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BRIEFLY NOTED*

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Judicial and Similar Proceedings

1. Decision Concerning the Chagos Archipelago and the Rights of the Chagossian People (CERD Committee – December 2, 2025)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FEWU%2F11263&Lang=en

On December 2, 2025, the UN Committee on the Elimination of Racial Discrimination (CERD) adopted a decision under its Early Warning and Urgent Action Procedure concerning the Chagos Archipelago and the rights of the Chagossian people. CERD recalled the forced eviction and displacement of the Chagossian population from the Chagos Archipelago in the 1960s for the establishment of a military base on Diego Garcia.

The decision addresses the bilateral agreement signed on May 22, 2025, between the United Kingdom and Mauritius that has not yet entered into force. The Committee expressed concern that the agreement would allow the long-term leasing of Diego Garcia to the United Kingdom while preventing the return of Chagossians to the island. It also raised concerns about the reported lack of consultation with the Chagossian community and the absence of guarantees of full reparation for past harms.

CERD called on both states to suspend ratification of the agreement and urged them to engage directly with the Chagossian people, ensure their free, prior, and informed consent, and respect their rights to self-determination, return, cultural life, and effective remedies.

Resolutions, Declarations, and Other Documents

1. Resolution ICC-ASP/S-1/Res.1 (Assembly of States Parties of the International Criminal Court – July 9, 2025)

https://asp.icc-cpi.int/sites/default/files/asp_docs/ICC-ASP-S-1-Res.1-ENG.pdf

On July 9, 2025, the Assembly of States Parties of the International Criminal Court adopted by consensus Resolution ICC-ASP/S-1/Res.1, initiating a multi-year process to review the amendments to the Rome Statute on the crime of aggression.

The resolution noted that, although 49 of 125 states parties have ratified the Kampala Amendments, no investigation into the crime of aggression has been conducted since the Court's jurisdiction was activated. It also acknowledges that states parties remain divided: some view the current framework as creating a jurisdictional gap and support harmonizing the crime of aggression with the Court's jurisdiction over other core crimes, while others argue that the Kampala compromise should be preserved.

The resolution annexed a proposal to amend Article 15bis, which was submitted by Costa Rica, Germany, Sierra Leone, Slovenia, and Vanuatu. The proposed amendment would modify the conditions under which the Court may exercise jurisdiction over aggression. The Assembly of States Parties did not adopt the proposed amendment. Instead, it established a dedicated subgroup of the Working Group on Amendments, scheduled an intersessional meeting in 2027, and decided to convene a Special Session in 2029 to consider the proposal and discuss additional options for strengthening the Court's jurisdiction over the crime of aggression.

2. Declaration on the Right to a Safe, Clean, Healthy and Sustainable Environment (ASEAN – October 26, 2025)

https://aichr.org/wp-content/uploads/2025/10/6.-ASEAN-DECLARATION-ON-PROMOTING-THE-RIGHT.pdf

On October 26, 2025, the Association of Southeast Asian Nations (ASEAN) adopted the ASEAN Declaration on the Right to a Safe, Clean, Healthy and Sustainable Environment. The Declaration takes place in a context of increasing regional environmental degradation and climate vulnerability in Southeast Asia. It also goes along with growing

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international recognition, under the UN 2030 Agenda for Sustainable Development and the UN General Assembly's 2022 resolution on the right to a clean, healthy, and sustainable environment, that environmental protection constitutes a fundamental human right requiring state cooperation and accountability.

The Declaration affirms that everyone within the ASEAN member states has the right to live in a safe, clean, healthy and sustainable environment. It sets out both substantive environmental rights such as access to clean air and water and procedural rights such as public participation in environmental decision-making. The Declaration represents the region's first comprehensive human-rights-based regional instrument on environmental protection.

The Declaration supports key dimensions of the 2030 Agenda in several ways. First, the 2030 Agenda emphasizes that sustainable development must balance the economic, social, and environmental pillars and that "all human beings can fulfil their potential in dignity and equality and in a healthy environment." By recognizing environmental rights and procedural safeguards as seen above, the Declaration advances the human-rights dimension of the Agenda and supports the principle of "leaving no one behind." Third, the Declaration operationalizes the link between environmental protection and people's rights, mirroring the 2030 Agenda's objectives—such as SDG 6 (Clean Water and Sanitation), SDG 13 (Climate Action) and SDG 16 (Peace, Justice and Strong Institutions).

3. A/HRC/61/CRP.1: The Hidden Crisis: Disability Rights in Post-Coup Myanmar (UN Office of the High Commissioner – November 13, 2025)

https://www.ohchr.org/en/documents/thematic-reports/ahrc61crp1-hidden-crisis-disability-rights-post-coup-myanmar-advance

A UN report reveals that Myanmar's junta violence has disproportionately harmed persons with disabilities. At least 117 persons with disabilities were killed—wheelchairs, prosthetics, hearing aids often left or destroyed during attacks. Many are unable to flee quickly, and evacuation efforts are often physically inaccessible. As a result, persons with disabilities are frequently left behind during military operations, exposing them to a heightened risk of torture, ill-treatment, and lethal violence if discovered.

Under Article 11 of the Convention on the Rights of Persons with Disabilities (CRPD), Myanmar is obligated to take "all necessary measures" to ensure the protection and safety of persons with disabilities in situations of risk, including armed conflict and humanitarian emergencies. Furthermore, UN Security Council Resolution 2475, adopted in 2019, all UN member states, including Myanmar, are to take all appropriate measures to eliminate discrimination and marginalization of persons with disabilities in situations of armed conflict, especially those facing multiple and intersecting forms of discrimination. However, reports show that persons with disabilities in Myanmar are routinely denied accessible evacuation, subjected to violence, and deprived of essential services.

Amnesty International has submitted a report to the UN Committee on the Rights of Persons with Disabilities regarding Article 11 outlining the conditions faced by persons with disabilities in Myanmar. These reports detailed how individuals with mental disabilities were subjected to extrajudicial executions, arbitrary detention, and torture, often because soldiers perceived them as failing to comply with orders. Persons with mental and physical disabilities continue to face social, cultural, and political obstacles, and widespread stigma creates conditions of isolation, dependency, and emotional distress.

4. Resolution S-38/1. Human rights situation in and around El Fasher, in the context of the ongoing conflict in the Sudan (UN Human Rights Council – November 14, 2025)

https://documents.un.org/doc/undoc/gen/g25/191/98/pdf/g2519198.pdf

The UN Human Rights Council (HRC) adopted a resolution directing an independent fact-finding mission to investigate reports of human rights violations including mass killings in El Fasher, North Darfur. The Council's held its 38th special session to address the concerns over crimes against humanity and the potential risk of genocide in Sudan.

In its resolution (A/HRC/S-38/L.1), the Council condemned RSF and allied forces for killings, torture, executions, and widespread sexual and gender-based violence. UN experts reported hundreds of rapes of women and girls along escape routes describing the attacks as a deliberate weapon of war.

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UN High Commissioner for Human Rights Volker Türk emphasized that the atrocities in El Fasher were "foreseen and preventable" and called on all actors to take immediate, concrete measures to protect civilians. African Union Special Envoy Adama Dieng urged the international community to cease the flow of weapons and fighters into Sudan, warning that external support was exacerbating the situation in the country.

In October 2025, El Fasher was taken over by RSF after a 540-day siege. Since the takeover, reports have denoted mass killings and attacks on civilians, deepening the humanitarian crisis in the region. Since the conflict began in April 2023, the fighting between Sudan's army and the RSF has killed thousands, displaced 12 million people, and produced one of the world's worst humanitarian crises. Nearly 100,000 people have fled El Fasher since the RSF takeover, and Sudan now faces one of the world's most severe displacement crises, with 8.6 million internally displaced and more than 3 million refugees in neighboring countries.

As conditions in El Fasher continue to decline, the Council's resolution represents one of the most significant international responses to date.

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