

Legislative Review Results

Please consult Country-Specific Findings for more detailed information.

✘ = No
✓ = Yes

| Country ¹ | Is there legislation specific to missing children that includes a definition of “missing child”? | Are there laws requiring missing child cases to be immediately investigated? | Are there entry and exit requirements for children? | Is there a national registry of reported missing child cases? | Are there reporting mechanisms to report a missing child/provide tips? | Does a rapid public notification system exist? |
|----------------------|--|--|---|---|--|--|
| Belarus | ✘ | ✓ | ✓ ² | ✓ | ✓ | ✘ |
| Belize | ✘ | ✘ ³ | ✘ | ✘ | ✘ | ✘ |
| Brunei Darussalam | ✘ | ✘ ⁴ | ✘ | ✘ | ✘ | ✘ |
| Cambodia | ✘ | ✓ ⁵ | ✘ | ✘ ⁶ | ✘ | ✘ |
| Canada | ✘ | ✘ ⁷ | ✓ ⁸ | ✓ | ✓ | ✓ |

¹ The research results for the Central American countries were published in October 2011; the Southeast Asian countries were published in July 2016, and Belarus, Canada, Finland, Kazakhstan, Russia, and the United States were published in August 2016.

² Legislation of the Republic of Belarus has only exit requirements for children. There are general entry requirements for all foreign citizens, regardless of age.

³ Although there is no legislation mandating the immediate search for missing children, Belize’s Missing Persons Unit’s internal policy states that investigations of missing persons should start immediately. However, there is no mention of possible consequences for not doing so.

⁴ The Children and Young Persons Order of 2006 of Brunei Darussalam acknowledges the need for immediate protection for children when there is physical and emotional harm, neglect, and abandonment.

⁵ Article 74 of the Criminal Procedure Code of Cambodia indicates that the Judicial Police must start a preliminary investigation immediately upon receiving a complaint of any kind with the advice of a prosecutor.

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

⁷ 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.canadasmismissing.ca/report-signale/index-eng.htm#rmpur-spdmi>.

⁸ 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.

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|-------------|--|--|---|---|--|--|
| Costa Rica | ✗ | ✗ | ✓ | ✓ | ✗ | ✗ |
| El Salvador | ✗ | ✓ ⁹ | ✓ | ✗ | ✗ | ✗ |
| Finland | ✗ | ✗ ¹⁰ | ✓ ¹¹ | ✓ | ✓ | ✗ |
| Guatemala | ✓ | ✓ ¹² | ✓ ¹³ | ✗ ¹⁴ | ✓ | ✓ |
| Honduras | ✗ | ✗ | ✓ ¹⁵ | ✗ | ✗ | ✗ |
| Indonesia | ✗ | ✗ ¹⁶ | ✓ ¹⁷ | ✗ | ✗ | ✗ |

⁹ According to the Prosecutor for Crimes Against Children (Fiscalía de la Niñez), different sets of legislation, amongst which the Constitution of El Salvador and the Childhood and Adolescence Code, mandate that any case concerning children be investigated immediately.

¹⁰ 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.

¹¹ 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.

¹² *Decreto Numero 28-2010 Ley del Sistema de Alerta ALBA-KENETH*, Article 8. Search, location and return of a child or adolescent who has been stolen or missing (on file with the International Centre for Missing & Exploited Children).

¹³ Even though children cannot leave the country without the permission of the person exercising parental authority or guardianship, anecdotal evidence pointed to blind spots within Guatemala’s four neighboring countries, which allow for the illegal removal of children and adolescents.

¹⁴ Although there are currently no unified national registries, the Alba-Keneth Law prescribes the creation of a national registry/database. It is important to keep in mind that legislation was passed only recently (November 2010) and as such adjustment to the law is still being made.

¹⁵ Even though children cannot leave the country without the permission of the person exercising parental authority or guardianship, anecdotal evidence pointed to blind spots within Honduras’ borders, which allow for the illegal removal of children and adolescents.

¹⁶ According to the Ministry of Social Affairs of Indonesia, the police will take a report at any time from a parent or guardian. However, it then takes 24 hours to process the information before an investigation can begin.

¹⁷ Australian Government Refugee Tribunal, Country Advice Indonesia: Child, Exit Procedures and Parental Consent (on file with the International Centre for Missing & Exploited Children) If the child is traveling with an adult other than his or her parents, the parent’s written consent, copies of both parent’s passports, and a copy of the child’s birth certificate must be provided to the immigration officials by the accompanying adult (Australian Government Refugee Tribunal, Country Advice Indonesia: Child, Exit Procedures and Parental Consent) (on file with the International Centre for Missing & Exploited Children).

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|-------------|--|--|---|---|--|--|
| Kazakhstan | ✗ | ✓ | ✓ ¹⁸ | ✓ | ✗ ¹⁹ | ✗ |
| Lao PDR | ✗ | ✗ ²⁰ | ✗ | ✗ | ✗ | ✗ |
| Malaysia | ✗ | ✓ ²¹ | ✗ | ✗ | ✗ | ✓ |
| Myanmar | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ |
| Nicaragua | ✗ | ✓ | ✓ | ✗ | ✗ | ✗ |
| Panama | ✗ | ✗ | ✓ | ✗ | ✗ | ✗ |
| Philippines | ✗ ²² | ✗ ²³ | ✗ ²⁴ | ✗ | ✗ | ✗ |

¹⁸ The laws of Kazakhstan have only exit requirements for children. A child’s entry into the country is not regulated by law.

¹⁹ The Bureau of Registration and Accidents in Astana, Kazakhstan can only take reports of missing persons.

²⁰ Under Articles 39 and 40 of the Law on the Protection of the Rights of Children of Lao PDR, if the Committee on the Protection and Assistance to Children receives a report of a child in need of special protection, the Committee will take “immediate measures.”

²¹ The Government of Malaysia launched the NUR Alert in 2011 headed by the Royal Malaysian Police who have the responsibility to investigate missing child cases immediately when a child is missing under 12 years of age. This requirement for immediate investigation is not specifically designated in legislation but is a policy for the launch of the NUR Alert.

²² The Philippines introduced two Bills regarding missing children: 1) Senate Bill No. 351, entitled the “National Children Recovery Program Act (2013); and 2) House Bill No. 77, known as the “National Center for Missing Children Act” (2013). Both Bills would have provided a definition of missing children but the Bills have not passed and need to be reintroduced.

²³ According to police policy, introduced by the Chief Director General, the Philippines only responds immediately if a missing child is younger than 12 years old.

²⁴ In cases where a child is traveling abroad alone, with someone other than his or her parents, or with one parent where there is an ongoing legal custody battle, children must obtain a travel clearance from the Department of Social Welfare and Development and present the travel clearance to the Immigration Officer prior to departure. (Bureau of Immigration of the Philippines) (on file with the International Centre for Missing & Exploited Children).

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 Missing Children Research Project

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|---------------|--|--|---|---|--|--|
| Russia | ✗ | ✓ | ✓ ²⁵ | ✗ | ✓ | ✗ |
| Singapore | ✗ | ✗ ²⁶ | ✗ | ✗ | ✗ | ✗ |
| Thailand | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ |
| United States | ✓ | ✓ | ✓ ²⁷ | ✓ | ✓ | ✓ |
| Vietnam | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ |

²⁵ Russian legislation has only exit requirements for children. There are general entry requirements for all foreign citizens, regardless of age.

²⁶ The Information Booklet on Police Procedures by the Singapore Police Force provides that if a family member or friend has searched and failed to locate the missing person, they must make a police report immediately.

²⁷ The United States has such legislation only for entry of children. There is no exit regulation for U.S. Citizens, nonresident aliens, or children.