

INTERNATIONAL LAW ASSOCIATION

VIENNA CONFERENCE (2026)

RESOLUTION No. __/2026

Committee on Enforcing the Rights of Children in Migration

The 82nd Conference of the International Law Association, held August 17-21, 2026:

HAVING CONSIDERED the Final Report of the Committee on Enforcing the Rights of Children in Migration, presented at the Vienna Conference (2026);

AND HAVING TAKEN NOTE of the Report on Enforcing the Rights of Children in Migration by the Study Group on Cross-Border Violations of Children's Rights, presented at the Athens Conference (2024);

AND REAFFIRMING the special status and rights of childhood, as reflected in article 25(2) of the Universal Declaration of Human Rights, which states that "childhood is entitled to special care and assistance";

AND ALSO REAFFIRMING that the best interests of the child must be a primary consideration in all matters affecting them, as required by article 3(1) of the Convention on the Rights of the Child.

CALLS on States to fully comply with their obligations relating to children in contexts of migration existing under customary and applicable conventional international law, and in particular, consistent with the near-universal ratification of the Convention on the Rights of the Child, the leading principles enshrined in that instrument;

ENDORSES the following recommendations of the Committee on Enforcing the Rights of Children in Migration:

- (a) In all decisions affecting children in migration contexts, States should ensure that:
 - (1) the best interests of the child are assessed and determined individually and treated as a primary consideration, and
 - (2) children are provided with child-friendly information and a genuine opportunity to be heard in all matters affecting them, directly or through appropriate representation, in accordance with their age and maturity;

(b) Bearing in mind that establishing status as a child is a threshold requirement to access the specialised care and protection to which children are entitled, States should, in cases of serious doubts as to a person's stated age, employ holistic age assessment procedures that reflect the reality that no single method can determine a person's exact age;

(c) States should ensure that all children born in the territory, including asylum-seeking and refugee children as well as other children in migration, including those born with disabilities, are registered immediately after birth and benefit from appropriate safeguards to ensure their right to a nationality and a name, particularly for those who would otherwise be stateless;

(d) States should ensure that all children in the territory, including children in migration, enjoy the highest attainable standard of health, treatment of illness, habilitation, rehabilitation, adequate housing, and social protection, consistent with their rights;

(e) States should end the use of the following practices and others that constitute serious violations of children's rights:

(1) the intentional separation of children from their families;

(2) pushbacks, turnbacks, or pullbacks of children, meaning any proactive operation aimed at physically preventing them from reaching, entering, or remaining in a territory and accessing its child protection system, claiming international protection, or seeking to reunite with family members;

(3) immigration detention, which is never in the best interests of the child and should be replaced by child-friendly alternatives;

(4) returning or sending a child, directly or indirectly, to a country where there are substantial grounds for believing that the child is at real risk of irreparable harm;

(f) States should ensure that children in migration enjoy, without discrimination, their economic, social and cultural rights, including access to early childhood education and care, education at all levels, vocational training, rest, leisure, play, recreational activities, and participation in cultural life;

(g) States should develop specific policies to promote and protect the human rights of all children with disabilities in migration, including in disaster displacement, in recognition of the particular and multiple barriers children with disabilities may face while in migration, the importance of their individual autonomy and right to dignity and respect;

(h) States have a particular duty to protect children from trafficking, exploitation, abuse, and all forms of physical or mental violence and, in fulfilment of that obligation, should take care that policing, immigration enforcement, the judicial system, the child protection system and other state institutions are sensitive to this duty and equipped to fulfil it,

including with respect to unaccompanied and separated children and other children in migration;

(i) States should establish, strengthen, and adequately resource independent monitoring, child-sensitive complaint mechanisms, data collection systems and regular public reporting on the treatment of children in migration;

(j) States should pursue greater cross-border collaboration among child protection authorities as an essential precursor to the effective implementation of measures based on the best interests of the child and that otherwise adequately and promptly guarantee the rights of children in migration;

(k) States should ensure that legislation, policy, and practice fully implement the rights of children, including their right to international protection and the need for adjudicators to consider child-specific bases for such protection;

(l) Particularly in the current context, States should redouble efforts to eradicate xenophobia in its many forms, including by ensuring that official policies and practices relating to migration do not echo or reinforce xenophobic messages and harmful stereotypes;

REQUESTS the Secretary-General of the International Law Association to transmit this resolution, together with the Committee's Final Report, to the Secretary-General of the United Nations for further dissemination.

ALSO REQUESTS the Secretary-General of the International Law Association to forward a copy of this Resolution, together with the Committee's Final Report, to the UN Human Rights Council, all human rights treaty bodies and special procedures, the Office of the UN High Commissioner for Human Rights, the Registrar of the International Court of Justice, the Secretary-General of the Permanent Court of Arbitration, the General Secretariat of the Organization of American States, the African Union Commission, the ASEAN Secretariat and the Secretariat of the Council of Europe.

RECOMMENDS to the Executive Council that the mandate of the Committee on Enforcing the Rights of Children in Migration, be extended for a two-year period for the sole purpose of dissemination of its final report and resolution, as provided in section 8.3 of the ILA Committee Rules and Guidelines.