

Human Rights Act 1998 / Act should be repealed

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Position: Act should be repealed

This position addresses the topic Human Rights Act 1998.

For this position

“ The United States Supreme Court frequently rules on the legality of the administration's measures. But the difference is that the US has a defined constitution, framed at the birth of the republic, which reflects the country's own political mores and is straightforward in its application. The ECHR, by contrast, is an alien import, articulating a series of airy and contradictory principles which leave judges almost total scope for interpretation.”

From It is time to protect the public's human rights, by The Daily Telegraph editorial board (*The Daily Telegraph*, November 5, 2006) ([view](#))

“ The Human Rights Act is becoming the first refuge of the scoundrel. It is snatched at by illegal immigrants wishing to avoid repatriation, and by prisoners who want to receive pornography in their cells (on grounds of "freedom of expression"). It is invoked against stop-and-search powers, school uniform policies and "wanted" posters.”

From Good for crooks, bad for human rights, by Daniel Hannan (*The Daily Telegraph*, November 16, 2006) ([view](#))

“ Human rights legislation now exists to provide protection - and free council houses - for Afghan hijackers who threatened murder. Human rights legislation now exists for a Nigerian woman - who has put buggers all into this country in terms of taxes or National Insurance - to claim that she has the right (her human right!) to a heart operation on the NHS.”

From Rights Mess Makes Britain a Soft Touch, by Tony Parsons (*The Daily Mirror*, May 15, 2006) ([view](#))

“ It is no use saying that such judgments misread human rights law since, because such law consists of a balancing act between competing "rights" requiring the courts to arbitrate between them, no one can be sure how any such disruptive cases will end up. The fact is that ruling after human rights ruling has turned right and wrong on their heads and radically undermined the covenant of responsibility between the individual and the state.”

From If we really want to escape the grip of human rights law we quit the EU, by Melanie Phillips (*Daily Mail*, May 15, 2006) (view)

“ "Whether or not foreigners who break British laws should be sent home should not be a matter of human rights, any more than whether prisoners should be released on parole. Such rights will always run up against the conflicting "rights" of others to be protected from them, rights usually as interpreted in a tabloid headline or a political soundbite." ”

From Basic freedoms are being lost in the human rights circus, by Simon Jenkins (*The Times*, May 14, 2006) (view)

“ "It is absurd for judges to shelter Afghan terrorists who hijack an aircraft at gunpoint. It is scandalous that a dangerous rapist is freed from prison to kill because his human rights had been infringed. But it is also ridiculous for Tony Blair to attack these decisions as an "abuse of common sense". Stupid as the rulings may be, judges are simply doing what they are told." ”

From Time to stop the madness, by The Sun editorial board (*The Sun*, May 12, 2006) (view)

“ "The hope that the Act would somehow transform the national political consciousness into being consistently centred on a benign principle of inalienable "rights" has well and truly evaporated. What has emerged instead is a legalistic nightmare, in which one perverse consequence follows another. The Government now finds itself in the bizarre position of having to appeal against rulings forced upon it by its own legislation." ”

From Natural justice needed - not 'human rights', by The Daily Telegraph editorial board (*The Daily Telegraph*, August 22, 2007) (view)

Against this position

“ "It is one of Britain's most honoured traditions to accept the marginally increased risk as the price of respect for individual human dignity. That is what self-respect requires. It is dangerous gibberish to say that the public has a right to as much security as it can have; no one has a right to security purchased through injustice." ”

From It is absurd to calculate human rights according to a cost-benefit analysis, by Ronald Dworkin (*The Guardian*, May 24, 2006) (view)

“ "I believe that the Human Rights Act is a sensible and inspiring piece of legislation, which allows judges considerable leeway in the interpretation of human rights and therefore justifies continued public debate about those interpretations. Judges must be open-minded enough to welcome such discussion." ”

From Let's not allow the battle of a Biro and an octopus to ruin an inspiring Act, by David Aaronovitch (*The Times*, May 16, 2006) (view)

“ "When a judge rules that a detainee should not be deported to a country that uses torture, that is not an act of judicial prissiness but the strict and proper enforcement of an international obligation rightly entered into by the Conservative government in 1985 which has absolutely nothing to do with the Human Rights Act." ”

From Adrift on a tide of panic, by The Guardian editorial board (*The Guardian*, May 15, 2006) (view)

“ But all this panic thinking could be averted if the government took more care over the drafting and implementation of its laws. Then it wouldn't need to blame the Human Rights Act all the time.”

From Stop blaming the Human Rights Act, by Marcel Berlins (*The Guardian*, May 15, 2006) (view)

“ If government agencies are losing cases brought under the Human Rights Act - and getting results that defy 'common sense' - it is because they are failing to argue effectively in court. They need new lawyers, not new laws.”

From A shabby attempt to undermine human rights laws, by The Observer editorial board (*The Observer*, May 14, 2006) (view)

“ The Human Rights Act is one of the most moderate rights charters in the world, with most rights subject to limitations to protect "public safety" or "national security". So why would the Tories need to scrap it to introduce a bill of rights? The answer is they don't.”

From Enshrine these rights, by Francesca Klug (*The Guardian*, June 27, 2006) (view)

“ Whatever its detractors may say, the Human Rights Act does not protect the rights of serial law-breakers more zealously than those of law-abiding victims. Nor is the recognition of rights a zero-sum game. Mrs Lawrence may feel insulted, but allowing Chindamo to stay in Britain does not violate her rights, or those of her family in any way.”

From Redemption, rehabilitation and basic human rights, by The Independent editorial board (*The Independent*, August 22, 2007) (view)

Mixed on this position

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