



Security Council

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Letter dated 25 March 2024 from the Permanent Representative of Malta to the United Nations addressed to the Secretary-General

I have the honour to inform you that, under the presidency of Malta, the Security Council plans to hold a briefing on 3 April 2024 on the theme “Addressing the consequences of the denial of humanitarian access for children” in connection with item entitled “Children and armed conflict”.

In this regard, Malta has prepared a concept note (see annex). I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Vanessa **Frazier**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Malta to the United Nations



Annex to the letter dated 25 March 2024 from the Permanent Representative of Malta to the United Nations addressed to the Secretary-General

Concept note for the Security Council briefing on the theme “Children and armed conflict: addressing the consequences of the denial of humanitarian access for children”, 3 April 2024, 11 a.m.

I. Background

In 2023, over 360 million people worldwide required humanitarian assistance, including over 150 million children.¹ Of the 26 countries requiring United Nations humanitarian response plans in 2023, 16 were characterized by very high or extreme access constraints for humanitarian operations.² 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 recognized the adverse impact of the denial of humanitarian access on children through its thematic resolutions on children and armed conflict. In resolution [1612 \(2005\)](#), the United Nations monitoring and reporting mechanism 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 monitoring and reporting mechanism, although it does not trigger the listing of parties in the annexes to the Secretary-General’s annual report on children and armed conflict.

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 organizations. 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 include access to quality education, food, and health care.³ Other international instruments further require the consideration of protection needs of, inter alia, displaced and unaccompanied children, expectant and nursing mothers, and children with disabilities.⁴

In defining the “denial of humanitarian access”, the monitoring and reporting mechanism’s field manual makes explicit the need to consider three dimensions of access: (a) factors constraining humanitarian agencies’ ability to access children; (b) factors constraining children’s access to the special attention and the care they require; and (c) the humanitarian consequences of access constraints for

¹ United Nations, Office for the Coordination of Humanitarian Affairs, “Global humanitarian overview 2023”, 30 September 2023; and www.savethechildren.org/us/what-we-do/global-policy-advocacy/humanitarian-crises.

² See <https://humanitarianaction.info/overview/2023>; and ACAPS, “Humanitarian access overview”, July 2023.

³ Additional Protocols of 1977 to the Geneva Conventions of 1949 (Protocol I), art. 78; International Committee of the Red Cross, Customary International Humanitarian Law rule 135 (Children); and Convention on the Rights of the Child, art. 22.

⁴ African Union, African Charter on the Rights and Welfare of the Child, art. 23; Organization of American States, Inter-American Convention on Violence against Women, art. 9; United Nations, Declaration on the Elimination of Violence against Women, preamble; and United Nations, Guiding Principles on Internal Displacement, principles 4 (2) and 19 (2).

subpopulations that are especially vulnerable and cut off from essential life-saving aid. The monitoring and reporting mechanism 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 monitoring and reporting mechanism, have increased dramatically since 2005. They peaked in 2019 at some 4,400 incidents and have 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 minimize 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 well-being 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 lead 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 malnutrition.⁵ 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.

⁵ Helen Durham and others, "Gendered impacts of armed conflict and implications for the application of IHL".

- Consider how counter-terrorism measures and sanctions may negatively impact the delivery of humanitarian aid, and the mitigating effects of resolution [2664 \(2022\)](#) in relation to sanctions.
- Assess the gendered impacts of the denial of humanitarian access on children and differentiate their age- and gender-specific humanitarian needs.
- 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 children and armed conflict monitoring and reporting mechanism data on denial of humanitarian access could inform the Council's approach to this issue.

III. Briefers

- Special Representative of the Secretary-General for Children and Armed Conflict
 - A representative of the United Nations Children's Fund
 - A representative of civil society
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