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Legal Weekly Briefing: EU Raises Human Rights Concerns with Israel, UK Universities Face Free Speech Overhaul, and Asylum Appeal Defines “Safe Third Country” Boundaries

June 24, 2025

— Categories: *Human Rights*



DEFENDING
FREE SPEECH

This week's legal developments reveal significant shifts in how international agreements, domestic regulations, and judicial interpretations are being navigated in response to growing tensions over human rights, freedom of expression, and asylum protections. From

the European Union's diplomatic caution toward Israel to new free speech guidelines for English universities, and a landmark ruling from the Court of Appeal on asylum procedure, each development reflects a wider reckoning with legal obligations and institutional responsibility.

EU Flags Possible Breach of Human Rights Commitments by Israel

The European Union's diplomatic service has issued a warning that there are "indications" Israel may be breaching its human rights obligations under Article 2 of the EU-Israel Association Agreement. The statement, set to be formally presented by High Representative Kaja Kallas, is based on verified findings from independent international institutions and follows pressure from 17 EU member states, led by the Netherlands.

The Association Agreement, which has governed EU-Israel trade relations since 2000, stipulates that mutual respect for human rights and democratic principles is a foundational element of the relationship. With trade in goods and services between the two parties valued at over €77 billion annually, any breach if substantiated could have serious diplomatic and economic implications. However, suspension of the agreement would require unanimous consent from all 27 EU member states, a challenging political hurdle. Nonetheless, the report signals a growing willingness within the EU to examine the human rights dimension of its external partnerships more closely.

UK Office for Students Issues Stronger Protections for Free Speech on Campus

In the UK, the Office for Students (OfS) has released new guidance that significantly strengthens the protections for free speech within higher education institutions. Designed to align with the Higher Education (Freedom of Speech) Act 2023 due to come into force this August the guidance prohibits blanket bans on protests and restricts institutions from disciplining students or staff for exercising lawful speech.

The OfS has introduced a structured three-step process, requiring universities to take all "reasonably practicable steps" to secure lawful free speech. Where interference is unavoidable, institutions must conduct a proportionality assessment in line with Article

10(2) of the European Convention on Human Rights. While the move has been welcomed by proponents of academic freedom, it has also been criticised by the National Union for Students as politicised and inattentive to the needs of vulnerable communities within the academic environment.

Court of Appeal Clarifies Limited Scope of “Safe Third Country” Designation

In a significant asylum ruling, the Court of Appeal has clarified the limited legal impact of “safe third country” designations in asylum decisions. In *AAZA v Secretary of State for the Home Department* EWCA Civ 705, the court rejected an appeal by a Yemeni national who had resided in China, stating that the safe third country provisions only apply at the admissibility stage of an asylum claim not during substantive consideration.

The appellant argued that returning him to China, a country not listed under Schedule 3 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, would breach his rights under the 1951 Refugee Convention and Article 3 of the ECHR. However, the court found no error of law in the Tribunal’s determination that the applicant had failed to demonstrate a personal risk of ill-treatment. The ruling leaves open the possibility for reconsideration by the Home Secretary should new, compelling evidence be presented.

Conclusion

These developments collectively underscore the increasing importance of legal accountability and procedural clarity across both international and domestic spheres. Whether through diplomatic channels, regulatory reform, or judicial decisions, institutions are being called upon to uphold legal standards amidst complex political and humanitarian challenges. As global norms continue to evolve, these cases illustrate the critical role of law in shaping fair and principled governance.