


Denial of Humanitarian Access in the Context of the Children and Armed Conflict Agenda: A Background Note



Office of the Special Representative of the Secretary-General for
CHILDREN AND ARMED CONFLICT

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Introduction



This document, designed as a companion piece to the Guidance Note on Denial of Humanitarian Access (DHA) as a grave violation against children in armed conflict, presents a comprehensive understanding of humanitarian access to children. It delves into its legal and normative framework, provides insights into key actors in this space and outlines existing strategies for engagement, dialogue, advocacy and negotiations around the protection of children in armed conflict, including prioritizing humanitarian access to children.

While this Background Note explores the issue of humanitarian access with a broader perspective, and not solely through the lens of DHA as mandated by the Security Council within the Children and Armed Conflict (CAAC) agenda, it is crucial to understand that the monitoring and reporting of DHA does not occur in a vacuum. It is critical to comprehend the larger access landscape to ensure a holistic approach to the CAAC agenda.


We hope that this document will provide valuable insights for anyone seeking an in-depth understanding of humanitarian access challenges, particularly as relevant to children. For technical guidance specifically on reporting DHA within the context of Monitoring and Reporting Mechanism (MRM) on grave violations against children in situations of armed conflict, see the Guidance Note.

This Background Note has been developed in collaboration with the Department of Political and Peacebuilding Affairs (DPPA), Department of Peacekeeping Operations (DPO), United Nations Children's Fund (UNICEF) and the Office for the Coordination of Humanitarian Affairs (OCHA). It serves as a steppingstone into the complex domain of humanitarian access, particularly regarding children in situations of armed conflict.



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1. What is humanitarian access?



The humanitarian community defines humanitarian access as “humanitarian actors’ ability to reach people affected by crisis, as well as the affected population’s ability to access humanitarian assistance and services”¹

This comprehensive definition is used by humanitarian actors when identifying, tracking and monitoring constraints in their operational environment.

Access is considered as a prerequisite for effective humanitarian action. It is critical for establishing operations, for transportation of goods and personnel, distribution of aid, provision of basic services and carrying out protection activities, including the assessment of people’s needs. It also ensures affected populations fully benefit from assistance and services.

The concept of humanitarian access is frequently referenced as needing to be safe, timely and unimpeded.

- **Safe.** There is limited to no risk to those giving and receiving assistance.
- **Timely.** Assistance is provided rapidly, when it is most needed.
- **Unimpeded.** Nothing is unduly blocking or slowing operations down.

Increasingly, there is also an emphasis on the quality of humanitarian access. Quality is defined by alignment with the core humanitarian principles of humanity, neutrality, impartiality and independence.² This implies that:

- All impartial humanitarian actors should have free access to people in need.
- All humanitarian activities and sectors, including those usually facing constraints such as protection, should be implementable.
- Every phase of the programme cycle should be executable (needs assessment, implementation and monitoring/ evaluation)

¹ United Nations Office for the Coordination of Humanitarian Affairs (OCHA). OCHA on Message: Humanitarian Access. Available at www.unocha.org/sites/unocha/files/dms/Documents/OOM_HumAccess_English.pdf

² OCHA. OCHA on Message: Humanitarian Principles. Available at www.unocha.org/publications/report/world/ocha-message-humanitarian-principles-enar

- Humanitarian actors operate within a broader framework than the Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG CAAC) or field staff involved in MRM implementation regarding access. While the MRM primarily focuses on “denials of” and/or “significant obstructions to” access with a specific focus on the impact on children, humanitarian organizations take a more holistic and operational approach. **It is important to remember that not all access constraints monitored and reported by the humanitarian community are deliberately obstructive, nor do they necessarily constitute violations of international law.** Humanitarian actors address access challenges from an operational perspective and include elements such as bureaucratic impediments, physical constraints such as infrastructure deficiencies, or environmental factors such as flooding. Often, a combination of factors limits access rather than a single incident-type issue.
- Although found in Security Council resolutions on CAAC, **the term “denial of humanitarian access” is not commonly used by humanitarian actors.** This is due to challenges in determining “denials” under the MRM framework on CAAC, which could potentially undermine engagement as the basis might be tenuous. The humanitarian community focuses more on the parties’ obligations than the violations, preferring terminology such as “access constraints” or “access impediments”.

These differences in scope and perspective help explain discrepancies in reported numbers and access analysis between organizations like OSRSG CAAC and OCHA, for instance.

What is humanitarian assistance?

Humanitarian assistance seeks to save lives and alleviate the suffering of people affected by a crisis, whether in the context of disaster or human-made crises. It focuses on emergency relief, to provide life-saving services that are disrupted owing to the crisis. Humanitarian assistance is needs-based, with the sole purpose to save lives and reduce human suffering that originated from a crisis. This is distinct from development programmes, which focus on a long-term improvement of the social and economic situation and work primarily through the means of capacity-building within a country.

Who are humanitarian actors?

Humanitarian actors constitute a wide range of authorities, communities, organizations, agencies and inter-agency networks that all combine to enable humanitarian assistance to be channeled to the places and people in need of it. This includes – but is not limited to – United Nations agencies, the International Red Cross/Red Crescent movement, local, national and international non-governmental organizations (NGOs). The actions of these organizations are guided by the following:

1. **Adherence to humanitarian principles.** Humanitarian actors strictly follow the four humanitarian principles (humanity, neutrality, impartiality and independence). Their work is focused on assisting and protecting the most vulnerable, regardless of their race, nationality or political affiliation.
2. **Sustained commitment.** Unlike individuals who may provide sporadic charity or assistance, humanitarian actors are consistently engaged in delivering aid and support, often as a full-time commitment, to those affected by crises.
3. **Operational capacity and expertise.** Humanitarian actors typically have the capacity to operate in complex crisis environments and possess an expertise in specific areas and technical sectors of humanitarian response (e.g. health, nutrition, water and sanitation, logistics, etc.).
4. **Accountability.** Humanitarian actors are accountable to their donors, to the affected populations they serve, and often to a larger governing agency or organization. They strive for transparency, meeting standards of professional ethics and generally conducting monitoring and evaluation of their programmes.
5. **Participation in coordination mechanisms.** Humanitarian actors usually participate in formal humanitarian coordination mechanisms at varying levels (local, national and international) like those established by the United Nations, such as the cluster system.



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2. The normative and legal framework on humanitarian access

2.1 International law on humanitarian access:

2.1.1 International humanitarian law

International humanitarian law is a set of rules that seek to limit the effects of armed conflict by, inter alia:

- Protecting persons who are not or are no longer participating in the hostilities.
- Restricting the means and methods of warfare.

International humanitarian law predominantly applies in times of armed conflict. It makes a distinction between international armed conflict and non-international armed conflict. Some rules of the international humanitarian law apply to both international and non-international armed conflicts. Some rules of the international humanitarian law apply only to international armed conflicts or to non-international armed conflicts.

a) Rules of the international humanitarian law that are common to international and non-international armed conflicts

- Civilians and persons *hors de combat* must be treated humanely. This may include the obligation of the **parties to an armed conflict to meet the basic needs of the civilian population under their control.**
- The parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control.³
- An impartial humanitarian body **may offer its services to the parties to the conflict.**
- The parties to the conflict must ensure the freedom of movement of authorized humanitarian relief personnel essential to the exercise of their functions.
- Only in case of **imperative military necessity may their movements be temporarily restricted.**⁴

³ ICRC International Humanitarian Law Database. Rule 55. "Access for Humanitarian Relief to Civilians in Need" <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule55> and rule 56. "Freedom of Movement of Humanitarian Relief Personnel" <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule56>.

⁴ Once consent has been obtained, **all parties involved must facilitate relief schemes**, even if the aid is destined for populations under the control of the enemy. However, they have a right of control over humanitarian operations and can, for instance, search consignments and regulate their passage according to prescribed times and routes. Yet, such control should not excessively delay humanitarian relief operations, impede their rapid deployment, or render their implementation impossible. Otherwise, this could amount to an unlawful denial of humanitarian relief.

- Humanitarian relief personnel and objects used for humanitarian relief operations must be respected and protected.⁵

b) International armed conflict, including occupation

In territories of parties to international armed conflicts other than occupied territories, provisions concerning relief actions for civilians are contained in, inter alia, Articles 10, 23 and 30 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (fourth Geneva Convention), as well as articles 70, 71 and 81 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), which apply between those States that are parties to Protocol I. These rules are complemented by customary international humanitarian law.

In situations of occupation, to the fullest extent of the means available to it, the occupying power has the duty to ensure the food and medical supplies of the population (article 55 of the fourth Geneva Convention). If the whole or part of the population of an occupied territory is inadequately supplied, the occupying power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all means at its disposal (article 59 of the fourth Geneva Convention)

c) Non-international armed conflict

Article 3 common to the 1949 Geneva Conventions provides that “[an] impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the parties to the conflict.” Article 18 (1) of Additional Protocol II (which applies to States that are parties to Protocol II and to armed conflicts defined in Article 1 (1) of Protocol II) further

provides that “Relief societies located in the territory of the High Contracting Party, such as Red Cross (Red Crescent, Red Lion and Sun) organizations, may offer their services for the performance of their traditional functions in relation to the victims of the armed conflict.”

Article 18 (2) of the Additional Protocol II provides that “[if] the civilian population is suffering undue hardship owing to a lack of supplies essential for its survival, such as foodstuffs

Military necessity can be invoked under exceptional circumstances to regulate – but not entirely prohibit – humanitarian access. This can temporarily and geographically limit the freedom of movement of humanitarian personnel. It is now widely acknowledged under international humanitarian law that military necessity cannot be used as a reason to reject a valid offer of services and completely deny the humanitarian activities proposed by impartial humanitarian organizations.

⁵ This means first and foremost that they must not be attacked, which also follows from the fact that they are civilians. To this end the **parties should provide clear and strict instructions to their armed forces to protect humanitarian relief and personnel.**

The obligation to protect implies a **positive obligation** to take steps to ensure that humanitarian personnel can carry out their activities without any undue interference, notably arrest. The overarching objective of the obligation to respect and protect is to ensure that humanitarian personnel can reach victims of armed conflict.

and medical supplies, relief actions for the civilian population which are of an exclusively humanitarian and impartial nature and which are conducted without any adverse distinction shall be undertaken subject to the consent of the High Contracting Party concerned.”

2.1.2 Privileges and immunities of the United Nations system organizations

Besides international humanitarian law, certain additional protections under international law apply to the United Nations humanitarian activities, including the inviolability of United Nations premises and the other privileges and immunities applicable to the United Nations and its officials pursuant to article 105 of the Charter and the applicable international agreements that give effect thereto.

2.1.3 International human rights law

International human rights law applies at all times, both during peacetime and armed conflict. It governs the specific obligations owed by States towards individuals within their jurisdiction with regard to the protection of fundamental human rights during peacetime or armed conflict.

While the primary duty bearers of human rights obligations are States, de facto authorities or non-State armed groups that are party to a conflict are expected to respect international human rights norms and standards when their conduct affects the human rights of individuals under their control.⁶

Human rights law instruments do not specifically address humanitarian assistance and access. However, some limited references for refugee or displaced children are found in the Convention on the Rights of the Child,⁷ the African Charter on the Rights and Welfare of the Child⁸ and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).⁹

⁶ Inter-Agency Standing Committee. Policy on Protection in Humanitarian Action, October 2016. Available at <https://interagencystandingcommittee.org/sites/default/files/migrated/2020-11/IASC%20Policy%20on%20Protection%20in%20Humanitarian%20Action%2C%202016.pdf>

⁷ Article 22(1) of the Convention on the Rights of the Child pertaining to refugee children states that “States Parties shall take appropriate measures to ensure that a child...shall...receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties”.

⁸ Article 23(1) of the African Charter on the Rights and Welfare of the Child states with respect to refugee children that “States Parties to the present Charter shall take all appropriate measures to ensure that a child...shall...receive appropriate protection and humanitarian assistance in the enjoyment of the rights set out in this Charter and other international human rights and humanitarian instruments to which the States are Parties”.

⁹ The Kampala Convention stipulates that “States Parties shall take necessary steps to effectively organize relief action that is humanitarian, and impartial in character, and guarantee security. States Parties shall allow rapid and unimpeded passage of all relief consignments, equipment and personnel to internally displaced persons. States Parties shall also enable and facilitate the role of local and international organizations and humanitarian agencies, civil society organizations and other relevant actors, to provide protection and assistance to internally displaced persons. States Parties shall have the right to prescribe the technical arrangements under which

While human rights treaties do not address humanitarian assistance and access per se, several fundamental human rights are relevant, including the rights to life, to an adequate standard of living (e.g. food, water, health, shelter and clothing), the highest attainable standard of health and the prohibition of discrimination.



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such passage is permitted". Finally, it prohibits members of armed groups from "hampering the provision of protection and assistance to internally displaced persons and from impeding humanitarian assistance and passage of all relief consignments, equipment, and personnel to internally displaced persons".

Denying humanitarian access and assistance may violate these rights.

Key considerations

- ➔ It can be challenging to determine when access impediments imposed on humanitarian operations constitute a violation of international humanitarian law or other rules of international law.
- ➔ Another key legal issue is determining in each specific context whether a party's failure to allow and facilitate rapid and unimpeded passage of humanitarian relief may be considered unlawful as there are provisions for temporary restrictions of movements for security and military imperative.
- ➔ Impediments may amount to a violation of the obligation to allow and facilitate rapid and unimpeded passage of relief operations when they leave the civilian population as a whole, or segments thereof, without essential relief items or specific services for prolonged periods.
- ➔ **It is critical to recognize that a "grave violation" and a "verified" incident of "denial of humanitarian access for children" under the CAAC agenda does not necessarily equate to an international humanitarian law and/or international human rights law violation or abuse of human rights.**
- ➔ Depending on circumstances and applicable law, a DHA incident under the MRM CAAC framework may suggest a potential violation or abuse. However, **it does not, in itself, constitute or confirm a violation or abuse.**

2.2 Humanitarian access at the Security Council

Mention of humanitarian access in Security Council resolutions first started in the 1990s, but it started slowly and was not an important area of focus at the time. Some examples include resolution 688 (1991), adopted in April 1991, which insisted that "Iraq allow immediate access by international humanitarian organisations to all those in need of assistance". Resolution 746 (1992) also appealed to Member States and humanitarian organizations to contribute to relief efforts in Somalia. Similar language was included in resolutions concerning Afghanistan, Armenia/Azerbaijan, Bosnia and Herzegovina, and Rwanda, among others in those years.¹⁰

As early as 1999, with the adoption of resolution 1261 (1999) (operative para. 11), the issue of humanitarian access was introduced as part of the CAAC agenda. The resolution called on "all parties to armed conflicts to ensure the full, safe and unhindered access of humanitarian personnel and the delivery of humanitarian assistance to all children affected by armed conflict". The reference to safe, timely, and unimpeded access has been subsequently reiterated in multiple resolutions related to the CAAC agenda over the years, including but not limited to:

¹⁰ See www.securitycouncilreport.org/monthly-forecast/2021-09/in-hindsight-humanitarian-space-and-the-security-council.php.

1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005) – establishing the MRM on CAAC and including DHA as one of the six grave violations, 1998 (2011), 2427 (2018) and 2601 (2021).

The first critical Security Council resolution clearly mentioning humanitarian access was 1296 (2000) (operative para. 8) as part of the protection of civilians agenda: “Underlines the importance of safe and unimpeded access of humanitarian personnel to civilians in armed conflicts, calls upon all parties concerned, including neighboring States, to cooperate fully with the United Nations Humanitarian Coordinator and United Nations agencies in providing such access, invites States and the Secretary-General to bring to its attention information regarding the deliberate denial of such access in violation of international law, where such denial may constitute a threat to international peace and security, and, in this regard, expresses its willingness to consider such information and, when necessary, to adopt appropriate steps”.



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In 2009 the Security Council started showing more interest in being briefed about access, with resolution 1894 (2009) under the protection of civilians agenda stating the Council “Invites the Secretary-General to continue the systematic monitoring and analysis of constraints on humanitarian access, to include as appropriate observations and recommendations in his briefings and country-specific reports to the Council”.

Following that, the Security Council started to call on parties to conflict to comply with international humanitarian law by allowing full, safe and unimpeded humanitarian access by humanitarian organizations and United Nations agencies to people in need. Most humanitarian access mentions are linked to international humanitarian law, condemning denial of access as an international humanitarian law violation.

Over the years, the Security Council has increasingly recognized the critical importance of humanitarian access in conflict-affected regions, reiterating the obligations of parties in this regard. Pivotal to this evolution has been the adoption of specific resolutions addressing humanitarian access in various countries. This includes resolution 2165 (2014) on Syria which authorized United Nations humanitarian agencies and their partners to use routes across conflict lines and specific border crossings to ensure the timely delivery of assistance. This resolution, renewed several times after its inception, signaled a robust push by the Security Council to ensure that life-saving aid reached people in need. Likewise, in the context of Yemen, resolution 2216 (2015) reaffirms the need for unhindered access to humanitarian aid in its preamble.

In 2016 the discourse started to evolve to include condemnation of attacks against humanitarian personnel as impeding access, also condemning the use of landmines, which hinders access to certain areas. Resolution 2290 (2016) mentions bureaucratic and administrative impediments as an access constraint for the first time. In 2017 the Council's resolutions demand that people/States/parties responsible for DHA be held accountable under international humanitarian law and international human rights law.

In 2018, the Council adopted resolution 2417 (2018), which condemns the starving of civilians as a method of warfare – as well as the unlawful denial of humanitarian access to civilian populations. Members welcomed it as a landmark expression of unity on those critical issues.

More recently, the milestone resolution 2730 (2024) under the protection of civilians agenda, condemning attacks on humanitarian personnel was adopted, "Urges all parties to armed conflict to allow and facilitate, in a manner consistent with relevant provisions of international humanitarian law, full, safe, rapid and unhindered humanitarian access to all civilians in need, and to promote the safety, security and freedom of movement of humanitarian personnel and United Nations and associated personnel, including national and locally recruited personnel, and the safety and security of their premises and assets".



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3. An overview of key access stakeholders

This section delves into the roles of key actors whose insights are crucial for understanding humanitarian access. Their perspectives are especially useful for analysing access situations and potentially identifying alleged incidents of DHA as per the CAAC agenda. The actors discussed below interact with the access agenda in distinctive ways and are of particular relevance to monitors working under the MRM on grave violations against children in situations of armed conflict. Even though the actors discussed below play a pivotal role in understanding and/or facilitating humanitarian access, it is essential to remember that the primary responsibility for securing access rests with the State, the occupying power, or the groups exerting control over specific territories.

For more insights on which sources might be considered verified or unverified for MRM purposes, See the “Denial of Humanitarian Access to Children: A Guidance Note for the Children and Armed Conflict Agenda” and/or the 2014 *MRM Field Manual*.

3.1 OCHA and the emergency relief coordinator

Facilitating and coordinating efforts to establish and maintain access is central to the mandate of the emergency relief coordinator and, by extension, OCHA. OCHA is the only United Nations humanitarian organization with a mandate on access.

The mandate of the emergency relief coordinator regarding access, as stipulated in General Assembly resolution 46/182, is: “Actively facilitating, including through negotiation if needed, the access by the operational organizations to emergency areas for the rapid provision of emergency assistance by obtaining the consent of all parties concerned, through modalities such as the establishment of temporary relief corridors where needed, days and zones of tranquility and other forms”.

At the **global level**, OCHA advocates for the safe, timely and unimpeded access to people in need.

At the **operational level** (regional, country and subregional levels), OCHA plays a critical role in facilitating and coordinating efforts to establish and maintain principled humanitarian access to and/or by people in need, and to overcome factors that inhibit access. OCHA develops tools and provides guidance and support to the humanitarian coordinator and the humanitarian country team to address access-related issues, including humanitarian engagement with conflict parties, including non-State armed groups, to uphold their obligations under international law and respect the humanitarian principles and not undermine the humanitarian’s community’s ability to adhere to them. OCHA also facilitates efforts to monitor access in order to identify constraints and their implications for affected populations. This data can then be used to build common approaches to resolve issues and to inform advocacy and negotiate solutions.

In 2007, the emergency relief coordinator, who is also the Under-Secretary General for Humanitarian Affairs and head of OCHA, pledged to establish more systematic monitoring and reporting on access. The emergency relief coordinator committed to reporting instances of grave concern to the Security Council and supporting efforts to increase access on the ground.¹¹ Since then, the emergency relief coordinator has consistently underscored the critical importance of improving access in the Security Council and other forums.

To follow up on the emergency relief coordinator's commitment to improve monitoring and reporting on access, OCHA in the early 2010s established what is now known as OCHA's **access monitoring and reporting framework**. This framework equips OCHA country offices with a tool to categorize and analyse data on how access constraints impact humanitarian responses.

The framework is more than just a tool; it is a methodology for systematically tracking access impediments. Typically, where it is present OCHA monitors access constraints and tracks incidents. OCHA may have dedicated access staff and issue access-related information products (such as access snapshots, access severity mapping, etc.), which can serve as a source of information for the MRM. For more details about OCHA's access monitoring and reporting framework, see the paragraph below about existing reporting tools on access.



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It is worth noting that while OCHA could be a source of verified information, not all access constraints they report are pertinent for the MRM on CAAC purposes, as some may extend beyond the scope of the MRM on CAAC reporting.

¹¹ Constraints on humanitarian access was one of the priority issues highlighted in the Secretary-General's sixth report on the protection of civilians in armed conflict and discussed by the Security Council in November 2007.

3.1.1 Access Working Group

The humanitarian coordinator may establish dedicated coordination structures to support the analysis and assessment of humanitarian access, which could include a Humanitarian Access Working Group.¹² The Group is typically co-chaired by OCHA together with an NGO (frequently the Norwegian Refugee Council or an NGO forum representative), or another United Nations agency, such as the United Nations Children's Fund (UNICEF) or the World Food Programme.

This Humanitarian Access Working Group advises the humanitarian coordinator, the humanitarian country team, and other partners in carrying out their mandate to facilitate and coordinate efforts to establish and maintain safe, timely and unimpeded access. It may be tasked with identifying and analysing humanitarian access issues and priorities, as well as developing advocacy, operational and policy recommendations to tackle these challenges.

At the global level, the Global Access Working Group is an informal body convened by OCHA, bringing together humanitarian access technical advisors from various United Nations agencies and NGOs. The group's mandate is to foster collaboration and stimulate discussions pertaining to capacity-building and advocacy on matters of access. Although their focus may not directly impact field reporting, it can offer valuable insights for colleagues working on the MRM at headquarters. Hence, maintaining contact with this group could prove beneficial.

3.1.2 Information Management Working Group

Often, humanitarian actors establish the Information Management Working Group. This forum could serve as a practical point of entry for data collection and establishment of a data-coordination mechanism. OCHA coordinates the Information Management Working Group to facilitate the work of the humanitarian coordinator and to support the efforts of the humanitarian country team in providing humanitarian assistance.

Each Information Management Working Group faces contextual challenges, necessitating the development of tailored terms of reference in collaboration with all members. Typically, these working groups focus on themes such as data standards, general information coordination around assessments, common operational datasets, indicators, mapping, web platforms and information-sharing protocols.

Membership within the working group is defined at the country level. Information management officers from various clusters or sectors (including Areas of Responsibilities under the Protection Cluster) are commonly members. Membership can also include all members of the Inter-Agency Standing Committee. Depending on the agreed-upon terms of reference,

¹² See [Leadership in Humanitarian Action – Handbook for Humanitarian Coordinators_2024.pdf](#), p. 70.

participation can be extended to government and host nation civil society groups, such as national NGOs.¹³

To be noted, the Information Management Working Group usually reports to the Inter-Cluster Coordination Group and does not typically advise on or analyse access data per se.

3.1.3 The Country Task Force on Monitoring and Reporting on grave violations against children in armed conflict

In situations on the CAAC agenda, the United Nations is mandated to create a working group or a country task force on CAAC. These task forces are co-chaired by the highest ranked United Nations official on the ground such as the Resident Coordinator or the Special Representative of the Secretary-General in charge of a peacekeeping operation or a political mission, as well as the UNICEF representative. Members of the working group include all United Nations entities present in that country who shall meet regularly, coordinate joint monitoring of grave violations within their areas of operation, and engage with parties to conflict to end and prevent grave violations against children and secure their release.

It is important to highlight the strong emphasis that humanitarian actors have placed on data responsibility in the past five years. Notable examples are the IASC Operational Guidance on Data Responsibility¹⁴ (first endorsed in February 2021 and revised in April 2023) and the OCHA Data Responsibility Guidelines¹⁵ (agreed upon in October 2021). Both are crucial documents to familiarize oneself with, as they outline the procedures and types of data that the humanitarian community can share, as well as the precautions taken to ensure data protection.

As of 2024, 21 out of 30 countries with a humanitarian needs and response plan have adopted one or more actions focusing on data responsibility. The most frequently adopted actions to date are information-sharing protocols and designing for data responsibility. The protocols act as the primary reference document governing data and information sharing in all response actions. The protocols govern data and information-sharing and therefore could inform how OCHA and/or other partners may share information on access incidents with the MRM team. For more information about country-specific information-sharing protocols, contact OCHA (centrehumdata@un.org).

¹³ Standard terms of reference for the Information Management Working Group. Available at: <https://reliefweb.int/report/world/information-management-working-group-imwg-terms-reference-generic-sample>.

¹⁴ Inter-Agency Standing Committee. IASC Operational Guidance on Data Responsibility in Humanitarian Action, IASC, April 2023. Available at: https://interagencystandingcommittee.org/operational-response/iasc-operational-guidance-data-responsibility-humanitarian-action?_gl=1*1xk84m4*_ga*MTM3MDEzODE4OC4xNzE1MTE4MjYw*_ga_E60ZNX2F68*MTcyNDM2MzAzMi4zLjEuMTcyNDM2MzEzOS42MC4wLjA.

¹⁵ OCHA. OCHA Data Responsibility Guidelines, Oct 2021. Available at https://data.humdata.org/dataset/2048a947-5714-4220-905b-e662cbcd14c8/resource/60050608-0095-4c11-86cd-0a1fc5c29fd9/download/ocha-data-responsibility-guidelines_2021.pdf.

3.2 Other United Nations agencies (non-exhaustive)

While OCHA typically consolidates information regarding access from the United Nations and the humanitarian system and beyond, it is beneficial to be aware of specific key United Nations agencies could contribute significantly to data on DHA, some of whom might be in the CTFMRs or their equivalents, listed here in alphabetical order:



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- **International Organization for Migration.**

The International Organization for Migration, with its extensive focus on migration, can contribute valuable insights to DHA reporting, especially related to incidents occurring during migratory movements. Through its displacement tracking matrix, the Organization can feed real-time data into the MRM reporting process, supplying updates on in-country population movements, the number of displaced persons and their needs, which is essential for a comprehensive understanding of the impact of DHA on children.

- **UNICEF.**

In addition to being the co-Chair of the CTFMR, UNICEF's increased resources focused on access can provide essential information about disruptions related to children's services. Detailed data from their programmes can pinpoint incidents impacting children, providing much-needed child-centred insights into DHA reporting for the MRM.

- **United Nations Population Fund.**

By providing information on gender-related access constraints, the United Nations Population Fund can help identify situations where particular gender groups are at risk. Further, their focus on reproductive health makes their input essential for understanding incidents that directly impact women and girls.

- **United Nations High Commissioner for Refugees.**

As it specifically deals with refugees, the United Nations High Commissioner for Refugees can provide critical information on incidents in refugee contexts, including disruptions to support services or access constraints. These data can significantly enhance the accuracy of DHA reporting in areas with high refugee populations.





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- **World Food Programme.**

Leveraging its widespread presence due to its food distribution and logistical capabilities, the World Food Programme can contribute substantial information about restrictions of access, blocks at checkpoints, security incidents and patterns. It can also provide data on disruptions in food assistance, which is crucial for understanding the broader implications of DHAs on communities.



- **World Health Organization.**

With responsibilities encompassing health campaigns and vaccination drives – areas often targeted by access challenges and/or obstructions – the World Health Organization can provide data on disruptions to these services. Their direct involvement in health emergencies allows them to offer a unique health-focused perspective on DHA incidents affecting the functioning of health services or endangering health workers.

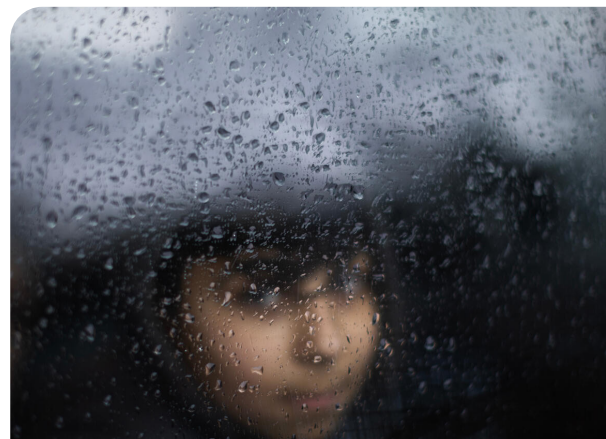


3.3 Cluster system

Each cluster should be able to provide thorough information about the partners and projects that are affected by access constraints and/or incidents, and, as such, they serve as valuable resources for understanding the impact on children.

Issues related to access might also be tackled during inter-cluster coordination meetings, which are chaired by OCHA. These meetings are crucial, as they address cross-cutting concerns across different clusters.

The protection and logistics clusters could be particularly useful to the MRM.



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- **Protection cluster and its areas of responsibilities (child protection; gender-based violence; housing, land and property; and mine action).** Access constraints often disproportionately impact protection activities as highlighted in the global protection cluster's report "Access that Protects: Agenda for Change". As a response, the cluster committed to monitoring and improving its access efforts.¹⁶
- **Logistics cluster.** The cluster routinely tracks air, sea, and land access, and could be a significant source of relevant information. They can share updates about bureaucratic obstacles, checkpoint blockages and infrastructural damage.


3.4 NGOs

NGOs, especially those that are local and national, are likely to be the most significantly impacted by DHA. These organizations typically hold the front-line positions and are responsible for "last-mile delivery" services. Given their proximity to the crises, their impact might be even more pronounced.

Incidents whereby NGOs experience DHA will likely be reported to or by OCHA. Nonetheless, it remains an essential task to maintain robust connections with NGO coordination forums or NGO security forums present within the country, such as the International NGO Safety Organisation,¹⁷ for instance.

¹⁶ See "Access That Protects" at www.globalprotectioncluster.org/themes/access_that_protects.

¹⁷ The International NGO Safety Organisation provides analysis, advice and training to humanitarian actors in insecure contexts. It also tracks security incidents and conflict trends affecting NGOs worldwide. Available at <https://ngosafety.org/>.



The impact of DHA on children may be heightened for NGOs focusing on and prioritizing children in their programming, such as Save the Children and Plan International.

Engaging with NGOs that place a substantial emphasis on protection and interaction with conflict parties, such as Nonviolent Peaceforce or Geneva Call, could prove beneficial. This is especially true regarding dialogue and engagement with parties to conflict on DHA.

In most countries with significant humanitarian operations, an NGO forum will most likely be established and can serve as a valuable source of information on access. These forums have a broad perspective and can also share information that individual NGOs might be hesitant to disclose directly due to fear of potential repercussions, reputational risks or funding challenges.

3.5 Civil Society (including organizations that serve children, youth, women and the elderly, etc.)

Civil society holds a pivotal role in the monitoring and reporting mechanism for grave violations, often serving as a primary source of information. In the context of DHA, civil society can play a critical role in identifying instances where children's access to services or humanitarian aid has been denied. This information may be underreported or lacking from other sources.

Organizing regular focus group discussions with civil society, particularly involving children, is essential to address the potential information gaps on DHA.

3.6 United Nations peacekeeping operations and special political missions

Within United Nations peacekeeping operations and special political missions, several components may have access to information relevant to the monitoring and reporting of DHA. These include the Joint Operations Centre, the Joint Mission Analysis Centre or offices with equivalent functions, the civil affairs and human rights components, as well as the military component (in peacekeeping operations), including the civil-military cooperation staff branch.

Some United Nations peacekeeping operations are mandated by the Security Council to facilitate the delivery of humanitarian assistance by contributing to the creation of conducive security conditions, and in some instances, information on access is included in reports of the Secretary-General to the Security Council through OCHA.

3.7 Others

Depending on the context, other significant sources of information may include **governmental donor agencies** and **diplomats**, some of whom may be involved in various humanitarian diplomacy initiatives related to negotiating access.

The **ICRC** may be able to provide a broader understanding and analysis of DHA in a given context within the limits of its specific *modus operandi*. However, the ICRC **does not contribute to or share information regarding the MRM reporting** on DHA-specific incidents, due to their bilateral and confidential modality of working with parties to conflict.

The **private sector**, including businesses and transport unions, could also provide excellent and reliable information. This is particularly true for transporters, who are often contracted by humanitarian actors to aid in assistance delivery and thus have unique insight.

Social media could also serve as a potential source of information. However, it could be time-consuming, as it requires extensive verification due to the high probability of encountering distorted or exaggerated information. Additionally, social media can be used for spreading propaganda, misinformation or rumors, which further necessitates a careful and skeptical approach when using it as an information source.

Additionally, there are valuable **resources located outside of the country** with analytical capacities. Organizations such as ACAPS¹⁸ or the Aid Worker Security Database¹⁹ could provide crucial data to complement and cross-check information available at the country level. They can also contribute to gaining a better overall understanding of DHA analysis.

¹⁸ See www.acaps.org/en/thematics/all-topics/humanitarian-access.

¹⁹ See www.aidworkersecurity.org/.

Humanitarian actors, both within and outside the United Nations, have a long-standing tradition of reporting on humanitarian access. Below are some of the most relevant ones that you should be aware of. Note that this list is not exhaustive. See the annex for more details.

1 OCHA's Access Monitoring and Reporting Framework and other humanitarian access products

OCHA established the Access Monitoring and Reporting Framework. The Framework outlines nine categories of access constraints. OCHA offices do not need to monitor all types of constraints but select the most significant and relevant ones by developing context-specific indicators for each type of constraint.

While this Framework is helpful in identifying trends and the most pressing access constraints to address with parties to conflict, OCHA has noted on multiple occasions that some access constraints are not incident-based (e.g. bureaucratic and administrative impediments), and therefore, this methodology has its limitations. In response, over the past few years, OCHA has progressively shifted towards a severity mapping of access. This qualitative approach focuses more on the perception of access constraints on the response and on the affected people.

OCHA produces regular access products at the field level, including access snapshots and access severity mapping.

All humanitarian needs and response plans include a dedicated section on planning assumptions, operational capacity and access, highlighting key humanitarian access trends, how the response will account for the challenges and what advocacy will be undertaken to address them.

2 ACAPS Humanitarian Access Index

ACAPS' humanitarian access methodology is an analysis framework using secondary data to investigate, understand and measure humanitarian access constraints within humanitarian crises. Its development started with the Humanitarian Access in Situations of Armed Conflict manual of the Switzerland's Federal Department of Foreign Affairs and OCHA's Humanitarian Access Framework. ACAPS identified relevant common indicators and evaluated them against their knowledge and humanitarian analysis expertise. ACAPS information could be useful to collaborate MRM meta-analysis on access in a given context.

3 Aid Worker Security Database

The Aid Worker Security Database is a project of the international research group Humanitarian Outcomes. Funded by USAID, it records major incidents, from 1997 to the present, of attacks on humanitarian workers worldwide.

4 International NGO Safety Organisation's Conflict and Humanitarian Data Centre

Established in 2011, the International NGO Safety Organisation is an independent international NGO which acts as the safety coordination and advisory body for the NGO community, offering daily assistance to over 1,000 registered organizations operating in high-risk environments. The Centre provides a centralized record of security incidents, including those affecting NGOs, to help identify trends on the ground and inform both operational and policy responses.



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4. Engagement, dialogue and advocacy on humanitarian access

The Geneva Conventions of 1949 entitle impartial humanitarian organizations to offer their services to parties to armed conflicts (international and non-international armed conflicts). The Security Council²⁰ has also stressed the importance for all parties to armed conflict to cooperate with humanitarian personnel in order to allow and facilitate access to civilian populations affected by armed conflict.

To establish acceptance for humanitarian action, and thereby access to affected populations, **humanitarian actors must establish and maintain liaison with all relevant parties, both State and non-State armed actors.** Failing to engage with one party to the conflict could compromise their neutrality, impartiality and independence (or perceptions of adherence to these principles) and could jeopardize the sustainability of humanitarian presence.

Engagement undertaken by humanitarian actors for humanitarian access are **needs-driven and based on the right of impartial humanitarian organizations to offer their services to the parties to armed conflict and the latter's obligation to allow and facilitate rapid, safe and unimpeded humanitarian access to civilians in need.**




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The primary objectives of these negotiations are:

- Facilitating humanitarian access and the delivery of aid and protection services to affected individuals.
- Sustaining a conducive operating environment, or “humanitarian space”.
- Advocating for the respect of relevant international law.

In their negotiations for access, humanitarian actors focus on numerous topics, including respect for international humanitarian law, respect for humanitarian principles, humanitarian programmes, the safety and security of aid workers, the uninhibited passage of relief resources and personnel, the forced displacement of populations and the evacuation of the sick and wounded, as well as civilian protection measures, among others.

²⁰ S/RES/1894 (2009).



The specific approach to these negotiations – whether direct or indirect – and the medium – oral or written – varies depending on the context. Often, combining different approaches and methods is necessary.

Several mechanisms (or humanitarian arrangements) can be employed to negotiate access – all of which could prove relevant to alleviate the suffering of children in armed conflict:

- **Ceasefire.**
- Temporary **cessation of hostilities** and cessation of hostilities.
- **Days of tranquility.** These are measures mostly implemented by organizations like UNICEF and WHO to ensure children have access to health-care services during conflicts, such as national immunization campaigns. This approach was successfully initiated in El Salvador in 1985, repeated yearly for six years, and later applied in Afghanistan, Lebanon and Uganda.
- **Humanitarian corridors:** These are designated routes allowing the safe transport of humanitarian goods or people in areas of active conflict in agreement with the conflict parties. They are often operated in situations where fighting is suspended or reduced. They generally require an agreement between the belligerents.
- **Humanitarian notification** systems. Humanitarian notification systems are used by humanitarian organizations to strengthen the likelihood of facilitating humanitarian access and/or sparing humanitarian workers, sites or assets from harm. It does so through the voluntary and systematic sharing of coordinates on humanitarian movements and/or sites with humanitarian notification system recipients.

While all humanitarian actors may have to negotiate access at any given time, the humanitarian community also has dedicated functions or teams that liaise directly with armed actors. Examples include the United Nations Civil-Military Coordination function and humanitarian negotiators, who work to negotiate access and ensure the delivery of aid in volatile contexts.

What is the United Nations Civil-Military Coordination function?

United Nations Humanitarian Civil-Military Coordination facilitates dialogue and interaction between civilian and military actors, essential for protecting and promoting humanitarian principles, avoiding competition, minimizing inconsistency and, when appropriate, pursuing common goals. United Nations Civil-Military Coordination is a framework that enhances a broad understanding of humanitarian action, and guides political and military actors on how best to support that action. It helps to develop context-specific policy based on internationally agreed guidelines, and it establishes humanitarian civil-military coordination structures, ensuring staff members are trained to make that coordination work. United Nations Civil-Military Coordination is particularly essential in complex emergencies and high-risk environments in order to facilitate humanitarian access, the protection of civilians and the security of humanitarian aid workers.²¹

- ➔ Note that a humanitarian organization's engagement with non-State armed actors or de facto authority for the purpose of delivering assistance **cannot be considered political legitimization, recognition of or support to a party to the conflict.**
- ➔ Note that engagements with parties to conflict by the CTFMRs or their equivalents are guided by Security Council resolutions and that it does not legitimize the parties to conflict.

OCHA. OCHA on Message: Humanitarian Principles. Available at www.unocha.org/publications/report/world/ocha-message-humanitarian-principles-enar

²¹ OCHA. OCHA on Message: What is United Nations Humanitarian Civil-Military Coordination? Available at www.unocha.org/publications/report/world/ocha-message-civil-military-coordination-enar-0#:~:text=Attachments&text=What%20is%20United%20Nations%20Humanitarian,or%20paramilitary%20organizations%20to%20respond.

CONCLUSION

This background note provides an overview of humanitarian access in relation to the CAAC agenda. It discusses key points, including the legal framework that underpins humanitarian access and the evolution of the access agenda in the Security Council. It recalls that the primary responsibility for securing access rests with the State, the occupying power, or the groups exerting control over specific territories.

Several stakeholders such as the emergency relief coordinator, OCHA, the Access Working Group, United Nations agencies, NGOs, civil society, the cluster system, United Nations peacekeeping operations, and special political missions contribute to the access agenda, adding to its complexity.

In conclusion, this document provides valuable context for understanding how to monitor and report DHA under the MRM CAAC framework, which is outlined in more detail in the Guidance Note. This Background Note underscores the complexity of humanitarian access, involving numerous actors and multiple perspectives.

Coordinating mechanisms and continuous dialogue among all actors involved in CAAC and humanitarian access agenda are crucial to avoid duplication of efforts and to promote a cohesive approach.

Lastly, it is critical that the humanitarian nature of this agenda should be respected, ensuring the issue remains free from politicization to maintain safe and effective humanitarian operations. Ultimately, the aim is to ensure that children have access to services indispensable to their survival in conflict areas or other situations of violence.



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5. Annex: humanitarian access reporting and mechanisms (non-exhaustive)

	OCHA	ACAPS	Aid Worker Security Database	International NGO Safety Organisation
Description	<p>OCHA's Access Monitoring and Reportin Framework provides OCHA country offices with a tool to collect and analyse data on the impact of access constraints on the humanitarian response.</p> <p>Data source: all humanitarian actors</p>	<p>ACAPS's analysis of humanitarian access at the global level summarizes the access situation in different countries where humanitarian crises have been identified.</p> <p>Data source: secondary data</p>	<p>The Aid Worker Security Database is a global compilation of reports on major security incidents involving deliberate acts of violence affecting aid workers.</p>	<p>The Conflict and Humanitarian Data Centre allows users to analyse incident data by location, date, actors, acts and impacts on people and property. It also offers a built-in graphics application to create detailed charts and maps.</p> <p>→ Conflict and Humanitarian Data Centre is the central incident database for the humanitarian community, used by hundreds of operational organizations globally. It contains over a million entries with up to 10,000 new incidents added monthly across the countries covered by the International NGO Safety Organisation</p> <p>Data source and focus: mostly NGOs.</p>

Indicators	<p>The Access Monitoring and Reporting Framework consists of nine categories of access constraints. OCHA country offices do not need to monitor all categories of constraints, but select the most significant and relevant ones for each context. The nine categories in the Access Monitoring and Reporting Framework include:</p> <ol style="list-style-type: none"> 1. Denial of the existence of humanitarian needs or of entitlements to humanitarian assistance. 2. Restriction of movement of agencies, personnel or goods into the affected country. 3. Restriction of movement of agencies, personnel or goods within the affected country. 4. Military operations and ongoing hostilities impeding humanitarian operations. 5. Violence against humanitarian personnel, assets and facilities. 6. Interference in the implementation of humanitarian activities. 7. Presence of mines and unexploded ordnance. 8. Physical environment. 9. Restrictions on, or obstruction of, conflict-affected populations access to services and assistance. 	<p>Humanitarian access is divided into three core pillars:</p> <ol style="list-style-type: none"> 1. Access to aid of people in need 2. Access of humanitarian actors to the population in need 3. Physical, environmental and security constraints. <p>These dimensions together are broken down into nine indicators:</p> <ol style="list-style-type: none"> 1. Denial of existence of humanitarian needs or entitlements to assistance. 2. Restriction and obstruction of access to services and assistance. 3. Impediments to enter the country (bureaucratic and administrative). 4. Restriction of movement within the country. 5. Interference into implementation of humanitarian activities. 6. Violence against humanitarian personnel, facilities, and assets. 7. Insecurity or hostilities affecting humanitarian assistance. 8. Physical constraints in the environment. 	<p>The Aid Worker Security Database records incidents of "major violence" against aid workers, the definition of which includes acts with the following outcomes: kidnapping, killing, wounding (i.e. serious injury requiring medical attention), rape and sexual assault.</p>	<p>Attack. A type of act in which an actor attacks another actor, usually with intent to cause death or injury. This includes armed attacks like airstrikes, improvised explosive devices and shootings and melee attacks such as with machetes, clubs and by hand.</p> <p>Confine. A type of act in which an actor confines another actor against their will. This includes abductions and unlawful detentions, arrests, vehicle checkpoints, forced transportation and access denial.</p> <p>Theft. A type of act in which an actor takes something from another actor without their permission. This includes armed and unarmed robberies, burglaries, fraud and looting.</p> <p>Threat. A type of act in which an actor threatens another actor. This includes armed and unarmed threats (where there is no attack), verbal and written threats, and specific bomb and sexual threats.</p>
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Methodology/ verification	<p>Data may be collected by OCHA staff or reported by other members of the humanitarian community, including groups with specific expertise (e.g. United Nations Department of Safety and Security) on security-related constraints; the logistics cluster on restrictions due to physical environment; the protection cluster on restrictions placed on affected communities or the presence of mines).</p> <p>Data collected can be supplemented with other information (e.g. perception surveys, cluster/humanitarian country team contextual analysis) to describe the implications of constraints. This can be combined with population figures and gender-disaggregated data such as morbidity/mortality rates and information on needs to describe the consequences of access constraints.</p>	<p>The humanitarian access methodology collates a range of qualitative information sources and relevant data sets in a structured way to quantify the level of humanitarian access constraints in determined contexts. It carries the limitations associated with the information used.</p> <p>ACAPS use a scoring system. Their methodology groups nine indicators under three pillars: each indicator is given a score from 0 to 3 and X when there is an information gap. The model then combines the indicators in pillars, where they get a final score on a scale of 0 to 5</p>	<p>Incident data is collected both from public sources, through systematic media filtering using a data scraper tool developed for Humanitarian Outcomes, and from information provided directly to the project by aid organizations and operational security entities.</p> <p>The project also maintains agreements with a number of regional and field-level security consortiums for direct information-sharing and verification of incidents.</p> <p>Incident reports are crosschecked and verified with the relevant agencies on an annual basis via the verification project. The latest, unverified incidents are provided on the online database with the qualification that the numbers are provisional and may change.</p>	<p>Primary incident data is collected and verified by our field teams and undergoes several layers of review (at field and Headquarters levels) before going live in the Conflict and Humanitarian Data Centre. Incidents are coded by four principal categories – actor, act, location, and impact – and several hundred hierarchically nested subsystems such as the specific group involved, the type of weapon used or the nationality of those affected.</p>
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