

Missing Children Assessment and Recommendations Best Practices Guide

Belarus, Canada, Finland, Kazakhstan,
Russia, and the United States

August 2016



International Centre
FOR MISSING & EXPLOITED CHILDREN

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

**Missing Children Assessment and Recommendations Best Practices Guide:
Belarus, Canada, Finland, Kazakhstan, Russia, and the United States**

Copyright © 2016, International Centre for Missing & Exploited Children

This publication was funded through Grant Number S-RS500-15-GR-185 of the U.S. Department of State, U.S. Embassy in Moscow, Russia.

The opinions, findings, and conclusions or recommendations expressed herein are those of the author and of the International Centre for Missing & Exploited Children and do not necessarily represent the official position or policies of the U.S. Department of State or of the other organizations and individuals who assisted with the research and verification process.

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 thinkers and opinion leaders, and collaborating with partners in the field to identify and measure threats to children and ways ICMEC can advocate for 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.

Table of Contents

Table of Contents.....	i
Acknowledgements.....	ii
Foreword.....	iii
Executive Summary.....	iv
Model Missing Child Framework.....	1
International Legal Instruments.....	7
Convention on the Rights of the Child.....	8
Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.....	10
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.....	11
Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.....	12
International Convention for the Protection of All Persons from Enforced Disappearance.....	13
Convention of 25 October 1980 on the Civil Aspects of International Child Abduction.....	15
Overview & Context.....	16
Multi-National Initiatives & Best Practices.....	18
Recommendations & Conclusion	24
Legislative Review Results.....	26
Appendices.....	27
I. Inquiry Form.....	28
II. Country-Specific Findings.....	33
Belarus.....	34
Canada.....	43
Finland.....	51
Kazakhstan.....	56
Russia.....	65
United States.....	77

Acknowledgements

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 the Republic of Belarus (Belarus), Canada, Finland, the Republic of Kazakhstan (Kazakhstan), the Russian Federation (Russia), and the United States of America (United States):

- Svetlana S. Huntley, *ICMEC Consultant*, as primary author of this report;
- The invaluable legal interns and research fellows who have worked to compile the research for this report, in particular: Tim Keffer, *Research Intern*; Diana Khachatryan, *Research Intern*; Emma Rehard, *Research Intern*; and Sirjana Shakya, *Research Intern*;
- Various law enforcement agencies, prosecutors, government agencies, and advocates in the reviewed countries who responded to our requests for assistance and helped provide peer review;
- Our donors, without whom our work would not be possible.

The content in this report is current and verified as of June 2016.

Legislative excerpts are taken from unofficial translations.

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 missing children in the region, and, through this report, we offer broader recommendations 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 the 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. In July 2016, the second report – with a focus on 10 countries in Southeast Asia – was published in the hopes of enhancing the region’s engagement in missing children’s issues.

While this report does not focus on a particular region – but rather a comparative study of Belarus, Canada, Finland, Kazakhstan, Russia, and the United States – it is similar in scope and purpose to the previously cited reports. And the key takeaway remains the same: we have a global duty of care to help prevent child from going missing, find any child who has gone missing for any reason, and ensure that all children experience a safe childhood.

We are especially grateful to the U.S. Department of State and the U.S. Embassy in Moscow for their support of this report.



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 if 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 the fact that a child has gone missing. Parents and siblings experience shock, uncertainty, fear, guilt, and pain as they struggle to reestablish their family structure and function both in the child’s absence and after the child’s return.¹⁷ Children may leave home for a variety of reasons, including miscommunication, conflict, neglect, or abuse at the hands of these very

⁵ AUSTRALIAN FEDERAL POLICE, National Coordination Centre, at <http://www.missingpersons.gov.au/education-training/working-with-young-people> (last visited March 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.canadasmising.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 February 10, 2016) (on file with the International Centre for Missing & Exploited Children).

⁸ *Initiative Vermisste Kinder*, at <http://www.vermisste-kinder.de/> (last visited March 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/file-repository/2015-ncic-missing-person-and-unidentified-person-statistics.pdf> (last visited March 18, 2016) (on file with the International Centre for Missing & Exploited Children).

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).

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.

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 to a safe and stable situation. In order for this to happen, systems must be in place to detail how law enforcement, governmental agencies, non-governmental organizations, 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. 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.

The second report in the series reviewed current legislation, policies, and best practices related to missing children in 10 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. The Southeast Asia regional report was published in July 2016.

This report was undertaken within the scope of a grant from the U.S. Department of State, U.S. Embassy in Moscow, with a focus on the issues of missing and exploited children. This report reviews current legislation, policies, and best practices related to missing children in six countries: Belarus, Canada, Finland, Kazakhstan, Russia, and the United States. While not representative of a single region, ICMEC reviewed legislation, policies, and practices in Russia and the United States (per the terms of the grant) along with a sampling of countries nearby to each, including post-Soviet countries and others, in an effort to review a variety of approaches and possible scenarios. The report contains country-specific information – including legislation, policies, and practices – along with a gap analysis and recommendations for developing and strengthening existing mechanisms in each of these countries.

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. 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 background context, including challenges, legal frameworks, good initiatives, and recommendations.

The final section of this report contains a country-specific legislative review. It 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 sought to determine 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;
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 country-specific legislative review accompanying the Model Missing Child Framework is about assessing the current state and awareness of the problem, 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 overview and context, country-specific legislative review, and country-specific findings present a fuller picture of existing efforts. This picture suggests that although some of the countries discussed in this report may not have an abundance of legislation specific to missing children, they have shown a willingness to address the issue and, to varying degrees, are raising awareness and launching new 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 reviewed in this report. The inquiry form can be found in Appendix I.

In-depth, open source research into legislation, best practices, and policies was conducted on each of the six countries at the national level. In order to ensure that information was being properly understood and analyzed, ICMEC reached out to organizations working in the field for further discussion and clarification. ICMEC hosted a virtual meeting with child protection professionals from Belarus, Kazakhstan, and Russia in April 2016. In preparation for the online meeting, gap analysis documents were prepared by ICMEC for all six countries. These gap analysis documents were a focal point of the discussion during the virtual meeting during which participants provided additional insight and information.

In the final phase, detailed letters containing the results of the research, which in some cases reflected information received through the responses to the gap analysis documents, were assembled for each country and sent to representatives from non-governmental organizations (NGOs), law enforcement entities, and government agencies in each country to verify the material. ICMEC received responses to these verification letters from five of the six countries; no response was returned for Kazakhstan.

Results

There have been many significant advances in recent decades in the overall child protection arena in all six countries considered in this report. However, research demonstrates that more needs to be done by each country to better protect children. Among the six countries, only the United States has passed legislation specific to missing children at the federal level, although recently Russia has created a special inter-departmental working group to develop laws specific to missing children. While criminal laws in all six countries penalize abduction, kidnapping, human trafficking, and sexual exploitation (a potential risk factor for missing children), none of them distinguishes between the different categories of missing children. However, in Belarus, Kazakhstan, and Russia there are a few statutes that address abandoned and neglected children and various categories of runaways. A recent U.S. federal law specifically addresses runaways from care.

In summary, this report reveals that, out of the six countries reviewed:

- Only the United States has federal-level legislation specific to missing children. In Canada, several provinces have legislation concerning missing persons;
- All have laws criminalizing child abduction;

- Belarus, Kazakhstan, Russia, and the United States have legislation mandating that cases involving missing persons or missing children be immediately investigated;
- All have controls in place to help prevent international child abductions;
- All have some kind of internal policies guiding the work of law enforcement in the search for missing children;
- All are members of INTERPOL and have access to INTERPOL’s missing persons database through their National Crime Bureau.¹⁸
- Belarus, Canada, Finland, Kazakhstan, and the United States have national databases of missing children;
- All, except Kazakhstan, have clear mechanisms for reporting missing children;
- Belarus, Canada, Kazakhstan, Russia, and the United States have missing children case management systems in place;
- Canada and the United States have rapid emergency child alert systems in place to alert the public about missing children;
- Belarus, Canada, Russia, and the United States have some formal agreements between agencies working on missing children cases or policies/recommendations to facilitate coordination between agencies when searching for missing children;
- All have either ratified or acceded to the 1980 Hague Convention on the Civil Aspects of International Child Abduction; and
- Canada, Finland, and the United States criminalize parental abduction.

Research indicates that all six countries discussed in this report have made significant efforts in the broader realm of child protection and have enacted legislation that emphasizes the responsibility of both the State and parents to protect children. There is specific legislation to protect children from abandonment, abuse, exploitation, and neglect, but much of this legislation does not acknowledge the link between child sexual exploitation and missing children, save for the U.S. Missing Children’s Assistance Act of 1984 (MCAA), which acknowledges that “many missing children are at great risk of both physical harm and sexual exploitation.”¹⁹ Many of the tools aimed at protecting abused, exploited, and trafficked children have not yet been extended to include the concept of missing children. However, Belarus, Russia, and the United States all have established national operational centers for missing and exploited children that carry out various child protection initiatives, including awareness initiatives highlighting the fact that many missing children become victims of trafficking, abuse, and exploitation.²⁰

¹⁸ INTERPOL, *Member countries – World*, at <http://www.interpol.int/Member-countries/World> (last visited August 16, 2016).

¹⁹ Missing Children’s Assistance Act of 1984, (MCAA, 42 USC §5771 et seq.), at <https://www.law.cornell.edu/uscode/text/42/5771> (last visited July 7, 2016).

²⁰ Centre for Missing and Exploited Children in Belarus holds educational events for government officials, law enforcement, representatives of NGOs, and the general public, in order to make the search for missing children more effective, improve the prevention framework, and share experiences regarding the search for missing children. See Centre for Missing and Exploited Children, at http://ponimanie.org/projects/centre_missing (last visited August 18, 2016). Moreover, INGO Ponimanie (INGO “Understanding”), which launched the Centre for Missing and Exploited Children in Belarus, also has a number of child protection initiatives like Child Helpline Belarus – a helpline that provides aid to children who have found themselves in difficult situations (e.g., exploitation and violence), and Dom Ponimania (House of Understanding) – a facility where child victims can receive comprehensive aid, including psychological assistance and rehabilitative services. See INGO Ponimanie, *About Ponimanie - Our history*, at <http://ponimanie.org/eng/about/> (last visited June 23, 2016); INGO Ponimanie, *Projects*, at <http://ponimanie.org/eng/projects/> (last visited June 23, 2016).

“NeDopusti!”, the prototype Russian National Center for Missing and Exploited Children, has a variety of resources such as articles and publications for teachers, parents, volunteers, and children educating them about online safety to prevent children from sexual abuse and exploitation, online grooming, and tips to prevent children from going missing. See *25 October – A panel discussion “Protecting and assisting child victims of crimes: practical development online and offline”* (Oct. 25, 2013), NEDOPUSTI!, at <http://nedopusti.ru/inform/read/701/> (last visited June 28, 2016). See also NEDOPUSTI!, *Articles and Publications*, at <http://nedopusti.ru/articles/> (last visited August 8, 2016).

On 22-23 June 2016, “NeDopusti!” conducted a panel discussion “Protection of children from abduction and exploitation in a digital world” organized for professionals; See *“NeDopusti!” held an expert panel discussion on the problems of missing and exploited children* (June 23, 2016), at <http://nedopusti.ru/inform/read/1609/> (last visited August 8, 2016);

While resources may be a concern in many countries, there is great potential for improvement by amending legislation, expanding existing efforts, and enhancing cross-border collaboration. However, without concrete prevention and protection mechanisms for missing children, law enforcement agencies, the courts, and governments in each country under review 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.” Amplification of this definition can be found in the Model Missing Child Framework.²¹

The National Center for Missing & Exploited Children (NCMEC) in the USA conducts numerous child safety and prevention workshops on child abduction, child sexual exploitation, and Internet safety; and awareness campaigns on child sexual exploitation and recognizing child victims of exploitation. See National Center for Missing & Exploited Children, *Child Safety and Prevention*, at <http://www.missingkids.com/Safety>; *Victim and Family Support*, at <http://www.missingkids.com/Support>; *If Your Child Is Missing*, at <http://www.missingkids.com/MissingChild> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

²¹ See the Model Missing Child Framework on page 1 of this report.

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 level²² 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.

²² If federal/national legal systems do not allow for a federal/national definition, then legislation in each state, province, etc. should define “missing child.”

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 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.²³ 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 can increase 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.

²³ 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 April 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 less than 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, non-governmental organizations, 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,²⁴ the Optional Protocol to the United Nations Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography,²⁵ the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children,²⁶ the Optional Protocol to the United Nations Convention on the Rights of the Child on the Involvement of Children in Armed Conflict,²⁷ the United Nations International Convention for the Protection of All Persons from Enforced Disappearance,²⁸ and the 1980 Hague Convention on the Civil Aspects of International Child Abduction.²⁹

²⁴ Convention on the Rights of the Child, *supra* note 2.

²⁵ 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).

²⁶ 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).

²⁷ 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).

²⁸ International Convention for the Protection of All Persons from Enforced Disappearance, *supra* note 3.

²⁹ 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 Child³⁰ (CRC) aims to ensure a broad range of human rights for children – including civil, cultural, economic, political, and social rights.³¹ 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 1990.³² There are currently 197 States Parties (196 countries have ratified and one country has signed, but not ratified) to the CRC.³³

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.

³⁰ Convention on the Rights of the Child, *supra* note 2.

³¹ See Convention on the Rights of the Child, U.N. Treaty Collection Status Chart, at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=_en (last visited August 22, 2016) (on file with the International Centre for Missing & Exploited Children).

³² Convention on the Rights of the Child, *supra* note 2.

³³ Convention on the Rights of the Child, U.N. Treaty Collection Status Chart, *supra* note 31.

- 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 Pornography³⁴ (Optional Protocol or OPSC) 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 2002.³⁵ Currently, 173 countries have ratified the Optional Protocol and 9 others have signed, but not yet ratified, it.³⁶

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 defines the following terms:
 - (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.

³⁴ Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, *supra* note 25.

³⁵ *Id.*

³⁶ 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=TREATY&mtdsg_no=IV-11-c&chapter=4&clang=en (last visited August 22, 2016) (on file with the International Centre for Missing & Exploited Children).

Optional Protocol on the Involvement of Children in Armed Conflict

The Optional Protocol on the Involvement of Children in Armed Conflict (Optional Protocol on Children in Armed Conflict or OPAC) to the CRC 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.³⁷ 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 2002.³⁸ Currently, 165 countries have ratified the Optional Protocol on Children in Armed Conflict, and 14 other countries have signed, but not ratified, it.³⁹

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.

³⁷ Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, *supra* note 27.

³⁸ 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=IV-11-b&chapter=4&clang=en (last visited March 21, 2016) (on file with the International Centre for Missing & Exploited Children).

³⁹ *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.⁴⁰ 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.⁴¹

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, 170 countries have ratified the Palermo Protocol, and 3 other countries have signed, but not ratified, it.⁴²

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:
(a) “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.

⁴⁰ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, *supra* note 26.

⁴¹ *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).

⁴² 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=IND&mtdsg_no=XVIII-12-a&chapter=18&clang=en (last visited August 22, 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.⁴³

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 51 countries have signed, but not yet ratified, it.⁴⁴

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.
- 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.

⁴³ International Convention for the Protection of All Persons from Enforced Disappearance, *supra* note 3.

⁴⁴ 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=TREATY&mtdsg_no=IV-16&chapter=4&clang=en (last visited August 22, 2016) (on file with the International Centre for Missing & Exploited Children).

- 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 Convention on International Child Abduction) 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 his or her habitual residence.⁴⁵

The Hague Convention on International Child Abduction was opened for signature by The Hague Conference on Private International Law on 25 October 1980 and entered into force on 1 December 1983.⁴⁶ Currently, 95 countries (72 Member States and 23 Non-Member States) have ratified or acceded to the Hague Convention on International Child Abduction.⁴⁷ 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 Convention on International Child Abduction 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 Convention on International Child Abduction 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.

⁴⁵ Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, *supra* note 4.

⁴⁶ The Hague Abduction Convention was initially open for signature only by the Member States of The Hague Conference on Private International Law. However, it now is open to any State.

⁴⁷ 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 March 21, 2016) (on file with the International Centre for Missing & Exploited Children).

Overview & Context

A key challenge to fully understanding the scope of the issue of missing and abducted children in some of the countries described in this report is the lack of available, accurate data. In Russia, for example, the Children's Ombudsman estimates that more than 45,000 children go missing each year,⁴⁸ while according to law enforcement authorities 8,564 children were reported missing in 2015.⁴⁹ In Belarus and Kazakhstan, law enforcement authorities keep record of missing persons,⁵⁰ but statistical information about these cases is not available on the official websites of the respective agencies. Finland is connected to the Schengen Information System II, which contains information on missing persons throughout Europe, including missing children. However, access to this system is limited to law enforcement, judicial, and administrative authorities.⁵¹ Even when statistical data is available because law enforcement maintains comprehensive statistics, as is the case in Canada and the United States, it may be inaccurate due to under-reporting (e.g., a child is not reported missing) or repeat reporting (e.g., a child who repeatedly runs away may be recorded multiple times in the system).⁵²

Even though concrete statistics are limited, anecdotal evidence points to the fact that many children who are missing or abducted are vulnerable to sexual exploitation, trafficking, and prostitution.⁵³ 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 the countries addressed in this report. For example:

- Of the 586 known Belarusian victims of child trafficking between 2005 and June 2016, 579 of them were sexually exploited.⁵⁴
- Approximately 600 women and children are trafficked into Canada each year for sexual purposes.⁵⁵
- In 2011, 9 children were identified as child trafficking victims in Finland, and 13 children were identified as potential victims of trafficking between 2006 and 2009.⁵⁶

⁴⁸ Interview with Pavel Astakhov MIA "Russia Today", *supra* note 11.

⁴⁹ State Duma Committee: more than 8.5 thousand children were reported missing in the Russian Federation in 2015 (April 14, 2016), TASS, at <http://tass.ru/obschestvo/3203262> (last visited July 21, 2016).

⁵⁰ A comment by INGO Ponimanie to the verification letter (correspondence of May 18, 2016); correspondence with Andrey Makhanko, Chairman of the Board of INGO Ponimanie of May 23, 2016; Clauses 35-1 and 21 of the Rules on Receiving and Registering Statements and Report of Crimes, as well as Keeping the Uniform Register or Pre-trial Investigations, approved by the Order of the General Prosecutor of the Republic of Kazakhstan No. 89 of 19 September 2014 (amended on Aug. 10, 2015), at <http://prokuror.gov.kz/rus/dokumenty/prikazy-generalnogo-prokurora/o-vnesenii-izmeneniy-i-dopolneniy-v-prikaz-generalnogo-0> (last visited July 6, 2016).

⁵¹ Schengen Information System II, *Helping You Move Freely, Helping You Live Safely*, at http://www.raja.fi/download/42245_HOME_-_SIS_II_-_Leaflet_V1.0.EN.pdf?d8b7d37817b9d288 (last visited July 21, 2016).

⁵² National Center for Missing and Exploited Children, *Key Facts*, at <http://www.missingkids.com/KeyFacts> (last visited July 21, 2016); Missing Children Society of Canada, *Statistics*, at <http://mcsc.ca/about-us/statistics/> (last visited July 21, 2016).

⁵³ This is confirmed by the U.S. Department of State Trafficking in Persons 2015 Report, at <http://www.state.gov/j/tip/ris/tiprpt/2015/index.htm> (last visited July 21, 2016) and the Country Monitoring Reports prepared by ECPAT International, at <http://www.ecpat.org/resources/> (last visited July 21, 2016).

⁵⁴ The Ministry of Interior of the Republic of Belarus, *Statistics on Prevention of Human Trafficking and other crimes related to it*, at <http://mvd.gov.by/ru/main.aspx?guid=5421> (last visited July 21, 2016). See <http://mvd.gov.by/imgmvd/pti2016/nesoversh.doc> (last visited August 8, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁵ Standing Senate Committee on Human Rights, *The Sexual Exploitation of Children in Canada: the Need for National Action* 18, (November 2011), at <http://www.parl.gc.ca/Content/SEN/Committee/411/ridr/rep/rep03nov11-e.pdf> (last visited July 21, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁶ UNICEF, *Child Trafficking in the Nordic Countries: Rethinking strategies and national responses*, endnote 18 at page 40 (Dec. 2011), at https://www.unicef-irc.org/publications/pdf/nordic_countries.pdf (last visited July 21, 2016).

- In 2015, 32 criminal cases involving child trafficking were reported in Kazakhstan.⁵⁷
- Every year, between 30,000 and 60,000 women, mostly minors, are trafficked abroad from Russia for purposes of sexual exploitation.⁵⁸
- At least 100,000 children are exploited through prostitution each year in the United States.⁵⁹

Although the above studies present a grim picture of child trafficking, they also highlight the need for legislative and policy reform to protect these vulnerable children.

Studies also show high rates of child abuse in five of the six countries:⁶⁰

- In 2014, it was reported that child sexual abuse was on the rise in Canada.⁶¹
- In 2013, there were 5,300 reported cases of child victims of assaults in Finland,⁶² and 2,136 children were victims of domestic violence by their parents in 2015.⁶³
- In 2014, more than 900 children were reported as victims of child abuse in Kazakhstan.⁶⁴
- From 2007 to 2012, more than 18,100 cases of child abuse by adoptive parents were recorded in Russia,⁶⁵ and the Investigative Committee of the Russian Federation officially reported 17,014 crimes against children in 2013.⁶⁶
- In 2014, there were 702,000 reported cases of child victims of abuse and neglect in the United States,⁶⁷ and more than 2.5 million reports of child abuse are made in the United States each year.⁶⁸

⁵⁷ Serik Sabekov, *In 2015 in Kazakhstan 32 child trafficking criminal cases were initiated – the Ministry of Interior of the Republic of Kazakhstan* (June 12, 2015), at <http://www.zakon.kz/4719811-v-2015-godu-v-kazakhstane-vozbuzhdeno.html> (last visited July 21, 2016).

⁵⁸ ECPAT International, *2012 Country Report, the Russian Federation* 11, at http://www.ecpat.org/wp-content/uploads/2016/04/A4A_V2_CIS_RUSSIA.pdf (last visited July 21, 2016).

⁵⁹ ECPAT International, *Executive Summary of the USA Country Report* 1 (2012), at http://ecpat.net/sites/default/files/EXSUM_A4A_AM_USA.pdf (last visited July 21, 2016).

⁶⁰ Child abuse statistics are not available for Belarus. See e.g., Elena Spasyuk, *Why does the problem of violence against children remain in the shadows?* (Sept. 13, 2009), NAVINY.BY, at http://naviny.by/rubrics/society/2010/09/13/ic_articles_116_170429/ (last visited July 21, 2016).

⁶¹ Elizabeth Thompson, *Child sexual abuse is on the rise in Canada but MacKay's not sure why* (March 6, 2014), iPOLITICS, at <https://ipolitics.ca/2014/03/06/child-sexual-abuse-on-the-rise-in-canada-but-mackays-not-sure-why/> (last visited July 21, 2016).

⁶² Statistics Finland, *Review on offences recorded by the police, customs and border guard*, at http://www.stat.fi/til/polrik/2013/polrik_2013_2014-04-02_kat_001_en.html (last visited July 21, 2016).

⁶³ Statistics Finland, *Nearly 70 percent of victims of domestic violence and intimate partner violence were women* (May 30, 2016), at http://www.stat.fi/til/rpk/2015/15/rpk_2015_15_2016-05-30_tie_001_en.html (last visited July 21, 2016).

⁶⁴ *General Prosecutor is concerned about the upsurge of sexual violence against children* (June 11, 2015), TENGRINEWS, at <https://tengrinews.kz/events/genprokuror-obespokoen-vspleskom-seksualnogo-nasiliya-276061/> (last visited July 21, 2016).

⁶⁵ Children's Ombudsman for the President of the Russian Federation, *Report by Pavel Astakhov at the seminar organized by custody and guardianship authorities* (April 18, 2013), at <http://www.rfdeti.ru/display.php?id=6625> (last visited July 21, 2016).

⁶⁶ Investigative Committee of the Russian Federation, *The Investigative Committee of Russia held a panel discussion on investigating crimes against children and economic crimes* (Dec. 11, 2014), at <http://sledcom.ru/news/item/886779> (last visited July 21, 2016).

⁶⁷ Children's Bureau of the U.S. Department of Health and Human Services, *Child Maltreatment 2014* ii, at <http://www.acf.hhs.gov/sites/default/files/cb/cm2014.pdf> (last visited July 21, 2016).

⁶⁸ National Council on Child Abuse & Family Violence, *Child Abuse Information*, at <http://www.nccafv.org/child.htm> (last visited July 21, 2016).

Generally speaking, child abuse, abandonment, and neglect are some of the key reasons why children run away from home.⁶⁹ 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.

Consideration of the issue of missing children also must take human migration into account. For example:

- In 2014, Canada hosted 23,285 refugees,⁷⁰ and more than 300 unaccompanied children arrive to Canada every year, leaving their home countries because of war and poverty.⁷¹
- 32,000 asylum-seekers arrived in Finland in 2015,⁷² of which more than 800 were unaccompanied children.⁷³
- Since 2014, tens of thousands of unaccompanied children from Central America have entered the United States, fleeing from violence in their home countries.⁷⁴

Significant rates of immigration and migration 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. Migrant children, particularly refugees, are especially vulnerable to physical abuse, kidnapping, early childhood marriage, sexual exploitation, sex trafficking, and forced labor, including forced donation of organs, drug smuggling, and begging.⁷⁵

Multi-National Initiatives & Best Practices

All six countries reviewed in this report are members of the United Nations (UN)⁷⁶ and are parties to various UN instruments addressing child protection issues, including the Optional Protocol on the Involvement of Children in Armed Conflict, the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography,⁷⁷ the Convention against Transnational Organized Crime,⁷⁸ and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Additionally, all six countries are signatories to the Hague Convention on International Child Abduction.⁷⁹ While these instruments do not specifically address missing children's issues, except for international parental child abduction, they represent a clear commitment to child protection. All six countries confront common challenges, such as child sexual exploitation, child trafficking, child abuse, and neglect. Some also face immigration-related challenges. While immigration and migration issues

⁶⁹ For example, thousands of Canadian children run away from home each year mostly due to sexual, physical, and psychological maltreatment. SOS Children's Villages Canada, *Canada*, at <http://www.soschildrensvillages.ca/canada> (last visited July 21, 2016).

⁷⁰ Daniel Schwarz, *Canada's refugees: Where do they come from by the numbers* (Oct. 4, 2015), CBC NEWS, at <http://www.cbc.ca/news/canada/canada-refugees-1.3239460> (last visited July 21, 2016).

⁷¹ *Unaccompanied child refugees pouring into Canada* (July 26, 2013), CBC NEWS, at <http://www.cbc.ca/news/canada/unaccompanied-child-refugees-pouring-into-canada-1.1328888> (last visited July 21, 2016).

⁷² Reid Standish, *For Finland and Norway, the Refugee Crisis Heats Up Along the Russian Arctic* (Jan. 26, 2016), FOREIGN POLICY, at <http://foreignpolicy.com/2016/01/26/for-finland-and-norway-the-refugee-crisis-heats-up-along-the-russian-arctic/> (last visited July 21, 2016).

⁷³ Save the Children, *European Refugee Crisis*, Fact Sheet (Sept. 28, 2015), at http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/EU-CX-15_FACTSHEET_28SEPT2015_V2.PDF (last visited July 21, 2016).

⁷⁴ *Id.*

⁷⁵ 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 February 12, 2016) (on file with the International Centre for Missing & Exploited Children).

⁷⁶ The United Nations, *Member States*, at <http://www.un.org/en/member-states/> (last visited July 20, 2016).

⁷⁷ The Office of the United Nations High Commissioner for Human Rights, *Status of Ratification, Interactive Dashboard*, at <http://indicators.ohchr.org/> (last visited July 20, 2016).

⁷⁸ United Nations Treaty Collection, *Status of Treaties, United Nations Convention against Transnational Organized Crime of 15 November 2000*, at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&lang=en (last visited July 20, 2016).

⁷⁹ Convention of 25 October 1980 on the Civil Aspects of International Child Abduction: Status Table, *supra* note 47.

may not seem to have an obvious connection to missing children, they often displace children and leave them unaccounted for and without adult care or supervision.

Many advances in the overall child protection arena have been made in recent decades in all six countries. Belarus and the United States established national operational centers for missing and exploited children, which operate as NGOs. In Russia, there is a fully functioning prototype of a national operational center.⁸⁰ In Canada, the Royal Canadian Mounted Police (RCMP) created the National Center for Missing Persons and Unidentified Remains, which provides support and specialized services to law enforcement when investigating missing children's cases.

The United States has enacted numerous laws specific to missing children since the 1980s. Recently, Russia created a special working group in the legislative body to develop such legislation. All six countries have either laws or policies that require law enforcement to immediately begin investigation upon receipt of a missing child report. Canada and the United States have rapid emergency child alert systems in place to alert the public when a child goes missing.

While improving domestic legislation and policies within each of the six countries is vital to the progress of creating a universal definition of – and standard approach to – missing children, a cohesive response also is essential. One possibility is to work with and through regional organizations to which the countries belong. For example, all of the countries discussed in this report are members of the Organization for Security and Cooperation in Europe (OSCE), which mainly works to combat human trafficking, migration, and border management.⁸¹ However, in 2011 the OSCE Parliamentary Assembly urged the organization to focus on international child abduction issues by acceding to the Hague Convention on International Child Abduction and making sure it is fully implemented.⁸² While the OSCE's decisions are made by political consensus and are not legally binding on Member States,⁸³ the Commonwealth of Independent States, Council of Europe, European Union, and Organization of American States all have the ability to pass legally binding agreements, develop protocols and instruments, and associate with businesses and civil society organizations, which ultimately allows them to promote regional issues with a large-scale and unified perspective.

Multi-national legislative and programmatic initiatives with a nexus to missing children's issues include the following:

Commonwealth of Independent States

In 1995, the Commonwealth of Independent States (CIS) adopted the CIS Convention on Human Rights and Fundamental Freedoms, a human rights treaty of a general nature that equally applies to children.⁸⁴ Article 17 of the Convention grants every child the right to special protective measures on the part of the State depending on his or her particular situation. The Convention is the only legally binding CIS agreement related to child protection.

⁸⁰ The National Strategy of Actions for Children, which entered into force by Decree of the President of the Russian Federation No. 761 of 1 June 2012, outlined the need for the creation of a Russian National Centre for Missing and Exploited Children. Within the scope of the National Strategy, and under the financing period laid out in Presidential Directive #115, ROCIT received a Presidential Grant coordinated by the Public Chamber of the Russian Federation to set up and begin pilot functioning of the prototype of the Russian National Centre for Missing and Exploited Children – “NeDopusti!”. Agreement No. 89-13 of 21 October 2013 was signed outlining the specific duties and responsibilities as well as the grant details. “NeDopusti!” is currently functioning as the official “prototype of the Russian National Centre for Missing and Exploited Children” as laid out in Article 1.2. of the Agreement.

⁸¹ OSCE, *Participating States*, at <http://www.osce.org/states> (last visited July 20, 2016) (on file with the International Centre for Missing & Exploited Children).

⁸² OSCE, *2011 Parliamentary Assembly, Resolution on International Parental Child Abductions 40*, at <https://www.parlament.ch/centers/documents/en/osce-belgrad-resolutions-2011-e.pdf> (last visited July 20, 2016) (on file with the International Centre for Missing & Exploited Children).

⁸³ OSCE, *Who we are*, at <http://www.osce.org/who> (last visited July 20, 2016) (on file with the International Centre for Missing & Exploited Children).

⁸⁴ The 1995 CIS Convention on Human Rights and Fundamental Freedoms, at <http://www.refworld.org/docid/49997ae32c.html> (last visited July 20, 2016).

Children's rights and child protection issues are covered in more detail by CIS model laws, which are not legally binding documents and serve more as guidelines for the Member States for amending national legislation in accordance with the rules and standards of international law. In 2008, the CIS enacted the Model Law on Missing Persons, which focuses on persons missing as a result of conflicts.⁸⁵ The Model Law on Missing Persons was drafted in collaboration with the International Committee of the Red Cross.⁸⁶ The CIS Inter-Parliamentary Assembly currently is working on draft model laws related to migration, prevention of child neglect, and crimes committed by minors.⁸⁷

Council of Europe

The main human rights treaty within the Council of Europe (CoE) framework is the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, which refers to civil and political rights generally and also may be applied to children.⁸⁸

In 1996, the CoE revised the European Social Charter, which guarantees basic social and economic rights and provides special protections to children.⁸⁹ According to Article 17 of the Charter, the Parties undertake to protect children from negligence, violence, and exploitation.

The CoE also has adopted several legally binding instruments addressing children's rights and missing children's issues. In 1996, the European Convention on the Exercise of Children's Rights was enacted.⁹⁰ In 2005, the CoE adopted the Convention on Action against Trafficking in Human Beings (CETS No. 197).⁹¹ Article 33(2) of the Convention on Action against Trafficking in Human Beings encourages the Parties to the Convention to reinforce "their co-operation in the search for missing people, in particular for missing children, if the information available leads them to believe that she/he is a victim of trafficking in human beings." In 2007, the CoE enacted the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.⁹² In 2008, the CoE adopted the European Convention on the Adoption of Children (revised).⁹³

The CoE also has created several bodies to monitor the protection of children's rights, among which are the Lanzarote Committee, which monitors the protection of children against sexual exploitation and sexual abuse; the Group of Experts on Action against Trafficking in Human Beings, which monitors the implementation of CETS No. 197; the European Committee on Social Rights, which monitors the implementation of social rights in the CoE member states; and the Group of Experts on Action against Violence against Women and Domestic Violence, which monitors the protection of children against domestic violence.⁹⁴

⁸⁵ CIS Model Law on Missing Persons of 2008, at http://iacis.ru/upload/iblock/410/ass_31_17a.pdf (last visited July 20, 2016) (on file with the International Centre for Missing & Exploited Children).

⁸⁶ Missing Persons, *A Handbook for Parliamentarians*, 2009 (on file with the International Centre for Missing & Exploited Children).

⁸⁷ Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States, the Secretariat of the Council of the IPA CIS, *Information on activities of the IPA CIS in 2014* (Feb. 1, 2015), at http://www.iacis.ru/pressroom/news/sekretariat_mpa_sng/informatsiya_o_deyatelnosti_mezhparlamentskoy_assamblei_gosudarst_v_uchastnikov_sng_v_2014_godu/?sphrase_id=16403 (last visited July 20, 2016).

⁸⁸ The European Convention on Human Rights of 1950, at http://www.echr.coe.int/Documents/Convention_ENG.pdf (last visited July 20, 2016).

⁸⁹ The European Social Charter of 3 May 1996, at <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168047e01a> (last visited July 20, 2016).

⁹⁰ European Convention on the Exercise of Children's Rights, at <http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168007cdaf> (last visited July 20, 2016).

⁹¹ Council of Europe Convention on Action against Trafficking in Human Beings, at <http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008371d> (last visited July 20, 2016).

⁹² Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, at <http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680084822> (last visited July 20, 2016).

⁹³ Council of Europe Convention on the Adoption of Children, at <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680084823>.

⁹⁴ Council of Europe, *Monitoring Children's Rights*, at <http://www.coe.int/en/web/children/monitoring> (last visited July 20, 2016).

The European Convention on Human Rights (ECHR), adopted within the context of the Council of Europe, established the European Court of Human Rights in 1959.⁹⁵ International child abduction is addressed in Article 8 of the ECHR on the right to respect for private and family life. The European Court of Human Rights has held that Article 8 of the ECHR must be interpreted in light of the requirements of the 1980 Hague Convention on International Child Abduction.⁹⁶

In 2015, the CoE Committee of Ministers adopted non-binding Recommendation CM/REC(2015)4 on preventing and resolving disputes on child relocation. In this document, the Committee of Ministers provides guidance and recommendations to member States on situations concerning child relocation to help member States reinforce measures to prevent child abductions and improve national legislation accordingly.⁹⁷

European Union

In 2000, the European Union (EU) enacted the Charter of Fundamental Rights.⁹⁸ Article 24 of the Charter grants every child the right to maintain a relationship and direct contact with both parents, unless it is contrary to his or her interests, and the right to protection and care necessary for their well-being, and requires public authorities and private institutions to make the child's best interest a priority when making any decisions.⁹⁹

In 2011, the EU passed Directive 2011/93/EU on Combating Sexual Abuse and Sexual Exploitation of Children, and Child Pornography¹⁰⁰ and Directive 2011/36/EU on Preventing and Combating Trafficking in Human Beings and Protecting Victims.¹⁰¹

Within the EU framework, the European Commission helps to promote, protect, and fulfill the rights of the child. The Commission is divided into several departments known as directorates-general (DGs), some of which work on child protection issues. Among these are DG Home (addressing child trafficking and child sexual abuse and exploitation issues); DG Employment, Social Affairs and Inclusion (addressing child poverty issues); and DG Information Society and Media (addressing protection of minors and the Safer Internet Program).¹⁰²

The EU also adopted an Agenda on the Rights of the Child, which includes a strong commitment to missing children with specific standards and policies on missing children's issues.¹⁰³ For example, the European Commission's DG Justice's objective is to ensure the full functioning of the hotline for missing children (number 116 000) and child alert mechanisms.¹⁰⁴ The 116 000 is a hotline to report

⁹⁵ European Court of Human Rights, *The Court in brief*, at http://echr.coe.int/Documents/Court_in_brief_ENG.pdf (last visited August 11, 2016) (on file with the International Centre for Missing & Exploited Children).

⁹⁶ European Court of Human Rights, *Factsheet – International child abductions* (March 2016), at http://www.echr.coe.int/Documents/FS_Child_abductions_ENG.pdf (last visited August 11, 2016) (on file with the International Centre for Missing & Exploited Children).

⁹⁷ Council of Europe Committee of Ministers, *Recommendation CM/REC(2015)4*, at https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805c44a6 (last visited August 11, 2016) (on file with the International Centre for Missing & Exploited Children).

⁹⁸ Charter of Fundamental Rights of the European Union, at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT> (last visited July 20, 2016).

⁹⁹ *Id.*

¹⁰⁰ Directive 2011/93/EU on Combating Sexual Abuse and Sexual Exploitation of Children, and Child Pornography, at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:ji0064> (last visited July 20, 2016).

¹⁰¹ Directive 2011/36/EU on Preventing and Combating Trafficking in Human Beings and Protecting Victims, at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011L0036> (last visited July 20, 2016).

¹⁰² European Commission, *Rights of the Child*, at http://ec.europa.eu/justice/fundamental-rights/rights-child/index_en.htm (last visited July 20, 2016).

¹⁰³ Council of Europe, *COMPASS: Manual for Human Rights Education with Young People*, at <http://www.coe.int/en/web/compass/children> (last visited July 20, 2016); European Commission, *An EU agenda for the rights of the child*, at http://ec.europa.eu/justice/fundamental-rights/rights-child/eu-agenda/index_en.htm (last visited July 20, 2016).

¹⁰⁴ *Id.*

missing children in the EU. It is currently operational in all 28 member States of the EU.¹⁰⁵ The child alert mechanisms alert the public in cases of worrying disappearances of a child and criminal abductions by disseminating relevant information through e-mails, SMS, illuminated signs on highway, on radio and television. Only 17 EU member states have child alert systems in place (Finland is not among them).¹⁰⁶ Moreover, in 2010, the Commission elaborated an Action Plan on Unaccompanied Minors to address the influx of children from non-EU countries and stateless children arriving in, or unaccompanied in, EU territory.¹⁰⁷

In 1987 the European Parliament Mediator for International Parental Abduction was established. The Mediator's Office helps coordinate and investigate the cases of international parental child abduction and find solutions that would be acceptable for both parents acting in the best interests of the child.¹⁰⁸ In 2003 the Council Regulation (EC) No. 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility was adopted¹⁰⁹ in order to enhance the "return mechanism" prescribed by the 1980 Hague Convention.¹¹⁰

ICMEC

The search for missing and exploited children, and the protection of children from victimization, requires a coordinated, comprehensive, and global approach. ICMEC has worked with Belarus and Russia on the creation of national operational centers¹¹¹ modeled after ICMEC's sister organization in the United States, the National Center for Missing and Exploited Children (NCMEC).

Belarus, Canada, Russia, and the United States are members of ICMEC's Global Missing Children's Network (GMCN).¹¹² The GMCN is a collaborative venture bringing together partners in 24 countries on 4 continents¹¹³ to help recover missing and abducted children. The GMCN aims to build global awareness of missing and abducted children's issues, expand the Network's reach and membership, share best practices, and provide access to a global missing children's database.

Missing Children Europe

Missing Children Europe (MCE) is a European federation for missing and sexually exploited children that represents a network of 30 NGOs in 24 European countries.¹¹⁴ MCE has several regional initiatives and projects related to protection of missing children. For example, MCE has initiated a project to develop a harmonized case management system that will allow all active 116 000 hotlines to record data related to missing children in the same way.¹¹⁵ MCE is actively involved in cooperating with EU policymakers to ensure support of and funding for national and local efforts to protect missing

¹⁰⁵ European Commission, *Missing Children and child alert mechanisms*, at http://ec.europa.eu/justice/fundamental-rights/rights-child/hotline/index_en.htm (last visited August 5, 2016).

¹⁰⁶ *Id.*

¹⁰⁷ European Commission, *Communication from the Commission to the European Parliament and the Council, Action Plan on Unaccompanied Minors (2010-2014)*, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0213:FIN:en:PDF> (last visited July 20, 2016).

¹⁰⁸ European Parliament, *The European Parliament Mediator for International Parental Abduction*, at <http://www.europarl.europa.eu/atyourservice/en/20150201PVL00040/Child-abduction-mediator> (last visited 5 August 2016).

¹⁰⁹ Council Regulation (CE) No. 2201/2003, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R2201:EN:HTML> (last visited August 5, 2016).

¹¹⁰ European Parliament, Directorate-General for Internal Policies, *Cross-border parental child abduction in the European Union* 16, Jan. 2015, at [http://www.europarl.europa.eu/RegData/etudes/STUD/2015/510012/IPOL_STU\(2015\)510012_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/510012/IPOL_STU(2015)510012_EN.pdf) (last visited August 5, 2016).

¹¹¹ International Centre for Missing & Exploited Children, *National Centers: Bringing hope to children and families*, at <http://www.icmec.org/national-centers/>; For more details on the national centers in Belarus and Russia, see the respective country reports on pages 34 and 64 of this report.

¹¹² The Global Missing Children's Network, *About us*, at <http://internationalmissingchild.org/about-us> (last visited July 21, 2016).

¹¹³ International Centre for Missing & Exploited Children, *Global Missing Children's Center*, at <http://www.icmec.org/global-missing-childrens-center/> (last visited July 21, 2016).

¹¹⁴ Missing Children Europe, *Members*, at <http://missingchildreneurope.eu/members> (last visited July 21, 2016). Finnish NGO Lasten perusoikeudet (<http://missingchildreneurope.eu/members>) is a MCE member.

¹¹⁵ Missing Children Europe, *116 000 Projects*, at <http://missingchildreneurope.eu/116000projects> (last visited July 21, 2016).

children.¹¹⁶ Additionally, in 2014, MCE launched the SUMMIT project aimed at preventing unaccompanied migrant children from going missing.¹¹⁷ In February 2016, the SUMMIT report was published outlining the best practices and key challenges on interagency cooperation to safeguard unaccompanied children from going missing.¹¹⁸ Additionally, the organization has been working with the European Commission to build greater awareness of unaccompanied minors and the need for resources and funding to protect vulnerable children in Europe.¹¹⁹

Organization of American States

In 1948, the Organization of American States (OAS) adopted the American Declaration on the Rights and Duties of Man¹²⁰ and, in 1969, it enacted the American Convention on Human Rights.¹²¹ Though these international instruments are of a general nature, their provisions also apply to the protection of children's rights.¹²² In 1989, the OAS adopted the Inter-American Convention on the International Return of Children.¹²³

To ensure the protection of and strengthen respect for children's rights, the OAS created the Office of the Rapporteur on the Rights of the Child of the Inter-American Commission on Human Rights in 1998. The Rapporteur undertakes onsite visits to OAS Member States to evaluate the situation, and performs promotional activities, such as organizing seminars, workshops, and working meetings related to international human rights standards.¹²⁴

The Inter-American Children's Institute (IIN), a specialized organization of the OAS, "assists [Member] States with developing public policy, contributing to policy design and implementation from the perspective of the promotion, protection and respect for the rights of children and adolescents."¹²⁵ The IIN's agenda for 2015-2019 includes issues such as international parental child abduction, sexual violence and sexual exploitation, children deprived of parental care (de-institutionalization strategies), unaccompanied migrant children, and natural disaster risk management.¹²⁶

The OAS Summits of the Americas also provide an opportunity for Western Hemisphere leaders to discuss common issues and develop strategies to respond to ongoing and new challenges faced by Member States.¹²⁷ Over the years, the Summits have addressed critical child protection issues such as international parental child abduction, child abuse and neglect, child trafficking, child prostitution, and all forms of child exploitation.¹²⁸

¹¹⁶ Missing Children Europe, *European advocacy towards a coordinated child rights approach*, at <http://missingchildreneurope.eu/europeanpolicy> (last visited July 21, 2016).

¹¹⁷ Missing Children Europe, *SUMMIT*, at <http://missingchildreneurope.eu/summit> (last visited July 21, 2016).

¹¹⁸ Missing Children Europe, *SUMMIT Report*, Feb. 2016, at http://missingchildreneurope.eu/Portals/0/Docs/report_SUMMIT%20-%20Safeguarding%20Unaccompanied%20Migrant%20Minors_1mrt.pdf (last visited August 9, 2016).

¹¹⁹ Missing Children Europe, at <http://missingchildreneurope.eu> (last visited July 21, 2016).

¹²⁰ Inter-American Commission on Human Rights, *The 1948 American Declaration on the Rights and Duties of Man*, at <http://cidh.oas.org/Basicos/English/Basic2.American%20Declaration.htm> (last visited July 21, 2016).

¹²¹ OAS, *The 1969 American Convention on Human Rights*, at http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm (last visited July 21, 2016).

¹²² Inter-American Commission on Human Rights, *The Rights of the Child in the Inter-American Human Rights System*, Second Edition, at <http://www.cidh.oas.org/countryrep/Infancia2eng/Infancia2Cap1.eng.htm#5> (last visited July 20, 2016).

¹²³ OAS, 1989 *Inter-American Convention on the International Return of Children*, at <http://www.oas.org/juridico/english/treaties/b-53.html> (last visited July 20, 2016).

¹²⁴ OAS, *Rights of the Child*, at <http://www.oas.org/en/iachr/children/> (last visited July 20, 2016); OAS, *Mandate and Functions*, at <http://www.oas.org/en/iachr/children/mandate/Functions.asp> (last visited July 20, 2016).

¹²⁵ OAS, *Welcome to the IIN*, at <http://www.iin.oea.org/en/index.html> (last visited July 26, 2016).

¹²⁶ OAS, *Action Plan 2015-2019*, December 2015, at <http://www.iin.oea.org/pdf-iin/en/ActionPlan-2015-2019.pdf> (last visited July 20, 2016).

¹²⁷ OAS, *Summits of the Americas*, at http://www.summit-americas.org/default_en.htm (last visited July 20, 2016).

¹²⁸ OAS, *Summits of the Americas, Follow-up and Implementation: Mandates*, at http://www.summit-americas.org/sisca/yc_protection.html (last visited July 20, 2016).

Recommendations & Conclusion

As a first step, ICMEC recommends that all of the countries addressed in this report implement a basic child protection infrastructure, which includes, at a minimum, the elements detailed in the Model Missing Child Framework. To ensure that children 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, regional plans of action also should be developed to provide guidance to countries and their respective government agencies. All of the countries discussed in this report are members of one or several of the following regional organizations: CIS, CoE, EU, and OAS. Many already have missing children initiatives underway. Building on this, regional bodies could extend their resources to missing children cases to encourage member countries to work together and coordinate efforts to better protect children. Shared resources would allow countries to broaden their expertise, and collective monitoring would hold countries accountable for making 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; better define the scope of the problem; and allocate the necessary resources.

Regional and national action plans aimed at protecting children from child abduction and going missing also should give consideration to interconnected issues including, but not necessarily limited to, child sex trafficking, child sexual exploitation, and unaccompanied minors. Further, all of the countries discussed in this report should work to ensure that they are effectively carrying out their obligations under the various international legal instruments to which they are parties. On the national level, there is great potential for improvement by amending legislation, enhancing dialogue, and increasing collaboration across sectors and borders.

Through the multi-national initiatives and efforts highlighted in this report, the countries discussed are taking steps toward a more collaborative landscape. Partnerships such as these 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 can also 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.

Collaboration is a fundamental pillar of ICMEC's work, as evidenced by its Global Missing Children's Network. 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. GMCN member countries (including Belarus, Canada, Russia, and the United States) and non-member countries (such as Finland and Kazakhstan) alike 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, insufficient funding can be an 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 unaccompanied migrant children, should be noted. The invariable overlap between these issues should be highlighted so that missing children's issues can garner more attention and possibly financial support, and be incorporated into existing mechanisms addressing these related issues.

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 mechanisms to report a missing child/provide tips?	Does a rapid public notification system exist?
Belarus	✘	✓	✓ ¹²⁹	✓	✓	✘
Canada	✘	✘ ¹³⁰	✓ ¹³¹	✓	✓	✓
Finland	✘	✘ ¹³²	✓ ¹³³	✓	✓	✘
Kazakhstan	✘	✓	✓ ¹³⁴	✓	✘ ¹³⁵	✘
Russia	✘	✓	✓ ¹³⁶	✘	✓	✘
United States	✓	✓	✓ ¹³⁷	✓	✓	✓

¹²⁹ Legislation of the Republic of Belarus has only exit requirements for children. There are general entry requirements for all foreign citizens, regardless of age.

¹³⁰ Our research did not find any indication that this is based in the law, but the information on the Canada’s Missing website suggests that this is the procedure followed by the Royal Canadian Mounted Police (RCMP). For more information, visit <http://www.canadasmmissing.ca/report-signale/index-eng.htm#rmpur-spdnji>.

¹³¹ There are no exit controls in Canada, unless specific provisions are made in a custody order (see http://www.voyage.gc.ca/publications/child-abductions_enlevements-enfants-eng.asp#1). Our research did not find any information on entry requirements for children.

¹³² While there do not appear to be written laws regarding the response time for missing children cases in Finland, the police indicate that they respond immediately to such cases. For more information, visit the Finnish Police website: http://www.poliisi.fi/public_order/search_for_a_missing_person.

¹³³ There is legislation in Finland preventing a child’s removal from the country. However, our research did not find legislation describing procedures/requirements for leaving/entering the country.

¹³⁴ The laws of Kazakhstan have only exit requirements for children. A child’s entry into the country is not regulated by law.

¹³⁵ The Bureau of Registration and Accidents in Astana can only take reports of missing persons.

¹³⁶ Russian legislation has only exit requirements for children. There are general entry requirements for all foreign citizens, regardless of age.

¹³⁷ The United States has such legislation only for entry of children. There is no exit regulation for U.S. Citizens, nonresident aliens, or children.

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 Findings

Belarus.....	34
Canada.....	43
Finland.....	51
Kazakhstan.....	56
Russia.....	65
United States.....	77

BELARUS

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	1 Oct 1990	31 Oct 1990
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography		23 Jan 2002 a ¹³⁸	23 Feb 2002
Protocol to Prevent, Suppress and Punish Trafficking in Persons	14 Dec 2000	25 Jun 2003	25 Dec 2003
UN Optional Protocol on the Involvement of Children in Armed Conflict		25 Jan 2006 a ¹³⁹	25 Feb 2006
International Convention for the Protection of All Persons from Enforced Disappearance			
Hague Convention on International Child Abduction		12 Jan 1998 A ¹⁴⁰	1 Apr 1998

In Belarus, there are nine laws that refer directly or indirectly to missing children:

1. Law of the Republic of Belarus No. 2570-XII on the Rights of the Child of 19 November 1993;
2. Constitution of the Republic of Belarus of 1994;
3. Code of the Republic of Belarus on Marriage and Family of 9 July 1999;
4. Criminal Code of the Republic of Belarus of 9 July 1999;
5. Criminal Procedure Code of Belarus of 16 July 1999;
6. Code of the Republic of Belarus on Administrative Violations of 21 April 2003;
7. Law of the Republic of Belarus No. 200-Z on the Basic Principles of Prevention of Child Neglect and Crimes Committed by Minors of 31 May 2003;
8. Law of the Republic of Belarus No. 263-Z on Internal Affairs Agencies of the Republic of Belarus of 17 July 2007; and
9. Law of the Republic of Belarus No. 307-Z on Operational Investigative Activity of 15 July 2015.

¹³⁸ See 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, Declarations and Reservations, at https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11-c&chapter=4&lang=en#EndDec (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

¹³⁹ See 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, Status of Ratification, Declaration, at <http://indicators.ohchr.org/> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁴⁰ See 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 Reservations, at <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=603&disp=resdn> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

General Child Protection

On 12 March 2012, the Council of Ministers of the Republic of Belarus approved the National Child Welfare Strategy for 2012-2016.¹⁴¹ The Strategy outlines certain measures to improve protection of children's rights in Belarus including measures to protect children from violence, abuse, exploitation, and child trafficking while bringing child protection legislation into compliance with the CRC, and the possible establishment of a national Office of the Children's Rights Ombudsman.

Currently, the main authority tasked with protecting children's rights in Belarus is the National Commission on the Rights of the Child, including representatives of the national and local legislative and executive authorities, law enforcement and other governmental organizations, and NGOs.¹⁴² There are only three NGO representatives in the Commission: the Belarusian Children's Fund; the Belarusian Association of Parents with Many Children; and the Belarusian Republican Youth Union.¹⁴³ The Commission is accountable to the President of Belarus and is responsible for suggesting amendments to child protection legislation; considering applications on protection of children's rights submitted by children, their legal representatives, and NGOs; monitoring the activities of other child protection organizations and authorities; and cooperating with UNICEF and other international organizations on implementing provisions of the CRC into national legislation.¹⁴⁴

One of the leading organizations focusing on child protection issues in Belarus is the international NGO Ponimanie (INGO "Understanding"). Among the primary groups assisted by Ponimanie are children in difficult situations, such as abused and neglected children, at-risk children, and orphans. Ponimanie organizes summer camps, seminars, and workshops; issues publications; and conducts analysis and research dedicated to the protection of childhood and prevention of child abuse and the sale of children. Among its projects are Child Helpline Belarus – a helpline that provides aid to children who have found themselves in difficult situations, and Dom Ponimania (House of Understanding) – a facility where child victims can receive comprehensive aid, including psychological assistance and rehabilitative services.¹⁴⁵

General Missing Children's Issues

There is no legislation specifically dedicated to the issue of missing children in Belarus.

The Law on the Rights of the Child of 1993 focuses on children in disadvantaged circumstances who are in need of government protection including orphans, children without parental care, disabled children, children with particularities in psychophysical development, children who are victims of emergency situations or armed conflicts, child refugees, children who have been prosecuted, children in special educational organizations and medical educational organizations, children who are victims of abduction, trafficking, illicit transfer, and children not returned from abroad.¹⁴⁶ The law outlines the right of these children to be protected and explains the need for the government of Belarus to provide certain protections to these children.¹⁴⁷

¹⁴¹ Resolution of the Council of Ministers of the Republic of Belarus of 12 March 2012 No. 218 On Approval of the National Child Welfare Strategy for 2012-2016, at <http://method.nchtdm.by/files/Metod/Gosprogram/nacplan2016.pdf> (last visited June 23, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁴² Presidential Decree of 16 November 2006 No. 675 On the National Commission on the Rights of the Child, at <http://sos-villages.by/ukaz-o-nacionalnoy-komissii-po-pravam-rebenka> (last visited June 23, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁴³ Tatiana Shchurko, *Institutes of protection of the rights of the children in Belarus* (June 20, 2014), NASHE MNENIE, at <http://nmnby.eu/news/analytics/5519.html> (last visited June 23, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁴⁴ Clauses 3 and 6 of the Regulation on the National Commission on the Rights of the Child approved by the Presidential Decree of 16 November 2006 No. 675, at <http://sos-villages.by/ukaz-o-nacionalnoy-komissii-po-pravam-rebenka> (last visited June 23, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁴⁵ INGO Ponimanie, Our history, *supra* note 20; INGO Ponimanie, Projects, *supra* note 20.

¹⁴⁶ The Law of the Republic of Belarus No. 2570-XII On the Rights of the Child of 1993, Section 4, at <http://sos-villages.by/zakon-o-pravah-rebenka> (last visited June 23, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁴⁷ *Id.*

In 2012, Ponimanie, a member of both ICMEC's GMCN and Child Helpline International, created the Centre for Missing and Exploited Children in Belarus.¹⁴⁸ The Centre for Missing and Exploited Children assists law enforcement agencies in the search for missing children by disseminating information to the public using mass media resources, and by coordinating activities of volunteer groups dedicated to searching for missing children.¹⁴⁹ The Centre also plans to provide legal and psychological assistance to parents of missing children and carry out preventive work with children who regularly run away from home or educational institutions.¹⁵⁰

Definition of "Missing Child"

While there is no definition for "missing child" in Belarusian legislation, Andrey Makhanko, Chairman of the Board of Ponimanie, explained that the Instructions on Interaction between the Internal Affairs Agencies, Prosecutors, Investigative Committee Units, Investigative Units of the State Security Agencies, Agencies of the National Committee of Forensic Investigation when Searching for Missing Persons and on Conducting Missing Persons Cases of 2016 defines "disappeared person" and "missing person."¹⁵¹

A disappeared person is "a person about whom law enforcement received a report of their disappearance." A disappeared person is considered "missing" if he or she could not be found after 10 days of searching and law enforcement opened a criminal case due to such disappearance pursuant to the Code of Criminal Procedure of the Republic of Belarus of 1999.¹⁵²

The Law on the Basic Principles of Prevention of Child Neglect and Crimes Committed by Minors of 2003 (Law on Prevention of Child Neglect) highlights the following categories of runaways:

- minors who ran away from home;
- minors who ran away from children's boarding institutions, specialized educational and medical establishments; and
- minors who ran away from remand houses (e.g., temporary detention centers).¹⁵³

The Law on Prevention of Child Neglect further stipulates that Criminal Police Units are mandated to search for these runaways.¹⁵⁴ Some of the abandoned or neglected children may have run away from home or from a children's boarding institution, which puts them in danger. The Law on Prevention of Child Neglect mandates authorities to identify such endangered children and provide them with protection and care services.¹⁵⁵ Juvenile Affairs Inspectorates – special units within Internal Affairs Agencies in Belarus that actively search for missing children and investigate missing children's cases

¹⁴⁸ Centre for Missing and Exploited Children, *About Us*, at <http://poisk-detei.by/about-us/> (last visited June 23, 2016); GMCN, *About Us*, at <http://internationalmissingchild.org/about-us> (last visited June 23, 2016); INGO Ponimanie, *Centre for Missing and Exploited Children*, *supra* note 20; Child Helpline International, *Where We Work*, at <http://www.childhelplineinternational.org/where-we-work/> (last visited June 23, 2016); INGO Ponimanie, *Child Helpline Belarus*, at <http://ponimanie.org/eng/projects/child-helpline/> (last visited June 23, 2016).

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ According to INGO Ponimanie these definitions are given in the Instruction on Interaction between the Internal Affairs Agencies, Prosecutors, Investigative Committee Units, Investigative Units of the State Security Agencies, Agencies of the National Committee of Forensic Investigation when Searching for Missing Persons and on Tracing of Persons and on Conducting Missing Persons Cases, affirmed by the joint Decree of the Ministry of Internal Affairs of the Republic of Belarus, General Prosecutor's Office, Investigative Committee, the Committee of the State Security, and the National Committee of Forensic Investigation of January 5, 2016. This Instruction has restricted access.

¹⁵² Paragraph 2 of Article 167 of the Code of Criminal Procedure of the Republic of Belarus of 1999, at <http://etalonline.by/?type=text®num=HK9900295> (last visited June 23, 2016).

¹⁵³ Article 23 of the Law No. 200-Z On the Basic Principles of Prevention of Child Neglect and Crimes Committed by Minors of 2013, the link to this law is posted on the official website of the Soligorsk ROVD, at <http://rovd-soligorsk.by/inspektsiya-po-delam-nesovershennoletnikh-idn> (last visited June 23, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁵⁴ *Id.*

¹⁵⁵ *Id.* at Articles 2, 13, and 15.

– are tasked with preventing the neglect and delinquency of children, assisting the Criminal Police Units in searching for runaways, and sending them to the relevant institutions and agencies mandated to prevent child neglect and juvenile crimes.¹⁵⁶

The Law on Prevention of Child Neglect defines “a minor in a socially dangerous situation” as “a person under 18 years of age who is in a situation dangerous to his life or health or inadequate to his upbringing or care as a result of neglect or abandonment.”¹⁵⁷

Abandonment

Article 1 of the Law on Prevention of Child Neglect defines neglected and abandoned children as follows:

Neglected child – a person under 18 years of age left without adult control over his behavior due to nonperformance or improper performance of duties related to the child’s upbringing, education and/or support by his parents or other legal representatives or officials or due to running away from home or from a children’s boarding institution;

Abandoned minor – a neglected child without a place of residence.

Kidnapping and Abduction

The Criminal Code of the Republic of Belarus of 1999, as amended in April 2016, criminalizes kidnapping and abduction of a child. The sentence may result in deprivation of liberty for a term of 5 to 15 years with forfeiture of assets.¹⁵⁸

Additionally, Article 180 of the Criminal Code prohibits intentional substitution of someone else’s child (*i.e.*, switching infants at birth) and is punishable by correctional labor for a term of up to two years or by imprisonment for the same term. If this crime was committed for financial gain or from bad motives (*e.g.*, when a woman switches infants at birth in the hospital because her own child was born with a disability and she wants a healthy infant), the punishment is harsher and constitutes restriction of liberty for a term of up to five years, or imprisonment for a term of three to six years with a fine.

Parental Abduction

Belarus acceded to the Hague Convention on International Child Abduction on 12 January 1998.¹⁵⁹ The Ministry of Justice is the Central Authority for any incoming and outgoing cases,¹⁶⁰ but no implementing legislation has been adopted in Belarus that describes the return mechanism of an abducted child.¹⁶¹ Parental abduction is not considered a crime in Belarus, unless such parent is deprived of his or her parental rights.¹⁶²

The Law on the Order of Departure from the Republic of Belarus and Entry into the Republic of Belarus by Citizens of the Republic of Belarus of 2009 (Law on Departure and Entry) contains a number of requirements regarding cross-border travel with children. As a general rule, a child traveling with both parents/guardians or one parent/guardian does not need the consent of the other parent/guardian

¹⁵⁶ *Id.* at Article 21.

¹⁵⁷ *Id.* at Article 1.

¹⁵⁸ Part 2 (1) Article 182 of the Criminal Code of Belarus, at <http://etalonline.by/?type=text®num=hk9900275> (last visited June 23, 2016).

¹⁵⁹ Convention of 25 October 1980 on the Civil Aspects of International Child Abduction: Status Table, *supra* note 47.

¹⁶⁰ HCCH, *Belarus – Central Authority*, at <https://www.hcch.net/en/states/authorities/details3/?aid=68> (last visited June 23, 2016).

¹⁶¹ Law Library of Congress, *Republic of Belarus, Hague Convention On International Child Abduction* (2004), at <http://www.kinder-nach-hause.de/docs/belarus.pdf> (last visited June 23, 2016) (on file with the International Centre for Missing & Exploited Children); Our research did not find implementing legislation. This information was confirmed by Andrey Makhanko, Chairman of the Board of INGO Ponimanie (correspondence of May 23, 2016).

¹⁶² Information provided by Andrey Makhanko, Chairman of the Board of INGO Ponimanie (May 23, 2016).

to exit Belarus.¹⁶³ A parent or guardian in this case must submit a document certifying their relationship with the child (e.g., child's birth certificate; documents confirming custody, adoption, or guardianship; international passport of parent or guardian containing information about the child; travel document of parent or guardian containing information about the child).¹⁶⁴ However, if the other parent opposes the child's exit from Belarus, that parent can request the court to determine a different order of departure for the child from Belarus.¹⁶⁵ If the court determines a different order of departure, information about the child is added into the database of citizens whose right to leave Belarus is temporarily restricted.¹⁶⁶

According to the Law on Departure and Entry, if a child travels unaccompanied, the child must have a passport and notarized consent from both parents/guardians to leave Belarus.¹⁶⁷ In several exceptional cases, notarized consent is required only from one parent/guardian.¹⁶⁸

While there are no requirements in the Law on Departure and Entry that specifically control entry of children into Belarus, upon arrival, children who are foreign citizens must be registered with the local authorities at the place of their stay by a legal representative of the child.¹⁶⁹

The Ministry of Interior is responsible for issuing passports for citizens of Belarus.¹⁷⁰ Only one of the parents/guardians may submit an application for a child's passport on behalf of a child under 14 years of age. However, if a child applies for a passport for the first time due to attainment of the age of 14, he or she must submit passports or other identity documents for both parents/guardians.¹⁷¹

Reporting Mechanism

When a child is missing, a parent must file a missing report with the local police department and contact the Bureau of Registration of Accidents within the Internal Affairs Agencies. The staff at the Bureau will check the records of hospitals and morgues. There are currently four Bureaus in Belarus: Gomel, Minsk, Mogilev, and Vitebsk. If the Bureau has no data on the missing child, a missing report must be filed with the local police department.¹⁷² A child can be reported missing to police in person or through the police 24-hour telephone number (102).¹⁷³ Any person can file a report, not only a

¹⁶³ Article 12, The Law No. 49-Z On the Order of Departure from the Republic of Belarus and Entry into the Republic of Belarus of 20 September 2009, at <http://pravo.newsby.org/belarus/zakon0/z465.htm> (last visited June 23, 2016).

¹⁶⁴ *Id.* at Articles 12 and 17.

¹⁶⁵ *Id.* at Article 12.

¹⁶⁶ *Id.*

¹⁶⁷ *Id.* at Articles 12 and 18.

¹⁶⁸ There are several exceptions to the rule stipulated in Articles 13-16 of the Law No. 49-Z On the Order of Departure from the Republic of Belarus and Entry into the Republic of Belarus of 20 September 2009. First, unaccompanied children may submit a consent form only from one parent in case of: (1) absence of one of the parents/ guardians or impossibility of obtaining his/her consent (e.g., another parent is legally incompetent, deprived of his parental rights, is on the wanted list, diseased, or missing) - such circumstances must be confirmed by relevant document; (2) traveling for health resort treatment together with an organized group of children (a person accompanying children must have a duly certified list of children included in the tourist group); (3) travelling for medical treatment (in this case a child also needs to present a decision of a Commission on Sending Citizens of Belarus Abroad to get medical help); (4) traveling as a permanent resident of another country or with a diplomatic or official passport; (5) traveling as an orphan or a child left without parental care (in this case a child must present a decision of a local executive authority to send him abroad to study for a term up to 30 days, documents confirming his departure to get health resort treatment or medical treatment, or a permission from local custody and guardianship authorities to depart from Belarus due to other reasons).

¹⁶⁹ Paragraph 4 clause 10 of the Resolution of the Council of Ministers of the Republic of Belarus No. 73 of 20 January 2006 On approval of the Rules of Residence of Foreign Citizens and Stateless Persons in the Republic of Belarus, at http://etalonline.by/?type=text®num=C20600073#load_text_none_2_1 (last visited June 24, 2016).

¹⁷⁰ Ministry of Interior of the Republic of Belarus, *What do you need for departure of a child with distant relatives or friends for recreation abroad*, at <http://mvd.gov.by/main.aspx?guid=78383> (last visited June 24, 2016).

¹⁷¹ Ministry of Interior of the Republic of Belarus, *Passports according to new rules* (Aug 20, 2012), at <http://mvd.gov.by/main.aspx?guid=88753> (last visited June 24, 2016).

¹⁷² *Id.*

¹⁷³ A comment by INGO Ponimanie in response to the verification letter sent by ICMEC.

relative of the missing child.¹⁷⁴ If a child has disappeared in a rural area such as a forest or near a river, it also is advised to call the Ministry of Emergency Situations telephone number (101).¹⁷⁵

There are several hotlines specifically dealing with cases of missing children in Belarus. The search-and-rescue squad Angel, an independent volunteer organization, has a 24-hour hotline (+375 33 6666 856).¹⁷⁶ The Angel hotline is not toll-free.¹⁷⁷ The hotline also can receive reports through Angel's website (angel-search.by).

Ponimanie operates Child Helpline Belarus (8 801 100 1611), a toll-free number anyone can call to report violence against children, child abuse, or missing children. In addition, child victims or their parents may call to receive emergency psychological help.¹⁷⁸

Missing children also can be reported to Simuran, another search and rescue squad, by telephone (+375 29 500 41 84, +375 29 166 79 07, +375 29 801 71 08, +375 29 232 11 11), or through their website (http://vk.com/simuran_belarus).

ICMEC's research could not determine the extent to which information is being shared among hotlines, the Criminal Police Unit, and the Juvenile Affairs Inspectorates.

Investigation of Missing Children Cases

The Instructions for Internal Affairs Agencies on How to Receive, Register, Review and Record Complaints and Reports on Crimes, Administrative Offenses and Incidents of 2010 mandates law enforcement to undertake an immediate investigation for a missing person upon receiving a report.¹⁷⁹ Criminal Police Units and Juvenile Affairs Inspectorates are mandated to search for any missing child.¹⁸⁰ Belarusian law enforcement authorities have internal guidelines and policies explaining how to proceed when a missing person case is reported to police including registering a report by a duty officer, informing the officers of the Investigative Committee of Belarus about the case, conducting operational search activities, initiating a criminal case, and its further investigation.¹⁸¹

When a search for a missing child takes place in a rural area, the police engage the Ministry of Emergency Situations.¹⁸² Volunteer search-and-rescue squads, like Angel or Simuran, also take part

¹⁷⁴ Ministry of Interior of the Republic of Belarus, *Searching for you!* (Dec. 27, 2012), at <http://mvd.gov.by/main.aspx?guid=102033> (last visited June 24, 2016).

¹⁷⁵ Volunteer search-and-rescue squad "Angel", *How to search and what to do in case a child went missing*, at <http://angel-search.by/node/294> (last visited June 24, 2016).

¹⁷⁶ *Id.*

¹⁷⁷ Correspondence with Andrey Makhanko, Chairman of the Board of INGO Ponimanie (May 23, 2016).

¹⁷⁸ National Child Helpline, *About the helpline*, at <http://1611.by/about> (last visited June 24, 2016); correspondence with Andrey Makhanko, Chairman of the Board of INGO Ponimanie (May 23, 2016).

¹⁷⁹ Clause 6 of the Instructions on how to Receive, Register, Review and Record Complaints and Reports on Crimes, Administrative Offenses and Incidents by the Internal Affairs Agencies affirmed by the Decree of the Ministry of Interior No.55 of 10 March 2010 (*the text of the Instructions is not available, this information was provided by the INGO Ponimanie*); Vasily Pervunin, *Missing persons. About 2.5 thousands people are reported missing in Belarus* (Feb. 11, 2016) AiF, at <http://www.aif.by/social/item/44393-bez-vesti-propavshie-gde-oni.html> (last visited June 24, 2016); Ekaterina Sinyuk, *The Center for Missing and Exploited Children may appear in Belarus* (Oct. 4, 2011), TUT.BY, at <http://news.tut.by/society/252644.html> (last visited June 24, 2016).

¹⁸⁰ Article 15 of the Law of the Republic of Belarus No. 263-Z On Internal Affairs Agencies of the Republic of Belarus of 17 July 2007, at <http://www.pravo.by/main.aspx?guid=3871&p0=H10700263> (last visited June 24, 2016) (on file with the International Centre for Missing & Exploited Children); Articles 21 and 23 of the Law No. 200-Z On the Basic Principles of Prevention of Child Neglect and Crimes Committed by Minors of 2013, *supra* note 153.

¹⁸¹ Instruction on Interaction between the Internal Affairs Agencies, Prosecutors, Investigative Committee Units, Investigative Units of the State Security Agencies, Agencies of the National Committee of Forensic Investigation when Searching for Missing Persons and on Tracing of Persons and on Conducting Missing Persons Cases, affirmed by the joint Decree of the Ministry of Internal Affairs of the Republic of Belarus, General Prosecutor's Office, Investigative Committee, the Committee of the State Security, and the National Committee of Forensic Investigation of 5 January 2016. This Instruction has restricted access; Instructions on how to Receive, Register, Review and Record Complaints and Reports on Crimes, Administrative Offenses and Incidents by the Internal Affairs Agencies, *supra* note 179.

¹⁸² Ministry of Emergency Situations of the Republic of Belarus, *Children are found* (July 20, 2010), at http://mchs.gov.by/rus/main/ministry/regional_management/str_gomel/news_gomel/~year_m22=2010~news_m22=1454 (last

in the search for a missing child by creating and distributing posters in the neighborhood, disseminating information about the missing child on the Internet, and physically searching the area where the child went missing.¹⁸³ Although there is no formal agreement between the search-and-rescue squads, the Ministry of Internal Affairs, and the Investigative Committee to strengthen their collaboration, according to mass media reports these entities appear to coordinate search efforts when possible.¹⁸⁴

The Centre for Missing and Exploited Children under Ponimanie aims to assist law enforcement in the search for missing children.¹⁸⁵ The Centre informs the public about a missing child case by disseminating posters, publishing information on its website, and sending out mailers.¹⁸⁶ On 27 April 2012, the Ministry of Internal Affairs and Ponimanie signed a plan of cooperation between the Centre and law enforcement authorities. Ponimanie is the only NGO in Belarus that has such an agreement in place. This plan describes the procedures for exchanging information on missing children between the Centre and law enforcement, disseminating information in public places and in transport, and engaging print and electronic media, as well as the public.¹⁸⁷

National Database

In Belarus, law enforcement registers all reports of missing children in the Book of Records by hand and also enters relevant data (e.g., information about a missing child, the starting date of the investigation, and the name of the agency that initiated the investigation) in a national database that contains records of missing persons (including missing children) and unidentified corpses.¹⁸⁸ Access to the database is restricted to the public.¹⁸⁹

Additionally, in 2008, a DNA database was created in Belarus,¹⁹⁰ which contains DNA samples of unidentified remains, criminals charged with grave and extremely grave offenses, evidence of crime, and DNA samples of relatives of missing persons.¹⁹¹

Case Management System

The Centre for Missing and Exploited Children operates its own case management system that contains information on those children who were officially reported missing to law enforcement.¹⁹² Information from this database is accessible to the public in the hopes that someone might recognize

visited June 24, 2016); Ministry of Emergency Situations of the Republic of Belarus, *Little kids – a brother and a sister – were found in Minsky district* (Aug. 21, 2012), at http://mchs.gov.by/rus/main/events/news/~year_m22=2012~news_m22=8725 (last visited June 24, 2016).

¹⁸³ Pavlyuk Bykovsky, *Search for missing persons with the help of Bynet* (June 14, 2013), DW, at <http://www.dw.com/ru/поиск-пропавших-людей-с-помощью-байнета/a-16880054> (last visited June 24, 2016); Olga Kalenik, *Angel is searching for missing persons* (Feb. 18, 2016), at <http://edinstvo.by/?p=127613> (last visited June 24, 2016); Centre for Missing and Exploited Children, *Volunteers*, at <http://poisk-detei.by/volunteers/> (last visited June 24, 2016).

¹⁸⁴ *Id.*

¹⁸⁵ Centre for Missing and Exploited Children, *What we do*, at <http://poisk-detei.by/about-us/chto-delaem/> (last visited June 24, 2016).

¹⁸⁶ *Id.*

¹⁸⁷ Centre for Missing and Exploited Children, *About Us*, *supra* note 148; INGO Ponimanie, *Centre for Missing and Exploited Children*, *supra* note 20.

¹⁸⁸ A comment by INGO Ponimanie to the verification letter; correspondence with Andrey Makhanko, Chairman of the Board of INGO Ponimanie (May 23, 2016).

¹⁸⁹ A comment by INGO Ponimanie to the verification letter; correspondence with Andrey Makhanko, Chairman of the Board of INGO Ponimanie (May 23, 2016).

¹⁹⁰ Ministry of Interior of the Republic of Belarus, *Genes will help investigators in solving crimes* (Sept. 19, 2011), at <http://mvd.gov.by/main.aspx?guid=53173> (last visited June 24, 2016).

¹⁹¹ Instruction on How to Maintain and Use the Genetic and Fingerprint Records, approved by the Decree of the Ministry of Interior of the Republic of Belarus No. 247 of 12 November 2004, at <http://www.levonevski.net/pravo/razdel8/num1/8d11717.html> (last visited June 24, 2016) (on file with the International Centre for Missing & Exploited Children); Ministry of Interior of the Republic of Belarus, *Genes will help investigators in solving crimes* (Sept. 19, 2011), at <http://mvd.gov.by/main.aspx?guid=53173> (last visited June 24, 2016).

¹⁹² Centre for Missing and Exploited Children, *Children's Database*, at <http://poisk-detei.by/base-missing/?start=20> (last visited June 24, 2016).

a missing child.¹⁹³ ICMEC's research could not confirm whether law enforcement authorities have a separate case management system.

Alert Mechanism

In 2014, Ponimanie became a member of AMBER Alert Europe, the European child rescue alert and police network on missing children.¹⁹⁴ No rapid emergency child alert system has been developed to date in Belarus. However, traditional photo distribution mechanisms are in place.

The Centre for Missing and Exploited Children and search-and-rescue squads (Angel and Simuran) assist law enforcement with informing the public about missing children by disseminating information about the missing child online and in print form.¹⁹⁵ The Directorates of Internal Affairs of the regional executive board publish information on missing persons on their official websites.¹⁹⁶ In addition, Angel volunteers can subscribe to emergency messages when active searches begin.¹⁹⁷

Awareness-Raising Initiatives

The Centre for Missing and Exploited Children holds educational events (sometimes with participation of specialists from other countries) for government officials, law enforcement, representatives of NGOs, and the general public, in order to make the search for missing children more effective, improve the prevention framework, and share experiences regarding the search for missing children.¹⁹⁸

Search-and-rescue squads Angel and Simuran are actively involved in educational and awareness raising campaigns dedicated to child safety issues. In February 2016, volunteers of the Belarus Red Cross organized an awareness raising campaign for third and fourth grade students introducing them to the rules of safety and responsible behavior, and teaching them how to better protect themselves from abuse.¹⁹⁹

Since 2013, the Centre for Missing and Exploited Children, volunteer search-and-rescue squads, and the Belarus Red Cross have participated in organizing events around 25 May – International Missing Children's Day to raise awareness of child abduction and to educate families about how to keep children safer.²⁰⁰

Trafficking

Article 181 parts 1 and 2(9) of the Criminal Code of the Republic of Belarus prohibit recruiting, transferring, delivering, harboring and accepting a child for the purposes of his or her subsequent

¹⁹³ *Id.*

¹⁹⁴ Centre for Missing and Exploited Children, *INGO "Ponimanie" – a Partner of AMBER Alert Europe* (April 15, 2014), at <http://poisk-detei.by/2012-12-09-19-51-12/nashi-novosti/765-moo-ponimanie-partner-amber-alert-europe/> (last visited June 24, 2016).

¹⁹⁵ Centre for Missing and Exploited Children, *What we do*, *supra* note 185.

¹⁹⁶ For example, see the official website of the Gomelsky Directorate of Internal Affairs, at www.uvd.gomel.by/Rozysk/Bez_vesti_propavshie/html (last visited June 24, 2016).

¹⁹⁷ Volunteer search-and-rescue squad "Angel", *Subscribe to SMS mass texting*, at <http://angel-search.by/node/39> (last visited June 24, 2016).

¹⁹⁸ Centre for Missing and Exploited Children, *What we do*, *supra* note 185.

¹⁹⁹ Belarus Red Cross Society, *Prevention of Child Abuse* (Feb. 23, 2016), at <http://redcross.by/en/profilaktika-detskogo-nasilija/> (last visited June 24, 2016).

²⁰⁰ *Events are organized in Minsk and Gomel on International Missing Children's Day* (May 27, 2013), 212.BY, at <http://212.by/v-mezhdunarodnyj-den-propavshix-detej-meropriyatiya-proxodyat-v-minske-i-gomele.html> (last visited June 24, 2016); *Belarus will join the celebration of International Missing Children's Day this year* (May 24, 2013), TUT.BY, at <http://news.tut.by/society/350069.html> (last visited June 24, 2016); Veronika Yuditskaya, *Volunteers of the search-and-rescue squad "Angel" will organize events for International Missing Children's Day* (May 19, 2015), MINSK NEWS, at <http://minsknews.by/blog/2015/05/19/volonteryi-pso-angel-organizuyut-meropriyatie-ko-dnyu-pamyati-bez-vesti-propavshih-detej/> (last visited June 24, 2016); *We are looking for passionate people in Minsk and Gomel on International Missing Children's Day* (May 25, 2013), NAVINY.BY, at naviny.by/rubrics/society/2013/05/25/ic_news_116_417521 (last visited June 24, 2016).

exploitation, including sexual exploitation, exploitation in forced labor, surrogacy, and organ harvesting.²⁰¹

Organizations such as NGO Children Not for Abuse, La Strada Belarus, and IOM Minsk are working to combat child trafficking, the sale of children, child abuse, and sexual exploitation in Belarus through awareness-raising campaigns, prevention, and rehabilitation work.²⁰²

²⁰¹ Article 181 pts. 1 and 2(9) of the Criminal Code of the Republic of Belarus, *supra* note 158. The Criminal Code defines exploitation as sexual exploitation, forced labor, surrogacy, and organ harvesting.

²⁰² NGO Children Not for Abuse, at <http://nonviolence.by> (last visited June 24, 2016); La Strada Belarus, at <http://lastrada.by/> (last visited June 24, 2016); IOM Minsk, at <http://iom.by/> (last visited June 24, 2016).

CANADA

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child	28 May 1990	13 Dec 1991 ²⁰³	12 Jan 1992
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	10 Nov 2001	14 Sep 2005	14 Oct 2005
Protocol to Prevent, Suppress and Punish Trafficking in Persons	14 Dec 2000	13 May 2002	25 Dec 2003
UN Optional Protocol on the Involvement of Children in Armed Conflict	5 Jun 2000	7 Jul 2000 ²⁰⁴	12 Feb 2002
International Convention for the Protection of All Persons from Enforced Disappearance			
Hague Convention on International Child Abduction	25 Oct 1980	2 Jun 1983 ²⁰⁵	1 Dec 1983

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

1. Criminal Code of 1985; and
2. Immigration and Refugee Protection Act of 2001.

General Child Protection

Canada ratified the CRC in December 1991.²⁰⁶ Since then, a number of laws, policies, and practices related to the protection of children’s rights have been implemented throughout Canada at a provincial level. According to the UN CRC Committee’s Concluding Observations of September 2012 to Canada’s third and fourth periodic reports, a positive policy and institutional measure was taken when Canada adopted the National Action Plan for Children – A Canada Fit for Children – in 2004.²⁰⁷ A Canada Fit for Children “re-affirms the Government’s commitment to making children and families a national

²⁰³ See Convention on the Rights of the Child, G.A. Res. 44/25, 61st plen. mtg., U.N. Doc. A / RES / 44 / 25 (Nov. 20, 1989), entered into force Sep. 2, 1992, Declarations and Reservations, at https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en#EndDec (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁰⁴ See 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, Status of Ratification, Declaration, at <http://indicators.ohchr.org/> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁰⁵ See 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 Reservations, at <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=608&disp=resdn> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁰⁶ United Nations Treaty Collection, *Status of Treaties, Convention on the Rights of the Child*, *supra* note 31.

²⁰⁷ UN Committee on the Rights of the Child, Concluding observations on the combined third and fourth periodic report of Canada, adopted by the Committee at its sixty-first session (17 September – 5 October 2012) CRC/C/SR.1754, at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2fC0%2f3-4&Lang=en

priority and to continue working with governments, stakeholders, and the public” to ensure the best interests of the child continue to be a priority.²⁰⁸

General Missing Children’s Issues

There is no federal legislation specific to missing children in Canada. The authority of police to investigate missing children cases is derived from their common law powers.²⁰⁹ Provinces such as Alberta,²¹⁰ Manitoba,²¹¹ and Nova Scotia²¹² have missing persons legislation that includes special mandates for missing minors.

The Royal Canadian Mounted Police’s (RCMP) National Centre for Missing Persons and Unidentified Remains (NCMPUR) “assists law enforcement, medical examiners and chief coroners with missing persons and unidentified remains investigation across the country.”²¹³ NCMPUR has a national website for missing persons and unidentified remains, a best practices compendium for police partner agencies, and training to increase investigative effectiveness. National Missing Children Operations (formerly known as National Missing Children Services) have been incorporated into NCMPUR.²¹⁴

NCMPUR also is a member of the “Our Missing Children” program, which is comprised of five federal government agencies: NCMPUR Operations; Canada Border Services Agency; Global Affairs Canada; Immigration, Refugees and Citizenship Canada; and the Department of Justice Canada. These five agencies coordinate and work together at the national level to locate and return missing children to their parents and legal guardians.²¹⁵

There are several organizations such as the Missing Children Society of Canada, which work to build national awareness and a national response through programs to help recover missing children and prevent children from going missing.²¹⁶

Definition of “Missing Child”

The term “missing child” is not defined in federal legislation. However, the NCMPUR developed definitions of “missing persons” and “missing child” in consultation with law enforcement personnel in Canada and internationally²¹⁷:

“Anyone reported to police or by police as someone whose whereabouts are unknown, whatever the circumstances of their disappearance, and they are considered missing until located. A missing person under the age of 18 is classified as a missing child. In the case of a missing child, they are considered missing if they are no longer in the

²⁰⁸ Canadian Children’s Rights Council, “A Canada Fit for Children” released by Government of Canada, at http://canadiancrc.com/Canadian_governments_plan_2004_en.aspx (last visited July 22, 2016).

²⁰⁹ Comment by Sergeant Jane Boissoneault of the Royal Canadian Mounted Police to the verification letter sent by ICMEC (June 1, 2016).

²¹⁰ Province of Alberta, *Missing Persons Act, Missing Persons Regulation*, Alberta Regulation 151/2012, at http://www.qp.alberta.ca/documents/Regs/2012_151.pdf (last visited July 22, 2016).

²¹¹ Government Bill 4, *Missing Persons Act*, 1st Session, 40th Legislature, Manitoba, 61 Elizabeth II, 2012, at <https://web2.gov.mb.ca/bills/40-1/pdf/b004.pdf> (last visited July 22, 2016).

²¹² *Missing Persons Act*, S.N.S. 2012, c. 47, O.I.C. 2015-137 (April 21, 2015), N.S. Reg. 202/2015, at <https://www.novascotia.ca/just/regulations/regs/missing.htm> (last visited July 22, 2016).

²¹³ Government of Canada, *Canada’s Missing – About*, at <http://www.canadasmising.ca/about-ausujet/index-eng.htm> (last visited July 22, 2016).

²¹⁴ *Id.*

²¹⁵ Government of Canada, *Canada’s Missing – What is AMBER Alert?*, at <http://www.canadasmising.ca/part/index-eng.htm> (last visited July 22, 2016); This information was also confirmed by Sergeant Jane Boissoneault of the Royal Canadian Mounted Police to the verification letter sent by ICMEC (June 1, 2016).

²¹⁶ Missing Children Society of Canada, *About Us*, at <http://mcsc.ca/about-us/> (last visited July 25, 2016) (on file with the International Centre for Missing & Exploited Children).

²¹⁷ Comment by Sergeant Jane Boissoneault of the Royal Canadian Mounted Police to the verification letter sent by ICMEC (June 1, 2016).

care or control of their legal guardian and have not been removed by law, and they are considered missing until returned to appropriate care and control.”²¹⁸

The Canadian Police Information Centre (CPIC) national law enforcement database, which includes records of missing persons and missing children, utilizes the following categorizations: runaway, parental abduction, stranger abduction, unknown, accident (if no one is recovered), wandered off (when it is presumed the child has wandered away and not returned when expected; sometimes also used to enter youth who are missing from social services care); and other (when a child/youth has not returned to a detention home or institution housing).²¹⁹

Kidnapping and Abduction

Canada’s Criminal Code of 1985 contains provisions prohibiting kidnapping and abduction of a child (both family and non-family). For example, Section 279 of the Criminal Code criminalizes kidnapping of a person with intent (a) to cause the person to be confined or imprisoned, (b) to cause a person to be unlawfully sent or transported out of Canada, or (c) to hold the person for ransom. This crime may be punishable with imprisonment for a term of five years to life.²²⁰

Section 280 of the Criminal Code prohibits abduction of a child who is 14 years of age, but is under the age of 16 years. This section applies both to family and non-family abductions. An abductor may be charged with imprisonment for a term of up to five years. Section 281 criminalizes non-family abduction of a child under 14 years punishable by imprisonment for a term not to exceed ten years. Sections 282 and 283 prohibit family abductions of a child under 14 years either in contravention of a custody order or when there is no such custody order. This offense is punishable by imprisonment for a term of up to ten years.²²¹

Section 273.3 of the Criminal Code prohibits adults from taking children abroad to commit certain sexual offenses against them. The penalty for this crime is imprisonment for up to five years.²²²

Parental Abduction

Canada is party to the Hague Convention on International Child Abduction.²²³ Each province and territory of Canada has developed provincial and territorial law to implement Canada’s obligations under the Convention.²²⁴ At the federal level, the Central Authority for cases of international parental abduction is the Minister of Justice and Attorney General of Canada as represented by the Justice Legal Services, Department of Legal Affairs, and Trade and Development Canada, which coordinate directly with the provinces and territories.²²⁵

Parental abduction is a crime under Sections 282 and 283 of the Criminal Code of Canada. While there are no legislative exit controls for children, specific provisions may be included in individual

²¹⁸ Government of Canada, *Canada’s Missing – Report a Missing Person/Unidentified Remains*, at <http://www.canadasmising.ca/report-signale/index-eng.htm#rmpur-spdnri> (last visited July 22, 2016).

²¹⁹ Government of Canada, *Canada’s Missing – Introduction*, at <http://www.canadasmising.ca/pubs/2015/index-eng.htm> (last visited on July 11, 2016).

²²⁰ Section 279 of the Criminal Code, R.S.C., 1985, c. C-46, at <http://laws-lois.justice.gc.ca/eng/acts/C-46/page-66.html#h-83> (last visited July 22, 2016).

²²¹ Sections 280-283 of the Criminal Code, R.S.C., 1985, c. C-46, at <http://laws-lois.justice.gc.ca/eng/acts/C-46/page-68.html#docCont> (last visited July 22, 2016).

²²² Section 273.3 of the Criminal Code, R.S.C. 1985, c. C-46, at <http://laws-lois.justice.gc.ca/eng/acts/C-46/page-63.html#docCont> (last visited July 22, 2016).

²²³ Convention of 25 October 1980 on the Civil Aspects of International Child Abduction: Status Table, *supra* note 47.

²²⁴ Report for the Congress, *The Hague Convention on International Child Abduction: An Analysis of the Applicable Law and Institutional Framework of fifty one Jurisdictions and the European Union* 86, LAW LIBRARY OF CONGRESS, June 2004, at http://www.brownwelsch.com/Archive/2004-00092_Hague_Convention_on_International_Child_Abduction_2004-06-22.pdf (last visited July 22, 2016); Justice Quebec, *International Child Abduction*, at <http://www.justice.gouv.qc.ca/english/publications/generale/enlevement-a.htm#central> (last visited July 22, 2016).

²²⁵ HCCH, *Canada – Central Authority*, at <https://www.hcch.net/en/states/authorities/details3/?aid=75> (last visited August 8, 2016).

custody orders.²²⁶ To avoid false accusations of international child abduction, Canada's Foreign Affairs and International Trade Office recommends that children traveling abroad alone, with groups, or with only one of their custodial parents carry a consent letter completed and signed by the parent(s) or legal guardian(s).²²⁷ It is advised that the consent letter be certified, stamped, or sealed by an official who has the authority to determine the validity of the letter.²²⁸ However, a consent letter is only of use if required by the destination country and otherwise would not be seen by Canadian officials upon departure from the country.²²⁹ The Government of Canada also suggests that individuals speak with a lawyer and obtain proper identification for themselves and each child they are accompanying prior to traveling with a child.²³⁰

A parent who fears that the other parent may remove their child(ren) from the country may request that their child(ren) be entered into Passport Canada's "System Lookout" by contacting Passport Canada.²³¹ Entry into System Lookout activates additional investigative steps to be taken before a Canadian passport can be issued in the child's name.²³²

The NCMPUR has special arrangements with the federal, provincial, and territorial Central Authorities under the Hague Convention on International Child Abduction to provide assistance in locating abducting parents and their children who have entered Canada from abroad, or who have left Canada and traveled to another Hague signatory state.²³³

Reporting Mechanism

The Government of Canada notes that cases of missing persons, including missing children, should be reported by contacting the local police service or by dialing 911.²³⁴ Similarly, information on unidentified remains that have been located can be reported by contacting the local police service or by dialing 911.²³⁵

Possible leads or sightings of missing children can be reported by calling 911, or, if the caller wishes to remain anonymous, by calling Crime Stoppers toll-free (1-800-222-8477).²³⁶ Tips or information about a missing child also can be reported through the Missing Children Society of Canada's toll-free hotline (1-800-661-6160).²³⁷

Investigation of Missing Child Cases

There is no federal legislation mandating the immediate investigation of missing children's cases. However, such a requirement is found in operational policing policies.²³⁸ All police agencies in Canada have committed to maintaining a policy on the immediate investigation of missing children reports.²³⁹

²²⁶ Government of Canada, *International Child Abduction: A Guidebook for Left-behind Parents*, at http://www.voyage.gc.ca/publications/child-abductions_enlevements-enfants-eng.asp#1 (last visited July 22, 2016).

²²⁷ Government of Canada, *Children and travel*, at <https://travel.gc.ca/travelling/children/children-travel> (last visited July 22, 2016).

²²⁸ Government of Canada, *Recommended consent letter for children travelling abroad*, at http://www.voyage.gc.ca/preparation_information/consent-letter_lettre-consentement-eng.asp (last visited July 22, 2016).

²²⁹ Comment by Sergeant Jane Boissoneault of the Royal Canadian Mounted Police to the verification letter sent by ICMEC (June 1, 2016).

²³⁰ Government of Canada, *Recommended consent letter for children travelling abroad*, *supra* note 228.

²³¹ Government of Canada, *Child safety – extra precautions for passports issued to children under 16 years of age*, at <http://www.cic.gc.ca/english/passport/child/safety.asp> (last visited July 22, 2016).

²³² Comment by Sergeant Jane Boissoneault of the Royal Canadian Mounted Police to the verification letter sent by ICMEC (June 1, 2016).

²³³ *Id.*

²³⁴ Government of Canada, *Canada's Missing – Report a Missing Person/Unidentified Remains*, *supra* note 218.

²³⁵ *Id.*

²³⁶ *Id.*; Comment by Sergeant Jane Boissoneault of the Royal Canadian Mounted Police to the verification letter sent by ICMEC (June 1, 2016).

²³⁷ Missing Children Society of Canada, *Contact Us*, at <http://mcsc.ca/about-us/contact-us/> (last visited July 22, 2016).

²³⁸ Government of Canada, *Canada's Missing – Report a Missing Person/Unidentified Remains*, *supra* note 218.

²³⁹ *Id.*

The NCMPUR maintains the RCMP's national policy on the investigation of missing children.²⁴⁰ This policy applies in RCMP jurisdictions across the country. In areas where the RCMP does not have primary jurisdiction, missing children investigation policies are the responsibility of the local police.²⁴¹

The NCMPUR also has compiled a Best Practices Compendium through consultation with police services from across the country, as well as internationally, where appropriate. This Compendium has been distributed to law enforcement agencies across the country through the Canadian Association of Chiefs of Police.²⁴² Many police services across the country have amended their policies to reflect these best practices.²⁴³

The primary responsibilities of local police are to communicate with the parent(s) during the search and recovery process, conduct the criminal investigation, and reunite the child with the searching parent(s).²⁴⁴ The NCMPUR provides support to law enforcement, coroners, and medical examiners across the country. This support consists of enhanced analysis of cases across jurisdictions and agencies, the facilitation of age-progressed photos, the coordination of the Air Canada Foundation Travel Reunification Service, and assistance on any international investigations.²⁴⁵

There are several formal agreements between different organizations working on missing children cases. For example, the RCMP has a national agreement with the Canadian Wireless Telecommunication Association for the distribution of AMBER Alerts.²⁴⁶ Additionally, the Our Missing Children program provides a framework for the NCMPUR to work with other federal government agencies to coordinate efforts to return children to their lawful parent/guardian.²⁴⁷

National Database

The RCMP oversees the management of the national CPIC database for the entire Canadian law enforcement community. It was established in 1972 and provides information about crimes and criminals to law enforcement across the country including children reported as missing and abducted.²⁴⁸

The NCMPUR developed and maintains the National Missing Children/Persons and Unidentified Remains Database (MC/PUR).²⁴⁹ This database, which was launched in May 2014, contains information on all missing persons and unidentified remains cases entered into CPIC. MC/PUR receives a live feed of all "missing" and "body" records entered into CPIC by the primary investigative agency. MC/PUR, while not being a records management system, allows different agencies to enter or remove case information for each missing person or unidentified remains multiple times over a period of time. Such case information includes photos, investigator remarks, analyst notes, and information on investigating agencies and individuals.²⁵⁰ Not all missing persons' cases involve the RCMP as

²⁴⁰ Comment by Sergeant Jane Boissoneault of the Royal Canadian Mounted Police to the verification letter sent by ICMEC (June 1, 2016).

²⁴¹ *Id.*

²⁴² *Id.*

²⁴³ *Id.*

²⁴⁴ Foreign Affairs and International Trade Canada, *International Child Abductions: A Manual for Parents* 9 (2009) (on file with the International Centre for Missing & Exploited Children).

²⁴⁵ Comment by Sergeant Jane Boissoneault of the Royal Canadian Mounted Police to the verification letter sent by ICMEC (June 1, 2016).

²⁴⁶ Government of Canada, *Canada's Missing – What is AMBER Alert?*, *supra* note 215.

²⁴⁷ Comment by Sergeant Jane Boissoneault of the Royal Canadian Mounted Police to the verification letter sent by ICMEC (June 1, 2016).

²⁴⁸ Government of Canada, *Canadian Police Information Center – About Us*, at <http://www.cpic-cipc.ca/about-ausujet/index-eng.htm> (last visited July 22, 2016).

²⁴⁹ Government of Canada, *Canada's Missing – About*, *supra* note 213.

²⁵⁰ Royal Canadian Mounted Police, *National Center for Missing Persons and Unidentified Remains (NCMPUR)*, at <http://www.rcmp-grc.gc.ca/en/national-centre-missing-persons-and-unidentified-remains-ncmpur> (last visited July 22, 2016); This information was also confirmed by Sergeant Jane Boissoneault of the Royal Canadian Mounted Police to the verification letter sent by ICMEC (June 1, 2016).

missing persons cases fall under the jurisdiction of the municipal, provincial, or First Nations police services.²⁵¹

Changes made to Canada's DNA Identification Act of 1998 in December 2014 allowed for the creation of five new DNA indices, three of which are referred to collectively as the "Humanitarian Indices": 1) the Missing Persons Index; 2) the Relatives of Missing Persons Index; and 3) the Unidentified Remains Index. Together these form the basis for the National Missing Persons DNA Program, which is to be implemented in the Spring of 2017.²⁵²

Case Management System

In addition to the national database CPIC, several law enforcement agencies and other organizations have missing children online databases that contain profiles of missing persons and function as stand-alone case management systems providing various investigative leads on the disappearance of missing persons to law enforcement. For example, the NCMPUR has a website (<https://www.services.rcmp-grc.gc.ca/missing-disparus/search-recherche.jsf?lang=en>) that contains profiles of missing persons, including missing and unidentified remains of children, published at the request of the primary investigators.²⁵³ The Canadian Centre for Child Protection operates a missing children website (Missingkids.ca) with a list of missing children published at the request of their relatives.²⁵⁴ Cases remain open until the child is located.²⁵⁵ The Missing Children Society of Canada also has a website (<http://mcsc.ca/investigations/missing-children-cases/>) of missing children cases, which is available to the public. Each individual case of a missing child is accompanied by a photo of and information about the missing child, such as the date of birth and physical description at the time of disappearance.²⁵⁶

Alert Mechanism

Canada's AMBER Alert Program acts as a rapid emergency child alert system for serious incidents of child abduction, and engages both the media and the public.²⁵⁷ It is a voluntary cooperative plan between provincial law enforcement agencies and various partners. The program is in effect in all provinces, but not the three territories (Northwest Territories, Nunavut, Yukon). The RCMP has a national agreement with the Canadian Wireless Telecommunications Association that allows alerts to be sent through the short messaging system (SMS) to individuals who have registered their cellular telephone.²⁵⁸ As a system designed to safely recover missing children, the AMBER Alert can only be activated by the police in critical abduction cases. The National AMBER Alert Working Group, which is coordinated by NCMPUR Operations, consists of provincial AMBER Alert coordinators.²⁵⁹

Additionally, Missingkids.ca developed the MissingKidsALERT, which allows Canadians to sign up to receive missing child alerts through electronic platforms such as email, fax, Facebook, or Twitter.²⁶⁰ Similarly, the Missing Children Society of Canada has created mechanisms for rapidly alerting the

²⁵¹ Government of Canada, *Canada's Missing – Introduction*, at <http://www.canadasmissing.ca/pubs/2015/index-eng.htm> (last visited July 22, 2016); This information was also confirmed by Sergeant Jane Boissoneault of the Royal Canadian Mounted Police to the verification letter (June 1, 2016).

²⁵² Comment by Sergeant Jane Boissoneault of the Royal Canadian Mounted Police to the verification letter sent by ICMEC (June 1, 2016).

²⁵³ Royal Canadian Mounted Police, *National Center for Missing Persons and Unidentified Remains (NCMPUR)*, *supra* note 250.

²⁵⁴ Comment by Sergeant Jane Boissoneault of the Royal Canadian Mounted Police to the verification letter sent by ICMEC (June 1, 2016).

²⁵⁵ Canadian Centre for Child Protection, *Missing Children Database*, at https://missingkids.ca/app/en/missing_children_database (last visited July 22, 2016).

²⁵⁶ Missing Children Society of Canada, *Missing Children Cases*, at <http://mcsc.ca/investigations/missing-children-cases/> (last visited July 22, 2016).

²⁵⁷ Royal Canadian Mounted Police, *Amber Alert Program – (America's Missing Broadcast Emergency Response)*, at <http://bc.rcmp-grc.gc.ca/ViewPage.action?siteNodId=23&languageId=1&contentId=4697> (last visited July 25, 2016).

²⁵⁸ *Wireless Amber Alerts*, at <http://www.wirelessamber.ca/> (last visited July 22, 2016).

²⁵⁹ *Amber Alert Program – (America's Missing Broadcast Emergency Response)*, *supra* note 257; Government of Canada, *Canada's Missing – What is AMBER Alert?*, at <http://www.canadasmissing.ca/part/index-eng.htm> (last visited July 22, 2016).

²⁶⁰ Canadian Centre for Child Protection, *Missing Kids Alert – When More People Know, More People Are Looking*, at https://missingkids.ca/app/en/missing_kids_alert (last visited July 22, 2016).

public about missing children. The organization's "Most Valuable Network" program helps disseminate AMBER Alerts and Urgent Missing Child Alerts to Facebook and Twitter users in their area.²⁶¹ Moreover, other programs managed by the Missing Children Society of Canada such as "Code Search" and "Marketwired" involve corporations (via smartphone apps) and media outlets to quickly locate missing children.²⁶²

When a missing child case does not qualify for Canada's AMBER Alert Program, law enforcement and the public may engage photo distribution mechanisms. For example, the NCMPUR's Canada's Missing website contains profiles of missing persons from across the country including pictures (if available), physical descriptions, and information on the circumstances of disappearance. These profiles are of missing children as well as of adults and are published at the request of the primary investigative agency.²⁶³ Missingkids.ca, in its Community Response Plan, also suggests that the Public Awareness Coordinator, the Administrative Coordinators, and volunteers can help by disseminating missing child posters throughout the community in areas such as local businesses, street posts, and high traffic areas.²⁶⁴ The Canadian Centre for Information on Missing Adults offers guidance on creating missing person posters, and offers a Microsoft Word poster template.²⁶⁵

Awareness-Raising Initiatives

The Canadian Centre for Child Protection, which manages www.missingkids.ca, annually hosts a Missing and Exploited Children Conference (MECC), where experts such as law enforcement, social workers, educators, prosecutors, counselors, lawyers, medical professionals, and policy analysts receive training on missing children's issues such as detection and investigation of child victimization.²⁶⁶ Moreover, Missingkids.ca has several programs aimed at educating the public and children to prevent child sexual abuse: "Kids in the Know," an interactive safety education program focused on sexual exploitation; "Teatree Tells," a child sexual abuse prevention kit; "Commit to Kids," which helps organizations create safe environments for children and provides policies, strategies, and step-by-step guidelines for preventing child sexual abuse.²⁶⁷

The Missing Children Society of Canada has created the Community Response Plan, which is designed to assist communities in responding to cases of missing children. The organization also has several programs such as the "Family Support Program," which provides families with resources and support in the form of legal assistance, counseling, and financial support when their child goes missing.²⁶⁸

The Missing Children's Network provides prevention and education programs in English and French designed for children, parents, and professionals, and partners with both the Missing Children Society of Canada and the Canadian Centre for Child Protection to provide services across the country.²⁶⁹

²⁶¹ Missing Children Society of Canada, *Most Valuable Network*, at <http://mcsc.ca/search-program/most-valuable-network/> (last visited July 22, 2016).

²⁶² Missing Children Society of Canada, *CodeSearch*, at <http://mcsc.ca/search-program/codesearch/> (last visited July 22, 2016); Missing Children Society of Canada, *Marketwired*, at <http://mcsc.ca/search-program/marketwired/> (last visited July 22, 2016).

²⁶³ Government of Canada, *Canada's Missing – About*, *supra* note 213.

²⁶⁴ Canadian Center for Child Protection, *Community Response Plan: Helping Communities Locate Missing Children* 58, May 2011, at http://responseplan.ca/pdfs/MK_CommunityResponsePlan_en.pdf (last visited July 22, 2016).

²⁶⁵ Canadian Centre for Information on Missing Adults, *Creating a Missing Person Poster*, at <http://missingpersonsinformation.ca/resources/creating-a-missing-person-poster/> (last visited July 22, 2016).

²⁶⁶ Canadian Centre for Child Protection, *17th Annual Missing and Exploited Children Training Conference (MECC)*, at <https://www.protectchildren.ca/app/en/mecc> (last visited July 22, 2016).

²⁶⁷ Canadian Centre for Child Protection, *Media Fact Sheet: Helping to Keep Your Child Safe*, at https://missingkids.ca/pdfs/MK_MediaFactSheet_en.pdf (last visited July 22, 2016).

²⁶⁸ Missing Children Society of Canada, *Family Support Program*, at <http://mcsc.ca/family-peer-support/> (last visited July 22, 2016).

²⁶⁹ Missing Children's Network, *Prevention and Education Program*, at <http://missingchildrensnetwork.ngo/services-programs/prevention-education/> (last visited July 22, 2016); Comment by Sergeant Jane Boissoneault of the Royal Canadian Mounted Police to the verification letter sent by ICMEC (June 1, 2016).

Trafficking

Section 279.011 of Canada's Criminal Code prohibits recruiting, transporting, transferring, receiving, holding, concealing, or harboring a child under the age of 18 years, or exercising control, direction, or influence over the movements of a child under the age of 18 years, for the purpose of exploiting them or facilitating their exploitation.²⁷⁰

There are various NGOs working to combat human trafficking such as the Canadian Women Foundation, which published a report on strategies for ending sex trafficking in Canada.²⁷¹ The Alliance Against Modern Slavery focuses on research and educating the Canadian public to help end modern-day slavery in the country.²⁷²

²⁷⁰ Section 279.011 of the Criminal Code, R.S.C. 1985, c. C-46, at <http://laws-lois.justice.gc.ca/eng/acts/C-46/page-67.html#docCont> (last visited July 22, 2016).

²⁷¹ Canadian Women's Foundation, *Our Work*, at <http://www.canadianwomen.org/trafficking> (last visited July 25, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁷² Alliance Against Modern Slavery, *What We Do*, at <http://www.allianceagainstmodernslavery.org/> (last visited July 25, 2016) (on file with the International Centre for Missing & Exploited Children).

FINLAND

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	20 Jun 1991	20 Jul 1991
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	7 Sep 2000	1 Jun 2012	1 Jul 2012
Protocol to Prevent, Suppress and Punish Trafficking in Persons	12 Dec 2000	7 Sep 2006 A	7 Oct 2006
UN Optional Protocol on the Involvement of Children in Armed Conflict	7 Sep 2000	10 Apr 2002 ²⁷³	10 May 2002
International Convention for the Protection of All Persons from Enforced Disappearance	6 Feb 2007		
Hague Convention on International Child Abduction	25 May 1994	25 May 1994 ²⁷⁴	1 Aug 1994

In Finland, there are five laws that refer directly or indirectly to missing children:

1. Criminal Code of Finland of 1889;
2. Child Custody and Right of Access Act of 1983;
3. Police Act of 1995;
4. The Act on the Status and Rights of Social Welfare Clients of 2000; and
5. Child Welfare Act of 2008.

General Child Protection

Finnish legislation, policies, and programs related to the protection of children's rights include: the Development Programme for Child and Youth Policy 2007-2011; the Policy Programme for the Well-being of Children, Youth, and Families; the National Action Plan to reduce corporal punishment of children for the period of 2010-2015; Child Welfare Act of 2008; and Acts on Measures for Preventing the Distribution of Child Pornography of 2007.²⁷⁵

²⁷³ See 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, Status of Ratification, Declaration, at <http://indicators.ohchr.org/> (last visited July 5, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁷⁴ See 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 Reservations, at <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=617&disp=resdn> (last visited July 5, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁷⁵ Ministry for Foreign Affairs of Finland, *The UN Committee on the Rights of the Child submitted its concluding observations to Finland*, Press release 169/2011, June 22, 2011, at <http://forin.finland.fi/public/default.aspx?contentid=223505&contentlan=2&culture=en-US> (last visited July 23, 2016); Committee on the Rights of the Child, Fifty-seventh session, *Consideration of reports submitted by States parties under article 44 of the Convention, Concluding Observations: Finland* (Aug. 3, 2011), at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsuVBUBtYzJAKnGyrgcWDKEH%2bu8GFxGSSKssAAvPSbc66BumUpB0SmUY2wzSJO9MURvOZiUtU00LjUCqiYUc1j7TRAKf5UBxdtYBqzutpvFpF> (last visited July 23, 2016).

In Finland, the Ministry of Justice, Ministry for Foreign Affairs, Ministry of Social Affairs and Health, the Ombudsman for Children, Finnish Bar Association, NGOs, and child protection agencies provide support resources and community engagement programs related to child protection. Prominent child protection NGOs include: Federation of Mother and Child Homes and Shelters, Finnish Association for Abducted Children (Kaatatut Lapset Ry), Association for Mental Health (Suomen Mielenterveysseura ry), SOS-center, and Save the Children (Finland).

General Missing Children's Issues

Finnish legislation protects minors from trafficking, hostage taking, parental abduction, child abduction, negligence, abuse, and deprivation.²⁷⁶

The Finnish Association for Abducted Children is an NGO supporting and helping parents prevent international child abductions, returning abducted children back to the country of departure, and providing advice on difficult international custody disputes.²⁷⁷

Definition of "Missing Child"

Finnish legislation does not define "missing child." The Missing Person Search and Police Investigation Directive (Kadonneen henkilön etsintä ja poliisitutkinta) enumerates various types of missing person cases in which police are required to start an active search, namely:

1. there is a reason to believe a person is lost, or is a victim of a crime or accident; or
2. by other circumstances there is a reason to believe one is in concrete danger (suicidal behavior, cold weather); or
3. a missing person has not been found in a reasonable time ("reasonable time" should be interpreted individually in every case by police).²⁷⁸

Runaways are not recognized by Finnish law as missing children.²⁷⁹ According to the Directive of Executive Assistance for Finding Runaway Children of November 2011, runaways shall not be investigated by police unless the situation meets the criteria of a missing person described above.²⁸⁰ However, the police may still be engaged in the search for runaways if Social Welfare Authorities request executive assistance from the police according to Chapter 9, Section 1, of the Police Act of 1995, the Act on the Status and Rights of Social Welfare Clients of 2000, and Section 45 of the Child Welfare Act.²⁸¹

Kidnapping and Abduction

The Criminal Code of Finland of 1889 criminalizes child abduction, which means the removal of the child from or failure to return a child to his or her state of residence against the custodian's will.²⁸² Child abduction is a crime punishable by a fine or imprisonment for a term of up to two years. In addition, the Criminal Code prohibits the unauthorized taking of the custody of a child under 16 years

²⁷⁶ Chapter 25, Sections 1, 2, 3, 3a, 4, 5, 5a and 6 of the Criminal Code of Finland of 1889, at https://www.unodc.org/res/cld/document/fin/the-criminal-code-of-finland_html/Criminal_code_of_Finland.pdf (last visited July 23, 2016) (on file with the International Centre for Missing and Exploited Children); Chapters 4 and 5 of the Child Custody and Right of Access Act of 1983, at http://islandia.law.yale.edu/representingchildren/rcw/jurisdictions/euron/finland/Fin_Ch_Cust_Act_Eng.htm (last visited July 23, 2016) (on file with the International Centre for Missing and Exploited Children).

²⁷⁷ Finnish Association for Abducted Children, at http://www.ensijaturvakotienliitto.fi/jasenyhdistykset/kaapatut_lapset_ry/tietoa/in-english/ (last visited August 9, 2016).

²⁷⁸ Correspondence with Sami Isoniemi (June 13, 2016).

²⁷⁹ *Id.*

²⁸⁰ *Id.*

²⁸¹ *Id.*; See also, Child Welfare Act of 2007, Section 45 – Custody of children taken into care (on file with the International Centre for Missing & Exploited Children).

²⁸² Section 5(a) Chapter 25 of the Criminal Code of Finland of 1889, *supra* note 276.

of age by the parent, foster parent, custodian, or a person close to the child.²⁸³ This crime is punishable by a fine or imprisonment for a term of up to six months.²⁸⁴

Parental Abduction

Finland is a party to the Hague Convention on International Child Abduction.²⁸⁵ The Child Custody and Rights Access Act of 1983, amended in 1994, directly implements the provisions of the Convention related to the return of a child.²⁸⁶ The Ministry of Justice is the Central Authority and primary contact for cases of international parental abduction.²⁸⁷

Finland has several laws related to cross-border travel with children that are designed to protect against international child abduction. As previously mentioned, the Criminal Code of Finland of 1889 prohibits removal of a child from or failure to return a child to his or her state of residence in violation of the custody rights of another parent, foster parent, or custodian.²⁸⁸ According to the Child Custody and Right of Access Act of 1983, when a child is abducted to Finland, the Helsinki Court of Appeals may order enforcement of a decision declaring the removal of a child unlawful if: (1) such decision “has been given in a State that is a Contracting State in the Council of Europe Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children, done at Luxembourg on 20 May 1980 (European Convention)”; and (2) “when the child was removed across an international frontier, there was no decision given in a Contracting State in the European Convention that could serve as a basis for enforcement.”²⁸⁹

Additionally, Finnish passport applications must be submitted with the consent of all of the child’s guardians.²⁹⁰ There are some circumstances when a minor (under 15 years of age) can be issued a passport without such consent, but only if “not issuing a passport would be clearly detrimental to the child’s best interests and as long as there is no apparent danger that the child would be taken to another country for any extended period of time against the guardian’s wishes.”²⁹¹

The Finnish Multi-Professional Committee on Cases of Abducted Children operates on the national level as an ad hoc working group in which authorities and ministry representatives discuss cases and problems and exchange information to find solutions and repatriate the child.²⁹²

Reporting Mechanism

On 25 May 2016, Finland launched the dedicated European missing children hotline 116 000.²⁹³ It works under the Emergency Response Center Administration (emergency number 112), and all calls from the hotline 116 000 are directed to this emergency number.²⁹⁴ The hotline allows the public to

²⁸³ Section 5 Chapter 25 of the Criminal Code of Finland of 1889, *supra* note 276.

²⁸⁴ *Id.*

²⁸⁵ Convention of 25 October 1980 on the Civil Aspects of International Child Abduction: Status Table, *supra* note 47.

²⁸⁶ Child Custody and Right of Access Act of 1983, *supra* note 276.

²⁸⁷ HCCH, *Finland – Central Authority*, at <https://www.hcch.net/en/states/authorities/details3/?aid=89> (last visited August 8, 2016).

²⁸⁸ Section 5(a) Chapter 25 of the Criminal Code of Finland of 1889, *supra* note 276.

²⁸⁹ Chapter 4, Section 26 of the Child Custody and Right of Access Act of 1983, at http://islandia.law.yale.edu/representingchildren/rcw/jurisdictions/euron/finland/Fin_Ch_Cust_Act_Eng.htm (last visited July 23, 2016) (on file with the International Centre for Missing and Exploited Children).

²⁹⁰ Police of Finland, *Applying for a passport*, at <http://www.poliisi.fi/passport> (last visited July 23, 2016).

²⁹¹ Police of Finland, *More information on applying for a passport – Issuing a passport to a minor*, at https://www.poliisi.fi/passport/more_information_on_applying_for_a_passport (last visited July 25, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁹² European Commission, *Missing Children in the European Union: Mapping, data collection and statistics* 31 (2013), at http://ec.europa.eu/justice/fundamental-rights/files/missing_children_study_2013_en.pdf (last visited July 23, 2016).

²⁹³ European Commission, *State of Implementation for 116000*, at http://ec.europa.eu/justice/fundamental-rights/rights-child/hotline/implementation/index_en.htm (last visited July 25, 2016); See also *How to use the emergency number 112 in Finland*, at http://www.112.fi/download/33220_Hake_112esittely_englanti.pdf?889f0aea93b4d088 (last visited July 25, 2016).

²⁹⁴ Correspondence with Sami Isoniemi (June 13, 2016).

report a missing child, provide leads regarding a sighting of a missing child, or for a child to seek assistance.

The Finnish Police instruct concerned individuals to file an official missing person's report with the local police station (including a recent photograph and personal information/description of the missing child).²⁹⁵ If children run away from care homes, the Child Welfare Authority can report the child as missing to the police by filing a request for executive assistance.²⁹⁶

Investigation of Missing Child Cases

Although Finnish law does not mandate the immediate search for a missing child, Finnish police policy requires that search and rescue missions begin without delay in cases of missing children, missing elderly persons, or persons with a disease that makes them incapable of caring for themselves.²⁹⁷

In Finland, there are some detailed policies outlining the roles and responsibilities of police when investigating missing child cases. For example, the Finnish Police indicate on its website that it is responsible for investigating missing persons cases on land, while the Frontier Guard is responsible for searches at sea.²⁹⁸ When a missing person is reported, the police request that the concerned individual carefully search for the missing person in familiar places/the vicinity; if the child or person remains missing after this search, the police complete a missing person's form, and interview concerned individuals about the missing person (*i.e.*, personal data such as name, personal identity code, phone number; physical description; clothing description; and description of means of transport).²⁹⁹ The Police Act of 1995 outlines the roles and responsibilities of the Finnish Police and allows them to enter a residence to search for missing persons and ask the public for assistance in the search.³⁰⁰

During the investigative process, the local police may be assisted by Finland's voluntary rescue service (Vapepa), which consists of volunteers who are trained in searching for missing persons.³⁰¹ The public prosecutor can take the lead for abduction cases or cases that violate criminal law.³⁰² In cases of children kidnapped to Europe or North America, the Ministry of Justice is involved, while the Ministry for Foreign Affairs is responsible for other countries around the world.³⁰³

National Database

Finland has a national police database, which is used by all law enforcement officers to document missing persons cases and executive assistance cases (*e.g.*, runaways cases).³⁰⁴ As a party to the Schengen Agreement, Finnish Police have access to the Schengen Information System II, a European-wide wanted or missing persons' and object alert.³⁰⁵

²⁹⁵ Police of Finland, *Reporting a missing person*, at http://www.poliisi.fi/public_order/reporting_a_missing_person (last visited July 23, 2016).

²⁹⁶ Correspondence with Sami Isoniemi (June 13, 2016).

²⁹⁷ Police of Finland, *Search for a missing person*, at http://www.poliisi.fi/public_order/search_for_a_missing_person (last visited July 23, 2016); See also Correspondence with Sami Isoniemi (June 13, 2016).

²⁹⁸ *Id.*

²⁹⁹ Police of Finland, *Reporting a missing person*, *supra* note 295.

³⁰⁰ Sections 15 and 45 of the Police Act of 1995, at <http://www.finlex.fi/en/laki/kaannokset/1995/en19950493.pdf> (last visited July 23, 2016) (on file with the International Centre for Missing & Exploited Children).

³⁰¹ The Voluntary Rescue Service Vapepa, *A network that saves human lives*, at <https://vapepa.fi/en/a-network-that-saves-human-lives/> (last visited July 23, 2016).

³⁰² Finnish Ministry of Justice, *International Child Abduction*, December 2000, at <http://oikeusministerio.fi/en/index/publications/esitteet/kansainvalinenlapsikaappaus.html> (last visited July 23, 2016).

³⁰³ Police of Finland, *Public Order – Search for a missing person*, at https://www.poliisi.fi/public_order/search_for_a_missing_person (last visited July 25, 2016) (on file with the International Centre for Missing & Exploited Children).

³⁰⁴ Correspondence with Sami Isoniemi (June 13, 2016).

³⁰⁵ European Commission, Migration and Home Affairs, *Schengen Information System*, at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system/index_en.htm (last visited July 23, 2016).

Case Management System

ICMEC's research did not identify a case management system specifically dedicated to missing children within the Finnish Police or any NGO.

Alert Mechanism

Finland has no national rapid emergency child alert system in place.³⁰⁶ However, it has a national emergency warning system, which notifies the Finnish public when the public faces threats to life or health or when property is at risk of destruction.³⁰⁷

Law enforcement is responsible for photo distribution; the head of the missing child investigation decides whether it is necessary to disseminate the picture of a missing child.³⁰⁸ When possible, the use of media alerts in runaway cases is avoided so as to preserve the child's anonymity and as a safeguarding procedure.³⁰⁹

Awareness-Raising Initiatives

In December 2000, the Ministry for Foreign Affairs, Ministry of Justice, Ministry of Social Affairs and Health, and the Finnish Association for Abducted Children released a detailed and informative online booklet, which was updated in March 2013, addressing international child abduction.³¹⁰ The publication provides detailed information on child custody, the legal offense of child abduction, how to prevent child abduction, and what to do if a child is abducted.³¹¹ It also covers the Child Custody and Right of Access Act, Child Care Act, and restraining orders.³¹²

The Finnish Association for Abducted Children provides information and help to parents on preventing child abduction and assistance retrieving children who are victims of international child abductions.³¹³

Trafficking

The Criminal Code of Finland of 1889 prohibits trafficking in children who are under 18 years of age, namely: taking control over a child, recruiting, transferring, transporting, receiving, or harboring a child for the purposes of sexual abuse, forced labor or other demeaning circumstances or removal of bodily organs or tissues for financial benefit.³¹⁴

³⁰⁶ European Commission, *Missing Children and child alert mechanisms*, at http://ec.europa.eu/justice/fundamental-rights/missing-child/hotline/index_en.htm (last visited 5 August 2016). Currently only 17 EU countries have child alert systems in place, Finland is not among them, *id.*

³⁰⁷ Ministry of the Interior, *Emergency warnings*, at http://www.intermin.fi/en/security/rescue_operations/emergency_warnings (last visited July 23, 2016).

³⁰⁸ Correspondence with Sami Isoniemi (June 13, 2016).

³⁰⁹ *Missing Children in the European Union: Mapping, data collection and statistics*, *supra* note 292, at 24.

³¹⁰ Finnish Ministry of Justice, *International Child Abduction*, *supra* note 302.

³¹¹ *Id.*

³¹² *Id.*

³¹³ Kaapatut Lapset Ry, *The Finnish Association for Abducted Children*, at http://www.ensijaturvakotienliitto.fi/jasenyhdistykset/kaapatut_lapset_ry/tietoa/in-english/ (last visited July 23, 2016).

³¹⁴ Subsection 2, Section 3, Chapter 25 of the Criminal Code of Finland of 1889, *supra* note 276.

KAZAKHSTAN

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child	16 Feb 1994	12 Aug 1994	11 Sep 1994
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	6 Sep 2000	24 Aug 2001	18 Jan 2002
Protocol to Prevent, Suppress and Punish Trafficking in Persons		31 Jul 2008 a	30 Aug 2008
UN Optional Protocol on the Involvement of Children in Armed Conflict	6 Sep 2000	10 Apr 2003 A ³¹⁵	10 May 2003
International Convention for the Protection of All Persons from Enforced Disappearance		27 Feb 2009 a	23 Dec 2010
Hague Convention on International Child Abduction		3 Jun 2013 A	1 Sep 2013

In Kazakhstan, there are nine laws that refer directly or indirectly to missing children:

1. Law of the Republic of Kazakhstan No. 154-XIII on Operational Investigative Activity of 15 September 1994;
2. Constitution of the Republic of Kazakhstan of 30 August 1995;
3. Law of the Republic of Kazakhstan No. 345-II on the Rights of the Child in the Republic of Kazakhstan of 8 August 2002;
4. Law of the Republic of Kazakhstan No. 591-II on Prevention of Crimes Committed by Minors and Child Neglect and Abandonment of 9 July 2004;
5. Code on Marriage and Family of the Republic of Kazakhstan of 26 December 2011;
6. Law of the Republic of Kazakhstan No. 199-V ZRK on Internal Affairs Agencies of the Republic of Kazakhstan of 23 April 2014;
7. Criminal Code of the Republic of Kazakhstan of 3 July 2014;
8. Code of Administrative Violations of the Republic of Kazakhstan of 5 July 2014; and
9. Civil Procedure Code of the Republic of Kazakhstan of 31 October 2015.

General Child Protection

The Government of Kazakhstan has ratified several child protection treaties and introduced new programs and policies in the areas of combating trafficking in persons, education, protection of persons with disabilities, social protection of children, and adolescent health care services.³¹⁶

³¹⁵ See 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, Status of Ratification, Declaration, at <http://indicators.ohchr.org/> (last visited July 5, 2016) (on file with the International Centre for Missing & Exploited Children).

³¹⁶ Committee on the Rights of the Child, *Concluding observations on the fourth periodic report of Kazakhstan*, Oct. 20, 2015, CRC/C/KAZ/C/4, at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/248/14/PDF/G1524814.pdf?OpenElement> (last visited July 6, 2016); United Nations Human Rights Office of the High Commissioner, *Committee on the Rights of the Child examines*

Kazakhstan has central and regional systems for the protection of children’s rights. In 2006, the Child Rights Protection Committee of the Ministry of Education and Science of the Republic of Kazakhstan was formed. The Committee focuses on educating the public regarding the protection of children’s rights, improving child protection legislation, preventing and reducing social orphanhood, and preventing child abuse, violence against children, child labor, homelessness, child neglect, and suicidal behavior among minors.³¹⁷

In 2007, the Government of Kazakhstan created the Interdepartmental Commission on Minors’ Affairs and Protection of Their Rights to develop proposals on prevention of child neglect and abandonment, and protection of children’s rights and legitimate interests.³¹⁸ There are also 213 regional commissions on minors’ affairs and protection of their rights.³¹⁹

In February 2016, the President of Kazakhstan established the Office of the Children’s Rights Ombudsman to guarantee the rights and lawful interests of children and restore rights and freedoms that have been violated.³²⁰

General Missing Children’s Issues

ICMEC’s research did not identify dedicated missing children organizations or a national response specifically dedicated to the issue of missing children in Kazakhstan.

Definition of “Missing Child”

While the legislation of Kazakhstan does not define “missing child,” it does provide definitions of “missing person” and “children in difficult life situations.”

According to the Rules on Receiving and Registering Statements and Reports of Crimes, as well as Keeping the Unified Register of Pre-trial Investigations of 2014, a “missing person” is a person who disappeared suddenly for no apparent reason, whose whereabouts are unknown, and who has been reported missing.³²¹

Article 1 of the Law on the Rights of the Child of 2002 in the Republic of Kazakhstan provides a definition of “children in difficult life situations.” These are “children whose vital functioning is disrupted as a result of the circumstances and who cannot overcome these circumstances alone or with the help of the family; children in special educational organizations and educational organizations with a special custodial regime.” Governmental authorities protect the rights of such children in difficult life situations by providing them with special social services.³²²

report on Kazakhstan, Sept. 17, 2015, at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16450&LangID=E> (last visited July 6, 2016).

³¹⁷ The Child Rights Protection Committee of the Ministry of Education and Science of the Republic of Kazakhstan, *About Committee*, at <http://bala-kkk.kz/ru/node/502> (last visited July 6, 2016).

³¹⁸ Articles 1 and 2 of the Regulations on the Interdepartmental Commission on Minors’ Affairs and Protection of their Rights affiliated with the Government of the Republic of Kazakhstan, approved by the Decree of the Government of the Republic of Kazakhstan No. 415 of 24 May 2007, at <http://adilet.zan.kz/rus/docs/P070000415> (last visited July 6, 2016).

³¹⁹ The Child Rights Protection Committee of the Ministry of Education and Science of the Republic of Kazakhstan, *On creation of the Office of the Children’s Rights Ombudsman in the Republic of Kazakhstan* (Feb. 19, 2016), at <http://www.bala-kkk.kz/ru/news/18519> (last visited July 6, 2016).

³²⁰ *Id.*; The Decree of the President of the Republic of Kazakhstan No. 192 of 10 February 2016 On creation of the Office of the Children’s Rights Ombudsman in the Republic of Kazakhstan, at <http://adilet.zan.kz/rus/docs/U1600000192> (last visited July 6, 2016).

³²¹ Clause 2 sub-clause 13 of the Rules on Receiving and Registering Statements and Report of Crimes, as well as Keeping the Uniform Register or Pre-trial Investigations, approved by the Order of the General Prosecutor of the Republic of Kazakhstan No. 89 of 19 September 2014 (amended on 10 August 2015), at <http://prokuror.gov.kz/rus/dokumenty/prikazy-generalnogo-prokurora/o-vnesenii-izmeneniy-i-dopolneniy-v-prikaz-generalnogo-0> (last visited July 6, 2016).

³²² Article 15, the Law of the Republic of Kazakhstan No. 114-IV On Special Social Services of 29 December 2008, at <http://adilet.zan.kz/rus/docs/Z080000114> (last visited July 6, 2016).

The Law on Prevention of Crimes Committed by Minors and Child Neglect and Abandonment of 9 July 2004 (Law on Prevention of Crimes Committed by Minors) mentions two categories of runaways: (1) minors who left their families without permission; and (2) minors who ran away from children's educational organizations, special educational organizations, and educational organizations with a special custodial regime.³²³ Administrative offices of special educational organizations and educational organizations with a special custodial regime report runaways to the local police department and assist police in the search for such runaways.³²⁴

Kazakh law enforcement authorities divide missing children into three unofficial categories: (1) children who run away from home regularly; (2) wanderers; and (3) lost toddlers (malyshi-poteryashki).³²⁵

Abandonment

Article 1 of the Law on Prevention of Crimes Committed by Minors defines neglected and abandoned children as follows:

Neglected child – a minor left without adult supervision over his behavior due to non-performance or improper performance of duties related to child's upbringing, education and/or support by his parents or other legal representatives, as well as teachers, carers and other employees of educational institution, daycare and other institutions that are obliged to supervise minors, or as a result of minor's running away from home or institutions in charge of protection of the rights of the child;

Abandoned minor – a neglected child without a place of residence.

Kidnapping and Abduction

Article 125 of the Criminal Code of the Republic of Kazakhstan of 3 July 2014 criminalizes kidnapping and abduction of a person. The sentence for kidnapping or abduction is heightened for a minor victim and may result in deprivation of liberty for a term of 7 to 12 years, with or without asset forfeiture.³²⁶

Article 136 of the Criminal Code prohibits the intentional substitution of a child (*i.e.*, switching infants at birth). The sentence for this crime may be as high as imprisonment for up to two years. If this crime was committed for financial gain or bad motives (*e.g.*, when a woman switches infants at birth in the hospital because her child was born with a disability and she wants a healthy infant), then the punishment will be harsher: imprisonment for a term of three to seven years.

Article 143 of the Criminal Code criminalizes illegal removal of a minor from the country. The highest punishment for this offense is imprisonment for up to two years. Article 143 envisages a harsher penalty if a child is illegally removed from Kazakhstan for financial gain, for bad motives, by a criminal group, or as a result of conspiracy and may constitute imprisonment for up to five years with confiscation of property or without it.

³²³ Article 13, clauses 1, 5(2), Article 14 clause 11, the Law of the Republic of Kazakhstan No. 591-II On Prevention of Crimes Committed by Minors and Child Neglect and Abandonment of 9 July 2004, at <http://adilet.zan.kz/rus/docs/Z040000591> (last visited July 6, 2016).

³²⁴ *Id.* at Article 13 clause 9 (2) and Article 14 clause 11 (2).

³²⁵ Elena Boyarshinova, *Careless parents will be prosecuted* (5 August 2013), OTYRAR.KZ, at <http://otyrar.kz/2013/08/neradivyx-roditelej-privlekut-k-ugolovnoj-otvetstvennosti/> (last visited March 23, 2016).

³²⁶ Part 2 (5) Article 125 of the Criminal Code of the Republic of Kazakhstan, at <http://adilet.zan.kz/rus/docs/K1400000226> (last visited July 6, 2016).

Parental Abduction

Kazakhstan acceded to the Hague Convention on International Child Abduction on 3 June 2013 (as a non-member State) and in 2014 passed legislation establishing the Central Authority within the Ministry of Education and Science.³²⁷

Parental child abduction is not considered a crime under Article 125 of the Criminal Code of Kazakhstan,³²⁸ but rather is a civil matter. According to Article 73(2) of the Code on Marriage and Family, any disputes about the place of residence of a child must be resolved by a court unless there is a written agreement on this issue between the parents. Therefore, parental abduction may qualify as an arbitrary assertion of rights under Article 389 part 1 of the Criminal Code.³²⁹ The highest punishment for this crime is arrest for up to 45 days.³³⁰

In the case of an international child abduction, a parent or another person who claims that a child has been wrongfully removed to or retained in Kazakhstan in breach of custody rights may apply to the Central Authority with a request to start the search for the missing child. The Central Authority may assist with the search along with help from local Custody and Guardianship Authorities and advice of the competent court in Kazakhstan where the applicant may submit a request that the child be returned.³³¹ If at the time of applying to the court the child's whereabouts are still unknown, the court must order the initiation of the search for the missing child and/or the abductor.³³² The search for a missing child in this case (*i.e.*, where the child's whereabouts are unknown) will be performed by the police.³³³ This return mechanism for an abducted child, as is true in all countries that are signatory to the Hague Convention on International Child Abduction, works only if there is an established treaty relationship between Kazakhstan and the country of citizenship of the parent whose child was abducted to Kazakhstan.³³⁴

When a child is abducted by family members within the territory of Kazakhstan and without consent from a parent or legal representative, such parent or legal representative must file a missing person report with the police in order to launch an investigation.³³⁵

The Ministry of Internal Affairs is responsible for issuing international passports for the citizens of Kazakhstan.³³⁶ The law does not require the signatures of both parents or the physical presence of both parents at the time of application for a child's passport.³³⁷ However, Kazakh legislation contains

³²⁷ Decree of the Government of the Republic of Kazakhstan No. 519 of 21 May 2014 On measures to ensure the implementation by the Republic of Kazakhstan of commitments arising from the Convention on the Civil Aspects of International Child Abduction of 25 October 1980, at <http://www.bala-kkk.kz/en/node/6460> (last visited July 6, 2016); Order of the Ministry of Education and Science of the Republic of Kazakhstan No. 208 of 4 June 2014 On measures to enforce the rules derived from the Law of the Republic of Kazakhstan "On Ratification of the Convention on the Civil Aspects of International Child Abduction", at <http://www.bala-kkk.kz/en/node/6460> (last visited July 6, 2016).

³²⁸ A response from the Union of Crisis Centers to the Gap Analysis document (April 27, 2016).

³²⁹ *Id.*

³³⁰ Part 1 Article 389 of the Criminal Code of the Republic of Kazakhstan, *supra* note 326.

³³¹ Guide for citizens on the procedure of applying the standards of the Convention on the Civil Aspects of International Child Abduction of 25 October 1980 in the Republic of Kazakhstan when solving family disputes, at <http://www.bala-kkk.kz/en/node/6460> (last visited July 6, 2016); Article 392 pt. 1 of the Civil Procedure Code of the Republic of Kazakhstan, at <http://adilet.zan.kz/rus/docs/K1500000377> (last visited July 6, 2016).

³³² Article 133 pt. 1 of the Civil Procedure Code of the Republic of Kazakhstan, *supra* note 331.

³³³ A response from the Union of Crisis Centers to the Gap Analysis document (April 27, 2016).

³³⁴ Article 38 of the Convention on the Civil Aspects of International Child Abduction of 25 October 1980, *supra* note 4.

³³⁵ A response from the Union of Crisis Centers to the Gap Analysis document (April 27, 2016).

³³⁶ Article 6, clause 1(18) of the Law of the Republic of Kazakhstan No. 199-V ZRK On Internal Affairs Agencies of the Republic of Kazakhstan of 23 April 2014, at <http://adilet.zan.kz/rus/docs/Z1400000199> (last visited July 14, 2016).

³³⁷ Clause 9 of the Standard of Public Services "The issuing of passports, identity cards to citizens of the republic of Kazakhstan", approved by the Decree of the Minister of Interior of the Republic of Kazakhstan No. 332 of 10 April 2015, at <http://adilet.zan.kz/rus/docs/V1500011174#z11> (last visited July 14, 2016); Clauses 6-12 of the Rules of Registration, Issuance, Replacement, Delivery, Removal and Destruction of a passport of a citizen of the Republic of Kazakhstan, an identity card of a citizen of the Republic of Kazakhstan, a Residence Permit of a Foreign Citizen in the Republic of Kazakhstan, an Identity of a Stateless Person

a number of requirements regarding cross-border travel with children. As a general rule, a child traveling with one parent or guardian does not need the consent of the other parent to exit Kazakhstan unless it is a departure for permanent residence.³³⁸ If a minor citizen of Kazakhstan is traveling unaccompanied, he or she must have a passport as well as notarized consent from both parents, adoptive parents, or guardians in order to leave Kazakhstan; such consent must indicate the duration of travel and the country/countries that the child intends to visit.³³⁹ When traveling by train in Kazakhstan, the passenger who is accompanying the child, but is not a legal representative of the child, must show power of attorney allowing him or her to accompany the child. Children who are 15 years of age and older are allowed to travel by train unaccompanied within Kazakhstan.³⁴⁰

When a minor leaves Kazakhstan with one parent or guardian for permanent residence in another country, notarized consent from the other parent living in Kazakhstan is required.³⁴¹ In the absence of such consent, the matter may be resolved by the court.³⁴² If the opposing parent's parental rights are terminated, the consent of that parent is not required; instead a court decision on the termination of parental rights must be submitted to law enforcement.³⁴³

Children traveling with their parents or guardians must have originals or certified copies of the documents certifying their relationship with their parents or guardians; otherwise the child may be denied exit from Kazakhstan. A birth certificate will suffice if the child and the parent have the same last name. When the last names of the child and the parent are different, then in addition to the birth certificate of the child, the parent or the guardian must submit a document confirming the change of the last name or documents confirming custody, adoption, or guardianship in case the child's parents are deceased, missing, or deprived of their parental rights.³⁴⁴

Anyone who takes a child out of the country in violation of the above cross-border travel requirements may be charged with the crime of illegal removal of a minor under Article 143 of the Criminal Code. Kazakh legislation does not address the entry of children into the territory of Kazakhstan.

Reporting Mechanism

When a child is missing, a parent must file a missing person report with a local police department and contact the Bureau of Registration of Accidents in Astana. Reports of missing children can be made to police either in person or by phone (102).³⁴⁵ A parent (guardian), relative, or friend of a missing child

and a Refugee Certificate, approved by the Resolution of the Government of the Republic of Kazakhstan No. 852 of 26 August 2013, at <http://adilet.zan.kz/rus/docs/P1300000852> (last visited July 14, 2016).

³³⁸ *Id.*; See also Sergei Sizintsev, *A parent's consent for a child's departure abroad* (Sept. 22, 2012), DE FACTO, at <http://defacto.kz/content/soglasie-roditelya-na-vyezd-rebenka-za-granitsu#Trebuetsya-li-razreshenie-roditelya-na-vremenny-vyezd-rebenka-za-granitsu-s-drugim-roditelem-na-otdykh-lechenie-v-gosti-i-t.-p> (last visited July 7, 2016); *Is it necessary to get a consent for a child's departure from Kazakhstan?* (Oct. 19, 2015), CENTRAL ASIA MONITOR, at <http://camonitor.kz/18880-nuzhno-li-razreshenie-na-vyezd-rebenka-iz-kazahstana.html> (last visited July 7, 2016).

³³⁹ Clause 27 of the Rules for the carriage of passengers, baggage and cargo by air transport, approved by the Decree of the Government of the Republic of Kazakhstan No. 1522 of 13 December 2011, at <http://adilet.zan.kz/rus/docs/P1100001522> (last visited July 7, 2016); See also, *id.*

³⁴⁰ Clause 77 of the Rules for the carriage of passengers, baggage and cargo by railroad transport, approved by the Decree of the Government of the Republic of Kazakhstan No. 799 of 14 July 2011, at <http://adilet.zan.kz/rus/docs/P1100000799> (last visited July 7, 2016).

³⁴¹ Clause 7 sub-clause 6 of the Rules for issuance of documents for traveling outside the Republic of Kazakhstan for permanent residence, approved by the Decree of the Government of the Republic of Kazakhstan No. 361 of 28 March 2012, at <http://adilet.zan.kz/rus/docs/P1200000361> (last visited July 7, 2016).

³⁴² *Id.*

³⁴³ A response from the Union of Crisis Centers to the Gap Analysis document (April 27, 2016).

³⁴⁴ *Id.*

³⁴⁵ Azamat Sarsenbaev, *What to do if your child is missing?* (July 10, 2015), at <http://yvision.kz/post/520215> (last visited July 7, 2016); Chingiz Saikhanov and Amanita Masanchi, *Missing persons* (Nov. 26, 2014), VOX POPULI, at <http://www.voxpopuli.kz/main/2337-propavshie-bez-vesti.html> (last visited July 7, 2016).

can file a missing person report.³⁴⁶ Upon receipt of a report, a duty officer registers the message and informs the head of the local police department about the report.³⁴⁷

A report about a missing child can be also filed online by filling out a special form on the website of the Association of Volunteer Organizations “Search for Missing Children” (<https://en.poiskdetei.ru/>), or by calling the Association’s office at 8 499 686 02 01 for more information.

ICMEC’s research did not identify any hotlines in Kazakhstan specifically dealing with cases of missing children. However, the Bureau of Registration of Accidents in Astana, which is affiliated with the Department of Interior of Astana, acts as a kind of hotline for searching for missing people.³⁴⁸ The Bureau has a database containing information received on a daily basis from specialized agencies of the Department of Interior, such as detention centers, reception centers, and others. All incoming information is sent to the Operational Control Center (OCC) database, which is run by the police. The Bureau’s computers are connected to the OCC, which makes it possible to track data on accidents, missing persons, and discovery of corpses.³⁴⁹ Medical institutions in Astana also help gather information. Any resident of Astana may call the Bureau free-of-charge to inquire about a missing person and the Bureau is obliged to respond to the inquiry by checking right away for information about the missing person in their databases.³⁵⁰

There are three hotlines created by the Union of Crisis Centers in Kazakhstan: (1) National Hotline for Children and Youth (150); (2) Hotline to Prevent Domestic Violence (1415); and (3) Hotline to Prevent Trafficking in Persons (11616).³⁵¹

Investigation of Missing Child Cases

The Rules on Receiving and Registering Statements and Reports of Crimes, as well as Keeping the Unified Register of Pre-trial Investigations of 2014, mandate immediate investigation of a missing person case.³⁵² Law enforcement authorities in Kazakhstan have some internal guidelines and policies explaining how to proceed when a missing person case is reported to police, including: registering information about the missing person in the book of record and in the Unified Register of Pre-trial Investigations by a duty officer; informing law enforcement officers within their own department as well as officers in nearby territorial police departments about the case; and sending a Criminal Police and Investigation Officer and operational team to the place where the disappearance occurred.³⁵³

When a search for missing children takes place in hard-to-reach areas (e.g., in the mountains or near bodies of water), the police engage with the Committee of Emergency Situations.³⁵⁴ Volunteer search-

³⁴⁶ Chingiz Saikhanov and Amanita Masanchi, *Missing persons*, *supra* note 345; A response from the Union of Crisis Centers to the Gap Analysis document (April 27, 2016).

³⁴⁷ Section 12 Paragraph 3 of the Rules for organization of activity of Operational Control Centers and police dispatch centers of the internal affairs agencies of the Republic of Kazakhstan, approved by the Order of the Minister of Interior No. 439 of 17 July 2014, at <http://adilet.zan.kz/rus/docs/V14C0009697> (last visited July 7, 2016).

³⁴⁸ Official Site of Akimat of Astana, “Hotline” on search of missing people works in Astana (April 5, 2013), at <http://astana.gov.kz/en/modules/material/538> (last visited July 7, 2016); A response from the Union of Crisis Centers to the Gap Analysis document.

³⁴⁹ *Id.*

³⁵⁰ *Id.*

³⁵¹ The Union of Crisis Centers in Kazakhstan, at <http://telefon150.kz> (last visited July 7, 2016).

³⁵² Clause 35-1 of the Rules on Receiving and Registering Statements and Report of Crimes, as well as Keeping the Uniform Register or Pre-trial Investigations, *supra* note 321; Chingiz Saikhanov and Amanita Masanchi, *Missing persons*, *supra* note 345.

³⁵³ The Rules on Receiving and Registering Statements and Report of Crimes, as well as Keeping the Uniform Register or Pre-trial Investigations, *supra* note 321; The Rules for organization of activity of Operational Control Centers and police dispatch centers of the internal affairs agencies of the Republic of Kazakhstan, *supra* note 347.

³⁵⁴ National operational rescue squad of the Ministry of Emergency Situations of the Republic of Kazakhstan, *About us*, at <http://www.roso.kz/index.php/o-nas> (last visited July 8, 2016); *Emergency response group is searching for three girls from Western Kazakhstan in the Urals* (June 14, 2012), TODAY.KZ, at <http://today.kz/news/article/2012-06-14/187650-news/> (last visited July 8, 2016); Committee of Emergency Situations of the Ministry of Internal Affairs of the Republic of Kazakhstan, *Lost in the fog are found*,

and-rescue squads also take part in searching for missing children by creating and distributing posters in the neighborhood, disseminating information about the missing child online, interviewing possible witnesses, and searching the area of the disappearance using special equipment.³⁵⁵ ICMEC's research could not confirm whether there is a formal agreement between police and the Committee.

National Database

The OCC system allows Kazakh police to register reports, collect and analyze information about crimes and occurrences, manage police resources, share information across jurisdictions, dispatch police officers to the place of occurrence, report the results of police activities, and provide informational support for management decisions.³⁵⁶ All missing persons reports must be immediately registered in the Unified Register of Pre-trial Investigations, an automated database containing information about a crime or occurrence, the progress of the investigation, participants in criminal proceedings, which procedural decisions have been made and investigative actions have been taken, and who is in charge of the investigation.³⁵⁷

The Committee for Legal Statistics and Special Accounts of the General Prosecutor's Office registers all missing person cases. Information about missing persons is open to the public and available on the website of the Committee.³⁵⁸ The Committee also maintains an automated information system – “Special Accounts” – that contains information about detainees, convicted persons, persons who have committed administrative offenses, and wanted persons.³⁵⁹ In addition, there is a government database – “Natural Persons” – containing official records of birth, marriage, unique identification numbers, and other information concerning the civil status of a person.³⁶⁰

The Committee for Legal Statistics and Special Accounts maintains a record of the fingerprints of all persons taken into custody, charged offenders, detained suspects, administrative detainees, and unidentified detainees.³⁶¹ Law enforcement records fingerprints with an automated fingerprinting

at http://www.emer.gov.kz/index.php?option=com_content&view=article&id=30731%3A2015-12-02-13-16-39&catid=20%3A2011-06-09-13-26-46&Itemid=5&lang=ru (last visited July 8, 2016); Committee of Emergency Situations of the Ministry of Internal Affairs of the Republic of Kazakhstan, *About performing searches of missing children* (Sept. 19, 2013), at http://www.emer.gov.kz/index.php?option=com_content&view=article&id=19242%3A2013-09-19-09-22-22&catid=22%3A2011-06-09-13-29-10&Itemid=37&lang=ru (last visited July 8, 2016).

³⁵⁵ *In Temirtau the search for 9-year-old Vladislav Sheller has been conducted for a week already* (Jan. 4, 2016), TODAY.KZ, at <http://today.kz/news/proisshestviya/2016-01-04/706589-v-temirtau-uzhe-nedelyu-razyiskivayut-9-letnego-vladislava-shellera/> (last visited July 8, 2016); *Police of Kyzylordinskaya Oblast is searching for a missing child* (Aug. 14, 2015), TODAY.KZ, at <http://today.kz/news/proisshestviya/2015-08-14/623433-policia-kyzylordinskoj-oblasti-iset-bez-vesti-propavsego-rebenka/> (last visited July 8, 2016); A response from the Union of Crisis Centers to the Gap Analysis document (April 27, 2016).

³⁵⁶ Chapter 1, clauses 3 and 4 of the Rules for organization of activity of Operational Control Centers and police dispatch centers of the internal affairs agencies of the Republic of Kazakhstan, *supra* note 347.

³⁵⁷ Clauses 35-1 and 21 of the Rules on Receiving and Registering Statements and Report of Crimes, as well as Keeping the Uniform Register or Pre-trial Investigations, *supra* note 321.

³⁵⁸ *Kazakhstanis can get information about missing people through the Internet* (April 6, 2012), PROFIT, at <http://profit.kz/news/8405/Informaciu-o-propavshih-bez-vesti-kazahstanci-mogut-poluchit-cherez-internet/> (last visited July 8, 2016); Information Service of the Committee for Legal Statistics and Special Accounts of the Prosecutor General's Office of the Republic of Kazakhstan, at <http://service.pravstat.kz/portal/page/portal/POPageGroup/Services/SuRet> (last visited July 8, 2016).

³⁵⁹ Committee for Legal Statistics and Special Accounts of the Prosecutor General's Office of the Republic of Kazakhstan, *Automated information system “Special Accounts”*, at <http://pravstat.prokuror.kz/rus/o-kpsisu/ais/avtomatizirovannaya-informacionnaya-sistema-specialnye-uchety> (last visited July 8, 2016).

³⁶⁰ Electronic Government of the Republic of Kazakhstan, *Projects of the electronic government of the Republic of Kazakhstan*, at <http://egov.kz/wps/portal/Content?contentPath=/egovcontent/basic/projects> (last visited July 8, 2016); NITEC, *Government Database “Natural Persons”*, at <http://www.nitec.kz/index.php/post/gosudarstvennaya-baza-dannyih-fizicheskie-liitsa> (last visited July 8, 2016); Roza Shinzhirbaeva, *Vital Records Offices are creating an electronic database – birth certificates and marriage certificates in the Southern Kazakhstan Oblast are issued with the help of a computer* (Dec. 18, 2007), at <http://www.adilet.gov.kz/ru/node/656> (last visited July 8, 2016).

³⁶¹ Article 12 clause 3 sub-clause 2 of the Law of the Republic of Kazakhstan No. 510 On the state legal statistics and special accounts of 22 December 2003, at <http://adilet.zan.kz/rus/docs/Z030000510> (last visited July 8, 2016); Clauses 1 (4), 7, and 8 of the Rules for conducting and using certain types of special accounts, approved by the Order of the General Prosecutor of the Republic of Kazakhstan No. 71 of 10 July 2014, at <http://adilet.zan.kz/rus/docs/V1400009638> (last visited July 8, 2016).

information system called ADIS.³⁶² In November 2014, a DNA database was created containing DNA samples of violent offenders and evidence of crimes.³⁶³ Beginning in January 2017, when the Law on Fingerprint and Genomic Registration will enter into force, every person residing or staying in Kazakhstan will be able to provide fingerprints and DNA data voluntarily.³⁶⁴

Case Management System

ICMEC's research did not identify a case management system for missing children cases. In 2014, the Internet Association of Kazakhstan announced a plan to create a web portal with information about missing children,³⁶⁵ supported by the General Prosecutor's Office. However, the Association postponed the launch due to insufficient funding.³⁶⁶

Alert Mechanism

While Kazakhstan does not have a centralized rapid emergency child alert system, there are photo distribution mechanisms in place. For example, upon registering a missing person report, police officers can publish the report in the mass media.³⁶⁷ The official website of the Ministry of Internal Affairs contains a link – “Wanted” – where the Committee of the Criminal Police of the Ministry of Internal Affairs publishes information on missing persons and wanted criminals.³⁶⁸ The public helps relatives and friends of missing persons through social network sites.³⁶⁹ Volunteer search-and-rescue squads create and distribute posters in the local area and disseminate information about missing children online.³⁷⁰

Awareness-Raising Initiatives

While ICMEC's research did not identify awareness-raising initiatives specific to the issue of missing children, the NGO Union of Crisis Centers in Kazakhstan is actively involved in the protection of children from abuse and violence. It is a professional network of 13 organizations from 11 regions of Kazakhstan conducting activities aimed at preventing gender violence and all forms of discrimination. It conducts outreach events in children's camps, provides psychological help to children who are victims of violence, and monitors national and regional legislation protecting children from domestic violence.³⁷¹

Trafficking

Trafficking in persons is addressed in Article 135 of the Criminal Code of the Republic of Kazakhstan of 3 July 2014, which prohibits the sale of children (sale and purchase, and any other transactions with children), as well as recruiting, transferring, delivering, harboring, and accepting a child for the

³⁶² Committee for Legal Statistics and Special Accounts of the Prosecutor General's Office of the Republic of Kazakhstan, *Fingerprinting of citizens* (Jan. 22, 2014), at <http://pravstat.prokuror.kz/rus/sub/news/daktiloskopirowanie-grazhdan> (last visited July 8, 2016).

³⁶³ *A DNA database is being developed in Kazakhstan* (June 11, 2015), DELOVOY KAZAKHSTAN, at <http://dknews.kz/baza-dannyh-dnk-formiruetsya-v-kazahstane/> (last visited July 25, 2016).

³⁶⁴ A response from the Union of Crisis Centers to the Gap Analysis document (April 27, 2016).

³⁶⁵ *A web portal for searching missing children will be created in Kazakhstan* (May 15, 2014), TODAY.KZ, at <http://today.kz/news/article/2014-05-15/508599-v-kazahstane-sozdatut-internet-portal-dlya-poiska-propavshix-detej/> (last visited July 8, 2016).

³⁶⁶ *Launch of a web site with information on missing children in Kazakhstan is postponed* (Oct. 15, 2014), TENGRI NEWS, at <http://tengrinews.kz/internet/sozdanie-sayta-informatsiy-propavshih-detyah-kazahstane-263457/> (last visited July 8, 2016); *General Prosecutor's Office – about missing children* (June 25, 2015), FORBES, at http://forbes.kz/news/2015/06/25/newsid_90288 (last visited July 8, 2016).

³⁶⁷ Azamat Sarsenbaev, *What to do if your child is missing?*, *supra* note 345.

³⁶⁸ Ministry of Internal Affairs of the Republic of Kazakhstan, *Investigation (Missing Persons)*, at http://mvd.gov.kz/portal/page/portal/mvd/MVD/mvd_nav_roz/lookface; See also the response from the Union of Crisis Centers to the Gap Analysis document (April 27, 2016).

³⁶⁹ *About 300 children went missing in Kazakhstan since the beginning of 2015* (Aug. 6, 2015), RADIOTOCHKA, at <http://radiotochka.kz/13934-v-kazahstane-bez-vesti-propalo-okolo-300-detej-s-nachala-2015-goda.html> (last visited July 8, 2016).

³⁷⁰ A response from the Union of Crisis Centers to the Gap Analysis document (April 27, 2016).

³⁷¹ THE UNION OF CRISIS CENTRES OF KAZAKHSTAN, *About Us*, at <http://telefon150.kz/about> (last visited June 13, 2016).

purposes of his or her subsequent exploitation, including exploitation in forced labor and begging, and sexual exploitation.³⁷²

³⁷² Article 3 clause 1 of the Criminal Code of the Republic of Kazakhstan clarifies the meaning of the term “exploitation of a person.”

RUSSIA

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	16 Aug 1990	15 Sep 1990
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	26 Sep 2012	24 Sep 2013	24 Oct 2013
Protocol to Prevent, Suppress and Punish Trafficking in Persons	12 Dec 2000	26 May 2004	25 Jun 2004
UN Optional Protocol on the Involvement of Children in Armed Conflict	15 Feb 2001	24 Sep 2008 ³⁷³	24 Oct 2008
International Convention for the Protection of All Persons from Enforced Disappearance			
Hague Convention on International Child Abduction		28 Jul 2011 A ³⁷⁴	1 Oct 2011

In Russia, there are 12 laws that refer directly or indirectly to missing children:

1. Law of the Russian Federation No. 2487-1 on Private Detective and Security Guard Activities in the Russian Federation of 11 March 1992;
2. Constitution of the Russian Federation of 12 December 1993;
3. Federal Law No. 144-FZ on Operational Investigative Activity of 12 August 1995;
4. Family Code of the Russian Federation No. 223-FZ of 29 December 1995;
5. Criminal Code of the Russian Federation No. 63-FZ of 13 June 1996;
6. Federal Law No. 118-FZ on Court Marshals of 21 July 1997;
7. Federal Law No. 124-FZ on the Basic Guarantees of the Rights of the Child in the Russian Federation of 24 July 1998;
8. Federal Law No. 120-FZ on Basic Principles of Prevention of Neglect of Minors and Crimes Committed by Them of 24 June 1999;
9. Federal Law No. 3-FZ on Police of 7 February 2011;
10. Code of Administrative Violations of the Russian Federation No. 195-FZ of 30 December 2001;
11. Civil Procedure Code of the Russian Federation No. 138-FZ of 14 November 2002; and
12. Federal Law No.229-FZ on Enforcement Proceedings of 2 October 2007.

³⁷³ See 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, Status of Ratification, Declaration, at <http://indicators.ohchr.org/> (last visited July 5, 2016) (on file with the International Centre for Missing & Exploited Children).

³⁷⁴ See 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 Reservations, at <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=1112&disp=resdn> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

General Child Protection

On 1 June 2012, the President of the Russian Federation approved the National Child Welfare Strategy for 2012-2017.³⁷⁵ This document outlines certain measures to improve the protection of children's rights in Russia, among which is bringing Russian law into compliance with international standards and ratification of several international instruments on the protection of children's rights.³⁷⁶ The State Duma Committee on Family, Women and Children is responsible for amending and improving child protection legislation in Russia.³⁷⁷ Other authorities tasked with protecting children's rights in Russia include the Governmental Committee for the Affairs of Minors and Protection of their Rights,³⁷⁸ Children's Rights Ombudsman for the President of the Russian Federation,³⁷⁹ and Custody and Guardianship Authorities of the constituent units of the Russian Federation.³⁸⁰

Children's rights organizations in Russia include the Russian Children in Need Fund (Children in Need Fund),³⁸¹ NGO Charity Foundation Protecting Children from Abuse (Charity Foundation),³⁸² and the National Foundation for the Prevention of Cruelty to Children (NFPCC).³⁸³ The Children in Need Fund's primary goal is to prevent child neglect and abuse and to help children deprived of parental care find new families.³⁸⁴ In 2010, the Children in Need Fund created a free national hotline number for children (8 800 2000 122).³⁸⁵ When calling this number, children and parents can receive emergency psychological counseling.³⁸⁶ The Charity Foundation's mission is aimed at developing a multidisciplinary network to support child victims of abuse and neglect in Russia; preventing child abuse and neglect; and educating the public and governmental authorities about this problem.³⁸⁷ The NFPCC focuses on protecting the rights of a child to be raised in a family; reforming the child welfare system; and developing an effective system for working with children and families in crisis.³⁸⁸ The NFPCC has developed a series of effective child abandonment prevention services and models, which have been implemented in multiple regions throughout Russia.³⁸⁹

General Missing Children's Issues

The State Duma of the Russian Federation – the lower house of the Russian legislature – created a special inter-departmental working group affiliated with the State Duma Committee on Family, Women and Children to develop legislation related specifically to the issue of missing children.³⁹⁰ On 14 April

³⁷⁵ Vladimir Putin signed the Executive Order On the National Children's Strategy for 2012-2017, KREMLIN.RU (June 1, 2012), at <http://eng.kremlin.ru/news/3949> (last visited June 28, 2016); Executive Order of the President of the Russian Federation No. 761 On National Children's Strategy for 2012-2017 of 1 June 2012, at <http://kremlin.ru/acts/bank/35418> (last visited Jan. 11, 2013).

³⁷⁶ The National Strategy for Action on Children in 2012-2017, at <http://www.komitet2-6.km.duma.gov.ru/site.xp/050049124053052055.html> (last visited June 28, 2016).

³⁷⁷ STATE DUMA COMMITTEE ON FAMILY, WOMEN AND CHILDREN, *Clause 3, Rules of the State Duma Committee on Family, Women and Children*, at <http://www.komitet2-6.km.duma.gov.ru/site.xp/052048055.html> (last visited June 28, 2016).

³⁷⁸ The Government Commission for Juvenile Affairs and the Protection of their Rights, at <http://government.ru/department/159/about/> (last visited June 28, 2016).

³⁷⁹ Ombudsman for Children's Rights for the Russian Federation, at <http://www.rfdeti.ru/> (last visited June 28, 2016).

³⁸⁰ Federal Law No. 48-FZ On Custody and Guardianship of 24 April 2008, at <http://минобрнауки.рф/%D0%B4%D0%BE%D0%BA%D1%83%D0%BC%D0%B5%D0%BD%D1%82%D1%8B/1704> (last visited June 28, 2016).

³⁸¹ The Fund for the Support of Children in Difficult Life Situations, at <http://fond-detyam.ru/> (last visited June 28, 2016).

³⁸² NGO Charity Foundation Protecting Children from Abuse, at <http://www.zadetej.ru> (last visited June 28, 2016).

³⁸³ The National Foundation for the Prevention of Cruelty to Children, *About Us*, at <http://www.sirostvo.ru/eng/about/index.shtml> (last visited June 28, 2016).

³⁸⁴ The Fund for the Support of Children in Difficult Life Situations, *About Us*, at <http://fond-detyam.ru/about/> (last visited June 28, 2016).

³⁸⁵ The Fund for the Support of Children in Difficult Life Situations, *Children's Helpline*, at <http://fond-detyam.ru/detskiy-telefon-doveriya/> (last visited June 28, 2016).

³⁸⁶ *Id.*

³⁸⁷ NGO Charity Foundation Protecting Children from Abuse, *Mission Statement*, at http://zadetej.ru/index.php?option=com_content&view=section&layout=blog&id=25&Itemid=31 (last visited June 28, 2016).

³⁸⁸ National Foundation for the Prevention of Cruelty to Children, *supra* note 383.

³⁸⁹ *Id.*

³⁹⁰ *The State Duma will create a special group on searching for missing children* (Dec. 1, 2015), NOVOSTI FEDERATSII, at <http://regions.ru/news/2566880/> (last visited June 28, 2016).

2016, the working group held its first meeting with representatives from the State Duma Committee on Family, Women and Children; the General Prosecutor's Office; the Federation Council (the upper house of the legislature); the Investigative Committee; the Ministry of Internal Affairs; the Ministry of Telecom and Mass Communications; the National Monitoring Center for Missing and Exploited Children; and the Search-and-Rescue Squad "Liza Alert" (Liza Alert). Participants discussed possible changes to the Federal Law on the Basic Guarantees of the Rights of the Child in the Russian Federation of 1998 (Law on the Rights of the Child) in order to highlight missing children as a special category of children in hardship and to clearly define their legal status, as well as to establish additional guarantees of protection of their rights, including the right to rehabilitation.³⁹¹

Section 6 of the National Child Welfare Strategy for 2012-2017 addresses the creation of the Russian National Monitoring Assistance Center for Missing and Exploited Children.³⁹² In 2013, the Regional Public Organization Center of Internet Technologies (ROCIT) received a Presidential grant coordinated by the Civic Chamber of the Russian Federation to create and launch the Center "NeDopusti!" as the prototype for the Russian National Monitoring Assistance Center for Missing and Exploited Children.³⁹³ NeDopusti!, which already exists and is fully functioning, is a member of ICMEC's GMCN and the International Association of Internet Hotlines (INHOPE). NeDopusti! assists law enforcement agencies, civil society groups, and other organizations in the search for missing children, and prevents and detects the illegal exploitation of minors and child abuse. It provides psychological assistance to the families and friends of children who are missing or have been victims of violence, and educates the public about the problem of missing children, illegal exploitation, and violence against children.³⁹⁴

In 2014, a National Monitoring Center for Missing and Exploited Children was created in Russia at the initiative of the Children's Rights Ombudsman for the President of the Russian Federation.³⁹⁵ Like the Center NeDopusti!, this National Monitoring Center was also established to combine the efforts of the State authorities, NGOs, and citizens in matters related to the search for missing children, as well as the prevention and suppression of violence against and sexual abuse of children.³⁹⁶

Definition of "Missing Child"

There is no definition for a "missing child" or a "missing person" in Russian legislation. However, Russian doctrine (*i.e.*, thoughts and opinions of Russian academics and law professors) defines a "missing person" as a person who disappeared suddenly for no apparent reason to others and whose whereabouts are unknown, including minors who ran away from home, boarding schools, orphanages, or detention centers and special education institutions; and mentally ill persons who ran away from home or medical institution.³⁹⁷ The Ministry of Internal Affairs uses a similar definition of a "missing person."³⁹⁸

³⁹¹ *Legislation for Missing and Exploited Children will be Improved* (April 18, 2016), OBSHCAYA GAZETA, at <http://www.og.ru/society/2016/04/18/80310> (last visited June 28, 2016); The State Duma Committee on Family, Women and Children, *On 14 April 2016 the interdepartmental working group "On improving the legislation for Missing and Exploited Children" affiliated with the State Duma Committee on Family, Women and Children will hold its first meeting*, at <http://www.komitet-6.km.duma.gov.ru/site.xp/052057124049051050054.html> (last visited June 28, 2016).

³⁹² The National Strategy for Action on Children in 2012-2017, *supra* note 376.

³⁹³ Agreement No. 89-13 On providing a grant, concluded between the Regional Public Organization "Institute of Problems of Civil Society" and the Regional Public Organization of Internet Technologies on 21 October 2013 (on file with the International Centre for Missing & Exploited Children); Web portal GRANTS of the Civic Chamber of the Russian Federation, Internet site of the Contest of the Government Support Not-for-Profit NGOs, *Institute of the Problems of Civil Society – Winners – Regional Public Organization of Internet Technologies*, at <http://grants.oprf.ru/grants115/operators/inngo/winners/rec379/> (last visited August 16, 2016).

³⁹⁴ NeDopusti!, *About Project*, at <http://nedopusti.ru/site/page/aboutproject/> (last visited June 28, 2016).

³⁹⁵ *Pavel Astakhov proposed the creation of a National Center for Missing and Exploited Children* (Dec. 5, 2014), at <http://www.rfdeti.ru/display.php?id=9230> (last visited June 28, 2016).

³⁹⁶ National Monitoring Center for Missing and Exploited Children, *About the Center*, at <http://findchild.ru/about> (last visited June 28, 2016).

³⁹⁷ Vagin O.A., Isichenko A.P., Chechetin A.E., *Commentary to the Law On Operational Investigative Activity*, 2009, DELOVOY DVOR, at <https://www.lawmix.ru/commlaw/489/> (last visited June 28, 2016).

³⁹⁸ Ministry of Interior of the Russian Federation, *For Citizens*, at <https://mvd.ru/help/wanted> (last visited June 28, 2016).

Article 1 of the Law on the Rights of the Child defines “children in difficult life situations” as:

children without parental care; children with disabilities; children with health limitations who have disadvantages in physical and/or mental development; child victims of armed and ethnic conflicts, environmental and technological disasters, natural disasters; children from families of refugees and displaced persons; children trapped in extreme conditions; child victims of violence; children serving sentences of deprivation of liberty in juvenile correctional facilities; children in educational organizations for students with deviant (socially dangerous) behavior, in need of special care, education and requiring special pedagogical approaches (special educational open type or custodial institutions); children living in low-income families; children with behavioral disorders; children whose vital functioning is objectively broken as a result of their circumstances and who cannot overcome these circumstances alone or with the help of the family.

According to Article 15 of the Law on the Rights of the Child, government authorities protect the rights of such children in difficult life situations.

Russian legislation mentions several categories of runaways and defines a “minor in a socially dangerous situation.” Article 3, clause 2(4), of the Federal Law on the Basic Principles of Preventing the Neglect of Minors and Crimes Committed by them of 1999 (Law on Prevention of Neglect of Minors) and Article 12, clause 12, of the Federal Law on Police of 2011 enumerate the following categories of runaways:

- minors who left their families without permission;
- minors who ran away from specialized institutions for minors needing social rehabilitation (organizations for orphans and children left without parental care); and
- minors who ran away from specialized custodial institutions for education and upbringing.

Russian law requires the police to search for such runaways and send them to the relevant institutions and agencies for prevention of child neglect and juvenile crimes.³⁹⁹

Article 1 of the Law on Preventing the Neglect of Minors defines “a minor in a socially dangerous situation” as a person who, as a result of neglect or abandonment, is in a situation dangerous to his or her life or health or inadequate to his or her upbringing or care, or commits an offense or anti-social activity.

Russian law enforcement authorities on occasion unofficially call runaways “begunki” (runners), which includes minors who have run away from the place of their residence or stay (other than a place of residence or stay of their biological parents), and/or are declared missing as a result of intentional running away more than once, as well as minors who have become vagrants.⁴⁰⁰

While there is no definition of the category of “lost, injured or otherwise missing” children in Russian legislation, Russian police include such missing children in the unofficial category of “poteryashki” (lost).⁴⁰¹ These are missing minors who did not intentionally lose contact with parents or legal representatives, as well as children who left the place of residence or stay of their biological parents,

³⁹⁹ Article 12 clause 12 of the Federal Law No. 3-FZ On Police of 2011, at http://www.consultant.ru/document/cons_doc_LAW_110165/ (last visited June 28, 2016); Article 21 part 1 clause 3 of the Federal Law No. 120-FZ On Basic Principles of Prevention of Neglect of Minors and Crimes Committed by Them of 1999, at http://www.consultant.ru/document/cons_doc_LAW_23509/ (last visited June 28, 2016).

⁴⁰⁰ Ivan Petrov, *Where do children walk away* (Feb. 4, 2016), LENTA.RU, at <https://lenta.ru/articles/2016/02/04/propavshie/> (last visited June 28, 2016); Comment by ROCIT and NeDopusti! to the verification letter sent by ICMEC (May 18, 2016).

⁴⁰¹ Oksana Golos, *Gone missing with the right to hope* (April 2, 2011), BALTINFO, at <http://www.baltinfo.ru/2011/04/02/Propali-s-pravom-na-nadezhdu-196457> (last visited June 28, 2016).

unless there is clear evidence that a child became a vagrant or there are other criteria relevant to the category of “runners.”⁴⁰² The category of “poteryashki” sometimes also includes abducted children, although, as a general rule, they are categorized as abducted.⁴⁰³ For example, lost or injured minors could be those who lost their memory shortly after leaving home (as a result of injuries or road traffic accidents), and minors who disappeared due to possible crimes.⁴⁰⁴

Abandonment

Article 1 of the Law on Preventing the Neglect of Minors defines neglected and abandoned children as follows:

Neglected child – a minor left without adult supervision over his or her behavior due to nonperformance or improper performance of duties related to child’s upbringing, education and/or support by his or her parents or other legal representatives or officials;

Abandoned minor – a neglected child without a place of residence and/or a place of temporary stay.

Kidnapping and Abduction

Article 126 of the Criminal Code of the Russian Federation of 1996 criminalizes kidnapping and abduction of a person. The sentence for kidnapping or abduction of a minor is harsher than in the case of an adult and may result in deprivation of liberty for a term of 5 to 12 years, possibly with personal restraint for a term of up to two years.⁴⁰⁵

Article 153 of the Criminal Code prohibits substitution of a child committed for financial gain or bad motives (e.g., when a woman switches infants at birth in the hospital because her child was born with a disability and she wants a healthy infant). The punishment for this crime is imprisonment for a term of up to five years and a fine of up to 200,000 rubles or equal to the amount of the salary or other income of the convicted person for a period of up to 18 months.

Parental Abduction

Russia acceded to the Hague Convention on International Child Abduction on 28 July 2011⁴⁰⁶ and passed implementing legislation amending several laws in order to establish a clear framework for handling international parental child abduction cases.⁴⁰⁷

Parental abduction is not considered a crime under Russian law.⁴⁰⁸ A parent or other person who claims that, in breach of his or her custody rights, a child has been wrongfully removed to or retained in Russia may apply to the respective Russian court for an order to have the child returned.⁴⁰⁹ When the child’s whereabouts are unknown, a parent or other legal representative of the abducted child may apply to the Central Authority in Russia – the Ministry of Education and Science – with a request to start the search for the missing child prior to the start of court proceedings. The Ministry of Education and Science may request the Court Marshals to initiate the search for the missing child. Once the child

⁴⁰² Comment by ROCIT and NeDopusti! to the verification letter sent by ICMEC (May 18, 2016).

⁴⁰³ *Id.*

⁴⁰⁴ Oksana Golos, *Gone missing with the right to hope*, *supra* note 401.

⁴⁰⁵ Part 2 (d) Article 126 of the Criminal Code of Russia, at http://www.consultant.ru/document/cons_doc_LAW_10699/ (last visited June 28, 2016).

⁴⁰⁶ Convention of 25 October 1980 on the Civil Aspects of International Child Abduction: Status Table, *supra* note 47.

⁴⁰⁷ Relevant amendments to the legislation of the Russian Federation were introduced by the Federal Law No. 126-FZ “On amending certain statutes of the Russian Federation in connection with accession of the Russian Federation to the Convention On the Civil Aspects of International Child Abduction” of 5 May 2014, at <https://rg.ru/2014/05/07/izm-akt-deti-dok.html> (last visited June 28, 2016).

⁴⁰⁸ Commentary to the Criminal Code of the Russian Federation (edited by Skuratov Yu.I.) at <http://www.vuzlib.su/beta3/html/1/13884/14037/> (last visited June 28, 2016).

⁴⁰⁹ Article 244.11 part 1 of the Civil Procedure Code of the Russian Federation, at http://www.consultant.ru/document/cons_doc_LAW_39570/ (last visited June 28, 2016).

is found, the Ministry of Education and Science will recommend the competent court in Russia to which the applicant may submit a request to return the child.⁴¹⁰ However, this return mechanism for an abducted child works only if there is an established treaty relationship between Russia and the country of citizenship of the parent whose child was abducted to Russia as is true in all countries that are signatory to the Hague Convention on International Child Abduction.⁴¹¹

When a child is abducted by a family member in Russia, a missing person report must be filed with Russian police, unless there is: a court order granting custody or visitation and requiring return of the child to another parent or legal representative; an agreement determining the place of residence of the child; or a visitation order.⁴¹² If such court order or agreement is violated, the search for, and return of, the missing child will be conducted by the Court Marshals,⁴¹³ along with police assistance.⁴¹⁴

The General Administration for Migration Issues of the Ministry of Internal Affairs is responsible for issuing international passports for Russian citizens. At the time of application for a child's passport, only one parent or guardian must be present.⁴¹⁵ Physical presence of the child is also required.⁴¹⁶ There are no requirements for dual signatures or written consent of the other parent who is not present at the time of application for a child's passport.⁴¹⁷ However, if one of the parents is opposed to the issuance of the passport for the child, he or she may resort to the courts, and the authorities will not issue the passport.⁴¹⁸

Russian law contains a number of requirements regarding cross-border travel with children. Generally, a child traveling with one parent or guardian does not need the consent of the other parent to exit Russia. However, if the other parent opposes the child's exit from Russia, such parent can resort to the courts. If a child travels alone without a parent or guardian, then he or she must have a passport and notarized consent of his or her parents or guardians stating the duration of travel and the country (countries) that the child intends to visit.⁴¹⁹

While there are no requirements in Russian law that specifically control the entry of children onto the territory of Russia, there are general rules applicable to all foreign citizens or stateless persons entering Russia. For example, any foreigner or a stateless person must present a valid identity document and a visa.⁴²⁰

Reporting Mechanism

When a child is missing, a missing person report must be filed with the local police department and contact must be made with the Bureau of Registration of Accidents. Reporting a missing child to the

⁴¹⁰ Reference book for citizens on applying the rules of the Convention on the Civil Aspects of International Child Abduction of 25 October 1980 on the territory of the Russian Federation while resolving family disputes, at https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww.usynovite.ru%2F%2FInternational_family_disputes%2Fspnc%2Fsprav.doc (last visited June 28, 2016); Article 65 Clause 1.2 of the Federal Law No. 229-FZ On Enforcement Proceedings of 2007, at http://www.consultant.ru/document/cons_doc_LAW_71450 (last visited June 28, 2016).

⁴¹¹ See Article 38 of the Convention on the Civil Aspects of International Child Abduction of 25 October 1980, *supra* note 4.

⁴¹² U.S. Department of State, *International Parental Child Abduction, Country Information, Russia*, at <https://travel.state.gov/content/childabduction/en/country/russia.html> (last visited June 29, 2016); A comment by Association of Volunteer Organizations "Search for Missing Children" (Poisk Detei) during online meeting (April 11, 2016).

⁴¹³ Article 65 Clauses 1 and 4 of the Federal Law No. 229-FZ On Enforcement Proceedings of 2007, *supra* note 410.

⁴¹⁴ Comment by ROCIT and NeDopusti! to the verification letter sent by ICMEC (May 18, 2016).

⁴¹⁵ General Administration for Migration Issues of the Ministry of Interior of Russia, *Issue of an international passport*, at <http://rybm.mba.pf/gosuslugi/item/12891/> (last visited June 29, 2016); Article 8 of the Federal Law No. 114-FZ on exit from the Russian Federation and entry to the Russian Federation of 15 August 1996, at http://www.consultant.ru/document/cons_doc_LAW_11376/ (last visited June 29, 2016).

⁴¹⁶ General Administration for Migration Issues of the Ministry of Interior of Russia, *Issue of an international passport*, at <http://rybm.mba.pf/gosuslugi/item/12891/> (last visited June 29, 2016).

⁴¹⁷ *Id.*; Federal Law No. 114-FZ On exit from the Russian Federation and entry to the Russian Federation, *supra* note 415 at Article 8.

⁴¹⁸ *Id.* at Article 10.

⁴¹⁹ *Id.* at Articles 21-22.

⁴²⁰ *Id.* at Article 6.

police can be done in person or through the police telephone number (102). A duty officer must accept the report or, at the request of the caller, call the phone number of the nearest police dispatch center.⁴²¹ Any person, not only a relative of the missing child, can file a report.⁴²²

Two toll-free hotlines specifically handle missing children cases. NeDopusti! operates a 24-hour hotline (8 800 505 5123).⁴²³ The second 24-hour hotline is administered by Liza Alert (8 800 700 54 52).⁴²⁴ Anyone can call these two numbers free-of-charge from any region of Russia. Reports can also be made to the Association of Volunteer Organizations Search for Missing Children (hereafter referred to as Search for Missing Children) (8 499 686 02 01).

An initial report about a missing child can be also filed online by filling out a special form on the websites of NeDopusti! (www.nedopusti.ru); the National Monitoring Center for Missing and Exploited Children (www.findchild.ru); Search for Missing Children (www.poiskdetei.ru); and Liza Alert (www.lizaalert.org).

Investigation of Missing Child Cases

Russian legislation mandates immediate investigation of a missing person case, regardless of time limitation and place of disappearance, the presence or absence of information about the missing person's place of residence or stay, complete personal data and photographs of the missing person, and information about previous cases of the disappearance of the missing person.⁴²⁵ Internal law enforcement guidelines and policies explain how to proceed when a missing person case is reported to police including registering a message about the missing person in a Book of Record by a duty officer, informing the officers of the Investigative Committee about the case, determining the composition of an investigation and operational team and sending the team to the place where the disappearance occurred, initiating a criminal case and its further investigation, developing a plan of action in case runaways or lost minors are brought to a police department, and cooperating with INTERPOL.⁴²⁶

⁴²¹ Clauses 2.1.3 and 2.2.3 of the Instruction on Receiving, Registering and Resolving Statements and Reports on Crimes, Administrative Violations and Incidents by territorial bodies of the Ministry of Interior of the Russian Federation, approved by the Order of the Ministry of Interior of Russia No. 736 of 29 August 2014; Ministry of Interior of the Russian Federation, *For Citizens*, at <https://mvd.ru/help/wanted> (last visited June 28, 2016).

⁴²² Search-and-Rescue Squad Liza Alert, *If you do not know where your loved one, and are not sure if everything is alright with him or her – Act now!*, at <http://lizaalert.org/promo.asp?si=4&sf=4&sfp=13> (last visited June 29, 2016).

⁴²³ NeDopusti!, at <http://nedopusti.ru/> (last visited June 29, 2016); *Hotlines of NGOs for different purposes* (July 4, 2014), at <https://svetovkalibrary.wordpress.com/2014/07/04/desyat-goryachih-linij-nko-na-vse-sluchai-zhizni/> (last visited June 29, 2016).

⁴²⁴ Search-and-Rescue Squad Liza Alert, *A hotline for missing children was launched in Russia*, at <http://lizaalert.org/article.asp?sf=1&sfp=3&id=43> (last visited June 29, 2016).

⁴²⁵ Clause 3 of the Instruction on Examining Statements, Reports and Other Information on Incidents related to missing persons, approved by the Order of the Ministry of Interior of Russia No. 38, General Prosecutor's Office of Russia No. 14, the Investigative Committee of Russia No. 5 of 16 January 2015, at http://www.consultant.ru/document/cons_doc_LAW_176970/ (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children); Article 1 Clause 2 of the Federal Law No. 3-FZ On Police of 2011, at http://www.consultant.ru/document/cons_doc_LAW_110165/ (last visited June 28, 2016); Mikhail Falaleev, *Loved ones disappear suddenly. You do not have to wait for three days in order to report a person missing* (Nov. 30, 2010), ROSSIJSKAYA GAZETA, at <http://www.rg.ru/2010/11/30/notfound.html> (last visited June 29, 2016); Ekaterina Dobrikova, *Attention: investigation!* (May 28, 2015) GARANT, at <http://www.garant.ru/article/627695/> (last visited June 29, 2016).

⁴²⁶ The Instruction on Examining Statements, Reports and Other Information on Incidents related to missing persons, *supra* note 425; The Instruction on Receiving, Registering and Resolving Statements and Reports on Crimes, Administrative Violations and Incidents by territorial bodies of the Ministry of Interior of the Russian Federation, *supra* note 421; The Instruction on Organizing Activity of Juvenile Affairs Divisions of Internal Affairs Agencies of the Russian Federation approved by the Order of the Ministry of Interior of Russia No. 845 of 15 October 2013, at http://www.consultant.ru/document/cons_doc_LAW_158962/ (last visited June 30, 2016) (on file with the International Centre for Missing & Exploited Children); The Instruction on Organization of Informational Cooperation with INTERPOL approved by the Order of the Ministry of Interior of Russia No. 786, Ministry of Justice of Russia No. 310, Russian Federal Security Service No. 470, Federal Guard Service of the Russian Federation No. 454, Federal Drug Control Service of Russia No. 333, Federal Customs Service of Russia No. 971 of 6 October 2006, at http://www.consultant.ru/document/cons_doc_LAW_63834/ (last visited June 30, 2016) (on file with the International Centre for Missing & Exploited Children).

When a search for a missing child takes place in hard-to-reach areas (*i.e.*, forests, rural areas, bodies of water), the police engage the Ministry of Emergency Situations.⁴²⁷ Legislation does not stipulate the Ministry's participation in the search, nor are their formal agreements in place between the Ministry of Internal Affairs and the Ministry of Emergency Situations.

The National Monitoring Center for Missing and Exploited Children and NeDopusti! assist law enforcement in the search for missing children.⁴²⁸ The Ministry of Internal Affairs has not yet concluded any formal agreements with either organization to outline cooperation and responsibilities, and to avoid duplication of efforts.⁴²⁹

Volunteer search-and-rescue squads take an active role in searching for missing children by creating and distributing posters in neighborhoods, disseminating information about a missing child in the media, and scouring the area using special equipment.⁴³⁰ Search-and-rescue squads hold meetings with law enforcement officials to discuss how to respond and cooperate when information is provided about a missing child.⁴³¹ The roles and responsibilities of volunteer organizations in the search for missing persons are outlined in the Methodical Recommendations on Cooperation between Territorial Authorities of the Ministry of Internal Affairs and Volunteer Organizations and Social Movements on the Search for Missing Persons at the Regional and District Levels.⁴³²

As previously mentioned, Court Marshals are mandated by law to search for missing children in cases of family abductions, and as part of initiated enforcement proceedings.⁴³³ Their search activities, as part of the enforcement proceedings, are regulated by the Methodical Recommendations on Organizing and Conducting Searches as Part of Enforcement Proceedings by the Federal Service of Court Marshals of 17 April 2014. Private detectives, along with Court Marshals, also may conduct searches for missing children in cases of family abductions.⁴³⁴ On 25 January 2016, the National Monitoring Center for Missing and Exploited Children and the Federal Service of Court Marshals concluded a formal agreement to make the search for missing children as part of enforcement proceedings more effective.⁴³⁵

National Database

ICMEC's research did not identify a national database in place dedicated to missing children that can be accessed by law enforcement across different regions. Information about a missing child case, such as who is in charge of the investigation, results of an investigation, information about a missing child, and other relevant data is entered into the Book of Record of reports on crimes, administrative

⁴²⁷ Sasha Sheveleva, *The Head of "Liza Alert" Grigory Sergeev – on how they search for missing persons* (Dec. 5, 2014), THE VILLAGE, at <http://www.the-village.ru/village/city/city-news/171497-liza-alert> (last visited June 30, 2016).

⁴²⁸ National Monitoring Center for Missing and Exploited Children, *About the Center*, *supra* note 396; NeDopusti!, *About Project*, *supra* note 394.

⁴²⁹ This information was confirmed by "NeDopusti!" during online meeting (April 11, 2016).

⁴³⁰ See e.g., Association of Volunteer Organizations "Search for Missing Children", *How are searches carried out?*, at www.en.poiskdetei.ru (last visited June 30, 2016).

⁴³¹ Search-and-rescue squad "Liza Alert", *The first working meeting with the Ministry of Interior of Russia* (Jan. 18, 2012), at <http://lizaalert.org/article.asp?sf=1&sfp=3&id=21> (last visited June 30, 2016); Search-and-rescue squad "Liza Alert", *The second working meeting with the Ministry of Interior of Russia* (Feb. 1, 2012), at <http://lizaalert.org/article.asp?sf=1&sfp=3&id=14> (last visited June 30, 2016); Information Agency Association of Volunteers "Search for Missing Children", *A meeting between employees of the Ministry of Interior and volunteers took place in Yekaterinburg* (Dec. 23, 2011), at <http://www.poiskdetei.info/465-v-ekaterinburge-proshla-vstrecha-sotrudnikov-mvd-i-volonterov.html> (last visited March 21, 2016).

⁴³² Methodical Recommendations on Cooperation between Territorial Authorities of the Ministry of Internal Affairs of Russia and Volunteer Organizations and Social Movements on the Search for Missing Persons at the Regional and District Levels, at http://findchild.ru/upload/method_volunteer.pdf (last visited June 30, 2016).

⁴³³ Article 65 Clauses 1, 1.2 and 4 of the Federal Law No. 229-FZ On Enforcement Proceedings of 2007, *supra* note 410.

⁴³⁴ Article 3 Clause 8 of Law No. 2487-1 On Private detective and security guard activities in the Russian Federation of 11 March 1992, at http://www.consultant.ru/document/cons_doc_LAW_385/ (last visited June 30, 2016).

⁴³⁵ Agreement on Cooperation between the Federal Service of Court Marshals and the Association of organizations and citizens for assisting missing and exploited children "National Monitoring Center for Missing and Exploited Children" (executed in Moscow on 25 January 2016 No. 0014/1), at http://fssprus.ru/files/fssp/db/files/00npa2016/sogl_mv_v_0014_1_20162151352.pdf (last visited July 5, 2016).

violations, and accidents.⁴³⁶ Information is entered in handwritten form, rather than in a digitized format.⁴³⁷ It is unclear whether the Federal Service of Court Marshals has such a database to help track key information about children missing as a result of a family abduction.

The Ministry of Internal Affairs manages a national missing persons database containing information that may be useful for identification purposes; the information in this database is not yet available in electronic format.⁴³⁸ The Main Information Center of the Ministry of Internal Affairs maintains a centralized recording of information of criminal offenses.⁴³⁹ The Federal Tax Service plans to create a national registry containing official records of births, deaths, marriages, and other vital records of the entire population of Russia.⁴⁴⁰ According to the Ministry of Internal Affairs, a national fingerprints database is coming soon,⁴⁴¹ which will help police instantly check the fingerprints of criminals in all regions, without leaving the workplace.⁴⁴² Currently, the Main Information Center of the Ministry of Internal Affairs maintains a centralized recording of fingerprint data.⁴⁴³

While Russian legislation provides for the creation of a national DNA database containing DNA information on unidentified remains, unidentified persons, criminals charged with grave and extremely grave offenses, as well as persons who voluntarily decided to share their DNA,⁴⁴⁴ such a database was established only in the city of Moscow.⁴⁴⁵

In 2014, the Ministry of Emergency Situations created an online service called “Meeting Place – Ministry of Emergency Situations,” which helps find people who are lost in times of natural disasters or other emergencies.⁴⁴⁶ However, this service is no longer on the Ministry’s website.⁴⁴⁷

At the end of May 2015, the Children’s Rights Ombudsman suggested the creation of a national registry of criminals who have attempted or committed crimes against children, to be maintained by the National Monitoring Center for Missing and Exploited Children.⁴⁴⁸ This database has not yet been established.⁴⁴⁹

⁴³⁶ The Instruction on Receiving, Registering and Resolving Statements and Reports on Crimes, Administrative Violations and Incidents by territorial bodies of the Ministry of Interior of the Russian Federation, *supra* note 421.

⁴³⁷ *Id.*

⁴³⁸ Mikhail Falaleev, *supra* note 425. See also Elena Timoshkina, *Missing children: True stories* (Oct. 21, 2015), PRAVDA, at http://www.pravda.ru/society/family/21-10-2015/1278926-wanted_children-0/ (last visited July 5, 2016).

⁴³⁹ Forum of the Police Magazine, *On criminal record, finger prints and data bases of the Ministry of Interior* (Jan. 16, 2013), POLICE MAGAZINE, at <http://policemagazine.ru/forum/showthread.php?t=6229> (last visited July 5, 2016).

⁴⁴⁰ Tatiana, Zykova, *Who was born, who got married* (Feb. 12, 2016), ROSSIJSKAYA GAZETA, at <http://www.rg.ru/2016/02/12/fns-pri-pomoshchi-zagsov-sozdast-edinyj-reestr-informacii.html> (last visited July 5, 2016).

⁴⁴¹ *Id.*

⁴⁴² Sergey Pyatakov, *A national fingerprints database of the Ministry of Interior will be launched in Russia soon* (Aug. 5, 2013), RIA NOVOSTI, at <http://ria.ru/incidents/20130805/954293373.html#ixzz3ywyApRFB> (last visited July 5, 2016).

⁴⁴³ *Id.*

⁴⁴⁴ The Main Information Center of the Ministry of Interior of the Russian Federation, at https://mvd.ru/mvd/structure1/Centri/Glavnij_informacionno_analiticheskij_cen (last visited July 5, 2016).

⁴⁴⁵ Article 11 of the Federal Law No. 242-FZ “On the state genome registration in the Russian Federation” of 3 December 2008, at http://www.consultant.ru/document/cons_doc_LAW_82263/ (last visited July 5, 2016) (on file with the International Centre for Missing & Exploited Children).

⁴⁴⁶ Comment by ROCIT and NeDopusti! during online meeting (April 11, 2016).

⁴⁴⁷ Yulia Fursova, “Meeting Place – Ministry of Emergency Situations” will find people lost in times of emergency (Sept. 9, 2014), NEWSBABC.COM, at <http://newsbabc.com/?IDE=128534> (last visited July 5, 2016).

⁴⁴⁸ Comment by “NeDopusti!” during online meeting (April 11, 2016).

⁴⁴⁹ Anastasia Kashevarova and Alena Sivkova, *A national registry of criminals committed crimes against children will be created in Russia* (May 26, 2015), Izvestia, at <http://izvestia.ru/news/586926> (last visited March 18, 2016).

⁴⁵⁰ Comment by “NeDopusti!” during online meeting (April 11, 2016).

Case Management System

NeDopusti! has a case management system to document missing children cases in Russia.⁴⁵⁰ Information on the missing child is entered into the database after a report has been filed with police.⁴⁵¹ The database is publicly available through NeDopusti!'s website.

Alert Mechanism

Russia does not yet have a centralized rapid emergency child alert system. Meanwhile, several steps have been taken by government authorities, NeDopusti!, Search for Missing Children, and Liza Alert, which could lead to the future creation of an emergency child alert system.

In 2014, NeDopusti! created the first and only e-alert system in Russia notifying Internet users about a missing child.⁴⁵² This e-alert system is intended to help volunteer organizations attract more volunteers during searches. A key element of the system is the automatic generation of online banners.⁴⁵³ Banners with basic data on the missing child are placed on partner websites and periodically alternate depending on relevance.⁴⁵⁴ The e-alert system eventually will be extended to outdoor billboards and a number of electronic media.⁴⁵⁵

In 2015, the Ministry of Emergency Situations supported an initiative of the Investigative Committee to post information about missing children on information screens of the Ministry of Emergency Situations, as well as to employ other technical devices and new information technologies for an integrated system of emergency information within the Ministry of Emergency Situations.⁴⁵⁶ The head of the Investigative Committee signed decree No. 61 on 7 July 2015.⁴⁵⁷ Since that time, the screens have been used once in Moscow:⁴⁵⁸ in April 2016, monitors on Moscow roads broadcasted information about a missing child (*i.e.*, age, description, photograph, contact phone number 112).⁴⁵⁹

In May 2014, at the request of Mayor Sergei Sobyanin, a mobile phone and desktop computer electronic polling system – Active Citizen – was launched in Moscow to help engage Muscovites by allowing them to vote on issues of city governance.⁴⁶⁰ In January 2015, Liza Alert launched the Find Me (findme.mos.ru) app, in cooperation with the Moscow City Government, to publish information about missing people and make the information accessible to a large audience through the Active Citizen system.⁴⁶¹ The system, which works only in Moscow, allows a message about a missing child to be sent to all registered users of “Active Citizen” (currently more than 350,000 people).⁴⁶² The message

⁴⁵⁰ ROCIT via the Center for child's safety “NeDopusti!” will organize official events for the International Missing Children's Day (25 March 2013), RAEC, at <http://raec.ru/times/detail/2419/> (last visited July 5, 2016).

⁴⁵¹ Comment by “NeDopusti!” during online meeting (April 11, 2016).

⁴⁵² The e-Alert system first began operation on 27 January 2014. An updated e-Alert is planned to be launched as part of a new Global Child Alert System in late August 2016.

⁴⁵³ *An e-alert system for missing children appeared in Russia* (Feb. 10, 2014), GARANT, at <http://www.garant.ru/news/524663/#ixzz3yqjSpnF> (last visited July 5, 2016).

⁴⁵⁴ *Id.*

⁴⁵⁵ *It was the International Missing Children's Day on the 25th of May* (May 25, 2014), at <http://nedopusti.ru/inform/read/1213/> (last visited July 5, 2016).

⁴⁵⁶ *The Investigative Committee of Russia held an extended meeting of the panel to discuss work results for the 1st semester of 2015*, at <http://sledcom.ru/news/item/950225> (last visited March 20, 2016); *Id.*, the Decree is titled “On the use of the integrated system of informing and alerting population in crowded areas within the Ministry of Emergency Situations by the Investigative Committee of the Russian Federation to assist in searching for missing minors” (the Decree is not available to the public).

⁴⁵⁷ *Id.*

⁴⁵⁸ Comment by ROCIT and NeDopusti! during online meeting (April 11, 2016).

⁴⁵⁹ Olga Vorobieva, *Traffick monitors in Moscow started broadcasting information about missing children* (April 6, 2016), AGENCY OF SOCIAL INFORMATION, at <http://www.asi.org.ru/news/122965/> (last visited July 5, 2016).

⁴⁶⁰ Moscow City Government, *250 city governance decisions have been taken thanks to the Active Citizen app* (May 19 2015), at http://www.old.mos.ru/en/items-tag/index.php?id_14=32178 (last visited August 11, 2016) (on file with the International Centre for Missing & Exploited Children).

⁴⁶¹ Ekaterina Fomina, *“Liza Alert” goes online* (Sept. 24, 2014), NOVAYA GAZETA, at <http://www.novayagazeta.ru/society/65413.html> (last visited July 5, 2016).

⁴⁶² *Id.*

allows a user to select the option “ready to participate in a search operation,” in which case volunteers will contact the user with more information.⁴⁶³ In the future, “Active Citizen” will show information about missing persons on appointment booking kiosks in 1,640 hospitals around Moscow and on the websites of Moscow City Authorities.⁴⁶⁴ In addition, Liza Alert volunteers can subscribe to emergency messages about the beginning of active searches.⁴⁶⁵

In 2016, Uber and Search for Missing Children started a joint project in Moscow in which Uber drivers place photos of missing children on their cars.⁴⁶⁶ Anyone who sees a car with a photo of a missing child can take a picture of it and disseminate it on social networks with hashtags #uberpoisk and #найтидетей (findchildren).⁴⁶⁷ Search for Missing Children also has begun to develop a free electronic system – “Bagheera” – to allow parents to monitor the location of their children and find out immediately if they are in danger. This system would increase the efficiency and scope of searches for a missing child through instant dissemination of the child’s information, and organization and coordination of searches through a specialized social network of volunteers.⁴⁶⁸ The system will take six months to launch once the necessary funding has been raised.⁴⁶⁹

In addition to the above initiatives, Liza Alert and Search for Missing Children help law enforcement inform mass media about missing children and disseminate information among Internet users.⁴⁷⁰

Awareness-Raising Initiatives

NeDopusti! organizes events on 25 May – International Missing Children’s Day to raise awareness of the threat of child abduction and to educate families about child safety.⁴⁷¹ NeDopusti! also publishes handbooks, illustrated brochures, booklets, and books for children, teenagers, parents, teachers, and social workers on child online safety to protect children from sexual abuse and exploitation online and tips for preventing them from going missing.⁴⁷² NeDopusti! holds public events for the same key audiences and advanced training programs for social workers, child psychologists, and law enforcement.⁴⁷³

Liza Alert and Search for Missing Children are actively involved in educational and awareness campaigns including lectures and training programs dedicated to the issue of child safety and delivered to children and parents throughout schools in Russia.⁴⁷⁴ Both organizations have created videos about missing children that are available online; one of the videos is aired on the main Russian

⁴⁶³ *Id.*

⁴⁶⁴ *Id.*

⁴⁶⁵ Search-and-Rescue squad “Liza Alert”, *Subscription to emergency messages*, at <http://lizaalert.org/smsme.asp> (last visited July 5, 2016).

⁴⁶⁶ Evgeniya T., *Uber and “Search for Missing Children” launch a joint project* (April 16, 2016), at <https://newsroom.uber.com/russia/uberpoisk/> (last visited July 5, 2016).

⁴⁶⁷ *Id.*

⁴⁶⁸ Electronic system of child safety and search for missing “Bagheera”, at <https://poiskdetei.ru/campaign/e-system/> (last visited July 5, 2016).

⁴⁶⁹ Comment by the Association of Volunteer Organizations “Search for Missing Children” (Poisk Detei) during online meeting (April 11, 2016).

⁴⁷⁰ Elena Timoshkina, *Missing children: True stories*, *supra* note 438; Association of Volunteer Organizations “Search for Missing Children”, *About Us*, at <https://poiskdetei.ru/> (last visited July 5, 2016).

⁴⁷¹ NeDopusti!, *About Project*, *supra* note 394.

⁴⁷² 25 October. A panel discussion “Protecting and assisting child victims of crimes: practical development online and offline”, *supra* note 20; See also NeDopusti!, *Articles and Publications*, *supra* note 20.

⁴⁷³ 25 October. A panel discussion “Protecting and assisting child victims of crimes: practical development online and offline”, *supra* note 20.

⁴⁷⁴ Maria Parvatova, *Volunteers from “Dobrospas” organized the day of safe adventures* (Jan. 15, 2016), at <https://poiskdetei.ru/volontery-dobrospasa-proveli-den-bezopasnyx-prikluychenij/> (last visited July 5, 2016); “Dobrospas-Novosibirsk” continues the series of safety lessons (Feb. 27, 2016), at <https://poiskdetei.ru/dobrospas-novosibirsk-prodolzhaet-seriyu-urokov-po-bezopasnosti/> (last visited July 5, 2016); Search-and-rescue squad “Liza Alert”, *Lectures for children and their parents*, at <http://lizaalert.org/article.aspx?sf=1&sfp=3&id=26&m=1> (last visited July 5, 2016); Search-and-rescue squad “Liza Alert”, *Safety campaign*, at <http://lizaalert.org/article.aspx?sf=1&sfp=3&id=41&m=1> (last visited July 5, 2016).

music channels.⁴⁷⁵ Liza Alert also organizes exhibitions in different regions of Russia devoted to the issue of missing children, depicting the real stories and photos of missing children.⁴⁷⁶

Russian police actively participate in “Child Safety Month” each September, during which they hold lectures and conversations with minors explaining how to behave with strangers and what to do if they become lost.⁴⁷⁷

Government authorities together with NGOs and volunteer search squads periodically organize panel discussions focused on issues related to the search for missing children, protection and rehabilitation of missing children, cooperation between law enforcement and volunteer search squads, and child runaway prevention.⁴⁷⁸

Trafficking

Article 127.1, parts 1 and 2(b), of the Criminal Code of the Russian Federation No. 63-FZ of 13 June 1996 prohibit the sale of children (sale and purchase, and any other transactions with children). The same Article (parts 1 and 2(b)) prohibits recruiting, transferring, delivering, harboring, and accepting a child for the purposes of his or her subsequent exploitation, including sexual exploitation. Article 127.1 of the Criminal Code also covers the sale of children for the purposes of transfer of organs of the child,⁴⁷⁹ and their subsequent exploitation in forced labor.⁴⁸⁰

⁴⁷⁵ Association of Volunteer Organizations “Search for Missing Children”, *With celebrities*, at <https://poiskdetei.ru/so-zvezdami/> (last visited July 5, 2016); *In memory of missing children*, at https://www.youtube.com/watch?time_continue=113&v=l_hjcv9BpGg (last visited July 5, 2016).

⁴⁷⁶ Volunteers from “Liza Alert” organized a campaign on the International Child Protection Day at the Exhibition of Economic Achievements (VDNKh) (June 1, 2015), at <http://www.rfdeti.ru/news/9884-volontery-liza-alert-provodyat-akciyu-na-vdnh-v-mezhdunarodny-den-zaschity-detey> (last visited July 5, 2016); Alia Sharafutdinova, *Lost and found. Stories of children in photographs made by “Liza Alert”* (Jan. 31, 2014), AIF, at <http://www.kazan.aif.ru/society/1094991> (last visited July 5, 2016); “Beeline” became a partner of the exhibition “Small details” (May 24, 2013), CONTENT REVIEW, at <http://www.content-review.com/articles/23134/> (last visited July 5, 2016).

⁴⁷⁷ *Students visited police officers as part of “Child Safety Month”* (Sept. 15, 2011), at <https://59.mvd.ru/news/item/681865/> (last visited July 5, 2016); *Police personnel hold events as part of “Child Safety Month” in Kungura* (Sept. 20, 2013), at <http://mvdru.ru/news/print/171650-v-kungure-sotrudniki-politsii.html> (last visited July 6, 2016); *Police to parents: take care of children* (Aug. 30, 2012), at <http://mvdru.ru/news/18761-politsiya-roditelyam-beregite-detey.html> (last visited July 6, 2016).

⁴⁷⁸ Pavel Astakhov: *there is no country that did not face the problem of missing children* (Jan. 12, 2015), at <http://www.rfdeti.ru/display.php?id=10623> (last visited July 6, 2016); *Panel discussion “Search, protection and rehabilitation of missing and exploited children in an age of information society”*, at <http://www.saferunet.org/expert/events/3107/> (last visited July 6, 2016); *A panel discussion dedicated to the search for missing children was held in Ivanonvskaya Oblast* (Feb. 28, 2012), at <http://www.rfdeti.ru/display.php?id=4836> (last visited July 6, 2016); *A panel discussion in Tver* (Feb. 3, 2012), Information agency Association of Volunteers “Search for Missing Children”, at <http://www.poiskdetei.info/523-kruglyy-stol-v-tveri.html> (last visited July 6, 2016).

⁴⁷⁹ Article 127.1 parts 2(b) and 2(zh) of the Criminal Code of the Russian Federation, at http://www.consultant.ru/document/cons_doc_LAW_10699/ (last visited June 28, 2016).

⁴⁸⁰ Art. 127.1 pt. 1 of the Criminal Code prohibits transfer, delivering and accepting children for the purpose of their exploitation. The Criminal Code defines exploitation as sexual exploitation, forced labor, and servitude.

UNITED STATES

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child	16 Feb 1995		
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	5 Jul 2000	23 Dec 2002 ⁴⁸¹	23 Jan 2003
Protocol to Prevent, Suppress and Punish Trafficking in Persons	13 Dec 2000	3 Nov 2005 ⁴⁸²	3 Dec 2005
UN Optional Protocol on the Involvement of Children in Armed Conflict	5 Jul 2000	23 Dec 2002 ⁴⁸³	23 Jan 2003
International Convention for the Protection of All Persons from Enforced Disappearance			
Hague Convention on International Child Abduction	23 Dec 1981	29 Apr 1988 ⁴⁸⁴	1 Jul 1988

In the United States, there are 13 laws that refer directly or indirectly to missing children:

1. The Federal Kidnapping Act (the Lindbergh Law) of 1932;
2. The Protection of Children Against Sexual Exploitation Act of 1977;
3. The Missing Children Act of 1982;
4. The Missing Children's Assistance Act of 1984;
5. International Child Abduction Remedies Act of 1988
6. The National Child Search Assistance Act of 1990;
7. The International Parental Kidnapping Crime Act of 1993;
8. Trafficking Victims Protection Act of 2000 reauthorized by Trafficking Victims Protection Reauthorization Acts of 2003, 2005, and 2008;
9. Suzanne's Law of 2003;
10. The Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act of 2003;

⁴⁸¹ See 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, Declarations and Reservations, at https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11-c&chapter=4&lang=en#EndDec (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁴⁸² See United Nations Convention Against Transnational Organized Crime, U.N. Doc. A/RES/55/25 (2001), Declarations and Reservations, at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&lang=en#EndDec (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁴⁸³ See 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, Status of Ratification, Declaration, at <http://indicators.ohchr.org/> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁴⁸⁴ See 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 Reservations, at <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=652&disp=resdn> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

11. The Child Abuse Prevention and Treatment Act (CAPTA) of 2003 reauthorized by CAPTA Reauthorization Act of 2010;
12. The Adam Walsh Child Protection and Safety Act of 2006; and
13. Preventing Sex Trafficking and Strengthening Families Act of 2014.

General Child Protection

There are numerous initiatives at both the federal and state levels to address child protection issues. For example, at the federal level, the Children’s Bureau, an Office of the Administration for Children and Families of the U.S. Department of Health and Human Services, was established in 1912. The Children’s Bureau focuses exclusively on improving the lives of children and families when it comes to issues such as adoption, child abuse and neglect, child welfare services, foster care, and guardianship.⁴⁸⁵

The U.S. Department of State runs the Office to Monitor and Combat Trafficking in Persons,⁴⁸⁶ which leads the U.S. global engagement against human trafficking. It annually publishes the Trafficking in Persons Report to show the various activities countries around the world have undertaken to combat the issue of human trafficking.

In addition, the U.S. Department of State Office of Children’s Issues (OCI) is responsible for coordinating responses in cases of international parental abductions and intercountry adoption.⁴⁸⁷

At the state level, in 2015 at least 438 bills related to child welfare were passed in 50 states (including the District of Columbia and/or territories).⁴⁸⁸ These bills covered such issues as child protection, child sex trafficking, foster care, adoption, health and mental/behavioral health, and oversight and administration of child welfare services.⁴⁸⁹ In addition to legislative initiatives, nearly 22 states have established a Children’s Ombudsman Office to assist in providing oversight of children’s services.⁴⁹⁰

General Missing Children’s Issues

The MCAA⁴⁹¹ designates the Office of Juvenile Justice and Delinquency Prevention (OJJDP) as the agency that oversees the funding and overall support for missing children’s organizations.⁴⁹² The MCAA also created NCMEC as the national resource center and national clearinghouse of information on missing and exploited children in the United States.⁴⁹³

In May 1995, the Federal Agency Task Force on Missing and Sexually Exploited Children was created to coordinate federal resources and services to effectively address the needs of missing and exploited children and their families, and to provide support to local and state law enforcement on various missing and exploited children’s issues.⁴⁹⁴ The Task Force is comprised of 16 federal agencies and 2

⁴⁸⁵ Children’s Bureau, *History*, at <http://www.acf.hhs.gov/programs/cb/about/history>; See also Children’s Bureau, *Focus Areas*, at <http://www.acf.hhs.gov/programs/cb/focus-areas> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁴⁸⁶ U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, at <http://www.state.gov/j/tip/index.htm> (last visited August 9, 2016).

⁴⁸⁷ U.S. Department of State Office of Children’s Issue, *About Us*, at <https://travel.state.gov/content/childabduction/en/about.html> (last visited August 9, 2016).

⁴⁸⁸ National Conference of State Legislatures, *2015 Child Welfare Legislative Enactments*, April 25, 2016, at <http://www.ncsl.org/research/human-services/2015-child-welfare-legislative-enactments.aspx> (last visited August 9, 2016).

⁴⁸⁹ *Id.*

⁴⁹⁰ National Conference of State Legislatures, *Children’s Ombudsmen Offices, Office of the Child Advocate*, at <http://www.ncsl.org/research/human-services/childrens-ombudsman-offices.aspx> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁴⁹¹ The Missing Children’s Assistance Act of 1984, *supra* note 19.

⁴⁹² *Id.*

⁴⁹³ *Id.*

⁴⁹⁴ U.S. Department of Justice - Office of Justice Programs, *Federal Resources on Missing and Exploited Children: A Directory for Federal Law Enforcement and Other Public and Private Agencies*, Federal Agency Task Force for Missing and Exploited Children 6th Edition

non-federal agencies working directly with cases involving missing and exploited children.⁴⁹⁵ The Task Force meets on a quarterly basis to help coordinate each agency's response and minimize any duplication of efforts or gaps.⁴⁹⁶

Code Adam is the United States' largest child safety program designed to search for children who go missing within an establishment (e.g., store, mall).⁴⁹⁷ Participating establishments provide training for employees about Code Adam procedures.⁴⁹⁸ When a store manager initiates a Code Adam alert, employees stop working, lock the front doors, look for the child, and monitor entrances to ensure that the child does not leave or is not taken from the premises.⁴⁹⁹ If the child is not found within 10 minutes of issuing the alert, law enforcement is notified.⁵⁰⁰

Definition of "Missing Child"

The Missing Children Act of 1982 (MCA) and the MCAA help define the term "missing child" in the United States.⁵⁰¹ A "missing child" is defined as "any individual less than 18 years of age whose whereabouts are unknown to such individual's legal custodian."⁵⁰² In addition to the MCA and MCAA, multiple federal statutes provide categories of missing children such as non-family kidnapping and abduction, international parental abduction, and unaccompanied homeless youth.⁵⁰³ The most recent federal law, Preventing Sex Trafficking and Strengthening Families Act of 2014, addresses the importance of reporting and responding to children who run away from foster care.⁵⁰⁴

The Federal Bureau of Investigation (FBI) National Crime Information Center (NCIC), the national law enforcement database, provides general categories for missing persons.⁵⁰⁵ Children fall within the

(2011), at <https://www.ncjrs.gov/pdffiles1/ojdp/231619.pdf> (last visited August 11, 2016) (on file with the International Centre for Missing & Exploited Children).

⁴⁹⁵ The 16 members of the Federal Agency Task Force on Missing and Exploited Children are: U.S. Department of Defense – Family Advocacy Program and DOD Representative to the National Center for Missing & Exploited Children; U.S. Department of Education – Office of Safe and Drug Free Schools; U.S. Department of Health and Human Services – Administration on Children, Youth and Families; U.S. Department of Homeland Security – U.S. Immigration and Custom Enforcement and U.S. Secret Service; U.S. Department of Justice – Federal Bureau of Investigations, INTERPOL Washington D.C., Child Exploitation and Obscenity Section; Office for Victims of Crime, Office of Juvenile Justice and Delinquency Prevention; U.S. Department of State; U.S. Postal Service; Association of Missing and Exploited Children's Organizations; and National Center for Missing & Exploited Children, at <https://www.ncjrs.gov/pdffiles1/ojdp/231619.pdf> (last visited August 11, 2016) (on file with the International Centre for Missing & Exploited Children).

⁴⁹⁶ Federal Agency Task Force for Missing and Exploited Children. *Federal Resources on Missing and Exploited Children: A Directory for Law Enforcement and Other Public and Private Agencies 1* (2004), at <https://www.ncjrs.gov/pdffiles1/ojdp/206555.pdf>; See also Missing and Exploited Children's Programs, *Federal Agency Task Force for Missing and Exploited Children*, at <http://mecptraining.org/collaborate/federal-agency-task-force-on-missing-and-exploited-children/> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁴⁹⁷ National Center for Missing & Exploited Children, *Code Adam*, at <http://www.missingkids.com/CodeAdam> (last visited August 9, 2016).

⁴⁹⁸ *Id.*

⁴⁹⁹ *Id.*

⁵⁰⁰ USA.gov, *Crimes Involving Children: Missing Children*, at <https://www.usa.gov/crimes-against-children#item-37602>; See also National Center for Missing & Exploited Children, *Code Adam*, *supra* note 497.

⁵⁰¹ National Center for Missing and Exploited Children, *Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management 7*, (2011), at http://www.missingkids.com/en_US/publications/NC74.pdf (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁰² The Missing Children's Assistance Act of 1984, *supra* note 19. See also 42 USC §§ 5772, at <https://www.gpo.gov/fdsys/pkg/USCODE-2010-title42/pdf/USCODE-2010-title42-chap72-subchapIV-sec5772.pdf> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁰³ 18 U.S. Code 1201 – Kidnapping, at <https://www.law.cornell.edu/uscode/text/18/1201>; 18 U.S. Code 1204 – International parental Kidnapping, at <https://www.law.cornell.edu/uscode/text/18/1204>; 42 U.S. Code 11434a – Definitions on homeless children and youth, at <https://www.law.cornell.edu/uscode/text/42/11434a> (last visited August 9, 2016).

⁵⁰⁴ Preventing Sex Trafficking and Strengthening Families Act of 2014, §104, Public Law No: 113-183 (09/29/2014), at <https://www.congress.gov/bill/113th-congress/house-bill/4980/text> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁰⁵ Federal Bureau of Investigation, *2015 NCIC Missing Person and Unidentified Person Statistics Pursuant to Public Law 101-647, 104 Statute 4967, Crime Control Act of 1990 Requirements: 2015 NCIC Missing and Unidentified Person*, at <https://www.fbi.gov/services/cjis/ncic> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

category of “juveniles” and are described as persons under the age of 21.⁵⁰⁶ Law enforcement can input additional information into NCIC regarding the nature of the disappearance such as “Runaway,” “Abducted by Non-Custodial Parent,” and “Abducted by Stranger,” as well as additional case information such as whether an AMBER Alert was issued.⁵⁰⁷

NCMEC’s *Model Law Enforcement Policy and Procedures for Reports of Missing and Abducted Children* identifies five different categories of missing children: (1) nonfamily abduction; (2) family abduction; (3) runaway; (4) throwaway; and (5) lost, injured, or otherwise missing.⁵⁰⁸ A “runaway” is defined as “a child, often a teenager, who leaves home voluntarily for a variety of reasons. This would include any child 17 years of age or younger.” While a “throwaway” is described as a “child whose caretaker makes no effort to recover the child after running away, who has been abandoned or deserted, or who has been asked to leave his or her home and not allowed to return. While not necessarily reported to authorities as missing, children in this category frequently come to the attention of law enforcement.”⁵⁰⁹ In terms of “endangered runaways,” the NCIC category “endangered” includes a person of any age who is missing under circumstances indicating his or her physical safety may be in danger.⁵¹⁰ NCMEC defines “lost, injured, or otherwise missing” as:

a child who has disappeared under unknown circumstances. The incident may range from the child wandering away and becoming lost to the child being abducted, wherein no one witnessed the act. These circumstances sometimes involve “foul play,” where those reporting the incident are attempting to cover-up a crime involving the child.⁵¹¹

Kidnapping and Abduction

At the federal level, the U.S. Congress passed the Lindbergh Act in 1932 to prohibit interstate kidnapping.⁵¹² This law prohibits non-family child abduction or kidnapping and applies to situations when a victim is under the age of 18, and the offender has attained the age of 18 and is not a parent, grandparent, brother, sister, aunt, uncle, or individual having legal custody over the victim.⁵¹³ The term “parent” does not include a person whose parental rights with respect to the abducted or kidnapped child have been terminated by a final court order.⁵¹⁴

Parental Abduction

Interstate family abduction is criminalized in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. It may be referred to as custodial interference, custody deprivation, child stealing, or parental kidnapping and often involves the “wrongful taking or retention of a child in

Categories include: Have a proven physical or mental disability; are missing under circumstances indicating that they may be in physical danger; are missing after a catastrophe; are missing under circumstances indicating their disappearance may not have been voluntary; are under the age of 21 and do not meet the above criteria; are 21 and older and do not meet any of the above criteria but for whom there is a reasonable concern for their safety.

⁵⁰⁶ *Id.*

⁵⁰⁷ *Id.* at 2.

⁵⁰⁸ National Center for Missing and Exploited Children, *Law-Enforcement Policy and Procedures for Reports of Missing and Abducted Children: A Model 1*, Oct. 2011, at http://www.missingkids.com/en_US/documents/Model_Policy_Child.pdf (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁰⁹ *Id.*

⁵¹⁰ National Center for Missing and Exploited Children, *Effective Use of the National Crime Information Center Database With Missing-Child Incidents A Reference Guide for Public-Safety Telecommunications Personnel 6*, at http://www.missingkids.org/en_US/archive/documents/NCICGuide.pdf (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵¹¹ *Law-Enforcement Policy and Procedures for Reports of Missing and Abducted Children: A Model*, *supra* note 508, at i.

⁵¹² 18 USC Chapter 55, Kidnapping, at <https://www.law.cornell.edu/uscode/text/18/part-I/chapter-55> (last visited August 9, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵¹³ *Id.*

⁵¹⁴ 18 USC §1201 (2006), Kidnapping, at <https://www.law.cornell.edu/uscode/text/18/1201> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

violation of a court order or other law, without a valid defense to make the conduct legal.”⁵¹⁵ Depending on the circumstances of the case, the sentence for family abduction can exceed one year of incarceration.⁵¹⁶

The United States is a party to the Hague Convention on International Child Abduction and passed the International Child Abduction Remedies Act of 1988 (ICRA) as implementing legislation of its obligations under the Convention.⁵¹⁷ The U.S. Department of State’s OCI is the Central Authority and primary contact in cases of international parental child abduction.⁵¹⁸ OCI coordinates with law enforcement agencies and NCMEC on a case-by-case basis.

The International Parental Kidnapping Crime Act of 1993 criminalizes international parental child abduction on the federal level.⁵¹⁹ While criminal proceedings allow for the arrest of the abducting parent, they do not account for the return of the child.⁵²⁰ If the two countries involved in the abduction are signatories of the Hague Convention on International Child Abduction, and have a working treaty in place, then a civil process may be pursued that facilitates the return of abducted children under age 16 to their home countries.⁵²¹ Criminal proceedings may not be initiated against the abducting parent if such may jeopardize the successful return of the child under the Convention’s civil process.⁵²²

With regard to entry controls, all children arriving to the United States from countries outside the Western Hemisphere must present a valid passport to enter. However, when entering the United States by land or sea for contiguous territory or adjacent islands (other than Cuba), in lieu of a passport:

- U.S. citizen children under the age of 16 can present an original or copy of their birth certificate (issued by the Vital Records Department in the state where he or she was born), a Consular Report of Birth Abroad, or a Naturalization Certificate;
- Groups of U.S. citizen children under the age of 19 who are traveling with an adult-supervised school group, religious group, social or cultural organization, or sports team can present an original or copy of their birth certificate, a Consular Report of Birth Abroad, or a Naturalization Certificate.⁵²³

All U.S. citizens must apply for a passport through the U.S. Department of State – Bureau of Consular Affairs.⁵²⁴ U.S. children under the age of 16 must apply in-person at an authorized passport application facility for a passport and must be accompanied by their parent(s)/guardian(s). The adult(s) with the

⁵¹⁵ National Center for Missing and Exploited Children, *Domestic Family Abductions*, at <http://www.missingkids.com/LegalResources/Domestic> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵¹⁶ International Parental Kidnapping Act, IPKA, §18 USC 1204 (1993), at <http://www.justice.gov/usam/criminal-resource-manual-1957-international-parental-kidnapping> (last visited July 25, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵¹⁷ Convention of 25 October 1980 on the Civil Aspects of International Child Abduction: Status Table, *supra* note 47; See also Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management, *supra* note 501. And see National Center for Missing and Exploited Children, *Litigating International Child Abduction Cases Under the Hague Convention 2*, at http://www.missingkids.com/en_US/HagueLitigationGuide/hague-litigation-guide.pdf (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵¹⁸ HCCH, *United States of America – Central Authority*, at <https://www.hcch.net/en/states/authorities/details3/?aid=133> (last visited August 8, 2016).

⁵¹⁹ 18 USC §1204 (2006), International Parental Kidnapping, at <https://www.law.cornell.edu/uscode/text/18/1204> (last visited July 25, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵²⁰ Federal Bureau of Investigation, *Violent Crimes Against Children; Family Child Abductions*, at <https://www.fbi.gov/investigate/violent-crime/cac> (last visited August 10, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵²¹ *Id.*

⁵²² *Id.*

⁵²³ U.S. Customs and Border Protection, *Customs Bulletin and Decisions*, Vol. 42, No. 44, Oct. 23, 2008: CBP Decisions 92, at <https://www.cbp.gov/bulletins/42genno44.pdf> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵²⁴ U.S. Department of State, Bureau of Consular Affairs, *U.S. Passports & International Travel*, at <https://travel.state.gov/content/passports/en/about-us.html> (last visited August 9, 2016).

child must show their relationship to the child, provide evidence of U.S. citizenship and photo identification, and if possible both parents/guardians must be present.⁵²⁵ If a child is 16 or 17 years of age and has their own identification document, he/she may apply for a passport without parental consent, however the Bureau of Consular Affairs recommends that one parent does accompany the child.⁵²⁶

While the United States does not have mandatory requirements when exiting the country with a minor, U.S. Customs and Border Protection recommends that if a child is not traveling with both parents, the adult traveling with the child should have a note from the child's other parent, stating, "I acknowledge that my wife/husband/etc. is traveling out of the country with my son/daughter/group. He/She/They has/have my permission to do so."⁵²⁷

In addition, a parent who is concerned that their child may be taken out of the U.S. without their consent can reach out to OCI and ask for their child to be enrolled in the Children's Passport Issuance Alert Program.⁵²⁸ The program allows OCI to contact the parents to verify whether the aforementioned parental consent requirements for issuing a passport to minors has been met.

Reporting Mechanism

In the United States, it is recommended that children be reported missing by calling 911 or by contacting local law enforcement directly.⁵²⁹ NCMEC's national toll-free telephone hotline (1 800 THE LOST/1 800 843 5678) operates 24 hours a day, seven days a week, and is specifically designed to receive calls about missing children or suspected child sexual exploitation.⁵³⁰ Along with the phone hotline, NCMEC's CyberTipline® (<https://report.cybertip.org/>) is an online reporting mechanism for suspected child sexual exploitation.⁵³¹

Investigation of Missing Child Cases

The National Child Search Assistance Act of 1990 advises that missing children cases be reported immediately to local law enforcement agencies and that close contact be maintained with NCMEC.⁵³² Before NCMEC can intake a missing child report, the child must first be reported to law enforcement.⁵³³ Upon receiving a report of a missing child, law enforcement is legally mandated to enter the missing child's information within two hours of receiving the case into the state law enforcement system and NCIC.⁵³⁴ Information on the missing child should also be made available to either the missing children clearinghouse within the state (*i.e.*, organizations providing resources for missing children, their families, and the professionals who serve them) or to other agencies in the state designated to receive

⁵²⁵ U.S. Department of State, Bureau of Consular Affairs, *U.S. Passports & International Travel – Children Under 16*, at <https://travel.state.gov/content/passports/en/passports/under-16.html> (last visited August 9, 2016).

⁵²⁶ U.S. Department of State, Bureau of Consular Affairs, *U.S. Passports & International Travel – Applicants Age 16 and 17*, at <https://travel.state.gov/content/passports/en/passports/16-and-17.html> (last visited August 9, 2016).

⁵²⁷ U.S. Customs and Border Protection, *Children - Child traveling with one parent or someone who is not a parent or legal guardian or a group*, at https://help.cbp.gov/app/answers/detail/a_id/268/~/-children-child-traveling-with-one-parent-or-someone-who-is-not-a-parent-or (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children). See also U.S. Department of Homeland Security, *Travel Overseas*, at <https://www.dhs.gov/how-do-i/travel-overseas> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵²⁸ U.S. Department of State, Bureau of Consular Affairs, *International Parental Child Abduction, Child's Passport Issuance Alert Program*, at <https://travel.state.gov/content/childabduction/en/preventing/passport-issuance-alert-program.html> (last visited August 9, 2016).

⁵²⁹ If Your Child Is Missing, *supra* note 20.

⁵³⁰ *Id.*

⁵³¹ National Center for Missing and Exploited Children, *CyberTipline*, at <http://www.missingkids.org/cybertipline> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵³² The National Child Search Assistance Act of 1990, at <https://www.congress.gov/bill/101st-congress/senate-bill/2317/text> (last visited August 9, 2016).

⁵³³ National Center for Missing and Exploited Children, *FAQs: Missing Children*, at <http://www.missingkids.com/Missing/FAQ> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵³⁴ Adam Walsh Child Protection and Safety Act, 42 USC §16901 (2006), Sec. 154, at <https://www.gpo.gov/fdsys/pkg/PLAW-109publ248/html/PLAW-109publ248.htm> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

such reports.⁵³⁵ The law requires that any additional information on the missing child case, including medical and dental records, be updated within 60 days of the original entry of the case into NCIC and the state law enforcement system.⁵³⁶

The supervisor of the law enforcement agency is the main agent at the public enforcement level responsible for managing the entire investigation and appointing a search operation coordinator to coordinate police search efforts.⁵³⁷ Law enforcement and the family of the missing child can contact NCMEC for resources such as geographical search maps, additional search personnel, poster distribution, and emotional support.⁵³⁸

In addition to the local or state law enforcement resources needed during an investigation, the FBI Violent Crimes against Children program established Child Abduction Rapid Deployment Teams in October 2005.⁵³⁹ The Teams are made up of experienced professionals from a variety of disciplines who can provide on-the-ground investigative, technical, and resource assistance to state and local law enforcement.⁵⁴⁰ The Teams are primarily involved with cases of non-family abductions, ransom child abductions, and mysterious disappearances of children.⁵⁴¹

National Database

The FBI launched NCIC, an “electronic clearinghouse of crime data,”⁵⁴² on 27 January 1967. All federal, state, and local law enforcement agencies, and other criminal justice agencies, have access to NCIC year-round, 24 hours a day.⁵⁴³ NCIC may contain information on adults who have been missing since they were children, current missing children, and unidentified living and deceased persons.⁵⁴⁴ The FBI instituted the Missing Persons File within the NCIC in 1975 to consolidate information on missing persons.⁵⁴⁵

The U.S. Department of Justice’s National Institute of Justice manages the National Unidentified Persons System (NamUs) Missing Persons database, which contains information on missing persons and unidentified human remains records.⁵⁴⁶ Unlike NCIC, law enforcement officials, investigators, medical examiners, and the general public have access to the free online missing persons database within NamUs and can search and enter new missing persons cases, and add photographs and other physical and circumstantial details about the missing individual.⁵⁴⁷ The information is verified before it appears as a case in NamUs.⁵⁴⁸

⁵³⁵ National Child Search Assistance Act of 1990, at <https://www.congress.gov/bill/101st-congress/senate-bill/2317/text> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵³⁶ 42 USC §5780 (2012), at <http://codes.lp.findlaw.com/uscode/42/72/IV/5780> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵³⁷ Law-Enforcement Policy and Procedures for Reports of Missing and Abducted Children: A Model, *supra* note 511.

⁵³⁸ National Center for Missing and Exploited Children, *Resources for Law Enforcement*, at <http://www.missingkids.com/LawEnforcement> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵³⁹ Federal Bureau of Investigation, *Violent Crimes Against Children; Child Abduction Rapid Deployment Teams (CARD)*, at https://www.fbi.gov/about-us/investigate/vc_majorthefts/cac/card/card (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁴⁰ *Id.*

⁵⁴¹ *Id.*

⁵⁴² Federal Bureau of Investigation, *National Crime Information Center*, at <https://www.fbi.gov/about-us/cjis/ncic> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁴³ *Id.*; See also, *Law-Enforcement Policy and Procedures for Reports of Missing and Abducted Children: A Model*, *supra* note 508, at 148.

⁵⁴⁴ Federation of American Scientists, *National Crime Information Center*, at <http://fas.org/irp/agency/doj/fbi/is/ncic.htm> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁴⁵ 2015 NCIC Missing and Unidentified Person, *supra* note 16.

⁵⁴⁶ U.S. Department of Justice, OJJDP, *National Missing and Unidentified Persons System*, at <http://www.namus.gov/> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁴⁷ *Id.*

⁵⁴⁸ *Id.*

Case Management System

In addition to the national database NCIC, law enforcement agencies (local, state, and federal agencies) and NCMEC have individual stand-alone case management systems, providing the agencies with oversight of the various investigative leads into the disappearance of a child.

Alert Mechanism

The U.S. AMBER (America's Missing: Broadcast Emergency Response) Alert Program originated in 1996, and is named in honor of Amber Hagerman, a 9-year-old girl who was kidnapped and brutally murdered.⁵⁴⁹ The AMBER Alert Program acts as an early warning system to find abducted children and to galvanize the community to help recover the missing child quickly.⁵⁵⁰ In 2003, the PROTECT Act⁵⁵¹ was passed, and mandated all 50 states and the District of Columbia to develop individual alert programs, with the Department of Justice serving as the National Coordinator.⁵⁵² The Department of Justice is responsible for minimizing gaps in the system, encouraging regional collaboration, and developing new distribution mechanisms.⁵⁵³ The Department of Justice established recommended criteria⁵⁵⁴ for initiating an AMBER Alert, which many states have implemented with minimal variations.⁵⁵⁵

When a child abduction case meets the AMBER Alert criteria,⁵⁵⁶ information about the child and possible abductor is sent to state transportation officials and the media outlets/broadcasters designated as primary stations through the Emergency Alert System.⁵⁵⁷ These media outlets send case information to area radio, television, and cable systems. If law enforcement needs to distribute the Alert further, they can contact NCMEC to share the Alert message with their distribution partners including mobile phone companies, the Outdoor Advertising Association, and trucker associations.⁵⁵⁸

As not all reported missing children cases qualify for an AMBER Alert, U.S. law enforcement encourages parents/guardians to distribute recent pictures and information about their missing child within the first 48 hours of the child going missing.⁵⁵⁹ NCMEC plays a central role in distributing the missing child's information and pictures to the media.⁵⁶⁰ NCMEC displays photos of missing children on its website; shares the photos with corporate photo partners (companies and organizations that distribute

⁵⁴⁹ U.S. Department of Justice, OJJDP, *AMBER Alert*, at www.amberalert.gov (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁵⁰ U.S. Department of Justice, OJJDP, *AMBER Alert: Frequently Asked Questions*, at <http://www.amberalert.gov/faqs.htm> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁵¹ Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (PROTECT Act), [Pub.L. 108-21](#), 117 Stat. 650, S. 151 (2003), §301, at <https://www.gpo.gov/fdsys/pkg/PLAW-108publ21/html/PLAW-108publ21.htm> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁵² U.S. Department of Justice, OJJDP, *AMBER Alert*, *supra* note 549.

⁵⁵³ *Id.* at § 301.

⁵⁵⁴ U.S. Department of Justice, OJJDP, *AMBER Alert: Guidelines for Issuing AMBER Alerts*, at <http://amberalert.gov/guidelines.htm> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁵⁵ U.S. Department of Justice, OJJDP, *AMBER Alert: National Strategy*, at http://amberalert.gov/ntl_strategy.htm (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁵⁶ The U.S. Department of Justice recommended criteria for issuing an AMBER Alert are: Law Enforcement Confirms an Abduction; Risk of Serious Bodily Injury or Death; Sufficient Descriptive Information; Age of Child; and NCIC Data Entry, at <http://amberalert.gov/guidelines.htm> (last visited August 9, 2016).

⁵⁵⁷ AMBER Alert, *supra* note 549. The Emergency Alert System (EAS) is a national public warning system that requires broadcasters, cable television systems, wireless cable systems, satellite digital audio radio service (SDARS) providers, and direct broadcast satellite (DBS) providers to provide the communications capability to the President to address the American public during a national emergency. The system also may be used by state and local authorities to deliver important emergency information, at <https://www.fcc.gov/general/emergency-alert-system-eas> (last visited August 9, 2016).

⁵⁵⁸ National Center for Missing and Exploited Children, *AMBER Alert Program*, at <http://www.missingkids.com/amber> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁵⁹ U.S. Department of Justice, OJJDP, *Photo and Flier Distribution*, at <http://www.ojjdp.gov/pubs/childmissinging/ch4.html> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁶⁰ U.S. Department of Justice, OJJDP, *When Your Child is Missing: A Family Survival Guide* 40, at http://www.missingkids.org/en_US/publications/PDF6A.pdf (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

pictures of missing children); helps to get pictures of missing children posted on bulletin boards at national and regional chain stores, electronic kiosks in shopping malls, and areas with high pedestrian traffic; and assists with placing photos of and information about missing children in national direct-mail advertising fliers, national and regional large circulation magazines and newsletters, and network and syndicated television shows.⁵⁶¹ NCMEC also can broadcast fax posters and other case-related information to law enforcement agencies, FBI field offices, state missing children clearinghouses, U.S. Customs and Border Patrol, and medical examiners' offices all over the country.⁵⁶²

Awareness-Raising Initiatives

All 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands have missing children clearinghouses. These clearinghouses are agencies that provide resources for missing children, their families, and professionals working on missing children's issues. The services provided include networking, information dissemination, training development and delivery, data collection, and technical assistance for missing and sexually exploited children cases.⁵⁶³ As the national clearinghouse for missing children, NCMEC maintains a liaison with each individual clearinghouse.⁵⁶⁴

NCMEC has an array of resources to educate children, parents, and the public generally on child safety, and ways to prevent abduction and exploitation through their NetSmartz program. These resources include, for example, a checklist on steps to take when a child goes missing; child safety and prevention workshops on child abduction, child sexual exploitation, and Internet safety; and awareness campaigns on child sexual exploitation and recognizing child victims of exploitation.⁵⁶⁵

Trafficking

Division A of the Victims of Trafficking and Violence Protection Act of 2000 is known as the Trafficking Victims Protection Act of 2000 (TVPA).⁵⁶⁶ The TVPA criminalizes "severe forms of trafficking" such as sex trafficking and labor trafficking.⁵⁶⁷ Sex trafficking means "the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age."⁵⁶⁸

The TVPA and its reauthorization Acts⁵⁶⁹ created the President's Interagency Task Force to Monitor and Combat Trafficking in Persons to coordinate anti-trafficking efforts and the Department of State's Office to Monitor and Combat Trafficking in Persons (TIP Office).⁵⁷⁰ The TIP Office is responsible for publishing the Trafficking in Persons Report each year, which describes the efforts of governments

⁵⁶¹ National Center for Missing and Exploited Children, *Corporate Photo Partner Program*, at <http://us.missingkids.com/PhotoPartners> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁶² OJJDP, *When Your Child is Missing: A Family Survival Guide*, *supra* note 560.

⁵⁶³ Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management, *supra* note 501, at 26.

⁵⁶⁴ National Center for Missing and Exploited Children, *Missing Child Clearinghouses*, at <http://www.missingkids.com/clearinghouses> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children). See also 42 USC §5771, *supra* note 19.

⁵⁶⁵ National Center for Missing and Exploited Children resources, *supra* note 20.

⁵⁶⁶ U.S. Department of State, Victims of Trafficking and Violence Protection Act of 2000, at <http://www.state.gov/j/tip/laws/61124.htm> (last visited August 9, 2016).

⁵⁶⁷ U.S. Department of State, Victims of Trafficking and Violence Protection Act of 2000, §16, at <http://www.state.gov/j/tip/laws/61124.htm> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁶⁸ *Id.* at §8.

⁵⁶⁹ The TVPA has been reauthorized four times since its initial enactment through The Trafficking Victims Protection Reauthorization Act of 2003, 2005, 2008, and 2013. U.S. Department of State, *U.S. Laws on Trafficking in Humans*, at <http://www.state.gov/j/tip/laws/> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁷⁰ U.S. Laws on Trafficking in Humans, *supra* note 569.

worldwide to fight human trafficking in three areas: prevention, protection, and prosecution.⁵⁷¹ The TIP Office also provides grant funding to international anti-human trafficking programs.⁵⁷²

In addition to the above federal anti-trafficking initiatives, local human trafficking task forces were created by the U.S. Department of Justice, often with the help of Department of Justice funding, to train law enforcement agencies in the methods of investigating and identifying victims of trafficking.⁵⁷³ These task forces may be eligible to receive funding from the Department of Justice's Bureau of Justice Assistance so long as they partner with local victim service providers.⁵⁷⁴ Examples of such task forces include the New Jersey Human Trafficking Task Force and the Maryland Human Trafficking Task Force.⁵⁷⁵

⁵⁷¹ U.S. Department of State, *2015 Trafficking in Persons Report*, at <http://www.state.gov/j/tip/rls/tiprpt/> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁷² U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, *About Us*, at <http://www.state.gov/j/tip/> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁷³ U.S. Department of State, Office of Justice Programs – National Institute of Justice, *DOJ-Funded Human Trafficking Task Forces*, at <http://www.nij.gov/journals/262/Pages/human-trafficking-task-forces.aspx> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁷⁴ U.S. Department of Justice, Bureau of Justice Assistance, *Anti-Human Trafficking Task Force Initiative*, at https://www.bja.gov/ProgramDetails.aspx?Program_ID=51 (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁷⁵ State of New Jersey, Department of Law & Public Safety, Office of the Attorney General, *New Jersey Human Trafficking Task Force*, at <http://www.nj.gov/oag/dcj/humantrafficking/> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children). See also Maryland Human Trafficking Task Force, at <http://www.mdhumantrafficking.org/> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).



1700 Diagonal Road, Suite 625 ♦ Alexandria, Virginia 22314-2844 ♦ USA
Tel +1 703 837 6313 ♦ Fax +1 703 549 4504 ♦ www.icmec.org