

Council on General Affairs and Policy – March 2020

Document	Preliminary Document <input checked="" type="checkbox"/> Information Document <input type="checkbox"/>	Prel. Doc. 7 of February 2020
Title	The application of the 1996 Child Protection Convention to unaccompanied and separated children	
Author	Permanent Bureau	
Agenda item	Item IV.1.a	
Mandate(s)	C&R No 19 of the 2018 meeting of CGAP	
Objective	To seek the approval of CGAP for the finalisation and publication of Preliminary Document No 7	
Action to be taken	For Approval <input checked="" type="checkbox"/> For Decision <input type="checkbox"/> For Information <input type="checkbox"/>	
Annex	Revised version of Preliminary Document No 7 of February 2020 drawn up for the attention of the Seventh Meeting of the Special Commission on the Practical Operation of the 1980 Child Abduction Convention and the 1996 Child Protection Convention, October 2017	
Related documents	N.A.	

BACKGROUND

1. The Permanent Bureau (PB) recalls that Preliminary Document No 7, "The application of the 1996 Child Protection Convention to unaccompanied and separated children",¹ was the subject of discussions at the Seventh Meeting of the Special Commission on the practical operation of the 1980 Child Abduction and 1996 Child Protection Conventions. The Special Commission adopted the following Conclusions & Recommendations in relation to the Preliminary Document:

"33. The Special Commission notes that a number of States expressed support for the general direction of Preliminary Document No 7, while other States expressed concerns with regard to the general direction and / or some of the substance of the document.

34. The Special Commission recognises the need to clarify the application of the 1996 Convention to refugee children, and children who, due to disturbances occurring in their country, are internationally displaced. To this end, Preliminary Document No 7 is to be removed from the publicly accessible part of the HCCH website and replaced, taking into account the comments received and any further comments to be received (by the end of 2017 at the latest). A new draft will then be circulated for comments to Members and Contracting States with a view to a timely finalisation."

2. The PB further recalls that at its meeting of March 2018, the Council on General Affairs and Policy (CGAP) adopted the following Conclusion & Recommendation:

"19. The Council mandated the Permanent Bureau to implement the Conclusions and Recommendations addressed to it. In doing so, the Permanent Bureau shall prioritise the following projects:

- [...]
- finalisation of revisions to Preliminary Document No 7 of the Seventh Meeting of the Special Commission ("The application of the 1996 Hague Child Protection Convention to unaccompanied and separated children"); and
- [...]."

3. By the beginning of 2018 (*i.e.*, after the Special Commission meeting but before the meeting of CGAP), the PB had received additional comments from Australia, Canada, the European Commission, Norway, Switzerland and the United States of America. In July 2019, a revised version of Preliminary Document No 7, which took into account all the comments received, was circulated for comments to the experts from the Members mentioned above. The current revised version of Preliminary Document No 7² is the result of further consultations and collaborative work between these experts and the PB between July and December 2019; also taken into account are additional comments received by 31 January 2020 further to the circulation on 17 December 2019 of the document to all Members for comments (see Circular No 77(19)). The PB is grateful to all the experts for their input.

¹ Prel. Doc. No 7 of July 2017 drawn up for the attention of the Seventh Meeting of the Special Commission on the practical operation of the 1980 Child Abduction and 1996 Child Protection Conventions (10-17 October 2017), available on the Secure Portal of the HCCH website < www.hcch.net >.

² The revised version of Prel. Doc. No 7 appears as an annex to this document; it is also available on the Secure Portal of the HCCH website (see path indicated in note 1 above) together with a track change version showing the changes between the December 2019 and the February 2020 versions.

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