**LADY CHIEF JUSTICE OF NORTHERN IRELAND**

**NORTHERN IRELAND HUMAN RIGHTS COMMISSION ANNUAL LECTURE 2026**

**26TH FEBRUARY 2026**

**OPENING REMARKS**

Good afternoon.

Allow me first of all to record my thanks to the Commission for the kindness of the welcome.

It is a privilege and a pleasure to be invited to open the Northern Ireland Human Rights Commission Annual Lecture for 2026, and my gratification is only enhanced and in no way diminished by the fact that this is now the fourth occasion on which I have been asked to do so. That is so because the calibre of the speakers is invariably high and the subject matter is as engaging as it is fundamentally important to our system of justice, making this annual gathering both a stimulating and rewarding occasion for those fortunate enough to be present.

It is therefore very fitting that this year's keynote speaker is Sir Tim Eicke, someone who, as the United Kingdom Judge on the Strasbourg Court, has been at the cutting edge of the development of Convention jurisprudence and, in his 9-year tenure on that court, has made his own significant contribution to that undertaking. Sir Tim is no stranger to this jurisdiction, and he has been a good friend to his judicial colleagues here, willingly coming over to Belfast on a number of occasions under the auspices of the Judicial Studies Board to share the benefit of his experience and insights with us. We are also grateful that Sir Tim helped facilitate a visit of Northern Ireland judges to Strasbourg before his term came to an end.

The subject matter of his address 'ECHR in a Changing World: Facts, Myths, and the UK Context' could hardly be more appropriate and I look forward very much to what he has to share with us.

The pre-Socratic philosopher Heraclitus insisted that change is intrinsic to existence and famously observed "Everything flows." It was he who first observed that, by reason of this constant state of flux, no one steps in the same river twice since the water flowing past one's feet is ever new. This observation readily applies to the legal world as the title of this year's lecture reflects. Let me in introduction offer some brief observations of my own within the amphitheatre we occupy at this event.

First is a thought that in an age of change and perhaps uncertainty it is tempting to embed negative rhetoric which can distract us from core values, progressive modalities and optimism. Charles Dickens captured the dichotomies that arise in febrile times in his novel *A Tale of Two Cities* in the context of the French Revolution, in words well known to us: "It was the best of times, it was the worst of times. It was the age of wisdom, it was the age of foolishness."

In the legal sphere a significant change that has been manifesting itself is in the form of AI and its impact on the operation of the law, but among the myriad other ways in which we live in a changing world we need a system of justice which remains flexible and, above all, responsive to that change. AI is likely to challenge the operation of articles 6, 8 and 14 of the Convention and seems to me to arise in two ways, first in relation to process and second in relation to substance. I don't think anyone can really argue with AI as a complement to traditional legal methods, particularly in terms of the filtering and summarisation of large amounts of material. I also think that it may enhance access to justice and circumvent delays in certain areas.

This is all subject to transparency, regulation and the use of closed systems. The use of AI within decision making is more problematic and notwithstanding the

sophistication of new models I don't think I have heard a convincing foolproof argument in favour of AI automated decision makers where evaluation or discretion or ethical balancing is required. That said, the time will come, I have been told, when automated dispute resolution will be taught empathy. I await with interest.

However, it is inevitable that ripple effects flow whatever the root cause of change. As an aside, at one of the many AI conferences I attended recently a commentator made the suggestion that all of the energy required to drive the machines which produce automated learning will likely outstrip the carbon effects of other resources we use such as those required for air travel—if it has not already.

This brings me neatly to climate change. I will resist wading into the debate about the precise extent to which such change is attributable to anthropogenic, or man-made, factors but, as I have observed previously, sustainability is no longer a peripheral issue. It is central to corporate governance, environmental law, and human rights. Our system of justice at all levels can and should play a vital role in ensuring that legal frameworks support a just transition to a greener and more sustainable environment and, indeed, economy. The question is how this broad overarching principles play out in domestic law and under Convention's articles, particularly article 8.

In a recent Strasbourg decision in *Greenpeace Nordic & Others* v. *Norway*, delivered on 28 October 2025, the Court reaffirmed that article 8 applies to climate change cases where serious risks affect life, health, and well-being and found that there was a sufficient link between petroleum exploration and climate change risks. However, the individual applicants, including indigenous Sami members, as in the *Swiss Senior Women* case, did not meet the high threshold for victim status in the absence of evidence of high-intensity personal harm. Their cases were

therefore inadmissible. By contrast, the court was satisfied that the applicant organisations, Greenpeace Nordic and Young Friends of The Earth, were a collective means of defending the rights and interests of individuals against the threats of climate change and found, taking an overall view, that granting *locus standi* to the applicant organisations was in the interests of the proper administration of justice.

The court found no procedural violation of article 8 and reiterated that states have a wide margin of appreciation regarding their choice of the means of implementing climate obligations. Norway had, significantly, remained within its margin in light of the procedural safeguards of: the requirement for an adequate, timely and comprehensive environmental impact assessment conducted in good faith and based on the best available science; informed public consultation; and the ability to effectively challenge the authorisation of a project.

Of further note is the reference by the European Court to recent advisory opinions on various aspects of climate justice issued by the International Tribunal for the Law of the Sea, the Inter-American Court of Human Rights, the EFTA Court and the ICJ respectively, emphasising the global nature of the challenges that climate change brings. In our dualist system international treaties require incorporation in domestic law. However, the case I have just mentioned acts a barometer of the strength of international law in this area.

The court's observations teach us first, that the challenges we face are not unique but are part of a global conversation about how law can serve as a framework for responsible governance in an era of complexity and change. Secondly it underlines that comparative analysis enriches our understanding. It offers insights into alternative models, innovative solutions, and cautionary tales. Thirdly, while contexts differ, principles endure; that power must be exercised within bounds; that decisions of major importance must be subject to scrutiny; and that legality and legitimacy are inseparable.

The exponential rise in social media use is another notable area of change over the past decade or two and with it has come an increase in the size of what might be termed the online commentariat. I have indicated previously that I entirely accept that in a democratic society such as ours the public scrutiny of—and the free expression of opinions on—judicial decision making is a necessary and important safeguard which must be stoutly defended. This is an integral aspect of the article 10 right to freedom of expression afforded not just to journalists but to the general citizenry—and, of course, the line between the two has become somewhat blurred with the rise of the phenomenon of which I am speaking.

It is doubtless the fundamental importance of freedom of expression which prompted Parliament, in passing the Human Rights Act 1998, to place a particular emphasis on article 10 in section 12 of that statute. However, the mainstream media themselves bear their own responsibilities and must also be subject to public scrutiny and open to constructive criticism; and what can be frustrating are the misconceptions that may occasionally be propagated by certain elements of the mainstream media through the manner in which decision making is reported. Such misconceptions can easily be taken up, run with, and compounded on social media platforms.

The responsible media have an obligation to steer clear of potentially misleading headlines and soundbite quotes, which are tempting because they may make 'good copy', and to represent fairly and honestly what goes on with the administration of justice in court. In the leading case of *Scott* v. *Scott* from 1913, Lord Atkinson observed that any inconvenience, pain or humiliation to the participants (among which can be included the judicial participants) is tolerated and endured because it is felt that public trials at which the press is free to report are (and I quote:)

'the best security for the pure, impartial, and efficient administration of justice, the best means for winning for it public confidence and respect.' His Lordship's words obviously assumed the reliability and integrity of the press reports of

court business without which that confidence and respect could not hope to be nurtured, and I have a good hope that his assumption is still a sound one at its core—at least as regards the responsible mainstream media with whom there is good engagement in this jurisdiction.

I recognise that the business of accurate reporting involves a two-way process in which the courts must take sufficient pains to communicate their decisions in a manner which the general public can comprehend and my office has been active in finding ways, through initiatives like press summaries and training in judicial communication styles, to ensure that citizens can have a sound understanding of judicial decisions—even if they then choose, as is their right, to disagree with them.

I also acknowledge that many issues which the courts are called upon to deal with can be very emotive—none more so than what we have come to know as legacy issues in Northern Ireland which continue to occupy our courts and require consideration of the relevant articles of the ECHR and the Windsor Framework.

Northern Ireland jurisprudence has a particular focus on the Convention running alongside our common law principles given our peace settlement and the issues which continue to occupy our courts. Despite all the noise about the application of domestic and ECHR law our courts continue to reach decisions for people who need recourse to court to solve their problems. Human rights, as I have said before, are a key tool in advancing social justice across Northern Ireland.

These brief observations are offered from the perspective my vantage point in the Court of Appeal in Northern Ireland. I look forward to hearing what Sir Tim will have to say from a much more panoptic perspective from his time in the European Court of Human Rights and in order not to delay him coming to the podium any further allow me to conclude my remarks at this juncture and thank you all for your attention.