Central Body consists of 18 ministries and government agencies, as well as civil society organizations, and in 2014, was joined by the Trafficking in Person's Division of the People's Police Force.²³⁴ In addition to undertaking preventative awareness campaigns, the Central Body laid out a five-year National Plan of Action in 2007 to combat human trafficking.²³⁵

Beginning with the nation's signing of bilateral agreements with China and Thailand,²³⁶ Myanmar recognizes the need to partner with neighboring countries and regional bodies to help ensure that borders are protected on both sides. As noted earlier, in October 2011, World Vision launched their End Trafficking in Persons Program working with the governments of the six Greater Mekong Sub-region countries to help reduce human trafficking by increasing awareness, training, and collaboration among government agencies, across provinces, and among nations.²³⁷ In addition, in August 2013, Myanmar became the first of seven ASEAN countries to partner with the Australian Government to identify national anti-trafficking priorities and to ensure that government agencies have the technical and expert assistance they need to combat the growing epidemic.²³⁸

²³⁴ *The Government of the Union of Myanmar and the Government of Australia Sign the Cooperation Agreement on Anti-Trafficking in Persons*, ASSOC. OF SOUTHEAST ASIAN NATIONS, Mar. 13, 2014, at <http://www.asean.org/issued-by-the-government-of-the-union-of-myanmar-and-the-government-of-australia/> (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

²³⁵ Central Body for Suppression of Trafficking in Persons, *supra* note 232.

²³⁶ *Id.*

²³⁷ Tackling Human Trafficking in the Greater Mekong Sub-region, *supra* note 134.

²³⁸ *The Government of the Union of Myanmar and the Government of Australia Sign the Cooperation Agreement on Anti-Trafficking in Persons*, *supra* note 234.

PHILIPPINES

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child	26 Jan 1990	21 Aug 1990	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	8 Sep 2000	28 May 2002	
Protocol to Prevent, Suppress and Punish Trafficking in Persons	14 Dec 2000	28 May 2002	
UN Optional Protocol on the Involvement of Children in Armed Conflict	8 Sep 2000	26 Aug 2003 a	
UN Convention for the Protection of All Persons from Enforced Disappearance			
Hague Convention on International Child Abduction			

In the Philippines, there are six laws that refer directly or indirectly to missing children:

1. Penal Code of 1930;
2. Child and Youth Welfare Code of 1974;
3. Presidential Decree No. 1083 of 1977;
4. Code of Muslim Personal Laws of 1977;
5. Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act of 1992; and
6. Anti-Trafficking in Persons Act of 2003.

The Philippines is the only country in Southeast Asia that has drafted bills focused specifically on missing children.

1. Senate Bills No. 1437 of 2010
2. Senate Bills No. 1137 of 2010
3. Senate Bill No. 351 of 2013
4. House Bill No. 77 of 2013

Although these bills have raised awareness, none have become law.

General Child Protection

The Council for the Welfare of Children is the agency within the Philippine Government that is responsible for handling issues of child protection. In March 2008, the Council partnered with a number of NGOs including UNICEF, ECPAT, and Save the Children, as well as the Department of Social Welfare and Development and the Philippine National Police, to form the National Network to End Violence Against Children and launch the Philippine Plan of Action on Violence Against Children.²³⁹ The overarching goal of the campaign is to prevent and protect all children, particularly

²³⁹ UNICEF, *National Plan of Action: Philippine Experience* (Mar. 2008) 3 and 9, at http://www.unicef.org/eapro/philippine_experience.pdf (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

those who are at risk of experiencing violence, to help in the recovery and reintegration of those who have been victimized, and to facilitate the rehabilitation of perpetrators.²⁴⁰ The campaign's initial aim was to educate parents, teachers, social service providers, and policymakers on the issue of violence against children; develop and publicize a multi-disciplinary approach to the management of child abuse cases; ensure free and accessible birth registration; enhance systematic data and information collection on violence against children cases; and enact, amend, and enforce laws preventing violence against children.²⁴¹

Five task forces – known as sectoral panels – based on the CRC and the Philippine Plan of Action for Children, were established in 2010 with specific focus areas: (1) family care and alternative parental arrangements; (2) basic health, nutrition, social security, and safe environment; (3) basic education, leisure, recreation, and cultural activities; (4) protection of children in especially difficult circumstances; and (5) fundamental civil rights.²⁴²

General Missing Child Issues

Over the past several years, the Philippine House and Senate have introduced bills aimed at enhancing the government's approach to the issue of missing children. One contained an actual definition of the term, while the others called for the creation of hotlines and National Center.²⁴³ While these bills did not become law, the legislative efforts have raised awareness significantly.

Existing Philippine child protection legislation does include specific definitions for dependent child,²⁴⁴ abandoned child,²⁴⁵ and neglected child²⁴⁶ in the Child and Youth Welfare Code of 1974, and explicitly addresses street children in the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act of 1992.²⁴⁷

Parental Abduction

The Philippines is not a party to the 1980 Hague Convention on the Civil Aspects of International Parental Abduction. However, the 1930 Penal Code of the Philippines does address parental abduction:

Art. 270. *Kidnapping and failure to return a minor.* – The penalty of reclusion perpetua shall be imposed upon any person who, being entrusted with the custody of a minor person, shall deliberately fail to restore the latter to his parents or guardians.

²⁴⁰ *Id.* at 9.

²⁴¹ *Id.* at 13-15.

²⁴² Senate Bill No. 351, Sixteenth Congress of the Republic of the Philippines First Regular Session, *Explanatory Note*, at <http://www.senate.gov.ph/lisdata/1618113408!.pdf> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁴³ *Id.*

²⁴⁴ Child and Youth Welfare Code, Presidential Decree No. 603, Dec. 10, 1974, Article 141 (1) states “A dependent child is one who is without a parent, guardian or custodian; or one whose parents, guardian or other custodian for good cause desires to be relieved of his care and custody; and is dependent upon the public for support.”

²⁴⁵ *Id.* at Article 141 (2) states “An abandoned child is one who has no proper parental care or guardianship, or whose parents or guardians have deserted him for a period of at least six continuous months.”

²⁴⁶ *Id.* at Article 141 (3) states “A neglected child is one whose basic needs have been deliberately unattended or inadequately attended. Neglect may occur in two ways: (a) There is a physical neglect when the child is malnourished, ill clad and without proper shelter. A child is unattended when left by himself without provisions for his needs and/or without proper supervision. (b) Emotional neglect exists: when children are maltreated, raped or seduced; when children are exploited, overworked or made to work under conditions not conducive to good health; or are made to beg in the streets or public places, or when children are in moral danger, or exposed to gambling, prostitution and other vices.”

²⁴⁷ Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act, Rep. Act No. 7610, June 17, 1992, Section 10 (e) penalizes “any person who shall use, coerce, force or intimidate a street child or any other child to (1) beg or use begging as a means of living; (2) act as a conduit or middleman in drug trafficking or pushing; or (3) conduct any illegal activities, shall suffer the penalty of prison correctional in its medium period to reclusion perpetua.”

Art. 271. *Inducing a minor to abandon his home.* – The penalty of prison correctional and a fine not exceeding seven hundred pesos shall be imposed upon anyone who shall induce a minor to abandon the home of his parent or guardians or the persons entrusted with his custody.

If the person committing any of the crimes covered by the two preceding articles shall be the father or the mother of the minor, the penalty shall be arresto mayor or a fine not exceeding three hundred pesos, or both.²⁴⁸ (emphasis added)

Limited mechanisms are in place to protect children whose parents are not involved in an ongoing custody battle. For example, in cases where a child is traveling abroad alone, with someone other than his or her parents, or with one parent where there is an ongoing legal custody battle, children must obtain a travel clearance from the Department of Social Welfare and Development and present the travel clearance to the Immigration Officer prior to departure. Based on information received from the Department of Social Welfare and Development, a minor traveling with one parent, whose parents are not in an ongoing custody battle, does not need to obtain a travel clearance in order to exit the country.²⁴⁹

Custody

In the Philippines, there are specific provisions concerning custody that are supported by the Sharia Courts and applicable to the Muslim population.²⁵⁰ For instance, Presidential Decree No. 1083, The Code of Muslim Personal Laws, first established in 1977, addresses custody, guardianship, paternity, divorce, and settlement of estates. According to Sharia law, girls may be married any time after puberty, but boys may not be married before the age of 15.²⁵¹ In 2012, parts of the Code of Muslim Personal Laws were found to be contradictory to the Philippine Constitution, particularly in regards to gender equality.²⁵² There has been discussion of possible legal reform to address this contradiction.²⁵³

Reporting Mechanism

Currently, in order to report a missing child, the Philippine National Police requests that a report be made to the local *barangay*²⁵⁴ “frontline agency,” which then informs the National Police.²⁵⁵ The public also can call the police emergency hotline number 117. However, a few other hotlines/helplines also exist for the protection of children. Bantay Bata 163 is a child helpline that acts as the child welfare arm of the ABS-CBN Foundation. The mission of the helpline is to protect disadvantaged and at-risk children through a nationwide network of social services.²⁵⁶ The organization works with local police to confirm reports and plan rescue missions for abused and

²⁴⁸ Revised Penal Code of the Philippines, Act No. 3815 (1930), Chapter 1 of Crimes Against Liberty, Section 2, Articles 270 and 271. (on file with the International Centre for Missing & Exploited Children).

²⁴⁹ Email Correspondence with Florita Villar, Under Secretary at the Dep’t of Social Welfare and Dev. (Feb. 19, 2014) (on file with the International Centre for Missing & Exploited Children).

²⁵⁰ *Courts for Muslims: A Primer on the Philippine Shari’a Courts*, at http://www.muslimindanao.ph/shari'a/code_muslim.pdf (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited).

²⁵¹ *Republic of the Philippines Legal System/History*, EMORY LAW SCHOOL (on file with the International Centre for Missing & Exploited Children).

²⁵² Isabelita Solamo, *The Sharia Courts and the Philippine Code of Muslim Personal Laws* (on file with the International Centre for Missing & Exploited Children).

²⁵³ Isabelita Solamo-Antonio, *Dossier 27: The Shari’a courts in the Philippines: Women, Men, and Muslim personal law*, Dec. 2005 (on file with the International Centre for Missing & Exploited Children).

²⁵⁴ A barangay is the smallest administrative division in the Philippines and is the native Filipino term for a village, district, or ward.

²⁵⁵ Email correspondence with Officer Alexander Ramos, Philippine National Police (Feb. 20, 2014) (on file with the International Centre for Missing & Exploited Children).

²⁵⁶ *About Us*, ABS CBN BANTAY BATA 163, at <http://www.abs-cbnfoundation.com/bb163/about.html> (last visited Mar. 30, 2016) (on file with the International Centre for Missing & Exploited Children).

exploited children.²⁵⁷ It also has a network of volunteer lawyers and doctors who provide services to children who are sick or injured, provide a home for children, and manage a feeding program for those children who are unable to be reunited with their families.²⁵⁸

The Council for the Welfare of Children, under the Department of Social Welfare and Development, has also partnered with the police to increase awareness about the human trafficking hotline that is managed by the Inter-Agency Council Against Trafficking under the Department of Justice.^{259, 260} This hotline, the 1343 Action Line,²⁶¹ was established in 2011 and serves to connect trafficking victims and their families with immediate assistance by referring them to the specific government agency or NGO that can meet their needs. The hotline also serves as a database for the documentation of trafficking cases involving Filipinos.²⁶² According to the Commission on Filipinos Overseas (CFO), the 1343 Action Line registered over 17,000 calls between March 2011 and July 2013, which has led to the rescue of 259 victims.²⁶³

Investigation of Missing Child Cases

The Philippine National Police, under the Women and Children's Protection Division of the Criminal Investigation and Detection Group, handles cases of missing children. Cases involving kidnapping for ransom are forwarded to the Police Anti-Crime and Emergency Response Unit for Organized Crime and Kidnapping with Ransom. Beginning in April 2013, in order to improve the overall response time for these cases, the Chief Director General of the Philippine National Police announced that the agency would begin responding to cases of missing children immediately after such incidents were reported.²⁶⁴ This new policy applies to children ages 12 and under.

Depending on the case, it appears that the investigation may be handled by a number of different units within the Philippine National Police. It is unclear how these units coordinate and work together to minimize duplication.

According to an official at the Department of Social Welfare and Development, the Department of Justice's Committee for the Special Protection of Children (CSPC) issued a Protocol for the Case Management of Child Victims of Abuse, Neglect, and Exploitation in order to guide relevant agencies. The CSPC coordinates and manages investigations and prosecutions involving violations of the Special Protection of Children Act of 1992.²⁶⁵ The procedures include a flow chart and detailed guidelines describing how child abuse, neglect, and exploitation cases should be managed, reported, and handled, and what roles each agency has in the process.²⁶⁶ Additionally, in April 2013, in response to a surge in missing children's cases, the Philippine National Police set up a Task Force, *Sagip Anghel*, to look into unsolved cases of missing children in metropolitan Manila. This team is

²⁵⁷ *Combating child abuse in the Philippines*, CAF AMERICA, at <http://www.cafamerica.org/story/combating-child-abuse-in-the-philippines/> (last visited Mar. 30, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁵⁸ *Id.*

²⁵⁹ Email correspondence with Florita Villar, *supra* note 249.

²⁶⁰ INTER-AGENCY COUNCIL AGAINST TRAFFICKING (IACAT), at <http://www.doj.gov.ph/> (last visited Mar. 30, 2016).

²⁶¹ *About Us*, 1343 ACTION LINE, at <http://1343actionline.ph/> (last visited Mar. 30, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁶² Jerrie M. Abella, *PHL govt launches anti-human trafficking hotline*, GMA NEWS, Mar. 20, 2011, (on file with the International Centre for Missing & Exploited Children).

²⁶³ Apipa P. Bagumbaran, *Human Trafficking hotline 1343 rescues 259 victims*, PHILIPPINE INFORMATION AGENCY, Nov. 27, 2013, at <http://news.pia.gov.ph/index.php?article=1521385456247> (last visited Mar. 30, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁶⁴ Abigail Kwok, *No More Delay: Police Forgo 24 hour wait before responding to missing children cases*, INTERAKSYON.COM, Apr. 26, 2013, at <http://www.interaksyon.com/article/59550/no-more-delay-police-forego-24-hour-wait-before-responding-to-missing-children-cases> (last visited Mar. 30, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁶⁵ Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act, *supra* note 247.

²⁶⁶ Email correspondence with Florita Villar, *supra* note 249.

composed of the National Capital Region Police and the Criminal Investigation and Detection Group.²⁶⁷ Immediately following the launch of the Task Force, 18 minors were rescued by the Quezon City Police District and turned over to the Department of Social Welfare and Development to be reunited with their parents.²⁶⁸

Case Management/Database

There is currently no national database or case management system dedicated to missing children.²⁶⁹ However, Missing Persons Philippines is a free online database where individuals can register missing family members. At the time of publication, only eight adults were listed as missing.²⁷⁰ It appears the database was first established to help reunite families displaced by natural disasters.

Alert Mechanism

Although the Philippines does not have a rapid emergency child alert system, once a case is reported and an investigation has begun, photos of children who are missing are displayed on police vehicles to raise awareness.²⁷¹ Since January 2012, Caring for our Children, a U.S.-based foundation that gives grants to small NGOs working to protect children from abuse, reports that the National Capital Region Police Office has recorded 40 cases of missing children, and of these, 36 have been solved.²⁷² It seems that the majority of these cases were runaways who had experienced problems with parents or relatives.²⁷³ To address these issues, the Philippine National Police has also implemented two other campaigns, “Oplan Sagip Anghel” (Operational Campaign Against Child Abuse and Exploitation) to combat child abuse, maltreatment, and exploitation, and “Oplan Nena” (Operational Campaign Against Prostitution, Lewd Shows and Vagrancy) to reduce the prevalence of prostitution and sex trafficking.²⁷⁴

Trafficking

The Special Protection of Children Act defines child trafficking and criminalizes the promotion, facilitation, and induction of a child into prostitution.²⁷⁵ In 2003, the Philippines established the Anti-Trafficking in Persons Act, which strengthens the definitions and regulations specified in the 1992 Special Protection of Children Act by including forced labor, prostitution, debt bondage, sex tourism, and sexual exploitation.²⁷⁶

Furthermore, in September 2013, Senate Bill No. 1623, the “Best Practices Against Trafficking in Persons Act,” was introduced under the Committee on Justice and Human Rights. This Bill mandates that the Department of Justice create guidelines for best practices and improve implementation of

²⁶⁷ *Task Group Formed to Probe Missing Children*, CARING FOR OUR CHILDREN FOUNDATION, Apr. 10, 2013, at <http://www.caringforourchildrenfoundation.org/?tag=task-group-sagip-anghel> (last visited Mar. 30, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁶⁸ Kathlyn dela Cruz, *Saghip Anghel rescues 18 minors*, ABS-CBN NEWS, Apr. 12, 2013, at <http://www.abs-cbnnews.com/nation/metro-manila/04/12/13/sagip-anghel-rescues-18-minors> (last visited Mar. 30, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁶⁹ Email Correspondence with Officer Alexander Ramos, *supra* note 255.

²⁷⁰ *Missing Persons Philippines*, MISSING PERSONS DATABASE, at <https://sites.google.com/site/missingpersonsphilippines/about-us/faqs> (last visited Mar. 30, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁷¹ Kathlyn dela Cruz, *supra* note 268.

²⁷² *Task Group Formed to Probe Missing Children*, *supra* note 267.

²⁷³ *Id.*

²⁷⁴ Eldie Aguirre, *Police get tough on abuse of minors*, PHILIPPINE DAILY INQUIRER, July 24, 2011, at <http://newsinfo.inquirer.net/28521/police-get-tough-on-abuse-of-minors> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁷⁵ Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act, *supra* note 247, at Section 5.

²⁷⁶ Anti-Trafficking in Persons Act of 2003, Rep. Act No. 9208, May 26, 2003 (on file with the International Centre for Missing & Exploited Children).

the Anti-Trafficking in Persons Act.²⁷⁷ A joint public hearing was held on 12 February 2014 to discuss Senate Bill No. 1623 and a possible multi-disciplinary approach to creating and employing such guidelines.²⁷⁸ However, this Bill, as well as the National Missing Children Recovery Program Act Senate Bill No. 351, also discussed in a joint public hearing on the same day, have not been approved by the legislature.

²⁷⁷ Senate Bill No. 1623, Sixteenth Congress of the Rep. of the Philippines, First Regular Session, at <http://www.senate.gov.ph/lisdata/1775014984!.pdf> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁷⁸ Email correspondence with Florita Villar, *supra* note 249.

SINGAPORE

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child		5 Oct 1995 a ²⁷⁹	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography			
Protocol to Prevent, Suppress and Punish Trafficking in Persons			
UN Optional Protocol on the Involvement of Children in Armed Conflict	7 Sep 2000	11 Dec 2008 a	
UN Convention for the Protection of All Persons from Enforced Disappearance			
Hague Convention on International Child Abduction	28 Dec 2010 ²⁸⁰	A	1 Mar 2011

In Singapore, there are four laws that refer directly or indirectly to missing children:

1. Penal Code of 1871, as amended in 2007;
2. Children and Young Person Act of 1993, amended as of 2001;
3. International Child Abduction Act of 2010; and
4. Prevention of Human Trafficking Law of 2014.

Definition of “Missing Child”

The Children and Young Persons Act of 1993, as amended in 2001, states that a child is in need of care and protection when he or she has been abandoned by a parent or guardian and despite reasonable inquiries, the parent or guardian cannot be found.²⁸¹ It also criminalizes bringing a child into Singapore under false pretenses, false representations, or fraudulent means, highlighting yet again the Singaporean Government’s essential focus on cross-border travel with children.²⁸² The Act

²⁷⁹ Singapore Reservation upon signature: “(3) The Constitution and the laws of the Republic of Singapore provide adequate protection and fundamental rights and liberties in the best interests of the child. The accession to the Convention by the Republic of Singapore does not imply the acceptance of obligations going beyond the limits prescribed by the Constitution of the Republic of Singapore nor the acceptance of any obligation to introduce any right beyond those prescribed under the Constitution....”

²⁸⁰ *Singapore Reservations*: Articles: 24, 26

1. In accordance with the provisions of Article 42 and pursuant to the second paragraph of Article 24, the Republic of Singapore makes the reservation that:

All applications, communications and other documents sent to the Central Authority of Singapore shall, if it is in a language other than English, be accompanied by their translation into English.

2. In accordance with the provisions of Article 42 and pursuant to the third paragraph of Article 26, the Republic of Singapore makes the reservation that:

It shall not be bound to assume any costs referred to in the second paragraph of Article 26 resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.

²⁸¹ Singapore Children and Young Person’s Act, Revised Edition 2001, Section 4 (on file with the International Centre for Missing & Exploited Children).

²⁸² *Id.* at Section 13.

does not provide a specific definition of “missing child” or “child in need of protection,” nor does it mention street children, runaways, or child victims of sex tourism and trafficking.

Despite the fact that there is no designated definition for “children in need of protection,” any child is able to call Child Protection and Welfare Services in the Ministry of Social and Family Development to register their concerns.²⁸³ In 2002, the Child Protection and Welfare Services developed a set of standards on child protection in Singapore to enhance service delivery, including foster care placement, for children in need of protection. Children who are under the Ministry of Social and Family Development’s umbrella include those who have been physically, sexually, or psychologically abused or neglected. The Ministry coordinates the entire investigation by convening the relevant professionals, sharing knowledge, and implementing a welfare plan for each child.²⁸⁴

Kidnapping and Abduction

The Children and Young Persons Act defines a child or juvenile as a person under the age of 16 years.²⁸⁵ However, some sections in the Penal Code protect only children under 10 years of age from abduction and kidnapping,²⁸⁶ while other sections, such as those protecting against sexual exploitation, apply to children up to 18 or 21 years of age.²⁸⁷ Section 361 of Chapter §224 of the Penal Code introduced different ages for male and female victims of kidnapping: 14 years of age if male and 16 years of age if female.²⁸⁸

In addition, Penal Code Section 224 – Kidnapping, Abduction, Slavery and Forced Labor (as amended in 2007), covers a range of other child protection issues. It defines “kidnapping” as the abduction of a child specifically from Singapore to a foreign nation and goes into further detail, laying out specific punishments for each form of kidnapping, such as that which is for confinement, exploitation, prostitution, or murder.²⁸⁹ Section 360 states, “whoever conveys any person beyond the limits of Singapore without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from Singapore.” Similarly, Section 376C goes on to provide for extraterritorial jurisdiction stating that any citizen or permanent resident of Singapore who commits any of these crimes outside of the country will still be held liable by Singaporean law.²⁹⁰

Parental Abduction

In 2010, after becoming the second ASEAN country to accede to the 1980 Hague Convention on the Civil Aspects of International Child Abduction, Singapore passed the International Child Abduction Act of 2010 (Chapter §143C).²⁹¹ Singapore is currently the only Southeast Asian country to have a specific law covering international parental abduction that provides a clear and concise framework

²⁸³ Email correspondence with Tammy Yap, Senior Policy Officer, Policy branch, Rehabilitation and Protection Group, Ministry of Social and Family Dev. (Mar. 12, 2014) (on file with the International Centre for Missing & Exploited Children).

²⁸⁴ *Policy on Protection and Welfare of Children*, MINISTRY OF SOCIAL AND FAMILY DEVELOPMENT, at <http://app.msf.gov.sg/Policies/StrongandStableFamilies/NurturingProtectingtheYoung/ChildProtectionWelfare/PolicyonProtectionWelfareofChildren.aspx> (last visited on Mar. 30, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁸⁵ Children and Young Persons Act, *supra* note 281.

²⁸⁶ Singapore Penal Code, amended in 2007, Section 369 – Kidnapping or abducting child under 10 years with intent to steal movable property from the person of such child (on file with the International Centre for Missing & Exploited Children).

²⁸⁷ *Id.* at Section 372 – Selling minor for purposes of prostitution, Section 373 – Buying minor for purposes of prostitution; Section 376B – Commercial sex with minor under 18; and Section 376D – Tour outside Singapore for commercial sex with minor under 18.

²⁸⁸ *Id.* at Section 361 – Kidnapping from lawful guardianship.

²⁸⁹ *Id.* at Section 364 – Kidnapping or abducting in order to murder, Section 365 – Kidnapping or abducting with intent secretly and wrongfully to confine a person; Section 372 – Selling minor for purposes of prostitution; and 373A – Importing woman for purposes of prostitution.

²⁹⁰ *Id.* at Section 376C – Commercial Sex with minor under 18 outside Singapore.

²⁹¹ Singapore International Child Abduction Act of 2010, Section 8 (1) (on file with the International Centre for Missing & Exploited Children).

for handling such cases with other Contracting States to the 1980 Hague Convention. Section 8 of the International Child Abduction Act states:

a person who claims that, in breach of rights of custody attributed to a person, either jointly or alone, under the law of a Contracting State, a child has been wrongfully removed to or retained in Singapore within the meaning of the Convention may apply to the Court for an order that the child be returned.²⁹²

In this way, Singapore ensures through its domestic legislation that international parental abduction is handled as a civil matter by the Singaporean courts. Strengthening the civil remedy for parental abduction, Penal Code Section 361 – Kidnapping from lawful guardianship (as amended in 2007), includes an exception for the father similar to that found in the legislation of Malaysia and Myanmar.²⁹³ Both laws give citizens the ability to have their child returned to them if they are abducted by a non-custodial parent. The International Child Abduction Act does not apply retroactively for children who were abducted by a parent to or from Singapore before 2010.²⁹⁴

Reporting Mechanism

The Information Booklet on Police Procedures produced by the Singapore Police Force provides that if a family member or friend has searched and failed to locate a missing person, they must make a police report immediately.²⁹⁵ A parent seeking to file a report of a missing child may call the police's 999 emergency hotline or file a report at the nearest local police station.²⁹⁶

The Tinkle Friend Helpline, run by the Singapore Children's Society, is a national toll-free helpline and chatline for children of primary school age who are lonely or distressed to receive support, advice, and information especially when their parents or caregivers are unavailable.²⁹⁷ It is open Monday through Friday from 2:30 pm to 5:00 pm with additional chatline hours on Wednesdays. According to the Singapore Children's Society, 1,701 children benefitted from their services through the Tinkle Friend Helpline in 2013,²⁹⁸ and in 2014 – there were 1,783 calls to the helpline and 1,683 chats logged.²⁹⁹

Singapore set up its first DNA database and began profiling in 2008, and is one of two countries that provide the most DNA analysis for countries requiring outsourcing.^{300, 301}

²⁹² *Id.*

²⁹³ Singapore Penal Code, *supra* note 286, at Section 361 Exception: "This section does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose."

²⁹⁴ *Impact of Hague Convention: still early days*, HUGOJAPAN, July 5, 2014 (on file with the International Centre for Missing & Exploited Children).

²⁹⁵ SINGAPORE POLICE FORCE, INFORMATION BOOKLET ON POLICE PROCEDURES: MAKING A POLICE REPORT 17, at <http://www.spf.gov.sg/epc/procedures/index.html> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁹⁶ Email correspondence with Tammy Yap, *supra* note 283.

²⁹⁷ TINKLE FRIEND HOTLINE, <http://tinklefriend.com/talk-to-us> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁹⁸ *Programmes and Service Statistics as of 2013*, SINGAPORE CHILDREN'S SOCIETY, at <https://www.childrensociety.org.sg/service-stats> (last visited Mar. 30, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁹⁹ *Ever Ready to Meet the Growing Needs of Children Annual Report 2014*, SINGAPORE CHILDREN'S SOCIETY, at https://issuu.com/sgchildrensociety/docs/scs_ar2014_26032015_single_final (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

³⁰⁰ INTERPOL, *INTERPOL Global DNA Profiling Survey Results and Analysis (2008)* 25, at <http://www.dnaresource.com/documents/2008INTERPOLGLOBALDNASURVEYREPORTV2.pdf> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

³⁰¹ DNA profiling is the collection of DNA samples from crime scenes and reference samples from suspects (i.e., blood, hair, body fluids) and analyzing the sample using forensic science methods to obtain a DNA profile that can be compared against other DNA profiles within a database. This comparison process creates the opportunity for connections between cases (i.e., person-to-scene, scene-to-

Investigation of Missing Children

According to an official at the Ministry of Social and Family Development, there is no time limitation before the police will accept a report and once the report is filed, police will act immediately, and all new missing person reports will be reviewed on a daily basis by a senior officer.³⁰²

The Information Booklet on Police Procedures does not explain in detail how a case is to be handled once a police report is made. According to an official at the Ministry of Social and Family Development, the Singapore Police Force has an internal policy that contains guidelines for how police officers should handle a missing person's case including checking with hospitals, screening against internal databases, and conducting further investigations when necessary.³⁰³

Trafficking

Singapore passed its first anti-human trafficking law in November 2014.³⁰⁴ Through the newly established Prevention of Human Trafficking Act, the Government created specific definitions for "trafficking in persons," "sexual exploitation," "debt bondage," and "forced marriage," which will help in the identification of trafficking victims, the prosecution of offenders, and the establishment of a dedicated national database of offenders and victims.³⁰⁵ Clause 25 of the Act strengthens child protection by amending Section 16 of the Children and Young Persons Act and giving the Director of Social Welfare the responsibility to provide protection if he or she believes the child is a victim of trafficking.³⁰⁶ The Act also stipulates that the act of trafficking is criminalized regardless of whether it is done partly in or partly outside of Singapore. The act would be considered a criminal offense if it was committed wholly in Singapore.³⁰⁷

The Singapore Interagency Task Force on Trafficking in Persons, established in 2010, is co-chaired by the Ministry of Home Affairs and the Ministry of Manpower. The Ministry coordinates decision-making and formulates national strategies to curb all forms of trafficking, particularly when young victims are involved. This Task Force also includes key agencies such as the Singapore Police Force, the Attorney General's Chambers, and the Ministry of Social and Family Development.³⁰⁸ In recent years, the Task Force has worked to increase collaboration among various agencies working on trafficking in persons, to raise awareness, and to train government support staff and frontline officers on how to recognize this growing crime.³⁰⁹

scene, or person-to-person) where no previous connection was previously known. For more information, see INTERPOL Fact Sheet *DNA Profiling*, at http://www.interpol.int/content/download/802/6623/version/26/file/FS01_02_2015_EN_web.pdf (last visited Apr. 18, 2016) (on file with the International Centre for Missing & Exploited Children).

³⁰² Email correspondence with Tammy Yap, *supra* note 283.

³⁰³ *Id.*

³⁰⁴ Singapore Prevention of Human Trafficking Act 2014 (on file with the International Centre for Missing & Exploited Children).

³⁰⁵ *Id.*

³⁰⁶ *Id.* at Part 5, Clause 25 – Consequential Amendments to Children and Young Persons Act.

³⁰⁷ *Id.* at Part 2, Clause 3 (4) – Trafficking in Persons.

³⁰⁸ Email correspondence with Tammy Yap, *supra* note 283.

³⁰⁹ Press Release, Ministry of Manpower, *Stakeholder Engagement on Singapore's Anti-Human Trafficking Efforts* (Feb. 26, 2014) (on file with the International Centre for Missing & Exploited Children).

THAILAND

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child		27 Mar 1992 a ³¹⁰	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography		11 Jan 2006 a	
Protocol to Prevent, Suppress and Punish Trafficking in Persons	18 Dec 2001	17 Oct 2013 ³¹¹	
UN Optional Protocol on the Involvement of Children in Armed Conflict		27 Feb 2006 a	
UN Convention for the Protection of All Persons from Enforced Disappearance	9 Jan 2012		
Hague Convention on International Child Abduction	14 Aug 2002 ³¹²	A	1 Nov 2002

In Thailand, there are two laws that refer directly or indirectly to missing children:

1. Criminal Code of 1956; and
2. Child Protection Law of 2003.

Definition of “Missing Child”

While Thailand does not have a specific definition for “missing child,” Article 4 of the Child Protection Act defines “street child,”³¹³ “orphan,”³¹⁴ and “child in difficult circumstances,”³¹⁵ all of whom belong to populations at risk of going missing.

Abandonment

The Child Protection Law of 2003 criminalizes neglect and abandonment by a guardian and lays out the responsibilities of guardians to provide all of the necessities for health and livelihood.³¹⁶ The

³¹⁰ Thailand Reservation upon signature: ‘The application of articles 22 of the Convention on the Rights of the Child shall be subject to the national laws, regulations and prevailing practices in Thailand.’

³¹¹ *Id.*

³¹² *Thailand Reservations: Article 24:*

‘(...) subject to the reservation, made pursuant to Articles 24 and 42 thereof, that it accepts only the use of the English language in any application, communication or other document sent to its Central Authority, (...)’

³¹³ Child Protection Act, B.E. 2546 (2003), Article 4: “Street child means a child who has no parents or legal guardian, or whose parents or guardian either fails or cannot afford to take care of the child, causing such child to wander from place to place; or a child who develops a vagrant lifestyle likely to be harmful to his or her safety.”

³¹⁴ *Id.* at Article 4: “Orphan means a child whose father or mother has died, or who has no evidence of parents or whose parents cannot be traced.”

³¹⁵ *Id.* at Article 4: “Child in difficult circumstances means a child staying with an impoverished family or abandoned by his or her parents or whose parents are divorced, imprisoned or separated causing difficulties to such child; or a child who has to shoulder familial responsibilities beyond his or her age, ability and intellect; or a child who cannot help him or herself.”

³¹⁶ *Id.* at Section 25: “the guardian shall not act as follows: (1) neglect a child, with an intention not to take a child back, at a nursery or infirmary or with a person contracted to look after a child or at a public or any other places; (2) abandon a child at any place without appropriate welfare protection or raising; (3) willfully or neglectfully withhold a child from things that are necessary for the livelihood

Child Protection Law also details specific sanctions for those individuals who know that a child is in need of assistance and do not report it to an administrative official or police officer.³¹⁷

Kidnapping and Abduction

The Thai Criminal Code of 1956 covers issues such as abandonment, kidnapping, and coercion.³¹⁸ All children up to the age of 18 years are protected from various forms of kidnapping.³¹⁹ However, Section 306 on abandonment only applies to children younger than nine years of age.³²⁰

Parental Abduction

Thailand has formally acceded to the 1980 Hague Convention on the Civil Aspects of International Child Abduction, but has not implemented any domestic laws focused on parental abduction.

Abduction generally is addressed and codified in the Criminal Code of 1956, but the provisions are more applicable to stranger abductions or perhaps, in certain cases, relative abductions, where the custody of the child clearly does not lie with the abductor.³²¹ However, where there is joint custody and one parent takes a child across the border, either into or out of Thailand, Thai law does not contain clear provisions detailing what should be done and whether the parent is at fault. There are also no entry and/or exit requirements requiring the consent of both parents in order for a child to enter or leave the country.

Childline Thailand, an NGO that administers a 24-hour children's hotline, has indicated that parental abduction cases have been reported through its hotline. In these unique cases, the employees of the hotline are instructed to reach out to the Office of Social Development and Human Security to address the child services aspect of the case, and the Family and Juvenile Court and Public Prosecutor's Arbitration Center are contacted to handle the legal aspects of the case. The police are neither informed nor involved, as they are only able to take the case if it involves violence or other criminally punishable behavior.³²²

Reporting Mechanism

Childline Thailand, as the children's hotline, categorizes each reported case of a missing child in accordance with the article of the law applicable to the offense committed, such as exploitation, kidnapping, or child labor.³²³

or health of a child and such manner is likely to harm physical or mental condition of a child; (4) treat a child in any manner which obstructs his or her growth or development; (5) treat a child in any manner which constitutes illegal care.

³¹⁷ *Id.* at Section 29: "whoever finds a child in a circumstance which requires assistance or welfare protection under Chapter III and Chapter IV shall provide fundamental assistance and notify, without delay, the administrative official, police officer or person with the responsibility of providing welfare protection to children under section 24."

³¹⁸ Thai Criminal Code, B.E. 2499 (1956) as amended in 2003, Section 320: "Whoever, by using fraudulent or deceitful means, threat, violence, unjust influence or any other means of compulsion, takes or sends a person out of the Kingdom, shall be punished with imprisonment of two to ten years or fined of four thousand to twenty thousand Baht, or both. If the commission of the offence according to the first paragraph be committed in order that the person taken or sent out to be under the power of the other person unlawfully, or in order to abandon such person to be in the helpless condition, the offender shall be punished with imprisonment of three to fifteen years and fine of six thousand to thirty thousand Baht."

³¹⁹ *Id.* at Section 319: "Whoever, takes away a minor over fifteen years but not yet over eighteen years of age from the parent, guardian or person looking after such minor lucre or indecent purpose with the consent of such minor, shall be punished with imprisonment of two to ten years and fined of four thousand to twenty thousand Baht. Whoever dishonestly buys, disposes, or accepts a minor to taken away according to the first paragraph, shall be liable to the same punishment as the person who takes such a minor away."

³²⁰ *Id.* at Section 306: "Whoever, abandons a child not over nine years of age in any place, with intent to wholly abandon such child in a manner so that such child shall be without a person to take care of, shall be punished with imprisonment not exceeding three years or fined not exceeding six thousand Baht, or both."

³²¹ *Id.* at Sections 313, 317, and 319.

³²² Email correspondence with Ilya Smirnoff, Executive Director Childline Thailand (May 1, 2014) (on file with the International Centre for Missing & Exploited Children).

³²³ *Id.*

The Phuket Gazette reported in August 2014 that the Royal Thai Police had initiated a new policy whereby parents of missing children no longer have to wait 24 hours before filing a report.³²⁴ While the Royal Thai Police are tasked with handling investigations into cases of missing children, organizations and departments that specialize in issues related to children are also necessary to ensure that the full investigative and legal processes progress smoothly and that children and families receive the sensitivity they deserve. For this purpose, three key organizations exist in Thailand to assist victims of abuse and human trafficking, and also can be utilized to help missing children: (1) Pavena Foundation for Children and Women; (2) Childline Thailand; and (3) Mirror Foundation.

The first of these organizations, the Pavena Foundation for Children and Women, centers its mission on the rescue and rehabilitation of victims of abuse, including human trafficking.³²⁵ The Pavena Foundation operates a public 24-hour hotline (1134), which the Office of Child Protection, a department of the Churches of Christ of Thailand, recommends as a resource to its church community.³²⁶ The Pavena Foundation offers emergency assistance to those women and children who have experienced rape, physical assault, involuntary prostitution, and other forms of abuse.³²⁷

The second organization, Childline Thailand, provides services centered on its child hotline (1387), which receives approximately 10,000 calls per year from children in need, many of whom are runaways.³²⁸ In the case of a runaway, Childline Thailand may offer advice, assistance, and counseling and possibly invite the child to come into the Childline Outreach Center for street children, located in Bangkok.³²⁹ When Childline Thailand receives calls from runaways or parents in search of their children, they refer the families to the Royal Thai Police for further assistance.

The third organization, Mirror Foundation, is an NGO that aims to help the hill tribe people, a large group of indigenous people living in the Northern part of the country,³³⁰ by assisting them on matters of citizenship, raising awareness about human trafficking, and reuniting families with their missing loved ones through the Missing Persons Information Centre, Backtohome.org).³³¹ Through Backtohome.org, Mirror Foundation collects and analyzes data and tries to collaborate with authorities to investigate missing persons cases. While the lack of definition for a “missing child” poses a challenge for the NGO, according to some officials it is the only functioning database on missing persons in the country.³³²

³²⁴ Woranut Pechdee, *Phuket Police Adopt Rapid-Response Policy for Missing Children*, PHUKET GAZETTE, Aug. 22, 2014, at <http://www.phuketgazette.net/phuket-news/Phuket-Police-adopt-rapidresponse-policy-missing-children/33653> (last visited on Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

³²⁵ Sinthamala Lanavanh, *PAVENA Foundation Offers Hope for Women and Children*, THE INDOCHINA MEDIA MEMORIAL FOUNDATION, http://www.immf-thailand.org/articles/pavena_foundation.html (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

³²⁶ *About Us*, OFFICE OF CHILD PROTECTION, at <http://www.cct.or.th/childprotection/en/aboutus.html> (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

³²⁷ Sinthamala Lanavanh, *supra* note 325.

³²⁸ Email correspondence with Ilya Smirnoff, *supra* note 322.

³²⁹ *Id.*

³³⁰ Mark Johanson, *Thailand's Lost Tribes: The Natives Who Are Not Citizens*, INTERNATIONAL BUSINESS TIMES, Aug. 23, 2011, at <http://www.ibtimes.com/thailands-lost-tribes-natives-who-are-not-citizens-708246> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

³³¹ *The Mirror Core Projects*, THE MIRROR FOUNDATION, at <http://www.themirrorfoundation.org/cms/index.php?The-Mirror-Foundation.html> (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

³³² Jonah Fisher, *A Thai family's desperate search for their missing daughter*, BBC NEWS ASIA, June 7, 2013, at <http://www.bbc.com/news/world-asia-22884783> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

Investigation of Missing Child Cases

Although there is no law outlining protections or regulations on behalf of missing children, there is a specific police policy document detailing how police officers are to handle cases of missing persons. The Royal Thai Police's Missing Persons Regulations Section 405 states that officers must fill out a "character of missing persons form" when a report is filed and explains where this form, and a picture of the missing person, must be sent depending on whether the report is filed in Bangkok or elsewhere. Section 406 states that if a case seems to involve "kidnapping or a political agenda," the case should be handled by the Special Branch, a Bureau under the Crime Prevention and Suppression Support Group of the Royal Thai Police.³³³

Case Management/Database

In addition to NGO efforts, there are currently two relevant databases managed by government agencies in Thailand: the Missing Persons Management Center (MPMC) on missing persons, regulated by the Royal Thai Police, and the Central Institution of Forensic Science on unidentified bodies, regulated by the Thai Ministry of Justice. While there is a clear connection between missing and unidentified persons, these databases are completely disconnected and unable to identify possible matches between missing persons and unidentified human remains.

Section 412 of the Missing Persons Regulations requires that – when a missing person's report is made – all information be recorded with the Royal Thai Police's Criminal Records Division and Office of Statistics in the form of a missing persons database. As a result, the MPMC was launched in 2011 and tasked with consolidating all available information on missing persons into a searchable database, which can then be used to collaborate with other authorities when investigating missing persons' cases.³³⁴ According to NGO directors working in the country, the MPMC, while well-intentioned, continues to be under-resourced.³³⁵

Alert Mechanism

Thailand does not have a rapid emergency child system to publicize missing children reports. Section 409 of the Missing Persons Regulations does, however, state that the "character of a missing persons form," which is completed by family members when they report the person missing, must be announced by the police in a public area such as a bus or a boat station. It is unclear what specific details this form requires.

Awareness Raising Initiatives

Mirror Foundation has worked for more than a decade to raise awareness of missing persons. The organization works with the Royal Thai Police, builds awareness, and educates those living in remote areas of the dangers linked to going missing and child sex trafficking. Mirror Foundation reports that an average of three people go missing in Thailand every day, two of whom are children.³³⁶

³³³ Email correspondence with Pol. Lt. Col. Apichart Hattasin, Royal Thai Police Force (Feb. 8, 2014) (on file with the International Centre for Missing & Exploited Children).

³³⁴ Paritta Wangkiat, *Missing Link: Is the system failing Phuket's missing children?*, THE PHUKET NEWS, Dec. 22, 2011, at <http://www.thepuketnews.com/missing-link-is-the-system-failing-phukets-missing-children-28005.php> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children). See also *Thailand Lacks Effective Structure for Tracking Missing Children*, CHIANGRAI TIMES, Jan. 2, 2012, at <http://www.chiangraitimes.com/thailand-lacks-effective-structure-for-tracking-missing-children.html> (last visited Apr. 27, 2016) (on file with the International Centre for Missing & Exploited Children).

³³⁵ Email correspondence with Non-Governmental Organization Director, Anonymous (Dec. 7, 2013) (on file with the International Centre for Missing & Exploited Children).

³³⁶ Noppadon Sritaweekart, Waraporn Sangwan, Ousanee Saensuk, *Police urged to tackle issue of missing persons*, THE NATION, Dec. 26, 2013, at <http://www.nationmultimedia.com/national/Police-urged-to-tackle-issue-of-missing-persons-30222943.html> (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

Trafficking

In 2008, Thailand adopted the Anti-Trafficking in Persons Act as a revision to the 1998 Measures in Prevention and Suppression of Trafficking in Women and Children.³³⁷ The new legislation criminalizes all forms of trafficking and prescribes protections for all trafficking victims as opposed to only women and children, as was the case in the prior law. In addition, the new legislation mandates harsher penalties for traffickers, allows victims to request compensation from traffickers for damages caused, and provides victims with essential services.³³⁸ Lastly, the Act established the Anti-Trafficking in Persons Fund to assist victims and prevent human trafficking.³³⁹

Cross-border travel is not mentioned in the Anti-Trafficking in Persons Act of 2008. Thai legislation only refers to the taking of a person out of the country in Section 320 of the Criminal Code of 1956, which states, “whoever, by using fraudulent or deceitful means, threat, violence, unjust influence or any other means of compulsion, takes or sends a person out of the Kingdom, shall be punished...”³⁴⁰ This reference is not, however, specific to children.

To help address the growing problem of human trafficking, the Royal Thai Government has developed a number of partnerships with organizations and agencies across the region. Most recently, Thailand’s Ministry of Social Development and Human Security partnered with USAID, the Australian Department of Foreign Affairs and Trade, ASEAN, and MTV Exit to host a concert in May 2014 in Udon Thani with 7,000 concert-goers to raise awareness about human trafficking.³⁴¹ Additionally, an agreement to combat human trafficking was signed between Vietnam and Thailand in 2008 on Bilateral Cooperation in Preventing and Combating Trafficking in Persons and Protection of Victims of Trafficking.³⁴² In 2011, World Vision began working with all of the six governments of the Greater Mekong Sub-region to improve legislation, identification, and responses to cases of human trafficking.³⁴³

³³⁷ Anti-Trafficking in Persons Act, B.E. 2551 (2008), at [http://www.no-trafficking.org/content/Laws_Agreement/laws_agreement_pdf/trafficking_in_persons_act_b.e%202551%20\(eng.\).pdf](http://www.no-trafficking.org/content/Laws_Agreement/laws_agreement_pdf/trafficking_in_persons_act_b.e%202551%20(eng.).pdf) (last visited Mar. 31, 2016) (on file with the International Centre for Missing & Exploited Children).

³³⁸ HumanTrafficking.org: Thailand, at <http://www.humantrafficking.org/countries/thailand> (last visited Mar. 31, 2016) (on file with the International Centre for Missing & Exploited Children).

³³⁹ Anti-Trafficking in Persons Act (2008), *supra* note 337.

³⁴⁰ Thai Criminal Code, *supra* note 318, at Section 320.

³⁴¹ *7,000 Fans Unite Against Human Trafficking at MTV Exit Concerts in Udon Thani*, ASSOC. OF SOUTHEAST ASIAN NATIONS, May 24, 2014 (on file with the International Centre for Missing & Exploited Children).

³⁴² Tackling Human Trafficking in the Greater Mekong Sub-region, *supra* note 134.

³⁴³ Email correspondence with Ms. Le Viet Anh, *supra* note 182.

VIETNAM

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child	13 Feb 1990	1 May 1991	
UN Optional Protocol on the Sale of Children, Child prostitution and Child Pornography	8 Sep 2000	20 Dec 2001	
Protocol to Prevent, Suppress and Punish Trafficking in Persons		8 Jun 2012 a	
UN Optional Protocol on the Involvement of Children in Armed Conflict	8 Sep 2000	20 Dec 2001	
UN Convention for the Protection of All Persons from Enforced Disappearance			
Hague Convention on International Child Abduction			

In Vietnam, there are six laws that refer directly or indirectly to missing children:

1. Penal Code of 1999, amended in 2014;
2. Decree 05/2000;
3. Child Protection, Care and Education Law of 2004;
4. Civil Code of 2005;
5. Youth Law of 2005; and
6. Human Trafficking Prevention and Combat Law of 2011.

General Child Protection

A number of partnerships have developed over the last few years to address child protection more generally. In 2012, UNICEF, in conjunction with the World Bank and Ministry of Labour, Invalids and Social Affairs (MOLISA) began working to reform the social assistance system to aid impoverished women, children, and families.³⁴⁴ UNICEF and the World Bank also have collaborated to help the Vietnamese Government conduct an overall poverty analysis.³⁴⁵ This is important for determining how many children are currently impoverished and how many are vulnerable to abandonment, neglect, and exploitation. This partnership is part of UNICEF's Vietnam Child Protection Programme, which was meant to be implemented between 2011 and 2015.³⁴⁶ The program has three central themes: (1) to increase child protective services, coordination, data collection, and follow up; (2) to develop special protection measures for the most vulnerable children, including those who have been trafficked, exploited, or abandoned; and (3) to establish a justice system that is sympathetic to children, including those in conflict with the law.³⁴⁷ Additional partners of this program include Plan

³⁴⁴ UNICEF, *UNICEF Annual Report 2012 for Vietnam* 5, at http://www.unicef.org/about/annualreport/files/VietNam_COAR_2012.pdf (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

³⁴⁵ *Id.*

³⁴⁶ Email correspondence with Ms. An Nguyen Thi, Plan International-Vietnam (Mar. 21, 2014) (on file with the International Centre for Missing & Exploited Children).

³⁴⁷ *Vietnam Child Protection Overview*, UNICEF, at <http://www.unicef.org/vietnam/protection.html> (last visited Mar. 30, 2016) (on file with the International Centre for Missing & Exploited Children).

Vietnam, World Vision, Save the Children, and Child Fund.³⁴⁸ The Government of Vietnam has agreed that – by UNICEF’s goal year of 2016 – proper amendments to current legislation will have been implemented to ensure more comprehensive protections for children who are vulnerable to violence, exploitation, and neglect. Additionally, social workers, law enforcement, and judicial officers will have enhanced training and will be aware of the new policies and procedures in place. The Government also aims for the service systems to be implemented in eight focus provinces before expanding to become part of a national model. To achieve these goals, on 5 April 2016, a new Child Law was passed that focuses on children’s rights and duties, principles and measures to ensure the enforcement of children’s rights, and the responsibilities of State agencies, organizations, educational establishments, families, and individuals to exercise children’s rights and duties.³⁴⁹ The law will take effect in June 2017.³⁵⁰

Definition of “Missing Child”

While there is no definition for “missing child” in Vietnamese legislation, Vietnam does have detailed definitions of both “disadvantaged” and “street children” in its 2004 Law on Child Protection, Care and Education, which can be used to identify and protect missing children. The Law defines disadvantaged children as those “with physically or mentally abnormal conditions, who are unable to exercise their fundamental rights and integrate with family and community.”³⁵¹ Article 40 provides further detail stating that, “disadvantaged children include orphans having no one to rely on, abandoned children; defective and disabled children; children being victims of toxic chemicals; children infected with HIV/AIDS; children doing hard or hazardous jobs or contacting noxious substances; children working far from their families; street children; sexually-abused children; children addicted to narcotics and juvenile offenders.”³⁵²

Street children are defined as children “who leave their families and earn a living by themselves with unfixed places of livelihood and residence; children wandering with their families.”³⁵³ This definition indirectly refers to runaways or children who have deliberately left their homes and have ended up lost and on the streets without any direct guardianship or adult supervision.

Articles 41 through 55 of the 2004 Law on Child Protection, Care and Education detail the responsibility of the State to protect and support disadvantaged children. The Articles mandate the creation of child support establishments, surrogate families, and special education establishments that include “moral education” to alleviate children’s disadvantaged circumstances and to provide for their care and development.³⁵⁴ Article 42 (3) states, “the concerned ministries and branches have the responsibility to provide professional guidance for child support establishments in handling and alleviating children’s disadvantaged circumstances...”³⁵⁵ According to an official at World Vision Vietnam, after the dissolution of the National Committee of Population, Family and Children in 2008, the Vietnamese Government designated MOLISA as the center for child protective services.³⁵⁶

³⁴⁸ Email correspondence with Ms. An Nguyen Thi, *supra* note 346.

³⁴⁹ *New Child Law maintains legal age of children at 16*, VIETNAM PLUS, Apr. 5, 2016, <http://en.vietnamplus.vn/new-child-law-maintains-legal-age-of-children-at-16/91375.vnp> (last visited May 2, 2016) (on file with the International Centre for Missing & Exploited Children).

³⁵⁰ *Id.*

³⁵¹ Law on Child Protection, Care and Education, No. 25/2004/QH11, June 15, 2004, Article 3 (on file with the International Centre for Missing & Exploited Children).

³⁵² *Id.* at Article 40 – Disadvantaged children.

³⁵³ *Id.* at Article 3 – Interpretation of terms.

³⁵⁴ *Id.* at Article 42 (3) – State’s policies towards disadvantaged children.

³⁵⁵ *Id.*

³⁵⁶ Email correspondence with Mr. Nguyen Khanh Hoi, National Coordinator for Project Childhood Prevention Pillar, World Vision Vietnam (Mar. 21, 2014) (on file with the International Centre for Missing & Exploited Children).

The Penal Code of 1999 provides protection for children ages 13 to 18 years from rape, prostitution, and forced sexual intercourse. The 2005 Youth Law protects youth from sexual abuse and labor exploitation and places responsibility on the family to ensure that youth do not fall victim to social vices or lead a street life.³⁵⁷

Vietnam is the only country in Southeast Asia that outlines the different steps that should be taken when a person is absent or missing. However, Section 5 in the Vietnamese Civil Code of 2005 appears to focus only on adults who are missing.

Kidnapping and Abduction

Vietnam criminalizes child abduction in general in the Child Protection, Care and Education Law.³⁵⁸ However, there is no reference made in this law specifically to parental abduction.

Case Management/Database

There does not seem to be a centralized national database or case management system in place to document missing or unidentified children in Vietnam. However, World Vision's End Trafficking in Persons Program (ETIP) has designed a case management system for victims of human trafficking, which includes a missing person's form. This system has been implemented in ETIP's Vietnam locations, but it is unclear how often it is used and how the information is collected.³⁵⁹

Awareness-Raising Initiatives

The Ho Chi Minh City Child Welfare Foundation is an NGO that works to raise awareness about the risk of trafficking for vulnerable and at-risk youth. The Foundation focuses on the protection and care of vulnerable children, including children living on the streets, disabled children, and children at increased risk of abuse and exploitation.³⁶⁰ The Foundation runs two shelters in Ho Chi Minh City where they provide education and skills training.³⁶¹

The Thao Dan Child Protection Center, another NGO working in Ho Chi Minh, also manages a safe house for street children ages 6 to 14 and offers them temporary shelter, food, access to education, and other social services when necessary such as outreach activities and practical survival trainings.³⁶²

According to an official at World Vision Vietnam, MOLISA runs a child helpline that provides support to all children in cases of violence, abuse, kidnapping, or abduction.³⁶³ Childline International and the MOLISA hosted the First Policy Dialogue and the Sixth Regional Consultation for Child Helplines in Asia-Pacific in November 2013 in Hanoi.³⁶⁴

Child Helpline Vietnam is funded by Plan Vietnam, an organization that aims to provide early childhood care, development, and protection for children in "ethnic minority areas."³⁶⁵ The hotline,

³⁵⁷ Youth Law of 2005 No. 53/2005/QH11, Article 28 – Responsibilities of the State and Article 29 – Responsibilities of the family (on file with the International Centre for Missing & Exploited Children).

³⁵⁸ Law on Child Protection, Care and Education, *supra* note 351.

³⁵⁹ Email correspondence with Ms. Le Viet Anh, *supra* note 182.

³⁶⁰ Vietnam: Ho Chi Minh Child Welfare Foundation, HUMANTRAFFICKING.ORG, at <http://www.humantrafficking.org/organizations/276> (last visited Mar. 30, 2016) (on file with the International Centre for Missing & Exploited Children).

³⁶¹ *Id.*

³⁶² *Thao Dan Safe House Information*, THAO DAN (on file with the international Centre for Missing & Exploited Children).

³⁶³ Email correspondence with Mr. Nguyen Khanh Hoi, *supra* note 356.

³⁶⁴ CHILD HELPLINE INT'L, *Information Pack "Policy Dialogue and Regional Consultation for Child Helplines in Asia Pacific (2013)*, at http://www.childhelplineinternational.org/media/71607/info_pack_-_2013.pdf (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

³⁶⁵ *What We Do*, PLAN VIETNAM, at <https://plan-international.org/where-we-work/asia/vietnam/what-we-do/what-we-do/> (last visited July 23, 2014) (on file with the International Centre for Missing & Exploited Children).

which was launched in 2004, is open to callers 24 hours per day and, according to the website, has handled hundreds of thousands of cases, primarily from callers aged 15 to 18 years old.³⁶⁶

Trafficking

Vietnam has been fighting human trafficking in a variety of ways since the early 2000s.³⁶⁷ The 2011 Law on Human Trafficking Prevention and Combat details the prevention, detection, and handling of human trafficking cases; the support systems available for victims; and the responsibilities of the Vietnamese Government agencies, ministries, sectors, and localities to prevent and combat human trafficking.³⁶⁸ However, the only articles in the law that reference children, other than a brief discussion of the management of child adoptions, are Articles 24 (3) and 26 (1b). Both Articles state that in the case of a child trafficking victim, the competent agency, which is dependent on whether the child is a domestic or a foreign national, must notify a relative to take the child or assign a guardian to the victim.³⁶⁹

Vietnam partnered with all six countries in the Greater Mekong Sub-region (GMS)³⁷⁰ to build on and support ongoing national responses to human trafficking through personalized goals for each country.³⁷¹ In addition, World Vision's End Trafficking in Persons Program (ETIP) is also working in the six countries of the GMS region. Between 2012 and 2016, ETIP aims to help reduce human trafficking in the GMS region by lowering the risk to vulnerable populations, providing survivors with the appropriate rehabilitative services, and ameliorating government policies to deliver greater overall protections for victims and their families.

In December 2010, UNODC and the Ministry of Public Security in Vietnam organized a workshop of all interested parties to increase inter-agency cooperation at the borders. At the meeting, participants agreed to create an Inter-Agency Committee to assess progress and threats to cross-border collaboration and enforcement.³⁷² Vietnam's regulations regarding cross-border travel with children are minimal. Under the proposal of the Ministry of Public Security and the Ministry for Foreign Affairs, Decree No. 05/2000 on the Entry and Exit of Vietnamese Citizens was passed in March of 2003.³⁷³ Although this Decree does not directly mention children, the Embassy of Vietnam states that only a child's parents or legal guardians can apply for a passport for a child under the age of 14.³⁷⁴

³⁶⁶ *Id.*

³⁶⁷ Tackling Human Trafficking in the Greater Mekong Sub-region, *supra* note 134.

³⁶⁸ Law on Prevention of and Combat against Human Trafficking No.66/2011/QH12, Article 24 (3) – Receipt and verification of domestically trafficked victims and Article 26 (1)(b) – Receipt and verification of victims returning from abroad.

³⁶⁹ *Id.*

³⁷⁰ Tackling Human Trafficking in the Greater Mekong Sub-region, *supra* note 134, at 10.

³⁷¹ THE COMMIT SUB-REGIONAL PLAN OF ACTION, *supra* note 179.

³⁷² *Viet Nam Strengthens Inter-Agency Response to Border Crimes*, UNITED NATIONS OFFICE ON DRUGS AND CRIME, Jan. 26, 2011, at <http://www.unodc.org/southeastasiaandpacific/en/2011/01/border-crimes-vietnam/story.html> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

³⁷³ Decree No. 05/2000/ND-CP of March 3, 2000 on the Exit and Entry of Vietnamese Citizens (on file with the International Centre for Missing & Exploited Children).

³⁷⁴ *Consular Services*, EMBASSY OF VIETNAM, LONDON, UNITED KINGDOM, at <http://vietnamembassy.org.uk/index.php?action=p&ct=Consular%20Services%20for%20UK%20residents> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).



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