



**British Institute of
International and
Comparative Law**

Media Release

Expert legal comment on today's declaration re: ECHR

Dr Jean-Pierre Gauci, Arthur Watts Senior Fellow in Public International Law at BIICL, responded:

"This is a political declaration and, legally speaking, does not alter the Convention or the obligations of States under it. The point of the declaration is to lean on the European Court of Human Rights and, indirectly, on domestic courts to interpret the Convention in a way that States consider to be more aligned with their priorities. The specific political goal is to reduce human rights barriers to removing foreign nationals, even if there is a real risk of harm to them on return.

The declaration is not legally binding, but it does put the Court in Strasbourg under significant pressure to apply the law more restrictively in asylum and immigration cases. There are questions about the propriety of this sort of political pressure being exerted on Courts by States generally. From a human rights law perspective, what is most controversial is the attempt to reduce protection against ill-treatment for foreign nationals, because this undermines the cardinal principles of universality of human rights and equality before the law, and risks eroding in practice what has always been an absolute right.

Given the centrality of these issues to the overall human rights infrastructure, such measures require careful scrutiny".

Ends

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Notes to editors:

1. Availability for Comment/Broadcast

Dr Jean-Pierre Gauci is available for comment and/or broadcast on the Chişinău Political Declaration today and over the coming days.

2. **The British Institute of International and Comparative Law (BIICL)** provides informed, independent and practical legal ideas for a global community. Its high quality and respected work involves analysis and debate about contemporary issues on every continent, from its base in the heart of London's legal network. BIICL is one of the very few independent legal bodies of its type in the world. The Institute's vision is for a just, peaceful, and safe world where the rule of law is upheld and human rights respected, underpinned by resilient legal systems that respond to social, economic, technological, and environmental change. For more information about the Institute visit www.biicl.org
3. Earlier today, the UK and other member states of the Council of Europe adopted a political declaration ('[the Chişinău Political Declaration](#)') on migration in the context of the European Convention on Human Rights.



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