

Advancing towards inclusive peace and security: Persons with disabilities and Security Council Resolution 2475

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Abstract

Persons with disabilities are at higher risk of injury or death during an armed conflict, either as specific targets or through inability to protect themselves. Humanitarian responses concentrate on meeting the immediate basic needs of an average population. Yet historically, the situation of persons with disabilities during armed conflict, as well as peacebuilding processes, has been largely absent in the discussion at the Security Council. On 20 June 2019, the United Nations Security Council unanimously passed Resolution 2475. This groundbreaking text marks the first time the Council has dedicated an entire resolution to the situation of persons with disabilities in situations of armed conflict. The resolution has significantly raised the attention and understanding of the situation of persons with disabilities in the context of the armed conflict in the Security Council and beyond. This article details the process that led to Resolution 2475, as well as what has happened since.

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Introduction

Persons with disabilities make up about 15% of the world's population.¹ Estimates suggest that, out of the 235 million people who needed humanitarian protection and assistance in 2021, thirty-five million were persons with disabilities.² Of the 79.5 million people forcibly displaced in 2019 as a result of conflict, persecution and human rights violations, approximately twelve million are persons with disabilities.³ It is well reported that persons with disabilities are at higher risk of injury or death during an armed conflict, either as specific targets or through inability to protect themselves.⁴ Armed conflict and humanitarian emergencies have a devastating and disproportionate impact on persons with disabilities, in all phases of conflict and its consequences: for persons in conflict zones; for those fleeing conflict; and for those in post-conflict situations or dealing with the aftermath of conflict.⁵

During armed conflict, persons with disabilities face numerous threats to their physical and mental wellbeing, up to and including being subjects of targeted killings, which can aggravate pre-existing disabilities and lead to secondary disabilities. They often cannot access humanitarian assistance, basic services and shelter. Women and girls with disabilities, in particular, are more often victims of sexual and gender-based violence, as compared to their counterparts without disabilities. According to the Women's Refugee Commission, women with physical disabilities and women and girls with intellectual disabilities are at higher risk of rape and other forms of sexual violence in both camp and urban refugee settings. Equally, children with disabilities are three times more likely to experience sexual violence,⁶ and three to

1 World Health Organization (WHO) and the World Bank, *World Report on Disability*, WHO, Geneva, 14 December 2011, p. 30, available at: www.who.int/teams/noncommunicable-diseases/sensory-functions-disability-and-rehabilitation/world-report-on-disability (all internet references were accessed in September 2022).

2 United Nations (UN) Office for the Coordination of Humanitarian Affairs, *Global Humanitarian Overview 2021*, 1 December 2020, available at: <https://2021.gho.unocha.org/>.

3 Office of the United Nations High Commissioner for Refugees (UNHCR), *Global Trends: Forced Displacement in 2019*, 18 June 2020, available at: <https://reliefweb.int/report/world/global-trends-forced-displacement-2019>.

4 Diakonia International Humanitarian Law Centre, *Conflict and Persons with Disabilities: Fact Sheet*, 3 December 2021, available at: <https://reliefweb.int/report/world/fact-sheet-conflict-and-persons-disabilities-3-december-2021>.

5 Alice Priddy, *Disability and Armed Conflict*, Academy Briefing No. 14, Geneva Academy of International Humanitarian Law and Human Rights, Geneva, 2019.

6 Women's Refugee Commission, *Gender-based Violence among Displaced Women and Girls with Disabilities: Findings from Field Visits 2011–2012*, available at: www.womensrefugeecommission.org/wp-content/uploads/2020/04/GBV_and_disability_field_visit_findings_022513.pdf.

four times more likely to experience violence in general, compared to their peers without disabilities. In addition, they very often face barriers in accessing education and medical care.⁷ This is exacerbated in particular by the use of explosive weapons with wide area effects in populated areas, which causes disruptions, degradation and destruction of essential services, even when those services are not directly targeted.

The prevalence of protracted conflicts only serves to enhance this overall impact on persons with disabilities due in large part to the degradation and collapse of essential and support systems and services, thereby creating new barriers on top of pre-existing ones.⁸ Refugees and internally displaced persons with disabilities in particular frequently face exclusion from basic services. Refugee and displacement camps and facilities often lack formal and comprehensive procedures to identify all refugees with disabilities and consequently fail to provide them with protection and essential services, such as shelter and medical care that are accessible and responsive to their needs.⁹ Persons with disabilities are also largely excluded from peacebuilding efforts – often due to prejudice.¹⁰ Gaps in post-conflict reintegration processes, especially in addressing the needs of ex-combatants and civilians with newly acquired disabilities, as well as pervasive stigma and discrimination against persons with disabilities, only serve to amplify experiences of marginalization.¹¹ There is also little evidence of systematic engagement with persons with disabilities and their representative organizations in humanitarian response delivery.¹²

Persons with disabilities in the context of armed conflict in the Security Council and beyond

Until the adoption of United Nations Security Council (UNSC) Resolution 2475 (2019),¹³ the situation of persons with disabilities during armed conflict and

7 A. Priddy, above note 5.

8 Special Rapporteur on the rights of persons with disabilities, Gerard Quinn, Report on the rights of persons with disabilities in the context of armed conflict, UN Doc. A/76/146, 19 July 2021.

9 UN Office of the High Commissioner for Human Rights, “Migrants and Refugees with Disabilities Must be a Priority in New Global Compact on Migration – UN Experts”, Press Release, 12 April 2017, available at: www.ohchr.org/en/press-releases/2017/04/migrants-and-refugees-disabilities-must-be-priority-new-global-compact.

10 Anita Aaron, Danielle Lane and Ariana Barth, *The Involvement of Persons with Disabilities in Conflict Resolution and Peacebuilding Efforts: Inclusion of Persons with Disabilities (PWD) as Part of the Solution in the Post Conflict Arena*, World Institute on Disability, Berkeley, 2015.

11 Elizabeth Murray and Rashad Nimr, “The Role of Accessibility and Funding in Disability-Inclusive Peacebuilding”, United States Institute of Peace, 29 July 2022, available at: www.usip.org/publications/2022/07/role-accessibility-and-funding-disability-inclusive-peacebuilding.

12 CBM International, Humanity & Inclusion (HI) and the International Disability Alliance (IDA), *Case Studies Collection 2019. Inclusion of Persons with Disabilities in Humanitarian Action*, 2019, available at: www.internationaldisabilityalliance.org/sites/default/files/case_studies_inclusion_of_persons_with_disabilities_in_humanitarian_action_cbm_hi_ida_0.pdf.

13 UNSC, Resolution 2475 (2019), UN Doc. S/RES/2475 (2019), 20 June 2019, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/186/60/PDF/N1918660.pdf?OpenElement>.

during peacebuilding processes was largely unaddressed in the Council's discussions. There were only three resolutions of the UNSC that mentioned persons with disabilities: Resolution 2217 (2015), Resolution 2427 (2018) and Resolution 2459 (2019). Resolution 2217, which extended the Mandate of the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), expressed:

serious concern about the dire situation of persons with disabilities in the CAR [Central African Republic], including abandonment, violence and lack of access to basic services, and emphasiz[ed] the need to ensure that the particular needs of persons with disabilities are addressed in the humanitarian response.¹⁴

In addition, the Council requested that MINUSCA:

monitor, help investigate and report on violations and abuses committed against children, women as well as persons with disabilities, including rape and other forms of sexual violence in armed conflict, and to contribute to efforts to identify and prosecute perpetrators, and to prevent such violations and abuses.¹⁵

Similar language was included in Resolution 2459 (2019) on the situation in South Sudan.¹⁶ The fact that this language has been included was mainly due to reporting from civil society organizations and other stakeholders regarding grave violations.¹⁷ Resolution 2427 on Children and Armed Conflict addressed the special needs of children with disabilities only in the context of providing reintegration and rehabilitation assistance to children affected by armed conflict.¹⁸

Additionally, reporting on the situation of persons with disabilities was generally absent from country-specific reports submitted to the UNSC by peacekeeping and political missions. Until 2019, the situation of persons with disabilities had been rarely addressed by the Office of the Secretary-General in its annual report on protection of civilians, which is presented to the UNSC. In the 2019 report, the Secretary-General called for a “more comprehensive thematic approach across all relevant situations that takes into account the role of conflict in both aggravating existing disabilities and causing new ones, and the need to ensure effective protection and assistance for persons with disabilities”.¹⁹

14 UNSC, Resolution 2217 (2015), UN Doc. S/RES/2217 (2015), 28 April 2015, preambular para. 33, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/121/41/PDF/N1512141.pdf?OpenElement>.

15 *Ibid.*, para. 32(e)(11).

16 UNSC, Resolution 2459 (2019), UN Doc. S/RES/2459 (2019), 15 March 2019, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/075/20/PDF/N1907520.pdf?OpenElement>.

17 For example, in the case of South Sudan: Human Rights Watch, “South Sudan: People with Disabilities, Older People Face Danger”, 31 May 2017, available at: www.hrw.org/news/2017/05/31/south-sudan-people-disabilities-older-people-face-danger.

18 UNSC, Resolution 2427 (2018), UN Doc. S/RES/2427 (2018), 9 July 2018, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/216/81/PDF/N1821681.pdf?OpenElement>.

19 UNSC, Protection of civilians in armed conflict, UN Doc. S/2020/366, 6 May 2020, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/115/79/PDF/N2011579.pdf?OpenElement>.

Ultimately, this has proved an important political message that facilitated the later adoption of Resolution 2475.

Some limited steps have been taken to include disability in the peace and security agenda by other bodies. The UN Secretary-General has highlighted that persons with disabilities are a critical group under Core Responsibility 3 of the Agenda for Humanity that outlines changes that are needed to alleviate suffering, reduce risk and lessen vulnerability on a global scale.²⁰ The Charter on Inclusion of Persons with Disabilities in Humanitarian Action was adopted at the 2016 World Humanitarian Summit and has been endorsed by over 140 humanitarian and human rights organizations, organizations of persons with disabilities (OPDs), UN agencies and governments.²¹ The Charter concerns all humanitarian disasters and emergency situations, including armed conflict. Signatories commit, among other things: to eliminating all forms of discrimination against persons with disabilities in humanitarian policy and programming;²² undertaking meaningful consultations with persons with disabilities and their representative organizations in humanitarian programme design, implementation and monitoring; and improving quantitative and qualitative data collection on persons with disabilities.²³ It serves as a useful advocacy and awareness-raising tool in the humanitarian environment. It is proof of a collective willingness to enhance the full and meaningful inclusion and participation of persons with disabilities and their representative organizations across the humanitarian system, in line with the UN Convention on the Rights of Persons with Disabilities (CRPD).²⁴

In 2013, the United Nations Children's Fund (UNICEF) launched a series of guidance resources on the inclusion of children with disabilities in humanitarian action, including thematically focused guidance in the areas of education, health and HIV/AIDS, nutrition, protection, and water, sanitation and hygiene.²⁵

The path leading to the adoption of Resolution 2475

With the exception of the documents noted above, discussions on persons with disabilities in the context of armed conflict in the work of the UNSC were effectively non-existent. The first time the UNSC discussed this topic was during the UNSC's Arria-Formula Meeting on 3 December 2018, International Day of Persons with Disabilities.²⁶ The meeting was organized by the Permanent Mission

20 UN General Assembly, *One Humanity: Shared Responsibility: Report of the Secretary-General for the World Humanitarian Summit*, UN Doc. A/70/709, 2 February 2016, \$79.

21 Charter on Inclusion of Persons with Disabilities in Humanitarian Action, available at: <http://humanitariananddisabilitycharter.org/>.

22 *Ibid.*, section 2.1.

23 *Ibid.*, section 2.2.

24 Charter on Inclusion of Persons with Disabilities in Humanitarian Action, above note 21.

25 UNICEF, *Guidance on Including Children with Disabilities – Education Kit Handbook*, July 2013, available at: www.unicef.org/supply/reports/guidance-including-children-disabilities-education-kit-handbook.

26 UN, "The Situation of Persons with Disabilities in Armed Conflict – Security Council, Open Arria-Formula Meeting", *UN Web TV*, 3 December 2018, available at: <https://media.un.org/en/asset/k1a/k1any949pw>.

of Poland to the UN in cooperation with Permanent Missions of Côte D'Ivoire, Germany and Peru and featured representatives from the UN, civil society and academia. The meeting was initiated by the Permanent Mission of Poland as the non-permanent member of the UNSC in 2018 and 2019, as part of the Polish government's long-standing priority of promoting the rights of persons with disabilities.

With that in mind, the Arria-Formula Meeting involved inviting Member States of different regional groups to co-organize the event to show the interregional support for this matter. The meeting took place with support of UNICEF, the Office of the High Commissioner for Human Rights and the International Disability Alliance. The objective of the meeting was to recognize the disproportionate impact of armed conflict on persons with disabilities. The aim was also to discuss how to ensure a more inclusive and participatory approach towards persons with disabilities during conflicts and reflect on possible measures to implement adequate solutions and emergency responses in conflict zones, as well as to reflect on the role of the UNSC and the wider UN system in this regard.

What came out very clearly from the meeting was the need for the UNSC to do more to better protect persons with disabilities – and also to learn from experiences of persons with disabilities to make sure the needs of this group are taken into consideration while programming humanitarian activities, including evacuations or post-conflict reconstruction. The discussion also made very clear that the UN and its Member States were not doing enough to protect and promote rights of persons with disabilities in armed conflict.

The following year saw another milestone in the development of this agenda: the UNSC briefing by Nujeen Mustafa, a refugee and disability rights advocate, who was invited to provide a civil society perspective and recommendations when the UNSC met to discuss the humanitarian situation in Syria.²⁷ During the briefing, she underlined that the war in Syria has a disproportionately high impact on people with disabilities, including psychological impact.²⁸ During the briefing, Ms Mustafa also highlighted that use of landmines and cluster bombs has had devastating human consequences, as thousands of Syrians have lost limbs to these dreadful weapons that have rightly been banned by most governments because of their immense harm to civilians.²⁹

Adoption of the resolution and its key features

The momentum created in recent years was critical to start the work on the resolution. The negotiations on the draft text were led by Poland and the United

27 Nujeen Mustafa, "Statement by Ms. Nujeen Mustafa during the UN Security Council Briefing on the Humanitarian Situation in Syria, UN Headquarters, New York", 24 April 2019, available at: <https://www.womenpeacesecurity.org/peacebuilder-resource-un-security-council-briefing-syria-nujeen-mustafa-04-2019/>.

28 *Ibid.*

29 *Ibid.*

Kingdom. For both Poland and the United Kingdom, the protection and promotion of rights of persons with disabilities have been a long-standing priority. Meanwhile, the United Kingdom is the so-called penholder of the Protection of Civilians agenda in the UNSC. As a Permanent Member of the Council, the United Kingdom brought institutional knowledge and expertise. With very little agreed-upon language to build on, the resolution relied for its baseline largely on the Geneva Conventions and the CRPD. It was necessary to draw from resolutions on related issue areas, such as those on the protection of civilians,³⁰ on children and armed conflict³¹ and on women, peace and security.³² The text also builds on the tireless work of OPDs in advocating for greater disability representation in official processes, participating in these processes and ensuring that disability rights are included in official documents. Finally, it builds on the pre-existing framework, such as the Geneva Conventions and the UN CRPD without creating new obligations. The negotiations for the resolution started in April 2019, and after numerous rounds of negotiations and bilateral meetings, the final text was adopted on 20 June 2019.

This groundbreaking text marks the first time the Council has dedicated an entire resolution to the situation of persons with disabilities in situations of armed conflict. The resolution has significantly raised the attention and understanding of the situation of this group in the UNSC and beyond. It acknowledges the disproportionate impact of armed conflict on persons with disabilities, while reinforcing the obligations of parties to the conflicts, Member States and the UN in line with the Geneva Conventions and the UN CRPD, in particular Article 11 on situations of risk and humanitarian emergencies. The resolution ensured human rights focus and urged Member States to take steps to eliminate discrimination and marginalization on the basis of disability in situations of armed conflict.

In the resolution's individual provisions, the fifteen-member UNSC issued numerous calls to action. The text calls upon all parties to armed conflict to allow and facilitate safe, timely and unimpeded humanitarian access to all people in need of assistance.³³ The document encouraged Member States to ensure that persons with disabilities enjoy equal access to basic services, including education, health care, transportation and information and communications (ICT) and systems.³⁴ It further urged them to prevent violence and abuses against civilians in situations of armed conflict.³⁵ Resolution 2475 also reiterates the need to end impunity for criminal acts directed at or having negative impacts on persons with disabilities as it calls for victim "access to justice and effective remedies and, as

30 UNSC, Resolution S/RES/1265 (1999), UN Doc. S/RES/1265 (1999), 17 September 1999, and subsequent resolutions, available at: <http://unscr.com/en/resolutions/1265>.

31 UNSC, Resolution S/RES/1261 (1999), UN Doc. S/RES/1261 (1999), 30 August 1999, and subsequent resolutions, available at: <http://unscr.com/en/resolutions/1261>.

32 UNSC, Resolution S/RES/1325 (2000), UN Doc. S/RES/1325 (2000), 31 October 2000, and subsequent resolutions, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>.

33 UNSC Resolution 2475, above note 13, preambular para. 14.

34 *Ibid.*, operational para. 5.

35 *Ibid.*, operational para. 1.

appropriate, reparations”.³⁶ It calls on Member States to build the capacity and knowledge on the needs and rights of persons with disabilities among peacekeepers and peacebuilders.³⁷ The Resolution contributed to strengthening the data collection and reporting on persons with disabilities by the UN Peacekeeping Operations, Special Political Missions and Other Political Presences. And though Resolution 2475 encourages further reporting, it does not formally request it, as part of a deliberate decision to avoid creating any budgetary implications for the UN.

Finally, the resolution aims to shift power to persons with disabilities as agents of change, participating and leading in decision-making “in humanitarian action, conflict prevention, resolution, reconciliation, reconstruction and peacebuilding”.³⁸ It stressed that persons with disabilities can be – and have been – the source of solutions for peace and security challenges. It encourages the UNSC to invite persons with disabilities as briefers and additionally opened the door to look at other intersecting groups, such as children with disabilities in the context of armed conflict.

The resolution’s greatest strength lies in its consensual character. Through the negotiations, two Permanent Members of the UNSC raised many concerns regarding the initiative in general and the specific text. Those concerns were primarily linked to the fact that both the Russian Federation and China considered bodies other than the UNSC as more appropriate venues to discuss this matter – with a particular focus on shifting discussion to the Third Committee of the General Assembly and the Human Rights Council. The Russian and Chinese delegations raised other concerns, as well, including that the resolution would create legal obligations beyond the Geneva Conventions. Moreover, discussions on the cooperation of the UNSC with civil society and other stakeholders, in particular the Special Rapporteur on the rights of persons with disabilities, were particularly difficult and caused objections by some Member States. In particular, a paragraph related to briefings by the Special Rapporteur had to be deleted. It was also a deliberate aim for the resolution not to create any budgetary implications for the UN, important in the interest of ensuring the resolution’s consensual adoption.

Ultimately, the Council adopted Resolution 2475 with all fifteen votes in favour. Sixty-eight Member States of the UN joined as co-sponsors of the resolution.

UN-wide developments since the adoption of Resolution 2475

In addition to its own substantive text, Resolution 2475 demands more synergies among the peace and security, development and humanitarian pillars of the UN. Most notably, the resolution and its aims have been reinforced by the launch of

36 *Ibid.*, operational para. 2.

37 *Ibid.*, operational para. 6.

38 *Ibid.*, preambular para. 7.

the United Nations Disability Inclusion Strategy (UNDIS) in March 2019. The Strategy's aim is to ensure that UN systems and programmes are themselves optimizing the contribution of the Organization to realizing the goals of the CRPD.

UNDIS has four related goals: the development of leadership across the UN system; strategic planning in mainstream activities to take explicit account of persons with disabilities; the development of disability-specific policies; and the development of teams with specific knowledge of disability and disability rights.³⁹ UNDIS has an entity accountability framework with detailed indicators across all four goals. The Strategy signalled the highest level of commitment from UN entities to the inclusion of persons with disabilities. It provides guidance to enable UN support and facilities, including in areas of armed conflicts and humanitarian settings, to be inclusive and accessible to all persons. It provides an institutional framework for the UN to support Member States in implementing the 2030 Agenda for Sustainable Development, the CRPD and Resolution 2475, as well as other international humanitarian and human rights law instruments.

Particularly crucial in the context of Resolution 2475 is UNDIS's aim to transition the UN peacekeeping, humanitarian and development sectors toward greater disability inclusivity, to increase coherence and collaboration at the country level and to build the capacity of staff working to ensure human rights in armed conflict and humanitarian emergencies. This largely shares the goals of Resolution 2475 as a whole, and, in particular, closely mirrors its paragraph 7 ("Emphasizes the importance of building capacity and knowledge of the rights and specific needs of persons with disabilities across UN peacekeeping and peacebuilding actors and urges Member States to play a central role in this regard"). It has also contributed to a shift in the way UN departments, in particular the Department of Peacekeeping Operations, approach the question of rights of persons with disabilities. Under UNDIS, the rights of persons with disabilities cannot any longer be seen as only a development issue, but rather must constitute part of the peace and security agenda.

The way forward

Resolution 2475 must now be fully implemented, as must international humanitarian law and the International CRPD. It is worth mentioning that on the first anniversary of the adoption of Resolution 2475, seventy-nine Member States signed a statement recommitting themselves to strengthen efforts to protect and promote the rights of persons with disabilities in the context of armed conflict. Likewise, there has been some progress, linked largely to UNDIS, to enhanced reporting from UN missions on relevant topics, but that reporting is still not sufficient to help understand the Resolution's impacts on the ground and shape policies. Future resolutions establishing or extending the mandates of

39 UN, *United Nations Disability Inclusion Strategy*, available at: www.un.org/en/content/disabilitystrategy/assets/documentation/UN_Disability_Inclusion_Strategy_english.pdf.

missions should request information on the situation of persons with disabilities to help fully deliver on the Resolution's and UNDIS's promise.

The Council should also consider mandating in a new resolution a report from the Secretary-General on the issue of the rights of persons with disabilities in armed conflict in a more comprehensive way. The reports of the Secretary-General could be then a basis for further actions by the UNSC. Whereas other reports exist, such as of the Special Rapporteur on the rights of persons with disabilities, those are not seen as a source of information for the UNSC by some of its members. In addition, the protection and promotion of the rights of persons with disabilities should be mainstreamed in other UNSC agendas, such as those on children with disabilities and on women, peace and security. To date, the only other UNSC resolution that explicitly mentions Resolution 2475 is Resolution 2594 on peacekeeping transitions.⁴⁰ It must be also stressed that persons with disabilities are not a homogeneous group and the future documents of the UNSC in this area could address, for example, children or women with disabilities in the peace and security context.

Unfortunately, in the time since Resolution 2475 was adopted, little has improved when it comes to engaging persons with disabilities in the work of the UNSC. The number of briefers with disabilities that took part in the meetings of the UNSC remains very limited. The Member States holding presidency in the Council should consider inviting briefers with disabilities to take part in geographic and thematic meetings of the UNSC. The experience so far shows that persons with disabilities can bring very important perspectives to the Council's discussions. Finally, when UNSC Member States organize the Council's field visits, they could consider meeting with persons with disabilities and OPDs as part of that work.

To date there has been no open debate of the UNSC dedicated exclusively to the situation of persons with disabilities in armed conflict. Perhaps that is the next important step.

40 UNSC, Resolution S/RES/2594 (2021), UN Doc. S/RES/2594 (2021), 9 September 2021, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/247/56/PDF/N2124756.pdf?OpenElement>.