

Briefing of the United Nations Security Council
Children and Armed Conflict: Addressing the Consequences of the Denial of
Humanitarian Access for Children

3 April 2024, 11:00am

Concept Note

I Background

In 2023, over 360 million people worldwide required humanitarian assistance, including over 150 million children¹. Of the twenty-six countries requiring UN Humanitarian Response Plans (HRPs) in 2023, sixteen were characterised by very high or extreme access constraints for humanitarian operations². These vary from the inadvertent to the intentional, and often have dire humanitarian consequences for the affected populations, especially children.

Since 1999, the Security Council has recognised the adverse impact of the denial of humanitarian access on children through its thematic resolutions on Children and Armed Conflict (CAAC). In resolution 1612 (2005), the United Nations Monitoring and Reporting Mechanism (MRM) was established with the mandate to monitor and report on the six grave violations committed against children in situations of armed conflict. Denial of humanitarian access is one of the six grave violations monitored through the MRM, although it does not trigger the listing of parties in the annexes of the Secretary-General's annual report on CAAC.

In line with international law, States and parties to armed conflict bear legal obligations to meet the basic needs of populations under their control and to allow and facilitate the rapid, safe, and unimpeded passage of humanitarian assistance by impartial humanitarian organisations. In addition to the standard protection obligations under international humanitarian law and international human rights law, children are also entitled to special protections under international humanitarian law and the Convention on the Rights of the Child, which includes access to quality education, food, and healthcare³. Other international instruments further require the consideration of protection needs of inter alia displaced and unaccompanied children, expectant and nursing mothers, and children with disabilities⁴.

¹ <https://www.unocha.org/publications/report/world/global-humanitarian-overview-2023-september-update-snapshot-30-september-2023> and <https://www.savethechildren.org/us/what-we-do/global-policy-advocacy/humanitarian-crises>

² <https://humanitarianaction.info/overview/2023> and

[https://www.acaps.org/fileadmin/Data_Product/Main_media/20230705 ACAPS Global Analysis Hub Humanitarian Access Overview.pdf](https://www.acaps.org/fileadmin/Data_Product/Main_media/20230705_ACAPS_Global_Analysis_Hub_Humanitarian_Access_Overview.pdf)

³ Additional Protocol I, Article 78; Customary International Humanitarian Law rule 135; Convention on the Rights of the Child, Article 22

⁴ African Charter on the Rights and Welfare of the Child, Article 23; Inter-American Convention on Violence against Women, Article 9; UN Declaration on the Elimination of Violence against Women, preamble; Guiding Principles on Internal Displacement, Principles 4(2) and 19(2)

In defining the 'denial of humanitarian access', the MRM's Field Manual makes explicit the need to consider three dimensions of access: (i) factors constraining humanitarian agencies' ability to access children; (ii) factors constraining children's access to the special attention and the care they require; and (iii) the humanitarian consequences of access constraints for subpopulations that are especially vulnerable and cut off from essential life-saving aid. The MRM does not address whether denials of humanitarian access amount to a violation of international law.

Incidents of the denial of humanitarian access affecting children, as defined and monitored through the MRM, have increased dramatically since 2005. They have peaked in 2019 at some 4,400 incidents and remained high since with 3,931 incidents reported in 2022. Data for 2023 and 2024 are on target to see a further increase.

The effective denial of humanitarian access, coupled with bureaucratic impediments and attacks on aid workers, can have severe and long-lasting effects on civilian populations trapped in conflict. Moreover, it remains important to consider the potential effect of counter-terrorism measures on humanitarian action and to minimise any unintended adverse humanitarian effects of sanctions.

Such denial of humanitarian access has an acutely negative impact on the life, development, physical and mental health, and wellbeing of children, who have already experienced traumatic events as a result of conflict and violence. Lack of access to essential food items causes malnutrition and stunting and increases the spread of diseases that children are most vulnerable to. For infants and young children, acute malnutrition is a leading cause of mortality and morbidity. Additionally, these conditions make children more vulnerable to other grave violations and abuses, including abduction, recruitment and use, rape and other forms of sexual violence, and leads to other significant consequences such as early and forced marriage, and a reduction in children's access to education.

Furthermore, it remains key to consider the gendered impacts of armed conflict and violence and the relevant implications of the denial of humanitarian access. Women and girls face particular risks during armed conflict and violence that may be compounded by the denial of humanitarian access. For instance, girls are more likely to be out of education compared to boys and face higher risks of sexual exploitation and abuse and negative coping strategies such as early or forced marriage. Additionally, the number of women-led households rises, which face higher risks of malnutrition⁵. Denial of humanitarian access will therefore have a differentiated impact on women and girls that should be duly assessed.

II Objectives

Considering the high number of verified instances of denial of humanitarian access affecting children, the briefing will provide Council Members with the opportunity to:

- Examine the overall impact of the denial of humanitarian access on children, including trends and patterns over the years, and propose concrete solutions to facilitate humanitarian access to all those in need while safeguarding humanitarian principles and operations and how to keep the Council seized of this matter;
- Examine how restrictive laws and decrees, arbitrary and bureaucratic impediments, attacks, threats of attacks and movement restrictions on humanitarian personnel impact children's access to humanitarian assistance;
- Consider how counterterrorism measures and sanctions may negatively impact the delivery of humanitarian aid, and the mitigating effects of resolution 2664 (2022) in relation to sanctions;

⁵ <https://blogs.icrc.org/law-and-policy/2022/06/30/gendered-impacts-of-armed-conflict-and-implications-for-the-application-of-ihl/>

- Assess the gendered impacts of the denial of humanitarian access on children and differentiate their age and gender specific humanitarian needs; and
- Discuss opportunities and modalities to assess and report on the denial of humanitarian access and the impact of such denial on the delivery of aid and consider how the CAAC MRM data on denial of humanitarian access could inform the Council's approach to this issue.

III Briefers

- Ms Virginia Gamba, Special Representative of the Secretary-General for Children and Armed Conflict
- UNICEF (TBC)
- CSO briefer (TBC)