

My main concern is the relationship between the legislature and the courts on the extension of Human Rights.

I want to argue FOR a bill of Human Rights – but one where any significant extension to the current law is decided by the legislature rather than the courts.

My reason is quite straightforward..

Human rights are aimed (amongst other things) at maximising the ‘common good’. Yet the prevailing ethos and discussion is largely around individual rights or the rights of very small or limited groups in society.

The interpretation of law by the courts tends towards extending rights, yet the legislature will have no say in such extensions. Extensions need to be debated in public, and defined and legislated for by the Stormont Assembly where there is a wide variety of views and the consequent need to build sufficient consensus to carry a majority vote.

In this way the common good is protected against the over utilisation of the courts by strong advocacy groups or the judgement of a relatively few judges.

  
30 January 2021