

# Legislative Review Results

Please consult Country-Specific Findings for more detailed information.

✘ = No  
✓ = Yes

Country <sup>1</sup>	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?
Albania	✘	✘ <sup>2</sup>	✓	✘	✓	✘
Antigua & Barbuda	✘	✘	✘	✘	✘	✘
Bahamas	✘ <sup>3</sup>	✘	✘	✘	✘ <sup>4</sup>	✓
Barbados	✘	✘	✓ <sup>5</sup>	✘	✘ <sup>6</sup>	✘
Belarus	✘	✓	✓ <sup>7</sup>	✓	✓	✘
Belize	✘	✘ <sup>8</sup>	✘	✘	✘	✘

<sup>1</sup> 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.

<sup>2</sup> The Albanian State Police will determine its response depending on the circumstances of the child going missing.

<sup>3</sup> The Royal Bahamas Police Force defines “missing persons” as any person, whether an adult or a child, reported missing to police whose whereabouts are unknown and where there are fears for the safety or concerns for the welfare of that person.

<sup>4</sup> There is no mechanism specific to missing children, but the public can report missing children as well as tips to both the police department or Crime Stoppers Barbados.

<sup>5</sup> The Barbados Immigration Department specifies for children visiting the country that “a child under the age of 18 travelling without a parent or guardian must have a letter of authorization from the parent or guardian.

<sup>6</sup> There is no mechanism specific to missing children, but the public can report missing children as well as tips to both the police department or Crime Stoppers Bahamas.

<sup>7</sup> Legislation of the Republic of Belarus has only exit requirements for children. There are general entry requirements for all foreign citizens, regardless of age.

<sup>8</sup> 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.

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Bosnia and Herzegovina	✗	✗ <sup>9</sup>	✗ <sup>10</sup>	✗ <sup>11</sup>	✗ <sup>12</sup>	✗
Brunei Darussalam	✗	✗ <sup>13</sup>	✗	✗	✗	✗
Cambodia	✗	✓ <sup>14</sup>	✗	✗ <sup>15</sup>	✗	✗
Canada	✗	✗ <sup>16</sup>	✓ <sup>17</sup>	✓	✓	✓
China	✗	✗	✗	✗	✗	✓
Costa Rica	✗	✗	✓	✓	✗	✗
Croatia	✗ <sup>18</sup>	✗	✗	✗ <sup>19</sup>	✓	✗

<sup>9</sup> While there is no standard regulation for the investigation of such cases, there appears to be an informal protocol to investigate as soon as possible.

<sup>10</sup> A passport for a child under 18 years will only be issued if the application is submitted by the parents or legal guardians in the presence of the child.

<sup>11</sup> The International Commission on Missing Persons (ICMP) does maintain a database of DNA collected in connection with the regional events of the 1990s.

<sup>12</sup> There is an official reporting mechanism available to family members of people missing or displaced as a result of the regional conflicts.

<sup>13</sup> 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.

<sup>14</sup> 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.

<sup>15</sup> 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.

<sup>16</sup> 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>.

<sup>17</sup> 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](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.

<sup>18</sup> While not codified in law, the National Register of Missing Persons (Nestali), a division of the Ministry of the Interior, describes a “missing person” as a person who has moved away from their usual environment against their will, or in accordance with their own will when it is outside of the persons usual behavior, style of living, social life, or occupation.

<sup>19</sup> The ICMP does maintain a database of DNA collected in connection with the regional events of the 1990s.

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Cuba	✗	✗	✓ <sup>20</sup>	✗	✗	✗
Dominican Republic	✗	✗	✓	✗	✗	✗
El Salvador	✗	✓ <sup>21</sup>	✓	✗	✗	✗
Finland	✗	✗ <sup>22</sup>	✓ <sup>23</sup>	✓	✓	✗
Former Yugoslav Republic of Macedonia	✗	✗	✗ <sup>24</sup>	✗	✗ <sup>25</sup>	✗
Guatemala	✓	✓ <sup>26</sup>	✓ <sup>27</sup>	✗ <sup>28</sup>	✓	✓

<sup>20</sup> Cuba has established entry and exit checkpoints to prevent child abductions, but documentation is not always required upon entering the country. All Cuban citizens are required to obtain a visa before exiting the country.

<sup>21</sup> 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.

<sup>22</sup> 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](http://www.poliisi.fi/public_order/search_for_a_missing_person).

<sup>23</sup> 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.

<sup>24</sup> According to the Law on Travel Documents, a child up to the age of 14 travelling abroad without a parent or guardian is required to have a letter of consent from the parents or guardian, certified by the Ministry of Interior, notary, or diplomatic or consular office of the Republic of Macedonia abroad.

<sup>25</sup> First Children’s Embassy in the World Megiashi (FCEWM) launched the SOS helpline 0800-12222 in 1993 to receive calls from children and adults regarding cases in which children need protection.

<sup>26</sup> *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).

<sup>27</sup> 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.

<sup>28</sup> 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.

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Honduras	✗	✗	✓ <sup>29</sup>	✗	✗	✗
Hong Kong	✗	✗	✓	✗ <sup>30</sup>	✗ <sup>31</sup>	✗
Indonesia	✗	✗ <sup>32</sup>	✓ <sup>33</sup>	✗	✗	✗
Kazakhstan	✗	✓	✓ <sup>34</sup>	✓	✗ <sup>35</sup>	✗
Kosovo	✗	✗	✗	✗ <sup>36</sup>	✗	✗
Lao PDR	✗	✗ <sup>37</sup>	✗	✗	✗	✗
Malaysia	✗	✓ <sup>38</sup>	✗	✗	✗	✓

<sup>29</sup> 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.

<sup>30</sup> Hong Kong Police Force hold a criminal database, but it is unclear how the information is being shared among the different regional headquarters and all police officers, or either any information is related to missing children.

<sup>31</sup> The NGO Against Child Abuse manages a hotline for the public to report suspected cases of child sexual abuse.

<sup>32</sup> 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.

<sup>33</sup> 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.

<sup>34</sup> The laws of Kazakhstan have only exit requirements for children. A child’s entry into the country is not regulated by law.

<sup>35</sup> The Bureau of Registration and Accidents in Astana, Kazakhstan can only take reports of missing persons.

<sup>36</sup> Law on Missing Persons of 2011, Code No. 04/L-023,

<sup>37</sup> 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.”

<sup>38</sup> 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.

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Mexico	✗ <sup>39</sup>	✗ <sup>40</sup>	✗	✓	✓	✓
Mongolia	✗	✗	✓	✗	✗	✗
Montenegro	✗	✗	✗ <sup>41</sup>	✗ <sup>42</sup>	✗	✗ <sup>43</sup>
Myanmar	✗	✗	✗	✗	✗	✗
Nicaragua	✗	✓	✓	✗	✗	✗
Panama	✗	✗	✓	✗	✗	✗
Philippines	✗ <sup>44</sup>	✗ <sup>45</sup>	✗ <sup>46</sup>	✗	✗	✗
Russia	✗	✓	✓ <sup>47</sup>	✗	✓	✗

<sup>39</sup> Article 4 of the General Law Regarding the Forced Disappearance of Persons, Disappearance Committed by Individuals and the National System of Search of People defines a “missing person”.

<sup>40</sup> *Protocolo Homologado Para La Búsqueda De Personas Desaparecidas Y La Investigación Del Delito De Desaparición Forzada* explains that an immediate investigation should begin as soon as report has been filed.

<sup>41</sup> Act on Travel Documents of 2008, Article 28 explains that one parent needs the permission from the other parent for the child to be allowed to travel.

<sup>42</sup> The International Commission on Missing Persons (ICMP) manages a regional database of active missing and unidentified persons cases including children, but this database is focused specifically on the regional events of the 1990s.

<sup>43</sup> Since 2015, there has been a national SOS helpline for victims of domestic violence. The helpline – 080 111 111.

<sup>44</sup> 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.

<sup>45</sup> 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.

<sup>46</sup> 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).

<sup>47</sup> Russian legislation has only exit requirements for children. There are general entry requirements for all foreign citizens, regardless of age.

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Singapore	✗	✗ <sup>48</sup>	✗	✗	✗	✗
Thailand	✗	✗	✗	✗	✗	✗
United States	✓	✓	✓ <sup>49</sup>	✓	✓	✓
Vietnam	✗	✗	✗	✗	✗	✗

<sup>48</sup> 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.

<sup>49</sup> The United States has such legislation only for entry of children. There is no exit regulation for U.S. Citizens, nonresident aliens, or children.