

Missing Children in Central America:

Research of Practices and Legislation on Prevention and Recovery

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Missing Children in Central America:
Research of Practices and Legislation on Prevention and Recovery

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Executive Summary

This report, produced in collaboration with UNICEF TACRO, is part of UNICEF’s project on “Trafficking and Sexual Exploitation in Central America”. This report is aimed at assessing the current status of the protection of children from going missing/being abducted in Central America. In particular, the report looks at whether the following are present: (1) any legislation specific to missing children; (2) existing national legislation with a broad definition of the term “missing child”; (3) existing legislation mandating the immediate investigation of missing children’s cases; (4) any requirements for authorizing the entry and exit of children from these countries; (5) any detailed policies for law enforcement agencies and/or organizations working on missing children’s cases, outlining their coordinating roles in response to and investigation of missing children; (6) a centralized national database of missing children’s cases; (7) any existing reporting mechanisms and/or hotlines in the country to report cases of missing children; (8) any case management systems aimed at consolidating information on missing children and/or other aspects of child protection; (9) any rapid notification systems or missing child alerts for the public; and (10) formal agreements between different organizations working on missing children’s cases.

Sadly, despite recent regional advances in the arena of child protection in general (particularly from exploitation) missing children remain underserved and insufficiently protected. No country in Central America has legislation specific to missing children, with the exception of Guatemala. While all seven countries¹ considered by the study outlined charges in their criminal code related to abduction (*rapto*), kidnapping (*secuestro*), trafficking (*trata*) and sexual exploitation (*explotación sexual*), no statute in the region distinguishes between children who are abducted and those that run away from home, therefore leaving runaways generally unattended to legislatively. In sum, the report reveals that:

- ❖ Only **Guatemala** has legislation specific to missing children;
- ❖ **No country** in the region has a broad, encompassing definition of the term “missing child” in their legislation;
- ❖ Only **El Salvador, Guatemala and Nicaragua** have laws mandating that cases involving children be immediately investigated;
- ❖ All countries, except **Belize**, require special authorizations for children to be allowed to enter and exit the countries without one or both parents’ consent;
- ❖ Only **Costa Rica and Belize** have internal policies guiding the work of law enforcement in the search for missing children; however, none of the existing policies are sufficiently clear and/or comprehensive;
- ❖ Only **Costa Rica** has a national registry for missing children;
- ❖ Only **Guatemala** has a mechanism for reporting missing children;

¹ Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

- ❖ **No countries** have case management systems in place;
- ❖ Only **Guatemala** has a rapid notification system or missing children alerts for the public; and
- ❖ Only **Guatemala** has formal agreements between agencies that work cases of missing children.

The research thus demonstrates that despite the fact that most countries have legislation that describes both state and parental responsibility in relation to child protection, the interviews and onsite visits that were conducted indicated that most courts and government agencies have insufficient resources – both financial and human – to meet the demand and to implement legislation concerning missing children. As a result, although there is legislation that protects children from being abandoned and from being unprotected, the concrete child protection mechanisms are minimal at best.

This report contains country-specific information – including current legislation, policies, and practices – along with a gap analysis and recommendations for developing or strengthening existing mechanisms concerning missing and abducted children in the region. ICMEC looks forward to working with local and regional partners in contributing to the enhancement of the protection of children from going missing and/or being abducted in Central America.

Introduction

Every day, all around the world, children go missing. They may be runaways or missing for unknown reasons, victims of family or non-family abductions, or they may simply be lost or missing for seemingly trivial reasons (such as a caretaker misunderstanding or losing a child in a crowd). 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/she becomes, facing an increased risk of exploitation and/or victimization. As a result, it is important for each country to have appropriate legislative and other measures in place for the public to report a child missing and for law enforcement to quickly begin investigating any such report.

Children and adolescents who go missing, run away, or are abducted face a heightened level of vulnerability and increased risk including²:

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

The lack of legitimate income may also increase exposure to high risk activities such as substance misuse and may lead to their absence from school and missed educational opportunities.³

Currently, there is no harmonized, international strategy aimed at adequately addressing missing children issues. While there are some international legal instruments – such as the United Nations Convention on the Rights of the Child (CRC) – providing a universal definition of a “child”,⁴ and instruments ensuring the protection of the rights of people from enforced disappearances and the rights of parents of abducted children – such as the *United Nations Convention for the Protection of All Persons from Enforced Disappearance*⁵ and the *Hague Convention of 25 October 1980 on the*

² Kelly Dedel, “Juvenile Runaways” in *Problem-Oriented Guides for Police, Problem Specific Guide Series No. 37*. Washington, DC: Office of Community Oriented Policing Services, U.S. Department of Justice, August 2010, page 4. Available at: http://www.cops.usdoj.gov/files/RIC/Publications/e12051223_Juvenile.pdf (last visited January 23, 2012; on file with the International Centre for Missing & Exploited Children).

³ *Id.*

⁴ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, page 3, Part 1, Article 1. 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.” Available at: <http://www.unhcr.org/refworld/docid/3ae6b38f0.html> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

⁵ United Nations, *International Convention for the Protection of All Persons from Enforced Disappearance*. Available at: <http://www2.ohchr.org/english/law/disappearance-convention.htm> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

*Civil Aspects of International Child Abduction*⁶ – there is no similar global consensus as to how to define “missing child” or how to investigate cases involving missing/abducted children. As a result of the lack of a common definition and a standard response to missing/abducted children cases, there are few reliable statistics on the scope of the problem around the world further complicating these cases.

In the United States, an estimated 800,000 children younger than 18 years of age are reported missing each year, or an average of 2,000 children reported missing each day: 200,000 children are abducted by family members; 58,000 are abducted by nonfamily members; and 115 are the victims of “stereotypical” kidnapping.⁷

In 2009-2010 alone, in the United Kingdom, reports show that there were an estimated 230,000 incidents of missing persons under the age of 18.⁸ In Germany, it is estimated that 100,000 children are reported missing each year.⁹ Canada recorded in 2009 a total of 50,492 missing children reports,¹⁰ while Spain and Australia register approximately 20,000 children as missing each year.¹¹ The Investigative Committee of the Russian Federation reported that 19,734 minors went missing in 2010, out of which 5,219 were under the age of 14.¹²

One of the most challenging types of missing children cases is parental abduction. These are generally perceived as civil matters and are often not investigated as the children involved are believed not to be at risk. This serious misconception is one of the main obstacles to the recovery of those children, leaving them at significant emotional and sometimes physical risk. In a U.S. based study, victims reported that in 14% of parental abductions, the abductor used force against

⁶ *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*. Available at: http://www.hcch.net/index_en.php?act=conventions.text&cid=24 (last visited January 31, 2012; on file with the International Centre for Missing & Exploited Children).

⁷ Andrea J. Sedlak, David Finkelhor, Heather Hammer, and Dana J. Schultz. U.S. Department of Justice, “National Estimates of Missing Children: An Overview” in *National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, October 2002, page 5. Available at: <http://www.ncjrs.gov/pdffiles1/ojdp/196465.pdf> (last visited January 31 2012; on file with the International Centre for Missing & Exploited Children).

⁸ Child Exploitation and Online Protection Centre (CEOP), *Scoping Report on Missing and Abducted Children 2011*, page 5. Available at: http://www.ceop.police.uk/Documents/ceopdocs/Missing_scopingreport_2011.pdf (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

⁹ “Initiative Vermisste Kinder”, Available at: <http://www.vermisste-kinder.de/> (last visited January 31, 2011).

¹⁰ Canadian Police Information Centre (CPIC) 2009 Missing Children Reference Report: National Missing Children Services, M.L. Dalley. Available at: <http://www.rcmp-grc.gc.ca/pubs/omc-ned/an-ra/annrep-rappann-09-eng.htm#25> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

¹¹ “Spain Joins EU Hotline for Missing Children”. Available at: <http://www.theleader.info/article/25040/spain-joins-eu-hotline-for-missing-children/> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

Australian Federal Police, National Coordination Centre, <http://www.missingpersons.gov.au/education--training/working-with-young-people.aspx> (last visited October 28, 2011).

¹² “Speech at an emergency meeting of the Public Chamber of the Russian Federation for Children and Youth Policy”. Available at: http://www.sledcom.ru/blog/detail.php?ID=50615&sphrase_id=71702 (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

the child and that coercive threats or demands were used in 17%.¹³ For that reason, experts in the field have classified parental abduction as a form of child abuse as a result of the harmful effects on the children.¹⁴ Children abducted by a parent may suffer extreme emotional abuse, including a possible lack of identity resulting from the abrupt uprooting of the child. Abducting parents also move frequently or take the child to another country, making it difficult for law enforcement and the searching parent to locate and recover the child. In many instances, the abductor also creates fantasies about the left-behind-parent, telling the child the other parent is dead or no longer wants the child. The consequences to the child can be disastrous: studies have demonstrated that children who were abducted by a parent are more likely to suffer from depression; to experience a loss of community and/or loss of stability, security, and trust; to endure excessive fearfulness, even in ordinary occurrences; and to experience anger, helplessness and fear of abandonment. The *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* is just one of the tools available for handling these complex cases.¹⁵

Similarly, cases of runaway children and the dangers they face, are almost universally under-reported and under-recognized. It is often true that law enforcement agencies consider runaway cases to be generally self-resolving and as a result often are granted lower priority, unless there is clear evidence that a child is in immediate danger. Runaways often account for the majority of missing children cases and warrant the full attention of law enforcement.

It has been reported that in the United Kingdom, 100,000 young people runaway annually and two thirds of them are not reported missing.¹⁶ Nearly one in 10 of them run repeatedly.¹⁷ In the U.S., it has been estimated that 45% of the 800,000 children who were reported missing in 1999 were runaways.¹⁸ In Canada, in 2009 there were 35,768 reports of runaways, accounting for 78% of all children reported missing that year -- runaway children consistently account for the majority of reports.¹⁹

Often children leave home to escape a volatile or abusive home life. They often end up on the streets becoming extremely vulnerable to sexual victimization, recruitment by pimps, engagement in begging, drug trafficking, drug abuse, theft, prostitution, or survival sex. One study in the UK

¹³ National Center for Missing & Exploited Children (NCMEC). Literature Review on Parental Abduction, page 4. Available at: http://www.missingkids.com/en_US/documents/parental_abd_review_literature.pdf. (last visited January 31, 2012; on file with the International Centre for Missing & Exploited Children).

¹⁴ Nancy Faulkner, Ph.D., *Parental Child Abduction is Child Abuse*, Presented to the United Nations Convention on Child Rights in Special Session, June 9, 1999, on behalf of P.A.R.E.N.T. and victims of parental child abduction. Also citing parental child abduction as a form of child abuse: Patricia Hoff, Legal Director for the Parental Abduction Training and Dissemination Project, American Bar Association on Children and the Law. Available at: <http://www.prevent-abuse-now.com/unreport.htm>. (last visited January 30, 2012; on file with the International Centre for Missing & Exploited Children).

¹⁵ Hague Abduction Convention, *supra* note 6.

¹⁶ The Children's Society, Make Children Safe Launch Report, page 6. Available at: http://www.childrensociety.org.uk/sites/default/files/tcs/make_runaways_safe_report.pdf (last visited January 24, 2012; on file with the International Centre for Missing & Exploited Children).

¹⁷ *Id.*

¹⁸ Andrea J. Sedlak, et al, *supra* note 7, page 7.

¹⁹ 2009 CPIC Missing Children Reference Report, *supra* note 10.

concluded that 25% of young runaways suffered some form of abuse while they were missing, 13% of them were physically hurt, and 8% were sexually assaulted.²⁰ Slightly more than half of the child sexual exploitation cases reported in Canada involved a young person who had at some time been reported missing.²¹

Investigating the underlying reasons that lead a child to run away may prevent repeat incidences, and thereby protect them from future abuse or exploitation. When the root causes are not resolved, the underlying issues may continue to worsen, pushing the child out of the home time and time again, making them increasingly more vulnerable.

It is critical that law enforcement, social workers, and other relevant agencies coordinate their efforts to register and investigate these cases as they would any other case of an endangered missing child and understand the dynamics that contribute to and motivate a child's flight from home so that they are not left unprotected.

Notwithstanding, the statistics in other countries around the world are either unreliable or not available. Missing children are often under-reported, particularly in countries where mistrust of law enforcement or unclear procedures for reporting a child as missing poses challenges to the families and guardians of children who go missing. Missing children are also under-recognized; definitions for what constitutes a "missing child" vary not only among countries, but also within national borders. Many countries lack the necessary resources to capture and compare this information, as many countries do not have a centralized registry system. But just one missing child is one child too many, and having comprehensive reporting and investigative policies and procedures in place is essential to the recovery of a missing child.

In an effort to contribute to a global consensus and to compiling best practices on responding to missing children, the International Centre for Missing and Exploited Children has assessed the existing structures of the seven Central American countries – to analyze the infrastructure of those countries in regards to missing and abducted children. This report, produced with the collaboration of UNICEF TACRO, is a result of that study aimed at contributing to the enhancement of the protection of children from going missing and/or being abducted in Central America.

²⁰ Parents & Abducted Children Together (2005), *Every Five Minutes - A Review of the Available Data on Missing Children in the UK*, 2005, page 62. Available at: <http://www.pact-online.org/images/stories/Documents/E5M.pdf> (last visited January 24, 2012; on file with the International Centre for Missing & Exploited Children).

²¹ 2009 CPIC Missing Children Report, *supra* note 10, page 8.

Methodology

In the initial phase of the study, a thorough questionnaire consisting of legislative and policy questions addressing the issue of missing and abducted children was developed. Each question was meant to elucidate the varied national approaches taken on the issue. The questionnaire drew on ICMEC's expertise as to the critical foundation for an appropriate response to said cases. The questionnaire used for this investigation can be found in Appendix I.²²

Following the design of the questionnaire, in-depth research on legislation, best practices, and policies related to missing and abducted children in the seven Central American countries was conducted. The methodology of the research phase consisted primarily of collecting open source data aimed at identifying trends and common themes concerning missing and abducted children in the region while highlighting possible gaps in addressing the issue. The initial research found limited information concerning missing and abducted children, especially in regards to formal publically available policies.

The second phase of the project consisted of field visits and outreach to all seven countries in Central America to assess country specific policies and practices concerning missing and abducted children in the region. Representatives from the Attorney General's Offices, federal and local law enforcement agencies, child advocacy units and other related government agencies, local NGOs, the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) and the Central American Court of Justice were visited to corroborate the research findings and to gather information not readily available on the Internet and through public databases, particularly those concerning internal practices and procedures.

The final phase consisted of information analysis, combined with further information collection from complementary sources, such as NGOs, universities, and others. The resulting completed report contains country-specific information – including current legislation, policies, and practices – along with a gap analysis and recommendations for developing or strengthening existing mechanisms concerning missing and abducted children in the region.

Definitions

Definitions for the specific terms used in the questionnaire can be found below. The term "child," for purposes of this report, is defined as "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier."²³

²² All questionnaires are on file with the International Centre for Missing & Exploited Children.

²³ U.N. Convention on the Rights of the Child, *supra* note 4.

Legislation specific to missing children

For the purposes of this report, all legislation related to the issue of missing and abducted children was examined, regardless of whether countries had legislation related specifically to the criminal aspect of the disappearance of children (kidnapping, abduction, etc.).

Definition of “missing child”

A “missing child” should be defined as any person under the age of 18 years whose whereabouts are unknown. A common definition of a “missing child” with clear categories facilitates coordination and communication across jurisdictions and ensures that policies and programs comprehensively address all aspects of missing children’s issues. Although all missing child cases should receive immediate attention, investigative procedures following the initial report may vary based on the case circumstances.

Some categories of “missing children” include, but are not limited to:

“Endangered Runaway”: any missing person younger than 18 years of age who is away from home without permission of his or her parent(s) or legal guardian.

“Family Abduction”: the taking, retention, or concealment of a child or children, younger than 18 years of age, 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.

“Nonfamily Abduction”: the coerced and unauthorized taking of a child younger than 18 years of age by someone other than a family member.

“Lost, Injured, or Otherwise Missing”: any missing person younger than 18 years of age where there are insufficient facts to determine the cause of the child’s disappearance.

“Abandoned or Unaccompanied Minor”: any person under 18 years of age, not accompanied by an adult legally responsible for him/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.

It is important to note that any categories established should focus on the child and the facts surrounding her/his disappearance, and not on the intent of the abduction (ransom, retribution, etc.), in order to ensure the child’s safety, well-being, and speedy recovery are the priority.

Immediate investigation of missing children cases

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/she becomes. The threat of exposure to high risk activities such as substance misuse, sexual exploitation, trafficking, prostitution, and even the risk of death, increases significantly the longer a child is missing. In countries where legislation specific to missing children does not exist, additional legislative sources which mandate the

immediate investigation of cases that involve missing children were also considered (e.g. criminal and civil codes).

Entry & exit requirements for children

Entry and exit requirements, for the purpose of this report, refer to any immigration requirements that regulate the control of entry and exit of children and/or require the previous authorization of the parents, tutors or legal guardians for entering or departing the country. This is crucial for the prevention of child abductions committed by a parent without the consent of the other parent, particularly given the high numbers of international marriages and increasing rates of divorce which may lead to parental abduction and child trafficking.

Internal policies for agencies working on missing children cases

Any agency working on missing children cases, either by investigating the case or by supporting the victim family, must establish internal policies which explain how to respond when information is provided about a missing child. Internal policies provide a coordinated response in order to recover the child quickly and safely. These policies can provide guidelines for resource allocation, so that resources are used efficiently and effectively.

National registry of missing children cases

Experience shows that registries that can be shared across jurisdictions and across institutions as well as across national and regional borders are extremely helpful in the investigation of missing children cases, particularly in situations where a child travels between jurisdictions. This is of the utmost importance as travel – both domestically and internationally – has become easier and more affordable.

Reporting mechanisms and child helplines

It is important for countries to have a public reporting mechanism in place for people to report sightings of a missing child. This can be done in multiple ways, through a free hotline number, a website, or directly to law enforcement. However, no matter what mechanisms are available, the public needs to be aware of them. The existence of a child abuse helpline may be a good foundation to build upon as countries seek to develop formalized reporting mechanisms for missing children cases.

Case management systems

Case management systems are an important part of any agency's work on missing children cases. The case management system should track key information such as how many cases are being investigated, who is in charge of the investigation, what investigative actions have been taken, and by which agency.

Public notification and missing child alerts

In some instances, where law enforcement is investigating a missing child case and determines that the child is at high risk of harm or possibly death, law enforcement can ask for assistance from the public through an emergency alert system. The emergency alert or notification system should

be implemented using specific criteria and methods relevant to the country's realities and particularities. Such alerts, when implemented properly, can help galvanize a whole community to look for the child thus providing invaluable assistance to law enforcement. Similar alert systems have proven to be successful in France, Greece, the Netherlands, and the United States, among others.

Formal agreements between agencies in charge of missing children cases

The protection of children requires a concerted and coordinated response from law enforcement, non-governmental organizations, industry, and the community. Formal agreements between agencies engaged in the protection of children and in the search for missing and abducted children should be aimed at ensuring a strong, coordinated response. Each partner should understand their roles and responsibilities in the system, thereby eliminating duplication of efforts and lost time. For the purposes of this project, committees, networks and/or groups mandated by legislation are considered to have a formal agreement in place.

Central America Background

As noted earlier, perhaps the greatest challenge in gaining insight into the issue of missing and abducted children in the Central American region is the obvious lack of available data. While concrete statistics are minimal, there is significant anecdotal evidence pointing to the fact that many children who are missing or abducted in the region become victims of labor or sex trafficking or illegal adoption rings.²⁴ From these experiences, it is widely accepted that missing children generally are at a higher level of vulnerability to becoming trafficked, sexually exploited, and/or subjected to violence.

Countries in Central America serve as source countries, transit countries, and destination countries for trafficking victims.²⁵ According to UNICEF, an estimated two million children are subjected to commercial sexual exploitation globally.²⁶ While the numbers in Central America are hard to estimate, research studies highlight that the trafficking of women and children is a recognized phenomenon in the region²⁷ and children principally are trafficked for sexual exploitation, particularly for sex tourism, child pornography, and commercial sexual exploitation, with occurrences of trafficking of children for illegal adoptions and for use as domestic servants and agricultural and mining laborers.

Several other factors significantly contribute to the region being a corridor for human trafficking both to the U.S. and within the region: widespread poverty; economic constraints due to lack of educational and job opportunities; negative impact of environmental disasters (i.e. the region is hit by hurricanes and floods seasonally); complicated and bureaucratic civil registries that hinder the issuance of formal migration documents; elevated levels of violence and conflict; gender discrimination and consequently increased occurrences of domestic violence; among others.²⁸

²⁴ Save the Children, "Desaparición, migración, tráfico de niñas, niños y adolescentes", in *Diagnóstico sobre la situación de niñas, niños y adolescentes en 21 países de América Latina*, 2003, page 7. [Disappearance, Migration, Trafficking in Children and Adolescents", in *Diagnostics of the Situation of Children and Adolescents in 21 Countries in Latin America*, 2003, page 7.] Henceforth referred to as "Save the Children: Diagnóstico 2003". Available at: <http://www.iin.oea.org/IIN/cad/sim/pdf/mod1/Texto%2011.pdf> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

²⁵ U.S. State Department, *2011 Trafficking in Persons Report*, June 2011, page 9. Henceforth referred to as "U.S. TIP Report 2011". Available at: <http://www.state.gov/documents/organization/164452.pdf> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

²⁶ *Id.*

²⁷ International Human Rights Law Institute, DePaul University College of Law, *In Modern Bondage: Sex Trafficking In The Americas - Central America, the Caribbean, and Brazil (Belize, Brazil, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, and Panama)*, 2005. Available at: http://www.childtrafficking.com/Docs/modern_bondage_oct07.pdf; Charles M. Goolsby, Jr. *Dynamics of Prostitution and Sex Trafficking from Latin America into the United States: Cultural background, dynamics of exploitation, sex trafficking, impacts upon the United States, recommendations for professionals*, 2003. Available at: http://www.childtrafficking.com/Docs/cul_bgound_latin_america_0108.pdf; The Protection Project, *Trafficking In Persons, Especially Women and Children in the Countries of the Americas: Regional Report on the Scope of the Problem and Governmental and Non-Governmental Responses*, 2002. Available at: http://www.childtrafficking.com/Docs/the_protection_project_2002.pdf. Covenant House/Casa Alianza, *Trafficking in Children in Latin America and the Caribbean*, Available at: http://www.childtrafficking.com/Docs/casa_alianza_trafficking_i.pdf (last visited October 5, 2011; all on file with the International Centre for Missing & Exploited Children).

²⁸ Katherine E. Bliss, *Trafficking in the Mesoamerican Corridor: A Threat to Regional and Human Security*, November 2009 (CSIS), page 7. Available at: http://csis.org/files/publication/091123_Bliss_Trafficking_Web.pdf (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

Central America's porous borders, despite the collaboration amongst countries belonging to the Central American Integration System²⁹ (SICA, in Spanish), has also added to the trafficking problem. Several interviewees pointed out the existence of "blind spots" in the region's borders and increased illegal migration across the region. An estimated 250,000 to 800,000 children from El Salvador, Guatemala, Honduras, and Nicaragua are said to live along the U.S.-Mexico border as illegal migrants, making it more difficult to estimate the exact number of children who could be victims of trafficking.³⁰

In addition, several of the countries of Central America are among the most violent in Latin America, according to the Global Peace Index of the Institute for Economics and Peace.³¹ Drug trafficking ranks as the top cause for the rising crime rates and violence levels in Central America and drug cartel wars contribute to the violence. A World Bank study – *Crime and Violence in Central America: a Development Challenge*³² – points out that crime and violence are now key development issues for Central American countries, with crime rates in three nations – El Salvador, Guatemala and Honduras – among the top five in Latin America, and with crime and violence levels seeing a steady rise in recent years in the remainder of the countries. With most homicide victims being young men between the ages of 15 and 34,³³ youth violence and gangs are a critical concern in Central America today, leaving children who run away from home or who are missing for unknown reasons extremely vulnerable to being recruited by the 'maras' (gangs) or to becoming victims of sexual exploitation and other types of violence. This poses a child protection challenge, while threatening the region's prosperity as countries face huge economic and human losses as a result of it, thus further aggravating the drivers of illegal migration.

Honduras, for instance, has seen an increase in execution-style killings of adolescents and children by unknown persons. In 2009, the government reported receiving 108 complaints of homicides of children between January and September of that year.³⁴ Child abuse is also a serious issue in the country, particularly in poor neighborhoods, which led the Honduran government to reactivate the Permanent Commission on Protection for the Physical and Moral Well-Being of Children (Comisión Permanente de Protección a la Integridad Física y Moral de la Niñez y la Adolescencia),

²⁹ Central American Integration System (SICA) seeks to create uniform border controls aimed at enhancing security on the borders of Central America in light of increasing migration levels. http://www.sica.int/index_en.aspx?ldm=2&ldmStyle=2 (last visited January 24, 2012).

³⁰ Save the Children, *Diagnóstico 2003*, *supra* note 24, page 65.

³¹ The countries that compose the "northern triangle" of Central America – El Salvador, Guatemala and Honduras – have some of the highest homicide levels in the region: 71 per 100,000 people in El Salvador, 67 per 100,000 people in Honduras, and 46 per 100,000 people in Guatemala (The Economist, *Organized Crime in Central America: The Rot Spreads*. Available at: <http://www.economist.com/node/17963313>). Guatemala is also considered the most violent country in Central America. Honduras is the second most violent country in Central America and the second most violent in Latin America as ranked by the Institute for Economics and Peace, *Global Peace Index Report 2011*. Available at: <http://www.visionofhumanity.org/wp-content/uploads/2011/05/2011-GPI-Results-Report-Final.pdf>. (last visited October 5, 2011; both on file with the International Centre for Missing & Exploited Children).

³² World Bank, *Crime and Violence in Central America, 2011*. Available at: <http://go.worldbank.org/1RCEYZSJM0> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

³³ *Id.*

³⁴ U.S. State Department, *2010 Country Reports on Human Rights Practices Report (Honduras)*, April 2010. Henceforth referred to as "U.S. DOS Human Rights Report 2010". Available at: <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154510.htm> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

coordinated by NGOs and government institutions, aimed at unifying and coordinating public and private efforts to combat child abuse.³⁵

Most Central American governments are already struggling to combat the high level of crimes and the drug traffic, particularly the “northern triangle” countries (El Salvador, Guatemala and Honduras). With a *per capita* income of around \$2,700 (less than a third that of Mexico),³⁶ those countries are among the poorest in the Americas and investments in child protection are insufficient as a result.

Central American countries also suffered from major civil wars that erupted in various countries in the late 1970s, the impact of which is still felt today. From the *Sandinista* Revolution to the Salvadoran and Guatemalan civil wars, the region was beleaguered by a series of dictatorships and conflicts that left an extraordinarily high number of displaced people and refugees. The UN High Commissioner for Refugees (UNHCR) estimates that over two million people were uprooted during the period of the uprisings.³⁷ Most of those people remained internally displaced or became undocumented migrants in other Central or North American countries. Over 500,000 Central Americans fled to the United States and many children were separated from their families in the process.³⁸

Good Initiatives

Despite the complicated scenario faced by the Central American region, some interesting initiatives are taking place concerning the protection of children. All countries in the region have ratified the *Convention on the Rights of the Child (CRC)*, and its two Optional Protocols: the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* (henceforth referred to as the “Optional Protocol”) and the *Optional Protocol on the Involvement of Children in Armed Conflict*. Likewise, all countries have ratified the *U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* and the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*.³⁹

In addition, even though human trafficking seems to be on the rise, there is now greater awareness in the region, and following the ratification of the international instruments described above, states are modifying their criminal codes. The Organization of American States (OAS) has carried out extensive training on “Strengthening Capacity of Law Enforcement Officials, Judges, and Prosecutors in Central America and the Caribbean to Identify and Combat Trafficking in Persons,

³⁵ *Id.*

³⁶ The Economist, *Organized Crime in Central America: The Rot Spreads*, *supra* note 31.

³⁷ U.N. High Commissioner for Refugees (UNHCR), Proxy wars in Africa, Asia and Central America, in: *The State of the World's Refugees 2000: Fifty Years of Humanitarian Action*, page 121. Available at: <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=3ebf9baf0&query=Central%20America%20war> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

³⁸ *Id.* at 124.

³⁹ For a visual representation of the dates of signature and ratification of the U.N. Convention on the Rights of the Child, please visit Appendix II of this report.

especially Women and Children.” On September 1, 2003, the International Criminal Police Organization (Interpol), the world's largest international police organization, opened a Sub-Regional Bureau in San Salvador, El Salvador in an effort to enhance regional police cooperation in Central America, and to support police in the entire region by providing improved communication and coordination for police investigations of cross-border crimes, which include – but are not limited to – drug and arms trafficking, money laundering, corruption, financial and high tech crime, trafficking in human beings, and child abduction.⁴⁰

To mitigate the woes encountered by the seven Central American countries in regards to high crime and violence, the Presidents of the seven countries, in addition to Mexico and Colombia, gathered in July 2011 for a conference in Guatemala City, Guatemala with the participation of the U.S. Secretary of State, Hillary Clinton. The focus of the conference was to discuss collaboration in security matters in the region. The group agreed upon a blueprint to fight and prevent crime and strengthen institutions that serves as an important foundation for regional success in this arena.⁴¹

The high turnover rate among government officials in the region is also being addressed through regional cooperative initiatives such as the *Consejo de Ministerios Públicos Centroamericano* (Central American Public Ministry Council), an institution established to create and strengthen the cooperation between the countries, “creating joint spaces for debate, reflection and struggle towards independence and strengthening of Public Ministries, as defenders of the general interests of society and the rule of law”.⁴² In addition, the Central American Court of Justice (*Corte Centroamericana de Justicia*) works to coordinate the justice system in the region, ensuring that the interpretation and execution of the sentences are the same in every country belonging to SICA.⁴³ The strengthening of judicial cooperation is particularly important in the context of transnational crimes such as trafficking and international abduction of children.

Regional Findings

Despite the ratification of several international instruments related to child protection, the targeted protection extended to missing children remains insufficient. With the exception of Guatemala, no country has legislation specific to this population. While all seven countries considered by the study had sentences in their criminal code related to abduction (*raptó*), kidnapping (*secuestro*), trafficking (*trata*) and sexual exploitation (*explotación sexual*), there are no legislative measures in place that make a distinction between abduction and a child running away from home, leaving this group of

⁴⁰ INTERPOL Opens New Regional Bureau in Central America. Available at: <http://www.interpol.int/News-and-media/News-media-releases/2003/PR025> (last visited October 5, 2011; on file with the International Centre for Missing and Exploited Children).

⁴¹ The Economist, *Rounding up the governments: Central America's leaders and their neighbours are at last starting to co-operate. But the mafias still lead the way in regional integration.* June 23, 2011. Available at: <http://www.economist.com/node/18867590> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

⁴² Consejo de Ministerios Públicos Centroamericano, Misión. [Central American Public Ministry Council, Mission.] Available at: http://www.consejodeministeriospublicoscentroamericano.com/index.php?option=com_content&view=article&id=111:mision-vision-y-objetivos&catid=36:acerca-de&Itemid=220 (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

⁴³ Corte Centroamericana de Justicia, Misión. [Central American Court of Justice, Mission.] Available at: <http://portal.cci.org.ni/CCJ2/Default.aspx?tabid=56> (last visited October 5, 2011).

children without legislative protection. In all countries in Central America, kidnapping of children is an aggravated offense, and in most cases, parental abduction is also criminalized. All in all, only a few countries have legislation mandating the immediate search for children or the creation of a database to record said cases. This is of particular concern with the region's unique necessity for inter-agency and inter-country coordination.

Each of the seven countries have enacted Childhood or Family Codes (*Código de la Niñez o Código de la Familia*),⁴⁴ and most of these Codes designate the responsibility of parents to protect children from harm, abuse and violence, as well as the responsibility of the government to ensure this protection is given. This demonstrates some legal precedence for state and parental responsibility in relation to child protection. In Nicaragua, for instance, legislation mandates that the *Juzgado de Infancia* (Child or Family Court, in the U.S.) monitors the well-being of all children and follows up on cases of abuse or neglect.⁴⁵ Unfortunately though, most courts' and government agencies' resources – both financial and human – are insufficient to meet the demand and to implement the Child Code. Thus, although there is legislation that protects children from being abandoned, the actual protection mechanisms to help prevent a child from going missing or being abandoned are minimal, as verified by the large numbers of children abandoned and low numbers of prosecuted parents.

As an example of the weak child protection systems in the region, there are many children living on the streets in Central America, and many of them have run away from home. In Costa Rica, 1,500 children are reported to be living on the streets,⁴⁶ where drug addiction and prostitution are significant concerns. According to research from the Education International Barometer of Human & Trade Union Rights in Education, 10% to 25% of street prostitutes in El Salvador are minors, while an estimated 40% of on-call prostitutes are believed to be minors.⁴⁷ In Honduras, thousands

⁴⁴ Childhood or Family Codes available in the region:

- Belize: Families and Children Act, Chapter 173 (revised on 2000);
- Costa Rica: Código de la Niñez y la Adolescencia. Ley N° 7739 (1998) [Code of Childhood and Adolescence. Law No. 7739 (1998)];
- El Salvador: Ley del Instituto Salvadoreño para el Desarrollo Integral de la Niñez y la Adolescencia. Decreto N° 482 (1993) [Salvadoran Institute for the Development of Childhood and Adolescence. Decree No. 482 (1993)]; Ley de Protección Integral de la Niñez y Adolescencia. Decreto 839 [Law on the Protection of Childhood and Adolescence. Decree 839] (ratified in 2009, in effect from 2010);
- Guatemala: Ley de Protección Integral de la Niñez y Adolescencia. Decreto N° 27 (2003) [Law on the Protection of Childhood and Adolescence. Decree No. 27 (2003)];
- Honduras: Código de la Niñez y de la Adolescencia. Decreto N° 73 (1996) [Code of Childhood and Adolescence. Decree No. 73 (1996)];
- Nicaragua: Código de la Niñez y la Adolescencia. Ley N° 287 (1998) [Code of Childhood and Adolescence. Law No. 287 (1998)];
- Panama: Código de la Familia. Ley N° 3 (1995) [Code of the Family. Law No. 3 (1995)].

⁴⁵ Código de la Niñez y la Adolescencia de Nicaragua. Ley No. 287, Art. 19 (1998). [Code of Childhood and Adolescence of Nicaragua, Law No. 287.] This article states that the Childhood Court must “provide special care for children and adolescents who are at risk, psychological risk, social or material in accordance with the provisions of Book II of this Code”. (on file with the International Centre for Missing & Exploited Children).

⁴⁶ Education International Barometer of Human & Trade Union Rights in Education – Costa Rica. Last updated on June 21, 2007. Available at: http://www.ei-ie.org/barometer/en/profiles_detail.php?country=costarica. (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

⁴⁷ Education International Barometer of Human & Trade Union Rights in Education – El Salvador. Last updated on June 21, 2007. Available at: http://www.ei-ie.org/barometer/en/profiles_detail.php?country=elsalvador. (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

of children live on the streets.⁴⁸ The U.S. Department of Labor estimated that 40% of children living on the streets in Honduras regularly engage in prostitution.⁴⁹ A group of 143 homeless Honduran children were interviewed and 100% of them reported having at least one sexually transmitted disease, while 48.1% had been sexually abused by a member of their family.⁵⁰ In Guatemala City, Guatemala one child every four days was abandoned between 2008-2009 alone, and the life expectancy of a child living in the streets there did not surpass four years.⁵¹

With very few exceptions – namely El Salvador and Belize – there are no policies guiding the response to missing children in the countries of the region. Having a clear understanding of each actors' roles and responsibilities not only helps parents in knowing what to do in case their child goes missing, and each actor to know exactly how to react, but also helps identify where further investments and/or changes are needed.

Some countries face more challenges than others. In Belize, only females are protected from abduction according to the legislation, placing boys in a heightened state of vulnerability.⁵² In Costa Rica, if the police have no reason to suspect an abduction and the missing child in question is above the age of 13, the government response is not immediate and in many instances the police wait for the child to return voluntarily, as “many children are running away to get married or to move away from a conservative home.”⁵³ In the majority of the countries in the region, children who run away from home are not considered to be in danger and in many cases families reported having to wait 48-72 hours before being able to report the child as missing.⁵⁴

Despite the gaps found in the overall response to missing and abducted children in the region, a laudable initiative offers a glimpse of hope. Initially funded by Save the Children Sweden, the *Missing Latin Americans* is an interactive computer database, which contains detailed information of missing persons from the countries of Latin America and the Caribbean. The website – www.latinoamericanosdesaparecidos.org (Missing Latin Americans, in Spanish) – is a result of an

⁴⁸ Casa Alianza. *Street children in Honduras: Honduras Country Profile*. Available at: <http://www.casa-alianza.org.uk/northsouth/CasaWeb.nsf/Street-Children/Honduras?OpenDocument> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

⁴⁹ U.S. Department of Labor, *Child Labor in Honduras*. Available at: <http://www.dol.gov/ILAB/media/reports/iclp/Advancing1/html/honduras.htm#872> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

⁵⁰ Consortium of Street Children, *Street Children Statistics*, June-August 2009, page 7. Available at: http://www.streetchildren.org.uk/uploads/resources/Street_Children_Stats_FINAL.pdf (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

⁵¹ *Id.*

⁵² Belize questionnaire response: “Criminal Code Section 56 of the Laws of Belize defines Abduction as an unmarried female less than 18 years of age” (on file with the International Centre for Missing & Exploited Children).

⁵³ Interview with the Assistant Prosecutor for Domestic Violence and Sexual Offences (*Fiscalía Adjunta de Violencia Doméstica y Delitos Sexuales*). June 23, 2011. Conducted by Katia Dantas, ICMEC.

⁵⁴ Interviews with parents of missing children and members of the Public Ministries in several countries. August 8-13, 2011. Conducted by Katia Dantas, ICMEC.

agreement signed between investigative agencies of several countries⁵⁵ aimed at locating and reunifying missing persons and their families in Latin America. Save the Children Sweden provided free resources and technological tools to the involved countries, with the requirement that they maintain current information on the website. Although initially focused only on children, the websites have expanded to include information on missing adults too.⁵⁶ Unfortunately, the lack of sustainable funding may jeopardize the future of this initiative. While the initiative is very useful, it does not negate the need for a national (or regional) missing child case management mechanism and national registry. The initiative works efficiently as a photo distribution system, but not all countries have a missing children registry/database.

Country-Specific Findings

Belize

Since its ratification of the CRC in early 1990, Belize has made significant improvements to its child protection systems. Belize has established a Family Court, a Family Services Division (FSD) of the Ministry of Human Development and Social Transformation, and a National Committee for Families and Children (NCFC).

Belize is a source, destination, and transit country for children trafficked for the purposes of commercial sexual exploitation. In particular, children are sexually exploited in what experts refer to as the “sugar daddy” phenomenon, where families motivated by extreme poverty and other factors have been known to push their school-aged daughters to provide sexual favors to wealthy older men in exchange for school fees, money, and gifts.⁵⁷

In addition, cases of domestic sexual abuse against children, committed by someone close to the child, are on the rise and often go unreported.⁵⁸ These cases are of particular concern as domestic child abuse is often a reason children run away from home.

Although Belize is a member of the *Missing Latin Americans Initiative* and has a Missing Persons Unit under the Belize Police, the country lacks clearly defined categories of missing children, particularly children who run away. Thus, Belize’s work on missing children focuses only on the criminal aspects (i.e. abduction and kidnapping) leaving many children unprotected, especially those who have run away or gone missing under unknown circumstances.

⁵⁵ Belize, Bolivia, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, and Puerto Rico are part of the *Missing Latin Americans Initiative*. Panama is the only country in Central America that is not part of the initiative.

⁵⁶ During the field visit in Belize, it was noted that using the tool was not easy as it was only available in Spanish.

⁵⁷ U.S. TIP Report 2011, *supra* note 25, page 88.

⁵⁸ International Labour Organization International Programme on the Elimination of Child Labour (ILO/IPEC). *The Commercial Sexual Exploitation of Children and Adolescents in Belize*, 2006, page 37. Henceforth referred to as ILO/IPEC (2006). Available at: http://white.oit.org.pe/ipec/documentos/csec_in_belize.pdf (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

Current legislative language also hinders proactive investigation of children that go missing. For example, the abduction statute only applies to female children while child stealing only applies to children under the age of 12. Such inconsistencies leave male children and adolescents under-protected.⁵⁹

There is also no legislation to prevent someone from removing a child from the country without the permission of the child's legal guardian(s) or parent(s). The absence of formal border regulations for the entry and exit of children and/or the requirement of parental consent to obtain travel documents not only poses significant challenges in the investigation of parental abduction cases, particularly given that Belize is a signatory to the Hague Convention on Child Abduction, but also leaves children far more vulnerable to international trafficking.

Furthermore, many child advocates stress that the existing legislation concerning parental abduction contains language that reflects subjective value judgments, generally negative, that designate people as possessions and conveys the perception of women and children as objects.⁶⁰

While the questionnaire responded to by the Belize Police did include parental abduction as a category of child abduction, the Criminal Code does not seem to expressly criminalize parental abduction, but does include a clause that says:

“Notwithstanding the general provisions of Title V with respect to mistake of law, a person is **not guilty** of stealing or of abduction of another person **by anything which he does in the belief that he is entitled by law as a parent, guardian, or by virtue of any other legal right**, to take or detain the other person for the purposes for which he takes or detains him (...) Provided that this rule shall not be construed to exempt a person from liability to punishment (a) on the plea that he did not know or believe, or had not the means of knowing that the age of the other person was under twelve or sixteen years, as the case may be; or (b) for stealing or abduction if he took or detained the other person for any immoral purpose.”⁶¹

This noted defense can be seen as providing justification for parental abductions, which as described earlier, may be considered as a form of child abuse.

⁵⁹ Response to the questionnaire from the Belize police pointed to the following crimes of abduction, under the Criminal Code Chapter 101 of the Laws of Belize:

- Criminal Code of Belize Article 55: defines “child stealing” as the abduction of a person of less than 12 years of age.
- Criminal Code of Belize Article 56: “abduction” protects unmarried females less than 18 years of age.

⁶⁰ The Criminal Code of Belize, Chapter 101, Article 76(2) (2000): “For the purposes of this section it is not necessary to prove that the person stolen had been taken from the care, charge or possession of any person if it be shown that some person other than the accused person was entitled to the control or possession of the person stolen”. (on file with the International Centre for Missing & Exploited Children).

⁶¹ *Id.* at Chapter 101, Art. 78(2).

Notwithstanding the absence of legislation concerning missing children, Belize's Missing Persons Unit has a thorough internal policy detailing how to respond to missing children's cases. This policy not only mandates the immediate search for missing children, but as stated in the questionnaire:

[T]here is no ground for the misconception that a person must be missing for 24 hours before our department can become involved. It is therefore vital that Police Officers receiving missing persons report more so that a missing child that their initial response is adequate as this response may actually determine whether the child is recovered and returned safely or worse yet, if found dead.... No other criminal investigation is as time sensitive as this type of case where the very life of the victim often may depend on the swift and effective mobilization of our investigative resources.⁶²

The Belize Police Department can be commended for having a formally drafted policy. However, in practice, implementation of this policy is sporadic and not fully communicated to the public. During informal interviews in-country, ICMEC was informed of several instances where a child went missing and families were told to wait 24 hours before filing a police report. Immediate response and investigation in practice is of critical importance.

The Belize Police Department also indicated in the questionnaire that they are the only agency engaged on missing children cases. However, it can be very useful for such agencies to join forces with local NGOs and the private sector to amplify the resources available to search for and recover missing and abducted children. This would be particularly helpful for countries such as Belize, whose police forces face high turnover rates and whose governmental resources are limited, thus making it more difficult to give missing children cases the necessary attention.

Costa Rica

There are no specific laws in Costa Rica concerning missing children, except for the criminalization of abduction and kidnapping.⁶³ But even though there are no laws mandating the immediate search for missing children, it is a generally accepted procedure. In addition, Costa Rica has access to a national database of missing children (through the Judicial Investigation Organization or *Organismo de Investigación Judicial* - OIJ in Spanish) and the database for Missing Latin Americans. During the field visit, OIJ stated that all missing children cases that they intake are entered into both databases.

Granted authorization by families, the OIJ's Press Office distributes and displays photos of missing children on television and in the printed press, as well as issues radio notifications. Not every case is disseminated to the public via media outlets, and the decision to publicize the photos is at the discretion of the police investigator in charge. Interviews with the OIJ indicated a lack of clear criteria for determining which cases would qualify for widespread public notification.

⁶² Missing Persons Unit Questionnaire; on file with the International Centre for Missing & Exploited Children. Sent on August 20, 2011.

⁶³ El Código Penal de Costa Rica, Art. 184 (2002). [Criminal Code of Costa Rica] establishes the crime of abduction of minors. (on file with the International Centre for Missing & Exploited Children).

It is important to note that while involving the public in the search for missing children (i.e. through photo dissemination) is recommended, agencies must establish standardized criteria under which case information and images may be released, in order to assist investigators in making the appropriate decision.

Although the term “child” is sufficiently defined in Costa Rica’s legislation,⁶⁴ there are no specific descriptions or definitions of a “missing child”, which has led to some misconceptions, especially concerning children who run away from home. Though statistically the majority of cases in the country refer to “fuga del hogar” (or runaways, in English), it seems to be generally believed that these cases are more a result of children rebelling against strict parents.

Interviews with the prosecutor for the Sex Crimes Court of the OIJ indicated discrepancies on the response procedures based on the child’s age. Specifically, the immediate search for missing children is only mandatory when the child is below the age of 12. Above that age, immediate investigations are only required if there are signs of foul play. A 72-hour waiting period is established otherwise. It appears that frequently runaways are not handled as missing cases, but it is not clear as to whether those cases refer only to adults or to children as well. From the interview with OIJ, it appears that there were several missing children cases where investigators failed to act immediately after the preliminary interview with the parents pointed to a “classic runaway case.” Though OIJ ensures that the investigation in these cases was eventually conducted, parents were instructed to carry out the preliminary investigation themselves – i.e., calling family and friends – and a formal search was initiated only if the child did not return voluntarily.

While it is understandable that OIJ’s resources are scarce and the demands are high, this practice leaves children who are missing without any immediate risk assessment, including investigating why they may have left home, even if seemingly voluntarily. This is particularly important considering the high levels of sexual abuse in the country, and the fact that Costa Rica is a source and destination country for sexual trafficking and child sex tourism.⁶⁵ The National Institute for Children (PANI), an autonomous body responsible for ensuring child welfare throughout the country, for instance, assisted 2,533 children and adolescents, including 3,330 cases of physical abuse, 769 cases of intra-family sexual abuse, and 537 cases of extra-familial sexual abuse⁶⁶ in 2009. Incest can be a push factor for why children leave home and may also be a precursor to sex trafficking and commercial sexual exploitation in the country.

OIJ did note the existence of an internal policy to guide the investigation of missing children, while admitting that the cooperation between different institutions and their roles in the process of locating missing and abducted children were unclear. The interviews showed that law enforcement

⁶⁴ El Código de la Niñez y la Adolescencia de Costa Rica, Art. 2 (1998). [Costa Rican Code of Childhood and Adolescence]. (on file with the International Centre for Missing & Exploited Children).

⁶⁵ U.S. TIP Report 2011, *supra* note 25, page 134.

⁶⁶ U.S. DOS Human Rights Report 2010 (Costa Rica), *supra* note 34, page 15.

did not receive specialized training related to missing children cases. The absence of delineated roles and responsibilities between institutions combined with the lack of specific training for police officers on missing children investigations further complicates investigative work.⁶⁷

Parental abduction is a crime in Costa Rica, punishable with imprisonment of six months to two years.⁶⁸ Interviews in the country revealed that the search for a child who has been abducted by a parent is immediate, to prevent the child from crossing the border and becoming an international abduction case. Additionally, Costa Rica has amended its Child and Adolescent Code to include more detailed language on the responsibility of the Directorate General of Immigration of the Ministry of Interior and Public Security in issuing permits for the exit of children from the country, and of PANI as the agency responsible for the welfare of children.⁶⁹ The Ministry of Governance has also established a written policy on the requirements for approving exit permits for children called “*Regulations for the Approval of Exit Permits for Children*”.⁷⁰ This policy offers detailed guidance on the requirements for issuing those permits, as well as the roles and duties of each organization in the country, while offering the definition of critical terms, such as *unaccompanied minors*, *separated children* (i.e., children separated by one or both parents), *refugee children*, and other terms that are essential for the proper implementation of these requirements.

El Salvador

El Salvador has made significant improvements to its child protection legislation as a whole. In March 2009, the country enacted a law for the comprehensive protection of childhood and adolescence (henceforth referred to as LEPINA Law, or *Ley de Protección Integral de Niños, Niñas y Adolescentes*). The legislation established a national comprehensive child protection system,⁷¹

⁶⁷ A clear example of this was described during the in-country interview; the case of a child who went missing in Costa Rica and was recovered deceased. The girl was reported as missing to OIJ and because there was no suspicion of foul play, the case was not immediately registered and/or investigated. Parents were told to do the preliminary search for her at friends' houses. By the time the case was formally investigated and sent to the Prosecutor of Sex Crimes (Fiscalía de Violencia Sexuales), even though there was no suspicion at the time that the child was a victim of sexual abuse, it was already too late. Formalities impeded the issuance of a search warrant in time to recover the child alive. Furthermore, the absence of a clear understanding of the roles and procedures of all involved parties on how to investigate the case led to lapses in the investigation delaying the recovery of the child. She was found buried at the neighbor's house, a convicted sex offender, who was not questioned at the time of her disappearance. The absence of a sex offender registry in the country also posed a challenge to narrowing down possible suspects.

⁶⁸ Criminal Code of Costa Rica, *supra* note 63.

⁶⁹ Costa Rican Code of Childhood and Adolescence, *supra* note 64, Art. 16.

⁷⁰ Reglamento para la Autorización de Permisos de Salida de la Persona Menor de Edad [Regulations for the Authorization of Exit Permits for Minors], enacted by President Laura Chinchilla on July 2011. Available at: <http://www.dhr.go.cr/foromig/documentos/Reglamento%20Personas%20Menores%20de%20Edad.pdf> (last visited January 31, 2012; on file with the International Centre for Missing & Exploited Children).

⁷¹ The system is composed of the National Childhood and Adolescence Council (Consejo Nacional de la Niñez y de la Adolescencia), Local Childhood and Adolescence Rights' Councils (Comités Locales de Derechos de la Niñez y de la Adolescencia), Childhood and Adolescence Protection Boards (Juntas de Protección de la Niñez y de la Adolescencia), Promotion and Assistance Associations (Asociaciones de Promoción y Asistencia), the Salvadoran Institute for the Integral Development of Childhood and Adolescence (Instituto Salvadoreño para el Desarrollo Integral de la Niñez y la Adolescencia, ISNA), the Judiciary (Órgano Judicial), the Attorney General's Office (Procuraduría General de la República), the Prosecutor for the Defense of the Human Rights (Procuraduría para la Defensa de los Derechos Humanos) and the members of the Shared Attention Network (Red de Atención Compartida).

that is, a coordinated set of organs, entities or institutions whose policies, plans and programs are aimed at ensuring children's welfare and the rights of the child.⁷²

However, while El Salvador has made significant efforts to improve protections for children from sexual exploitation, missing children are not afforded the same levels of protection. El Salvador does not have specific legislation regarding missing children; nevertheless, the LEPINA Law does mandate that the State seek the reunification of the families of children who go missing, for any reason.⁷³ Exit controls are also described in Article 44 of this Law, which establishes that children are allowed to travel with their parents, but in order to travel alone or to be accompanied by only one parent, exit permission must be granted by the Attorney General's Office.

The issue of missing children is not new to El Salvador. In fact, during their civil war, which took place from 1981 to 1992, over 75,000 people were killed and thousands went missing, including many children.⁷⁴ The Truth Commission, an inter-institutional commission mandated by the January 16, 1992 U.N.-brokered peace agreements that ended the war and created to elucidate the human rights violations committed during the civil war, saw the testimonials of several mothers who accused the Army of abducting their children during the conflict. While such child abductions took place all across the country, the majority of the cases were in the Chalatenango area. Some of the children – more than 20 of the 500 separated from their families during the conflict – are believed to have been adopted by the military. Others were victimized further as the military officers commercialized and sold the children internationally for adoption.⁷⁵

In January 2010, President Mauricio Funes created the National Commission for the Search for Disappeared Children (*Comisión Nacional de Búsqueda de Niños Desaparecidos en el Marco del Conflicto*) and designated March 29 as the "Day dedicated to the children who disappeared during the internal conflict" in El Salvador. The commission's goal is to bring forward and investigate the cases registered by the NGO Association for the Search for Missing Children (Pro-Búsqueda). Pro-Búsqueda has located 363 children separated from their families and is currently working with the National Commission on locating the other 508 separated children.⁷⁶ To support this initiative, the National Civil Police (PNC) is currently creating a Missing Persons Unit under the Investigation Unit of Special Crimes of the Central Investigations Division. The government has signaled a strong interest in locating missing children separated from their families by the conflict, but attention to children who go missing or are abducted in the current context must also be accounted for in both legislation and law enforcement policy.

⁷² Ley de Protección Integral de la Niñez y Adolescencia del Salvador (LEPINA), Decreto 839, Art. 103 (2009). [Law on the Protection of Childhood and Adolescence of El Salvador.] (on file with the International Centre for Missing & Exploited Children).

⁷³ El Salvador's LEPINA Law, *supra* note 72, Art. 79.

⁷⁴ Save the Children: Diagnóstico 2003, *supra* note 24, page 88.

⁷⁵ *Id.*

⁷⁶ Todanoticia.com, *Funes rinde homenaje a los niños salvadoreños desaparecidos en la guerra civil*. [Funes pays tribute to children missing in the Salvadoran civil war.] Available at: <http://www.todanoticia.com/24996/funes-rinde-homenaje-ninos-salvadorenos/>. (last visited January 24, 2012; on file with the International Centre for Missing & Exploited Children).

Despite the impending creation of a missing persons unit, El Salvador lacks a mechanism to gather information on missing persons, which makes coordination significantly more difficult. A centralized, standardized information system that allows for the compilation of statistical information would provide needed data for improved policies as well.

Missing children reports from various agencies are not currently consolidated, but the National Civil Police are developing an internal policy to guide investigative efforts, which includes the responsibility of several actors and the necessary steps for inter-institutional coordination to locate missing children. These actions along with El Salvador's participation in the Missing Latin Americans initiative represent crucial steps to protect children from abduction, particularly given the vulnerability of children in the region to being trafficked.

Guatemala

Guatemala demonstrated major improvements to child protection legislation and has made significant efforts to curb cases of missing and abducted children in the country. In particular, Guatemala has carried out significant legal reform to harmonize its legislation with the Optional Protocol on the Sale of Children (which Guatemala signed in 2000 and ratified in 2002). In 2003, Guatemala enacted its Comprehensive Child and Adolescent Protection Law⁷⁷ (henceforth referred to as the "PINA Law" – *Ley de Protección Integral de la Niñez y Adolescencia*) aimed at ensuring that child protection is enhanced and comprehensive. In 2007, Guatemala took the first steps towards protecting children from illegal adoptions, a widespread phenomenon in the country that has converted adoptions into a profitable industry⁷⁸, by enacting the Adoption Law (*La Ley de adopciones*) and creating the National Adoption Council in 2008. Also very important was the enactment of the Sexual Violence, Exploitation and Trafficking in Persons Law (*Ley contra la violencia sexual, explotación y trata de personas*) in 2009, followed by the creation of the Secretariat for Combating Sexual Violence and Trafficking in Persons (*Secretaría contra la Violencia Sexual y Trata de Personas*) in 2010 and the national policy on trafficking in persons and comprehensive protection for victims in the National Strategic Plan of Action of 2007-2017.

These are crucial steps, but unfortunately they are insufficient. A series of economic, social and political factors contribute to Guatemalan children remaining in a particularly high state of vulnerability. An estimated 51% of Guatemala's population live below the poverty line, thus 24.5% of boys and 11.7% of girls between the ages of 7 and 14 are economically active.⁷⁹ According to the Consortium for Street Children, the population of street children in Guatemala ranges between 1,500 and 5,000 children and continues to grow at an alarming rate.⁸⁰ Many of these children have

⁷⁷ Ley de Protección Integral de la Niñez y Adolescencia (PINA Law) de Guatemala, Decreta 27 (2003). [Law on the Protection of Childhood and Adolescence of Guatemala.] (on file with the International Centre for Missing & Exploited Children).

⁷⁸ Save the Children: Diagnóstico 2003, *supra* note 24, page 67.

⁷⁹ World Bank Group, *Data and Indicators by Country: Guatemala*. Available at: <http://data.worldbank.org/country/guatemala> (last visited October 5, 2011).

⁸⁰ Consortium for Street Children, *NGO Shadow Report for the United Nations Committee on the Rights of the Child 54th Session: Guatemala*, December 2009, page 3. Henceforth referred to as "Consortium for Street Children 2009". Available at: <http://www.crin.org/resources/infoDetail.asp?ID=22910&flag=legal> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

run away from home due to their family situations.⁸¹ Guatemala has also been consistently hit by natural disasters such as Hurricane Mitch in 1998 and Hurricane Stan in 2005, which devastated the country's rural areas directly affecting 205,769 people and destroying approximately 5,362 houses.⁸² It is estimated that 1,200 children were orphaned as a result of the 2005 hurricane.⁸³ Many of these children have joined the growing numbers of street children thus exponentially increasing the numbers of missing children separated from their families.

Furthermore, Guatemala was marked by a devastating conflict that lasted for more than 36 years. The armed conflict, which formally ended with the signing of the Peace Accords at the end of 1996, killed more than 150,000 people and displaced an estimated 100,000 people, many of whom sought refugee status in neighboring countries (namely Mexico, Belize and Honduras).⁸⁴ The numbers of missing children swelled during the conflict; according to the Superior Court of Justice of Guatemala, an estimated 200,000 children were orphaned and approximately 5,000 children were separated from their families.⁸⁵ The International Committee of the Red Cross (ICRC) has been actively working with the Guatemalan government on the reunification of this specific population.

Also of concern are reports of children who were abducted in Guatemala and sent to other countries, particularly to the U.S., to be adopted. Many of those children were reported as missing to the authorities in Guatemala, but still managed to be legally adopted by U.S. families who generally did not know that the families of these children were searching for them.⁸⁶ Following strong advocacy by UNICEF and organizations such as the Survivors Foundation (*Fundación Sobrevivientes*), Guatemala halted its international adoption processes and created the National Adoption Council⁸⁷ aimed at cross-referencing children placed for adoption with the country's newly created Missing Children Registry. Also as a result of the coordination between *Fundación Sobrevivientes*, UNICEF Guatemala and the local government, Guatemala enacted the Alba-Keneth Law (*Ley Alba-Keneth de Alerta Temprana*), to standardize the documentation, search, and location of missing children in the country.

⁸¹ *Id.* at 4.

⁸² *Id.* at 3.

⁸³ *Id.*

⁸⁴ Save the Children: Diagnóstico 2003, *supra* note 24, page 89.

⁸⁵ *Id.*

⁸⁶ CNN, *Guatemala judge orders American couple to return adopted girl*. Available at: http://articles.cnn.com/2011-08-05/world/guatemala.us.adoption_1.guatemalan-girl-child-care-birth-mother?_s=PM:WORLD; ABC News Dateline, *Kidnapped kids reunite with family in Guatemala*, January 2008. Available at: <http://insidedateline.msnbc.msn.com/news/2008/01/17/4374303-kidnapped-kids-reunite-with-family-in-guatemala>; ABC News, *U.S. Adoptions Fueled by Guatemalan Kidnappings*, May 2008. Available at: <http://abcnews.go.com/International/story?id=4787761&page=1> (last visited October 5, 2011; all on file with the International Centre for Missing & Exploited Children).

⁸⁷ Consejo Nacional de Adopciones de Guatemala. [Guatemalan National Adoption Council.] Available at: <http://www.cna.gob.gt/portal> (last visited January 25, 2012).

The Alba-Keneth Law, which creates a response system to deal with missing children in Guatemala, was enacted in 2010.⁸⁸ It is the first legislation in the region created specifically to address missing children issues and is a great example to be followed by others in the region. This legislation outlines the procedures and lists the organizations responsible for responding to missing children cases. It mandates that the response to a report of a missing child be coordinated by a set of five institutions, with specific functions assigned to each of them. Reports of missing or abducted children can be made by the parents of the child to any of the five member organizations, and all of the organizations must be equipped to receive such reports and are mandated to report to the Federal Attorney General's Office (*Procuraduría General de la Nación*) on actions taken within the first six hours of a child's disappearance. In the most severe cases, if the institutions have a quality photo of the child, an alert is issued in the news media and other venues by the President's Secretary of Social Communication. The five institutions included in the legislation as responsible for responding to missing children cases are:

1. Federal Attorney General's Office (*Procuraduría General de la Nación*);
2. National Civil Police (*Policia Nacional Civil, or PNC*);
3. General Directorate of Immigration (*Dirección General de Migración*);
4. Local Attorney General's Office (*Ministerio Público*); and
5. Secretary of Social Communication of the Presidency of the Republic (*Secretaria de Comunicación Social de la Presidencia de la República*).

The National Coordinator for the Alba-Keneth Alert carries out campaigns throughout the country for parents on the importance of having an updated, quality photo of their child and keeping record of their child's unique characteristics – in particular: current weight, height, any scars, blood type, etc. – which can be crucial in the event their child goes missing.⁸⁹ Since the creation of the Alba-Keneth Law, 170 children have been located out of the total 260 missing and abducted children's cases reported to the authorities from September 2010 to February 2011.⁹⁰

However, the Alba-Keneth Law does not specify a definition of a “missing child” nor any criteria by which to evaluate cases for active alert distribution. Also, though Article 12 requires the Attorney General's Office to maintain a record of missing children cases in the country, such a national registry has yet to be created. This may simply be a function of time, as the law was enacted in 2010 and the consolidation of the registries kept by the PNC and the Attorney General's Office may

⁸⁸ Decreto 28-2010, Ley del Sistema de Alerta Alba Keneth de Guatemala. [Decree 28-2010, Law of the Alba-Keneth Alert System of Guatemala.] (on file with the International Centre for Missing & Exploited Children).

⁸⁹ The following information is requested of parents when reporting a missing child: child's full name; child's age and date of birth; descriptions of the clothing the child was wearing at the time of his/her disappearance; details concerning the place the child was last seen; details on the disappearance of the child, such as time, date, what was the child doing, etc.; if available, information about the suspected abductor; names of the child's friends and other persons with whom the child has some level of relationship; activities the child carries out; places the child usually goes to or prefers; whether the child suffers from any health conditions; if the child has any specific birthmarks; and any other relevant information.

⁹⁰ Noticias de Guatemala, *Localizan 170 niños desaparecidos con el sistema de Alerta Alba-Keneth*. [News from Guatemala, 170 Missing Children Found with Alba-Keneth Alert System.] February 25, 2011. Available at: <http://noticias.com.gt/nacionales/20110225-localizan-170-ninos-desaparecidos-con-el-sistema-de-alerta-alba-keneth.html> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

be a lengthy process. Also, despite the creation of the legislation, there are still no internal policies to guide the response to missing children in the country. Internal policies combined with enhanced training would assist authorities with improving the efforts to locate missing children in Guatemala.

In regards to preventing international parental abduction specifically, Guatemala does have rules and regulations that prevent a child from leaving the country without the authorization of both parents. According to information provided during the site visit, authorization from the person exercising the parental authority or guardianship is needed for every child traveling out of Guatemala by him/herself or in the company of only one of his/her parents, except in certain situations, such as medical treatment abroad, in which case a judicial authorization is necessary.⁹¹ This authorization is given only in exceptional cases by the Childhood Court (*Juzgado de la Niñez*). The Directorate General of Immigration, an agency under the Ministry of Interior, performs all control operations. Nevertheless, some gaps do exist, as Guatemala's borders tend to be porous, thus still allowing the crossing of children and adolescents without authorization.⁹²

A particularly interesting aspect of Guatemala's legal framework is the inclusion of the duties of the child in the PINA Law stating that it is the child's duty to not leave his/her parent's or legal guardian's house without permission, unless his/her physical and mental health is at serious risk of suffering any harm,⁹³ rather than placing the burden of duty for the well-being of the child on the parents or legal guardians.

Honduras

Honduras has made some improvements to its child protection legislation. The country enacted the National Plan of Opportunities for Children and Adolescents in 2005, following criteria set forth by the U.N. report "A World Fit for Children" adopted by the General Assembly in 2002.⁹⁴ The government of Honduras also adopted the Child and Adolescent Code in 1996 and established an inter-institutional Commission against the Commercial Sexual Exploitation of Children and Adolescents in 2002. Nevertheless, harmonization of the national legislation with the provisions of the CRC and its optional protocols is still insufficient.

The Committee on the Rights of the Child, in its concluding observations to Honduras' third periodic report in 2007, expressed concern over the insufficient financial and human resources allocated to the Honduran Institute of Children and the Family (IHNFA), high levels of abuse, maltreatment, economic and sexual exploitation of children, as well as the growing number of

⁹¹ This information was provided by the Guatemalan point of contact for this research. September 14, 2011. The questionnaire is on file with the International Centre for Missing & Exploited Children.

⁹² *Id.*

⁹³ PINA Law, *supra* note 77, Article 62.

⁹⁴ U.N. Office of the High Commissioner for Human Rights (OHCHR) - Committee on the Rights of the Child, *Concluding Observations for Honduras' third periodic report*, prepared for CRC session 44, February 2007, page 3. Henceforth referred to as: "OHCHR Concluding Observations 2007". Available at: http://www.crin.org/docs/CO_Hond_44.pdf (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children); UNICEF Special Session on Children, outcome document "A World Fit for Children", 10 May 2002. Available at: http://www.unicef.org/specialsession/docs_new/documents/A-RES-S27-2E.pdf (last visited January 24, 2012; on file with the International Centre for Missing & Exploited Children).

children working and living in the streets.⁹⁵ Moreover, information on children (especially, vulnerable groups such as street children and indigenous children) was lacking due to the fact that the country still had no centralized data management system to monitor progress on the implementation of the Convention.⁹⁶

A series of economic, social and political factors contribute to Honduran children being particularly vulnerable to victimization as well. An estimated 20,000 children live in the streets in Honduras, out of which only 10,000 have access to shelters, while over 75% of children in the streets are homeless because of severe family problems, with an estimated 30% of them having been abandoned by their parents.⁹⁷ An estimated 60% of Honduras' population lives below the poverty line, and 13.3% of boys and 4.1% of girls between the ages of 7 and 14 are economically active.⁹⁸ Honduras has also been regularly plagued by natural disasters such as Hurricane Mitch in 1998, which was particularly disastrous, destroying approximately 60% of the country's infrastructure.⁹⁹ Over 20% of the population lost their houses¹⁰⁰ and 8,058 people went missing.¹⁰¹ Along with the already high poverty rates and the reduction in aid to the country, an upsurge in violence has significantly affected Honduras, leaving many children increasingly vulnerable to exploitation including trafficking and abduction.¹⁰²

Honduras is mainly a source and transit country for men, women, and children subjected to sex trafficking and forced labor.¹⁰³ Reports claim that Honduran victims are often recruited from rural areas with promises of employment and later subjected to forced prostitution in urban and tourist centers, both within the country and internationally, particularly in Guatemala, El Salvador, Mexico, Belize, and the United States.¹⁰⁴ In particular, sexual exploitation of children, especially girls, is a

⁹⁵ *Id.* at 3, 18 (OHCHR Concluding Observations 2007).

⁹⁶ *Id.* at 5.

⁹⁷ UNHCR, *Central America – Guatemala, El Salvador, Honduras, Nicaragua: Patterns of Human Rights Violations*. 2008, pages 27-28. Henceforth referred to as "UNHCR 2008 Central America Report". Available at: <http://www.unhcr.org/refworld/pdfid/48ad1eb72.pdf> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

⁹⁸ World Bank Group, *Data by Indicator*. Available at: <http://data.worldbank.org/indicator/SI.POV.NAHC> (last visited October 5, 2011).

⁹⁹ Save the Children: Diagnóstico, 2003, *supra* note 24, page 121.

¹⁰⁰ OHCHR Concluding Observations 2007, *supra* note 94, page 2.

¹⁰¹ Save the Children: Diagnóstico, 2003, *supra* note 24, page 121

¹⁰² The Guardian, *Manuel Zelaya's courageous homecoming: The return of Honduras's former president is a crucial challenge to the coup leaders to end their repression*, June 2011. Available at: <http://www.guardian.co.uk/commentisfree/cifamerica/2011/jun/01/honduras-hillaryclinton> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

¹⁰³ U.S. TIP Report 2011, *supra* note 25, page 181.

¹⁰⁴ U.S. TIP Report 2011, *supra* note 25, page 181; Save the Children: Diagnóstico 2003, *supra* note 24, page 68.

UNODC, *La Fractura del Ciclo del Delito en la Trata de Personas, Mediante la Reestructuración de la Conciencia hacia la Valoración y la Libertad del ser humano*, 2007, page 43. [Breaking the Cycle of Human Trafficking Crimes Through the Restructuring of Consciousness of the Value and Freedom of Humans.] Henceforth referred to as "UNODC 2007" Available at: <http://consejodeministeriospublicoscentroamericano.com/PDFS/DIAGNOSTICOS/PlanComunicaci%C3%B3nUNODC.pdf> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

serious problem in Honduras, and child prostitution and child sex tourism seem to be increasing.¹⁰⁵ According to Casa Alianza, more than 3,500 unaccompanied children leave Honduras every year, migrating to the U.S. in search of a better life,¹⁰⁶ facing high risk of sexual abuse and/or exploitation in the migration process.

Of particular concern is the anecdotal evidence of kidnapping rings operating in health centers throughout the country.¹⁰⁷ It is believed that health center professionals are involved in the kidnapping of children in their care and taking advantage of poor, illiterate mothers by falsely reporting that their babies died at birth.¹⁰⁸

Other reports point to an increase of missing children aged 13-14 who were later found in brothels in Guatemala, El Salvador, and Mexico.¹⁰⁹ Many of these children were apparent victims of sex trafficking.¹¹⁰ In response to these reports, the government established a hotline to receive reports of suspected crimes against children, but victims of child trafficking and sexual abuse were reluctant to come forward as a result of mistrust of the authorities and fear of reprisal.¹¹¹ Nevertheless, authorities reported receiving over 300 calls to the hotline within the first 48 hours of its operation in May 2009.¹¹²

The situation of missing and abducted children is grim. There is no legislation to protect children who go missing in the country, and there are no centralized databases for missing children reports. Records are kept by the different organizations working on missing children-related investigations, and controlled by the Attorney General's Office (*Ministerio Público*) and National Council of Social Welfare (*Junta Nacional de Bienestar Social*).

The country's legal framework does not define a "missing child" and only describes the criminal charges of abduction and kidnapping.¹¹³ While there is no legislation mandating the immediate search for children when they go missing, the Honduran Child and Adolescent Code mandates that any person, if aware of the abandonment of a child, must report the situation to the National Council of Social Welfare (*Junta Nacional de Bienestar Social*), the Attorney General's Office

¹⁰⁵ OHCHR Concluding Observations 2007, *supra* note 94, page 19.

¹⁰⁶ Casa Alianza webpage, available at: <http://www.casa-alianza.org/casas/honduras>. (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

¹⁰⁷ Save the Children: Diagnóstico 2003, *supra* note 24, page 68.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ U.S. TIP Report 2011, *supra* note 25, page 183.

¹¹² U.S. DOS Human Rights Report 2010, *supra* note 34, page 34.

¹¹³ El Código Penal de Honduras, Decreto 144-83 (1997). [The Honduran Criminal Code, Decree 144-83.] The Penal Code criminalizes the following acts related to missing children: Child Abduction (*Sustracción de Menores*), Art 197; Abduction (*Rapto*), Art 145; Kidnapping (*Secuestro*), Art 192; Illegal detention (*Detención Ilegal*), Art 193, Aggravating Circumstances of the Crime of Kidnapping and Illegal Detention (*Circunstancias Agravantes del delito de Secuestro y la Detención Ilegal*), Art. 194 and 194(A); and Trafficking (*Trata de Blancas*), Art. 149 and 149(A). (on file with the International Centre for Missing & Exploited Children).

(*Ministerio Público*), the Childhood Court (*Juzgado de la Niñez*), or to law enforcement.¹¹⁴ Likewise, social services, health, and education officials are mandated by law to report any child that is found abandoned in their respective institutions to the same authorities, described in Article 142, within 24 hours of their discovery.¹¹⁵

But, Honduras does regulate the movement of children across its borders. According to information provided during the field visit to Honduras,¹¹⁶ authorization by the person exercising parental authority or guardianship is required for every child traveling out of Honduras, which is established in Articles 101-106 of the Child and Adolescent Code (*Código de la Niñez y la Adolescencia*).¹¹⁷ The exit controls are also found in the Passport Law (*Ley de Pasaporte*) in its Article 06,¹¹⁸ which states that children can only obtain passports if both parents and/or all legal guardians/tutors jointly request the passport by bringing the birth certificate and a written agreement, which shall be included in the passport itself. The Migration and Foreign Affairs Law (*La Ley General de Migración y Extranjería*) also specifies in Article 85 the necessary requirements for a child to leave the country, with the necessary documentation.¹¹⁹ Nevertheless, research in this area demonstrated that implementation of these procedures is sporadic as Honduras lacks sufficient resources effectively guard its borders. Thus, the travel of children and adolescents without authorization still occurs regularly.

Nicaragua

Nicaragua has made some important improvements to its child protection legislation. In particular, amendments to the Nicaraguan Criminal Code, which entered into force in 2008 and included the criminalization of sexual violence crimes, child pornography, trafficking of children and commercial sexual exploitation, bring Nicaragua's legislation one step closer to harmonization with the CRC and its Optional Protocols. The country also enacted and amended critical legislation aimed at enhancing the protection of children, namely: reforms to the Labor Code concerning children in 2003; reforms to the Food Act of 2004; The General Education Act of 2004; reforms to the Adoption Act of 2007; and the Law of Responsible Parenthood of 2007. Nevertheless, harmonization of the country's legal framework with the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography is still necessary.

¹¹⁴ Código de la Niñez y la Adolescencia de Honduras, Art. 142 (1996). [Honduran Code of Childhood and Adolescence]. (on file with the International Centre for Missing & Exploited Children).

¹¹⁵ *Id.* at Art. 143.

¹¹⁶ Information provided by the Honduran point of contact for this research. July 2011. (on file with the International Centre for Missing & Exploited Children).

¹¹⁷ Honduran Code of Childhood and Adolescence, *supra* note 114, at Articles 101-106.

¹¹⁸ Ley de Pasaportes de Honduras, Decreto No. 124, Art. 06 (1971). [Passport Law of Honduras, Decree No. 124, Art. 06 (1971).] Available at: <http://www.honduraslegal.com/legislacion/legi110.htm>. (last visited January 31 2012; on file with the International Centre for Missing & Exploited Children).

¹¹⁹ Ley General de Migración y Extranjería de Honduras, Decreto 208, Art. 85 (2003). [The Migration and Foreign Affairs Law of Honduras, Decree 208.] Available at: www.ccichonduras.org/DGME/Exposicion-4.doc (last visited January 30 2012; on file with the International Centre for Missing & Exploited Children).

A unique series of economic, social, and political factors also contribute to the vulnerability of Nicaraguan children. According to statistics from the Ministry of Family (MIFAM), Nicaragua has an estimated population of 25,000 children in the streets.¹²⁰ As an estimated 46.2% of Nicaraguans live below the poverty line,¹²¹ the country is considered the third poorest in Latin America.¹²² Poverty among the population under age 5 equals 57.2%, while extreme poverty reached over 22%.¹²³ The same was true among the population aged 6 to 11 years.¹²⁴ Hurricane Mitch impacted Nicaragua in 1998, followed by several other natural disasters over the years. Hurricane Mitch alone killed 2,515 people while 885 people went missing, with over 150,000 children between the ages of 14 and 18 directly affected by the storm.¹²⁵

As child abuse can be a significant push factor for children who run away from home, it is important to note that violence against children is also a substantial problem in Nicaragua. The Centre for Prevention of Violence in Nicaragua reports that one in three girls and one in five boys were sexually abused in 2007.¹²⁶ According to a recent study on child abuse in Nicaragua, it was demonstrated that 90% of all cases were perpetrated by a person close to the child, namely fathers, step-fathers, brothers or boyfriends, and only 10% were carried out by strangers.¹²⁷ From January to September 2006, an estimated 1,322 cases of physical and sexual assault, statutory rape, and incest against minors were reported to the police, out of which 1,230 were children under the age of 13.¹²⁸ This is a significant increase when compared to 2005 statistics, when just 219 cases were reported for all of 2005.¹²⁹

High levels of migration also result in increased vulnerability of children to child trafficking and child sexual exploitation. An estimated 20,000 to 30,000 Nicaraguans migrate each year, mainly to Costa Rica and the United States.¹³⁰ Nicaragua is mainly a source and transit country for men, women, and children subjected to sex trafficking and forced labor. Nicaraguan children are victims

¹²⁰ Nicaraguan Federation of NGOs working with children and adolescents (CODENI). *IV Supplementary Report on the implementation of the Convention on the Rights of the Child - 2004-2007*, presented on March 2010, page 23. Henceforth referred to as "CODENI Report 2010". Available at: http://codeni.org.ni/files.cdoc/1272053783_CODENIs%2011%20SUPPLEMENTARY%REPORT%20CRC.doc (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

¹²¹ World Bank Group, *Data and Indicators by country: Nicaragua*. Available at: <http://data.worldbank.org/country/nicaragua>. (last visited October 5, 2011).

¹²² UNODC 2007, *supra* note 104.

¹²³ CODENI Report 2010, *supra* note 120, page 3.

¹²⁴ *Id.*

¹²⁵ Save the Children: Diagnóstico, 2003, *supra* note 24, pages 122, 123.

¹²⁶ UNHCR 2008 Central America Report, *supra* note 97, page 34.

¹²⁷ Economic Commission for Latin America and the Caribbean (ECLAC/UNICEF), *Child abuse: a painful reality behind closed doors*, July 2009, page 7. Available at: <http://www.eclac.org/dds/noticias/desafios/0/37890/Challenges9-cepal-unicef.pdf> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

¹²⁸ UNHCR 2008 Central America Report, *supra* note 97, page 40.

¹²⁹ *Id.*

¹³⁰ CODENI Report 2010, *supra* note 120, page 4.

of sex trafficking both within the country and in neighboring countries, particularly in Guatemala, Costa Rica, El Salvador, Honduras, Mexico, and the United States.¹³¹

Nicaragua also endured a long conflict that had a particularly devastating effect on its child population. An estimated 3,000 children were killed; 2,000 were severely wounded; over 200,000 were displaced; 11,549 children were kidnapped and over 25,000 children were orphaned in the conflict that ended in the early 1990s, according to a study carried out in 1996 in Nicaragua.¹³² Though the Nicaraguan government and civil society have attempted to provide some assistance to children affected by the conflict (e.g. The Program for the Victims of War),¹³³ little else has been done to reunite families separated by war. The same is true for any intent to reunite missing children with their families.

Currently there are no missing children laws in the country. As with the majority of countries in Central America, Nicaragua's legal framework only specifies criminal consequences for perpetrators of trafficking and parental child abduction, which are outlined in Articles 182 and 218 of the Criminal Code.¹³⁴ The Child and Adolescent Code of Nicaragua also establishes that it is illegal for a mother to "give" or "sell" her children to a third person, noted in Article 72.¹³⁵ One of the criticisms of the Committee on the Rights of the Child to Nicaragua is the fact that the sale and trafficking of children are criminalized within the same article, while those two charges should be considered separately.

While there is no legal definition of a "missing child", there is also no specific legislation governing law enforcement response. The only relevant Codes appear to be, the Organic Law of the National Police, No. 228, which requires all police officers to quickly intervene to prevent crime or to stop it from being concluded in general,¹³⁶ and the Child and Adolescent Code, which places the responsibility for the protection of children under the state's realm of responsibility.¹³⁷

In terms of travel regulations, Nicaragua has protocols aimed at preventing a child from leaving the country without the authorization of both parents. According to information obtained during the field visit,¹³⁸ authorization of the person exercising the parental authority or guardianship is mandatory for every child traveling out of Nicaragua. Exit control requirements are established by the Child

¹³¹ U.S. TIP Report 2011, *supra* note 25, page 276.

¹³² Save the Children: Diagnóstico 2003, *supra* note 24, page 90. More precise statistics were reported and accounted for 22,050 who were partially orphaned and 2,450 who were totally orphaned during the conflict.

¹³³ The Program for the Victims of War in Nicaragua offered compensation to people under 21 years of age who have lost one or both parents in the conflict.

¹³⁴ Código Penal de Nicaragua, Ley 641, Art. 182, 218 (2008). [Penal Code of Nicaragua, Law 641 (2008).] (on file with the International Centre for Missing & Exploited Children).

¹³⁵ Code of Childhood and Adolescence of Nicaragua, *supra* 45, Art. 72.

¹³⁶ Ley Orgánica de la Policía Nacional de Nicaragua, No. 228 (1996). [The Organic Law of the National Police of Nicaragua.] (on file with the International Centre for Missing & Exploited Children).

¹³⁷ Code of Childhood and Adolescence of Nicaragua, *supra* note 45.

¹³⁸ Information provided by the Nicaraguan point of contact for this research. August 12, 2011. (on file with the International Centre for Missing & Exploited Children).

and Adolescent Code (Código de la Niñez y la Adolescencia).¹³⁹ The country's immigration laws also prohibit children and adolescents from leaving the country without the permission of their parents or legal guardians. Nevertheless, interviews carried out in-country demonstrated challenges to regulating the validity of travel documents used for this purpose. For example, some anecdotal information mentioned instances in which notaries selling authorizations and/or the notarized authorization was issued without the appropriate legal basis (i.e. no authorization from the other parent; insufficient documentation, etc.). In addition, to potentially facilitating abduction, these practices can contribute to illegal international adoptions of children.

One central accomplishment for Nicaragua was the creation of a free child helpline, *Línea 133*,¹⁴⁰ established for public reporting of human trafficking. The line available 24 hours a day, seven days a week and is funded by MIFAM and coordinated by the NGO Child Helpline International. The project has experienced some funding constraints in recent years, which has limited the effectiveness of the helpline outside of the capital city of Managua. Also, it is suspected that instances of sexual abuse are under-reported by victims for several reasons, not the least of which is the mistrust of government and the fear of reprisal.

Even though there are laws in Nicaragua mandating that the government provide special attention to children and to expedite any actions involving their well-being, interviews with a prosecutor from the Nicaragua's Childhood Court (*Juzgado de la Niñez*) demonstrated that the implementation of these laws is not optimal. The prosecutor articulated that one of the reasons may be the lack of awareness of these tools, particularly by prosecutors. The prosecutor also indicated that in many instances, cases were not prosecuted to the full extent of the law because of failures by the prosecutors in presenting the case, as many prosecutors lacked the knowledge and training in regards to International conventions and other relevant codes.

Unfortunately there are no comprehensive and systematic mechanisms for data collection, analysis and monitoring of missing children's issues in Nicaragua. The country does not utilize any notification systems for the media and/or other agencies, besides law enforcement, working with missing children issues. As a result, parents often seek out support themselves directly from the media.

Panama

Child protection legislation in Panama has improved in some vital aspects. The General Adoption Act (Law 61/2008), which establishes safeguards for Panamanian children involved in international adoptions, was enacted in 2008, bringing Panama a step closer to the harmonization of its national law with the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption. Panama also created the Comprehensive Plan of Action for Early Childhood (*Plan de Atención Integral de la Primera Infancia – PAIPI*) in 2011; established an independent

¹³⁹ Code of Childhood and Adolescence of Nicaragua, *supra* note 45, Art. 29.

¹⁴⁰ The Línea 133 hotline number is 133. <http://www.iadb.org/campaign/llamayvive/country/Nicaragua.cfm> (on file with the International Centre for Missing & Exploited Children).

Child Rights Observatory in 2010; created the Advisory Council on Early Childhood in 2009, and the National Secretariat for Children, Adolescents and Family (SENNIAF) in 2009. Law 16 of 2004, which introduced amendments to the Criminal Code with regard to crimes against sexual integrity and freedom, is also a great example of the commitment of Panama to protecting children from exploitation.

Nevertheless, Panama still lags behind in some important legislative reforms aimed at creating comprehensive protection of children in the country. In particular, the Committee on the Rights of the Child recommended in October 2011 that necessary measures be taken to ensure the creation of a comprehensive law to protect children's rights (which has been in process in the Panamanian Congress since 2007) and the enhancement of the current national plans to promote and protect the rights of the child – in line with the CRC; as well as raising the minimum age of marriage for boys and girls.¹⁴¹

Panama is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor.¹⁴² Panama's weak border control, and its strategic geography, has significantly contributed to it becoming a transit point for irregular migrants from Latin America, East Africa, and Asia, some of whom become victims of human trafficking to the United States.¹⁴³

Data specifically related to the physical and sexual abuse of children is gathered by the Social Development Ministry (*Ministerio de Desarrollo Social*, MIDES). In 2009, MIDES received 1,781 calls reporting child abuse, 294 reports of abandonment, and 581 reports of neglect.¹⁴⁴ Unfortunately, there is little quantitative information about the magnitude of the issue of commercial sexual exploitation of children in Panama.¹⁴⁵

Currently there are no missing children laws in the country. There is no legal basis for the immediate investigation of a missing child case and local interviews with the police pointed to a standard of practice in which officers routinely wait 24 hours before registering a report and launching an investigation. Nevertheless, Article 594 of the Family Code¹⁴⁶ states that one of the functions of the Police of Minors is to protect the children that are abandoned, missing, dedicated

¹⁴¹ OHCHR - Committee on the Rights of the Child, *Concluding Observations for Panama's Consolidated Third and Fourth Periodic Reports*, prepared for CRC session 58th, October 2011. Available at: <http://www.crin.org/docs/CRC.C.PAN.CO.3-4.doc> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

¹⁴² U.S. TIP Report 2011, *supra* note 25, page 289.

¹⁴³ *Id.*

¹⁴⁴ U.S. DOS Human Rights Report 2010 (Panama), *supra* note 34, page 20.

¹⁴⁵ UNICEF. *Prevention of Commercial Sexual Exploitation of Children and Adolescents: Contributing to a Sustainable Tourism in Central America*, 2005, page 41. Available at: http://www.unicef.org/lac/Prevencion_de_la_ESC_ing.pdf (last visited on October 5, 2011; on file with the International Centre for Missing & Exploited Children).

¹⁴⁶ Código de la Familia de Panamá, Ley No. 3, Libro 3, Capítulo III, Art. 594, Parte 4 (1994). [Family Code of Panama, Law No. 3 (May 17 1994), Book 3, Article 594, Part 4: Establishes that one of the functions of the Police of Minors is to protect the children that are abandoned, missing, dedicated or used for deceptive practices, that are victims of maltreatment or that are in any situation of social risk listed in this Code. (on file with the International Centre for Missing & Exploited Children).

or used for deceptive practices. Despite this mandate, only the criminal repercussions for perpetrators are present in the country's legal framework.¹⁴⁷

Panama does have rules and regulations aimed at preventing a child from leaving the country without parental authorization. According to the passport control office (*Dirección Nacional de Pasaporte*), children can only obtain a passport when both parents are present and provide the child's birth certificate, as well as both parents' IDs and/or IDs of any adults responsible for the child. If one of the parents is unable to be present at the office, notarized documentation of permission can be enclosed in the application for the passport.¹⁴⁸ Some anecdotal evidence provided in interviews indicated there is no consistent enforcement of the parental authorization requirement and that the notarized documents granting permission are easily falsified (e.g. purchased through notaries), despite the existence of a criminal statute penalizing such action by three to five years of imprisonment. The same sentence may apply to anyone who knowingly transfers a minor to an unauthorized person who is not their parent.

Unfortunately, no agency in Panama maintains a comprehensive and systematic mechanism for data collection, analysis, and monitoring issues concerning missing children. However, in 2009 Panama did establish an emergency hotline for children (*Tu Línea 147*).¹⁴⁹ Unfortunately, the hotline does not work 24 hours a day, which limits the accessibility of this service for victims. The country also does not utilize any media-based notification systems nor is there any collaboration

¹⁴⁷ Código Penal de Panamá (2007). [Penal Code of Panama.] (on file with the International Centre for Missing & Exploited Children). The following articles may be applied:

- **Art. 147:** Anyone that unlawfully deprives a person of their liberty shall be punished with one to three years imprisonment or the equivalent in daily fines or weekend arrests. If the crime was performed by a public servant abusing their authority the penalty shall be two to four years.
- **Art. 148:** States that a perpetrator that kidnaps a person to obtain from him or another as the price of freedom, money, goods, information, documents with legal effect, by act or omission, or another benefit for themselves or a third person but not actually achieve the ransomed price, shall be punished with 10-15 years imprisonment. The penalty will be increased by one third when the victim is (among other things) a minor or if the person exploiting the victims trust is a close relative.
- **Art. 201:** As an addition to Art. 200, if the child or adolescent is given away through illegal actions, the punishment will be from 3 – 6 years imprisonment.
- **Art. 202:** The person who sells, offers, gives away, transfers or accepts a child or adolescent as an exchange for remuneration, payment, or reward, will be punished by 5 – 10 years imprisonment. The same punishment will apply to anyone if these actions are executed with the purpose of illegal adoption. If the purpose is related to sexual exploitation, organs extraction, forced work or slavery, the punishment will be increased a third – half the maximum.
- **Art. 203:** Anyone who moves, transfers, or retains a minor with illicit methods such as kidnapping by force or with fraudulent or coerced consent for the giving or receiving of illegal payments or benefits with the ends of obtaining the consent of the parents, the person or the institution in charge of the minor, shall be sentenced to 8 – 10 years imprisonment.
- **Art. 248:** States that anyone who personally or through an intermediary deposits, receives, transfers or converts monies, bonds securities, properties, or other financial resources, providing activities (among others) such as kidnapping and human trafficking shall receive 5-12 years in prison.
- **Art. 146:** It is illegal to abandon a child under 12 years old when the child is under your responsibility and care. Perpetrators of this crime will go into prison for 1 up to 2 years. If the abandonment of the child represents a risk for the security or health of the child, the punishment will be 4 to 6 years imprisonment. If the conditions of the abandonment cause serious harm to the child the penalty will be 6-8 years. If the abandonment causes death the penalty is 8-12 years.
- **Art. 212:** Abduction of Minors: the close relative that retains a minor under 12 years old or a disabled person, from his/her parents, tutors, or person responsible of his/her protection, care and upbringing, or the one who retains him/her against the will of the person who has the legal parental rights, will be punished by 6 months - 2 years imprisonment.

¹⁴⁸ National Government Republic of Panama. Available at: http://www.panamatramita.gob.pa/tramite_req.php?id_tram=29. (last visited on October 5, 2011.)

¹⁴⁹ Ministerio de Desarrollo Social, MIDES. [Ministry of Social Development]. Available at: http://www.mides.gob.pa/?page_id=341.

between agencies working with missing children issues. Like in several of the preceding countries, Panamanian parents generally seek publicity directly from media outlets.

Countries' Legislative Review

Country	Is there legislation specific to missing children?	Does legislation define what is a <i>missing child</i> ?	Are there laws requiring missing child cases to be immediately investigated?	Are there entry and exit requirements for children?	Are there internal policies in place to guide the response to missing children?	Is there a national registry of reported missing child cases?	Are there reporting mechanisms to report a missing child / provide tips?	Are there any missing children case management systems in place?	Does a rapid notification system to the public exist?	Are there formal agreements between agencies working missing children cases?
Belize	✗	✗	✗ ¹⁵⁰	✗	✓	✗	✗	✗	✗	✗ ¹⁵¹
Costa Rica	✗	✗	✗	✓	✓	✓	✗	✗	✗	✗ ¹⁵²
El Salvador	✗	✗	✓ ¹⁵³	✓	✗ ¹⁵⁴	✗	✗	✗	✗	✗ ¹⁵⁵
Guatemala	✓	✗	✓ ¹⁵⁶	✓ ¹⁵⁷	✗	✗ ¹⁵⁸	✓	✗ ¹⁵⁹	✓	✓
Honduras	✗	✗	✗	✓ ¹⁶⁰	✗	✗	✗	✗	✗	✗
Nicaragua	✗	✗	✓	✓	✗	✗	✗	✗	✗	✗
Panama	✗	✗	✗	✓	✗	✗	✗	✗	✗	✗

✗ = No
✓ = Yes

¹⁵⁰ 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.

¹⁵¹ According to the questionnaire response from the Belize Police Department, the Police are the primary agency responsible for missing children's cases and there are no other agencies working these cases.

¹⁵² Interview with the OIJ revealed that there is coordination between agencies, but that internal policies do not include specific instructions for said coordination.

¹⁵³ 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.

¹⁵⁴ Although there are no policies in place, El Salvador is in the process of creating a Missing Persons Unit, and an internal policy is being drafted.

¹⁵⁵ *Id.* The policy being drafted by the National Civil Police mentions the collaboration between several agencies. (on file with the International Centre for Missing & Exploited Children).

¹⁵⁶ *Id.*

¹⁵⁷ 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.

¹⁵⁸ 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.

¹⁵⁹ *Id.*

¹⁶⁰ 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.

Recommendations

Good Practices

In an effort to facilitate more efficient investigation, management, and resolution of cases of missing children, it is critical that countries implement a basic child protection infrastructure, which includes (but is not limited to):

1) *National legislation with a definition of the term “missing child”.*

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 response. As such, it is critical that countries implement national policy to delineate what types of cases will be investigated. Sample categories include:

- **Family Abductions;**
- **Non-Family Abductions;**
- **Endangered Runaways;**
- **Lost, Injured, or Otherwise Missing; and**
- **Abandoned and Unaccompanied Minors.**

*This list is in no way exhaustive, and should be developed to respond to local needs and context.*¹⁶¹

2) *A Reporting Mechanism.*

A reporting mechanism, such as a telephone hotline, to enable the public to provide tips and other information on missing children cases, as well as awareness campaigns that highlight the importance of the public support to investigations of missing children. Long-term sustainability should be considered from the inception. Public-private partnerships may provide access to technology and other resources to support the reporting mechanism, whether it is a hotline or web page. It is paramount that the reporting mechanism is available nationwide 24 hours a day, 7 days a week and that it is free of charge. The reporting mechanism must be child-friendly so that children are able to use the service if needed. To ensure that calls are answered promptly and addressed effectively, it is important that the operational staff be properly trained to assist in any scenario they may encounter.

3) *Immediate investigation of missing children’s cases.*

Time is of the essence when a child is reported missing, thus it is important that responses be coordinated and well-planned so that the first hours are used efficiently. In a study conducted in the U.S., it was found that in the 735 cases analyzed of missing child homicides, 76.2% of the children who died were murdered within the first 3 hours of going missing.¹⁶² In this context, it is crucial that

¹⁶¹ For suggested definitions, see page 12 of this report.

¹⁶² A study conducted by the Washington State Attorney General’s Office, “Case Management for Missing Children Homicide Investigation 2006”, pages 7, 13. Available at:

the report of a missing child be taken immediately, with no waiting period between the intake of the report and the investigation of the case, which should also start immediately.

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, as well as dual signature and physical presence requirements at the time of application for a minor's passport. In addition, 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) *A 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 jurisdictions. This is of the utmost importance as travel – both domestically and internationally – has become easier and more affordable. For that reason, it is highly advisable that countries institute national registries that can be shared across jurisdictions and across institutions.

6) *A case management system to organize and record case information.*

Case management systems are an important part of any agency's work on missing children cases. The case management system should track key information such as how many cases are being investigated, who is in charge of the investigation, what investigative actions have been taken, and by which agency. It is also particularly important that essential information related to the investigation be available to different units/agencies, to ensure every person working on the case has access to the same information. For that reason, it is paramount that countries have an adequate case management system containing as much information about the case as possible and that staff receives proper training on how to enter information and work with the system. Ideally, this case management system could also include DNA information of missing children and their family for cross-reference in cases where visual identification of the child is not possible, and should include any other forms of identification of undocumented/unidentified children in orphanages, shelters, day care centers, morgues and other relevant agencies.

7) *Photo distribution system.*

A photo distribution system to facilitate wide dissemination to the public of the child's photograph to seek their assistance in locating the missing child;

[http://www.atg.wa.gov/uploadedFiles/Another/Supporting_Law_Enforcement/Homicide_Investigation_Tracking_System_\(HITS\)/Child_Abduction_Murder_Research/CMIIIPDF.pdf](http://www.atg.wa.gov/uploadedFiles/Another/Supporting_Law_Enforcement/Homicide_Investigation_Tracking_System_(HITS)/Child_Abduction_Murder_Research/CMIIIPDF.pdf). (last visited January 24, 2012; on file with the International Centre for Missing & Exploited Children).

8) *Any agency (law enforcement or non-governmental organization) that accepts missing children reports should have policies in place outlining their response and investigative procedures and training essential personnel.*

These include, but are not limited to:

- How to intake a report of a missing child;
- How to interview family, friends, and witnesses;
- What resources are needed to search for the missing child;
- How and when to activate response protocols; and
- How to work with media.

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 always launch an investigation immediately. It is vital that investigators be trained on how to investigate a report of a missing child, what to look for, what questions they should ask of parents, neighbors and friends in order to effectively assess the level of risk to the child involved.

9) *Formal, operation-focused agreements between agencies involved in missing children investigations and in child protection.*

The 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 to the issue is available. These agreements should also include government and non-government agencies that are working with children and/or advocating for children's rights; and

10) *Community engagement programs to educate the public on a variety of missing children issues.*

Parents/guardians should be encouraged to report a child missing as quickly as possible and not assume the child will come home on their own. Parents should be advised to maintain up-to-date information and identification of their children, including photographs, medical and dental records, and government issued documents, which can be provided to the investigative agency in the first few hours of a child going missing. Parents should be informed of law enforcement responsibilities for response and investigation. Law enforcement engagement with the community is key to the success of community programs. For example, in many countries law enforcement officers give prevention presentations to local school children and may also provide child ID kits, including a recent photo, fingerprints, and possibly a DNA sample. Other campaigns include the mobilization of churches and temples in the prevention campaigns, as well as in the physical search for a missing child.

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 are within the NGO community, and in what ways NGOs can

collaborate with law enforcement (such as receiving leads from the public, distributing photographs of missing children, or educating the public on the issue).

Once these basic components are in place, a region or country may consider implementing a rapid alert program for the most severe cases of missing and abducted children. In the U.S., the AMBER Alert Program,¹⁶³ named after abducted and murdered 9-year-old Amber Hagerman, is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies, and others that work together to activate urgent bulletins in the most serious child abduction cases. The goal of an AMBER Alert 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. These Alerts are only issued in 1% of missing children cases in the U.S. and only in cases where law enforcement has reason to believe a child 17 years old or younger has been abducted or is in imminent danger of serious bodily injury or death (and has a sufficient description of the child or suspected abductor for them to be recognized by the public). Since 1997, the AMBER Alert Program has been credited with the safe recovery of 540 children. It is important to highlight that without a proper system in place, as outlined above, the alert is insufficient to address the issue. So before considering the creation of a rapid alert system in a country or region, it is paramount that a comprehensive response is put in place.

The use of technology, such as DNA testing, is also very useful in helping to solve these types of cases. Long-term missing children cases or "cold cases" are often the hardest to solve as new evidence is difficult to find and witnesses' testimony may become less reliable as time passes. This technology may also assist families in getting closure and/or reuniting families.

11) Prevention Framework.

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

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

- ❖ A Public Awareness Campaign to promote increased awareness in the community and inform them of available services and resources;
- ❖ Training for border officers and other law enforcement on the indicators for possible abduction or trafficking victims, perpetrators, etc.; and
- ❖ Judicial mechanisms/tools such as custody orders, protection orders, and passport possession by the court.

Public awareness campaigns inform adults and children of potential risks through the development of targeted safety materials such as poster campaigns, reading materials, and educational games. It is beneficial if private industry, nongovernmental organizations and law enforcement work

¹⁶³ U.S. Amber Alert Program. <http://www.amberalert.gov/>.

together to provide a consistent prevention message to the community. These materials should provide tips for parents and children on how to stay safe and avoid harm, including basic safety practices such as not opening the door for strangers, giving out personal information on the telephone or Internet, approaching vehicles along the street, or accepting gifts from strangers. 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, fingerprinting records and DNA samples may also be collected. Parents should help their children to memorize their full name and home address, the parents' full name 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.

Regional Recommendations

The Missing Latin Americans Initiative is a laudable initiative; however it does not negate the need for further protection mechanisms for children in the region. Most countries in Central America do not have a national, consolidated database for crimes against children, and particularly, for missing and abducted children's cases. Moreover, very few countries have specific legislation or policies related to the issue. Regardless, government agencies should have internal policies to guide their efforts and implement training on the latest investigative techniques.

Creating comprehensive legislation on missing children is highly recommended. Legislation should mandate the immediate investigation of missing children cases and include: a definition of the term "missing child". In addition, it is highly recommended that national policy include specific investigative protocols (to include exit interviews with recovered children to better understand the reasons for their disappearance); the description of the categories of missing and abducted children; the establishment of formal collaboration agreements aimed at coordinating the response to missing children cases including the roles and responsibilities of each institution; the establishment of a hotline for the public to report missing children cases and/or sightings; the establishment of a community-wide or nationwide emergency alert to inform the public of the most serious cases; and other relevant information as needed.

Investigative efficiency and effectiveness, as well as regional coordination, will increase with the installation of a country-level database of missing and abducted children cases, as well as child trafficking cases. Regional coordination is particularly important in Central America, given the high levels of migration – both legal and illegal – throughout the region. The basic frameworks outlined in the previous section form a solid foundation for coordination with existing regional initiatives, such as the Central American Commission of Migration Directors (*Comisión Centroamericana de Directores de Migración, OCAM*), an initiative housed under the Central American Integration System's (SICA). Incorporating missing, abducted and/or trafficked children policies under OCAM may further enhance border controls to prevent unaccompanied minors from crossing without

proper authorization. In addition, the establishment of regional alerts increases the reach of localized initiatives and further enhances the protection of children in the region.

Given the establishment of the INTERPOL office in the region, it is highly advisable that countries work closely with this agency in particular, to register cases of missing and abducted children and to request dissemination of Yellow Notices.¹⁶⁴ However, coordination between regional or international agencies is no substitute for country-specific databases and protocols.

It is also important to stimulate public-private alliances in the region. Partnerships between government, local, national and international law enforcement agencies, civil society and the private sector, may provide a mechanism for alerting authorities of ongoing investigations; facilitate data exchange; address cross border issues; disrupt the movement of criminals; and improve the ability to locate missing and wanted persons. Aside from providing funding, the private sector can be vital in the development of innovative solutions.

ICMEC's Global Missing Children's Network (GMCN) is an example of international public-private collaboration, which provides countries with a useful resource as they develop a successful missing children's response. The GMCN is a free multi-lingual resource for law enforcement and NGOs that serves not only to display and distribute images of and information about missing children to the public through the use of the Internet, but also as a mechanism for best practices and information sharing. To date, 19 countries participate in the GMCN and many others collaborate by sharing best practices and models.¹⁶⁵

A key component to the success of ICMEC and its sister organization the National Center for Missing & Exploited Children (NCMEC) in protecting children from abduction and exploitation lies in our active engagement with civil society, the community, and the public sector. Citizens not only volunteer their time and efforts, but promptly respond by reporting sexual abuse and providing information related to missing children.

Building on effective public-private alliances, Central American governments would be able to maximize their resources and enhance child protection through innovative programs. The countries of the region could innovate through cloud systems and mobile technology solutions to build more reliable information systems that are less likely to be affected by natural disasters.

¹⁶⁴ A Yellow Notice is an alert that is circulated internationally through INTERPOL member countries to help locate missing persons. <http://www.interpol.int/INTERPOL-expertise/Notices> (last visited on January 30, 2012; on file with International Centre for Missing & Exploited Children).

¹⁶⁵ Albania, Argentina, Australia, Belgium, Brazil, Canada, Ireland, Italy, Germany, Greece, Mexico, the Netherlands, New Zealand, Romania, South Africa, South Korea, Spain, the United Kingdom, and the United States.

Country-Specific Recommendations

Belize

Although Belize is one of the few countries to have an internal policy on missing children investigations, current legislation is inconsistent. The legislation is highly gender-biased as abduction and child stealing laws do not fully account for the victimization of boys and young men, in addition to regularly referring to women and children as objects. It is highly advisable that legislation be harmonized with international standards and improved to avoid gender bias and subjective value judgments.

In addition, it would greatly benefit law enforcement to involve other support actors and entities in the search for missing children, for example, social workers, family support units, NGOs, teachers, among others. An agreement among the different partners, in particular immigration and border control officials, as well as the institutionalization of best practices in the search for missing and abducted children, are crucial to ensure the prompt recovery of missing children.

It is also important to include a specific provision in their investigative protocols, mandating that exit interviews be conducted with children who run away once they are located. These interviews are critical to help determine the reasons the child ran away. Moreover, this type of systematic information gathering is critical for determining future courses of action and policies aimed at preventing future abductions/disappearances.

As mentioned earlier, legislation that ensures that a child is not removed from the country without the permission of his or her legal guardian or parent is vital. The current absence of a formal requirement under Belize's legislation not only poses significant challenges to parental abduction investigations (particularly considering that Belize is signatory to the Hague Convention on Child Abduction), but also leaves children far more vulnerable to international trafficking. Thus, amendment of the Family Code and or immigration policies is essential.

Although there are community engagement programs in the country for empowering girls against sexual exploitation, at present there appear to be no educational campaigns to help children protect themselves from abduction. It is worthwhile for non-governmental partners in the country to assist with this function – such as through further support of the Youth Engagement Services (YES) NGO. Awareness campaigns through schools and community centers are also recommended.

Costa Rica

Despite the latest efforts to amend the criminal charge of child sexual exploitation, some of Costa Rica's laws still contain outdated language that exhibits negative value judgments of the victim. For example, Article 164 of the Costa Rican Criminal Code – *Improper Abduction*¹⁶⁶ – states that those who abduct, for libidinous purposes, an *honest woman* between the ages of 12 and 15 years with her consent, shall be punished with imprisonment from six months to three years. This law not only

¹⁶⁶ Criminal Code of Costa Rica, *supra* note 63, Art. 164.

fails to protect boys from being abducted for libidinous acts, but also leaves the victim's sexual history open to judgment. Such discrepancies serve only to further reinforce the same negative value judgments that place children at risk for being sexually abused in the first place. A thorough harmonization of child protection legislation, including with international standards, would be highly beneficial to the country's efforts in curbing sexual exploitation.

Even though Costa Rica has generally effective mechanisms to assist missing children, certain measures would greatly enhance the response to missing children cases and increase the effectiveness of said response. In particular, it is advisable to have a comprehensive internal policy or protocol establishing the different categories of missing children and detailed procedures to follow in case a child goes missing. This is particularly important given the country's noted subjective response to runaway children and the lack of criteria for evaluating whether a case should be publicized. This policy should also delineate the roles and responsibilities of the different organizations involved in the search for missing children, aimed principally at reducing the duplication of efforts.

El Salvador

El Salvador currently enjoys the support of the central government in issues concerning missing children resulting from the civil strife that plagued the country. Nevertheless, given the country's geographical location and the high levels of migration, a focus on children who go missing in the country for other reasons is paramount. In particular, the engagement with the National Commission for the Search for Disappeared Children and the possible creation of a working group on missing and abducted children would significantly assist in enhancing the country's investigative response.

It is also imperative that El Salvador consider the creation of a nationwide, central database where all cases of missing children are properly recorded and classified. This database would allow for the compilation of key statistical information that would assist in the design of effective policies. It is also highly advisable that the government consider the establishment of an emergency alert system – both inter-institutional and national – to call on the public for assistance in the most severe cases.

In addition, it is important to include a provision in the investigative policy to ensure that exit interviews are completed with children who run away once they are located. As noted earlier, exit interviews are critical in understanding why children run away. The systematization of this information is vital for determining future courses of action and policies aimed at preventing future running/abductions/disappearances.

Guatemala

The Alba-Keneth Law represents a significant step towards protecting children from abduction and exploitation, especially considering the vulnerability of Guatemalan children given the country's status as a corridor for drug and human trafficking. However, there remains a critical need for the creation of a unified database and case management system that would allow various institutions

to thoroughly coordinate and co-manage cases. The consolidation of the missing children registry with the various fingerprint and DNA databases currently in place is also essential to enhance the country's response to missing children.

The fact that families continue to wait 24 hours to 48 hours to report cases of missing children,¹⁶⁷ even though the law mandates the immediate search for missing children, clearly demonstrates the need for public awareness campaigns on the importance of reporting children missing as soon as possible.

Also, despite the creation of legislation, there are still no internal law enforcement policies to guide the response to missing children in the country. A national policy would reduce the duplication of efforts by outlining organizational roles and clarifying necessary steps and procedures so that all stakeholders have a clear understanding of each other's responsibilities. It is also important to include a provision requiring exit interviews of recovered children as these can assist authorities in determining the reasons a child may have left home or been susceptible to other victimization, thereby helping them to determine how to prevent future running/abductions/disappearances.

The Ministry of Governance has been carrying out systematic trainings on the new missing children's law, with over 200 officers already trained on responding to a missing child report. As a result, the current recovery rate within Guatemala is 85%. While representing a great advance in the protection of missing children in comparison to previous years, this recovery rate can be improved further through expert trainings on the latest investigative techniques and enhanced community collaboration. Community outreach programs can be highly successful in teaching children how to protect themselves, while engagement with community leaders and schools enhances prevention efforts.

Honduras

To remediate the situation of missing and abducted children in Honduras, it is highly recommended that authorities create centralized databases for both child abuse cases as well as missing children reports. Together these cases can be tracked and correlated, allowing for analysis and consequent policy design improvements aimed at minimizing the possibilities of a child becoming a victim of trafficking and/or any other crimes.

Creating comprehensive legislation on missing children is highly advisable, mandating the immediate investigation of missing children cases and including a definition for the term "missing child" and others, as discussed above.

Nicaragua

It is recommended that Nicaragua develop and implement a comprehensive and systematic mechanism for data collection, analysis, monitoring and impact assessment of all of the areas covered by the CRC and its Optional Protocols. Particularly, consolidation of existing databases

¹⁶⁷ This information was provided by the Guatemalan point of contact for this research. September 14, 2011. Questionnaire is on file with the International Centre for Missing & Exploited Children.

related to reports of missing children would be very beneficial, not only to facilitate investigations and cooperation between different agencies in the country, but also to allow detailed analysis of the drivers of the phenomena of missing and abducted children. This understanding could then be translated into more effective policy formulation. The data should be disaggregated, by nature of the offense and by sex, age, national and ethnic origin, urban/rural areas, and socio-economic status, with particular attention on children in vulnerable situations.

Further support to strengthen the *Línea 133* helpline is also highly recommended. In particular, it would be beneficial for the helpline database to be connected with any new systems that are created, to ensure a comprehensive view of the issue and to allow for enhanced collaboration.

Panama

It is proposed that Panama also develop and implement a comprehensive and systematic mechanism for data collection, analysis, monitoring and impact assessment of all the areas covered by the CRC and its Optional Protocols.

In addition, it is critical that the hours of the emergency hotline for children (*Tu Línea 147*) be expanded. Panama should ensure that this reporting mechanism be available 24 hours a day, seven days a week to allow all children to reach out for help regardless of the time of day. It is also important to promote awareness of how children can access this service and the benefits of reporting any victimization they experience.

Appendix I: Central America Questionnaire

Legislative Questions

- ❖ Has the country signed and ratified the United Nations Convention on the Rights of the Child?
- ❖ Is the country a signatory to The Hague Convention on the Civil Aspects of International Child Abduction?
- ❖ Is the term “child” defined in national legislation? If so, how is “child” defined?
- ❖ Is there national legislation covering missing children?
- ❖ Is the term “missing child” defined in national legislation? If so, how is “missing child” defined?
- ❖ Are different categories of “missing children” laid out in national legislation (i.e., runaways, missing for an unknown reason, victims of stranger abduction, victims of family abduction, victims of trafficking, etc.)?
- ❖ Is there a legally-mandated waiting period for taking a report of a missing child? Or, to the contrary, does the law oblige reports to be taken immediately?
- ❖ Is the term “child abduction” (or some similar term) defined in national legislation?
- ❖ Are there legislative exit controls, which would prevent a child’s removal from the country without the permission of his/her custodial parent/legal guardian? If so, what are they?
- ❖ Is there any legislative 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.)?
- ❖ If reports of missing children are intaked by a non-law enforcement entity, is there a certain amount of time in which the non-law enforcement entity must forward the report to law enforcement?
- ❖ Once law enforcement has intaked/received a report of a missing child, is law enforcement legally mandated to begin an investigation immediately?
- ❖ Does national legislation exist to establish and maintain a national registry on/database of all reported missing children cases?

- ❖ Are there sentencing guidelines, sentencing enhancements, or aggravating factors in place for child abduction cases?
- ❖ Does national legislation exist to establish a national DNA database and/or fingerprint database?

Policy Questions

(Many of the policy questions are likely to be answered through the legislative research.)

- ❖ If not identified in national legislation, are the 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.) set forth anywhere? If so, where? What are the different categories and how are they defined?
- ❖ What are the existing mechanisms, if any, for reporting missing children to law enforcement or to some other designated organization?
- ❖ Is there any 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.)?
- ❖ If reports of missing children are intaked by a non-law enforcement entity, is there a certain amount of time in which the non-law enforcement entity must forward the report to law enforcement?
- ❖ Are there investigative guidelines in place for law enforcement investigating a missing child case (i.e., waiting period, when/how/where to file a report, how to respond to and investigate a missing child case)?
- ❖ Once law enforcement has intaked/received a report of a missing child, how long does it take before the investigation begins? Is it immediate?
- ❖ In practice, is there a waiting period for taking a report of a missing child? Or, to the contrary, are reports to be taken immediately?
- ❖ 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)?
- ❖ When investigating a missing child case, which local/national/federal agency/department is responsible for conducting the investigation?

- ❖ What data is collected when a missing child report is filed?
- ❖ Does a rapid notification alert to the public exist in the most serious missing child cases? If so, how does it work?
- ❖ Does a notification system exist to alert the media, law enforcement, and/or other relevant authorities? If so, please explain.
- ❖ Are there any organizations providing support and advocacy for families and children?
- ❖ If none exist in national legislation, are there exit controls in place that would prevent a child's removal from the country without the permission of his/her custodial parent/legal guardian? If so, what are they?

Appendix II: Tables – Ratification of Treaties

Table I: Status of the Ratification of the U.N. Convention of the Rights of the Child¹⁶⁸

Country	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)
Belize	2 Mar. 1990	2 May 1990
Costa Rica	26 Jan. 1990	21 Aug. 1990
El Salvador	26 Jan. 1990	10 Jul. 1990
Guatemala ¹⁶⁹	26 Jan. 1990	6 Jun. 1990
Honduras	31 May 1990	10 Aug. 1990
Nicaragua	6 Feb. 1990	5 Oct. 1990
Panama	26 Jan. 1990	12 Dec. 1990

Table II: Status of the Ratification of the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in Central American Countries¹⁷⁰

Country	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)
Belize	-	26 Sep. 2003 a
Costa Rica	16 Mar. 2001	9 Sep. 2003
El Salvador ¹⁷¹	15 Aug. 2002	18 Mar. 2004
Guatemala	-	1 Apr. 2004 a
Honduras	-	1 Apr. 2008 a
Nicaragua	-	12 Oct. 2004 a
Panama	13 Dec. 2000	18 Aug. 2004

¹⁶⁸ Status of the Ratifications of countries as of October 7, 2011, obtained from the United Nations Treaty Collection, available at http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en.

¹⁶⁹ *Guatemala Declaration, Upon signature:* "The State of Guatemala is signing this Convention out of a humanitarian desire to strengthen the ideals on which the Convention is based, and because it is an instrument which seeks to institutionalize, at the global level, specific norms for the protection of children, who, not being legally of age, must be under the guardianship of the family, society and the State.

"With reference to article 1 of the Convention, and with the aim of giving legal definition to its signing of the Convention, the Government of Guatemala declares that article 3 of its Political Constitution establishes that: "The State guarantees and protects human life from the time of its conception, as well as the integrity and security of the individual."

¹⁷⁰ Status of the Ratifications of countries as of October 7, 2011, obtained from the United Nations Treaty Collection, available at http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en.

¹⁷¹ *Reservation, Upon signature:* The Government of the Republic of El Salvador does not consider itself bound by paragraph 2 of article 15, inasmuch as it does not recognize the compulsory jurisdiction of the International Court of Justice. *Reservation upon ratification:* With respect to the provisions of article 15, paragraph 3, the Government of the Republic of El Salvador declares that it does not consider itself bound by article 15, paragraph 2, inasmuch as it does not recognize the compulsory jurisdiction of the International Court of Justice.

Table III: Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in Central American Countries¹⁷²

Country	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)
Belize	6 Sep. 2000	1 Dec. 2003
Costa Rica	7 Sep. 2000	9 Apr. 2002
El Salvador ¹⁷³	13 Sep. 2002	17 May 2004
Guatemala	7 Sep. 2000	9 May 2002
Honduras	-	8 May 2002 a
Nicaragua	-	2 Dec. 2004 a
Panama	31 Oct. 2000	9 Feb. 2001

¹⁷² Status of the Ratifications of countries as of October 7, 2011, obtained from the United Nations Treaty Collection, available at http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en.

¹⁷³ *El Salvador Declaration*: The Government of the Republic of El Salvador recognizes the extradition of nationals on the basis of the second and third clauses of article 28 of the Constitution, which stipulate that "Extradition will be regulated under international treaties; in cases involving Salvadorans, extradition will proceed only if the treaty in question expressly allows it and the treaty has been approved by the respective legislatures of the signatory countries. In any case, the terms of the treaty must include the principle of reciprocity and give Salvadorans all the guarantees with respect to trials and penalties that this Constitution provides. The accused will be extradited if the offence was committed in the territory of the requesting country, unless the offence is international in scope, and in no case for political offences, even though common criminal offences may have occurred as a result".

Table IV: Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction¹⁷⁴

Country	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force	Hague Member Country? (Y / N)
Belize ¹⁷⁵	-	22 June 1989	1 September 1989	N
Costa Rica	-	9 November 1998	1 February 1999	Y
El Salvador ¹⁷⁶	-	5 February 2001	1 May 2001	N
Guatemala ¹⁷⁷	-	2 June 2002	1 May 2002	N
Honduras ¹⁷⁸	-	20 December 1993	1 March 1994	N
Nicaragua	-	14 December 2000	1 March 2001	N
Panama ¹⁷⁹	-	2 February 1994	1 May 1994	Y

¹⁷⁴ Status of the Ratifications of countries as of October 7, 2011, obtained from the Hague Conference on Private Law, available at http://www.hcch.net/index_en.php?act=conventions.status&cid=24.

¹⁷⁵ *Belize Reservation: Articles 24 and 26:*

1. Any application or other documents transmitted to the Central Authority under the Convention must be accompanied by a translation in English and not in French; and
2. Belize will not be bound to assume any costs relating to applications under the Convention resulting from the participation of legal counsel or advisers, or from court proceedings, except insofar as these costs may be covered by its system of legal aid and advice.

¹⁷⁶ *El Salvador Declarations Reservations: Articles 3 and 26 (Translation):*

1. The Government of the Republic of El Salvador shall not be bound to assume the costs referred to in Article 26, paragraph 3, except insofar as those costs may be covered by its system of legal aid and advice;
2. The Government of the Republic of El Salvador interprets Article 3 with the domestic legislation of the Republic whereby the age of majority is eighteen years;
3. (...);
4. The Government of the Republic of El Salvador declares that all documentation sent to El Salvador in application of the said Convention must be accompanied by an official translation into Spanish.

¹⁷⁷ *Guatemala Reservations: Articles: 24 and 26:*

1. The Republic of Guatemala oppose itself to the use of French in all the requests, communication and other documents to be sent to the Central Authority, based in the second paragraph of Article 24 of the Convention (if applicable).
2. The Republic of Guatemala is not obligated to assume any kind of expenses mentioned in the second paragraph of Article 26 of the Convention, derived from the participation of a lawyer, legal advisors or the judiciary procedure, except insofar as those costs may be covered by its system of legal aid and advice.

¹⁷⁸ *Honduras Reservations: Articles: 26 – Under the reservation of Article 26, paragraph 3.*

¹⁷⁹ *Panama Reservations: Articles: 26 (Translation)*

1. The Republic of Panama objects to the use of the French language in any application, communication or other document mentioned in Article 24, first paragraph, sent to its Central Authority.*
2. Likewise the Republic of Panama declares that it shall not be bound to assume any costs referred to in the first paragraph of Article 26 of the Convention resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.

* On 3 May 1994, Panama notified the withdrawal of the reservation. The reservation ceased to have effect on 1 August 1994.

Table V: Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict in Central American Countries ¹⁸⁰

Country	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)
Belize ¹⁸¹	6 Sep. 2000	1 Dec. 2003
Costa Rica ¹⁸²	7 Sep. 2000	24 Jan. 2003
El Salvador ¹⁸³	18 Sep. 2000	18 Apr. 2002
Guatemala ¹⁸⁴	7 Sep. 2000	9 May 2002
Honduras ¹⁸⁵		14 Aug. 2002 a
Nicaragua ¹⁸⁶		17 Mar. 2005 a
Panama ¹⁸⁷	31 Oct. 2000	8 Aug. 2001

¹⁸⁰ Status of the Ratifications of countries as of October 7, 2011, obtained from the United Nations Treaty Collection, available at: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&lang=en.

¹⁸¹ *Belize Declaration*: "The Government of Belize declares that in accordance with Article 3 of the Protocol, the minimum age at which voluntary recruitment to any military service in Belize shall be permitted is sixteen years. In recruiting among persons who have attained sixteen years but less than eighteen years, the following principles are to be observed:
 1. Such recruitment is to be genuinely voluntary and reliable proof of age must be given;
 2. Such persons are to receive the informed consent of his/her parent or guardian;
 3. Such persons are, before being recruited, well-informed of the duties involved in the military service;
 4. Such persons may be able to withdraw from the military service within the first month of having enlisted."

¹⁸² *Costa Rica Declaration*: ... article 12 of the Constitution of the Republic of Costa Rica proscribes the army as a permanent institution. Accordingly, my Government considers that the declaration in question may be dispensed with for the purposes of article 3, paragraph 2, of the Protocol.

¹⁸³ *El Salvador Declaration*: ... pursuant to article 3, paragraph 2 of the above-mentioned Protocol, the Government of the Republic of El Salvador declares that the minimum age for Salvadorans who wish to enlist voluntarily for military service is 16 years, in accordance with articles 2 and 6 of the Act on Military Service and Reserves of the Armed Forces of El Salvador. The following is a description of the safeguards that the relevant Salvadoran authorities have adopted to ensure that the military service provided is legally voluntary:

- The 16-year-old minor must submit a written request to the Recruitment and Reserves Office or its subsidiary offices, unequivocally stating a desire to provide military service;
- Submission of the original birth certificate or minor's card;
- Document certifying knowledge of and consent to the request to provide military service from the minor's parents, guardian or legal representative, all in accordance with the provisions of title II on parental authority, article 206 et seq. of the Family Code;
- Acceptance of the request shall be subject to the needs for military service.

¹⁸⁴ *Guatemala Declaration*: In conformity with article 3, paragraph 2 of the aforementioned Protocol, the Government of Guatemala makes the following declaration: "Guatemala shall not permit the compulsory recruitment of persons under 18 years of age into its armed forces, and, in keeping with article 3, paragraph 4, of the Convention on the Rights of the Child on the involvement of children in armed conflict, the description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced shall be submitted at a later date.

¹⁸⁵ *Honduras Declaration*: With the aim of specifying the scope of this Protocol and upon depositing its instrument of accession, the Government of the Republic of Honduras, acting in accordance with article 3 of the Protocol, declares that: 1 (a). Under the legislation of the State of Honduras, the minimum age for voluntary recruitment into the armed forces is 18 years, as part of the country's educational, social, humanist and democratic system". II. This Agreement shall be submitted to the Sovereign National Congress for consideration, for the purposes of article 205, number 30, of the Constitution of the Republic.

¹⁸⁶ *Nicaragua Declaration*: In accordance with the requirements currently in force, young persons of both sexes wishing to enter the Nicaraguan armed forces must:

1. Be between 18 and 21 years of age. Young persons choosing a military career must submit a notarized authorization from their parents or guardians in order to prevent recruitment by force or coercion;
2. Be Nicaraguan nationals;
3. Be physically and mentally fit;
4. Be unmarried and without children;
5. Not be subject to criminal proceedings and not have been convicted by the country's jurisdictional bodies;
6. Consent voluntarily and freely to join the Nicaraguan army.

¹⁸⁷ *Panama Declaration:* The Republic of Panama, in ratifying the Protocol, declares that it has no armed forces. The Republic of Panama has a civilian security force consisting of the National Police, the National Air Service, the National Maritime Service and the Institutional Protection Service. Their legal charters define the requirements for recruitment of personnel by such institutions and stipulate that recruits must have reached the age of majority, i.e. 18 years.

