

HRLA Bursary Scheme 2019

The European Court of Human Rights

1. Introduction

1.1. Personal background

My interest in human rights law developed when, as a member of European Law Students' Association ('ELSA'), I was appointed as a delegate representing the association to the 27th Session of the UN Human Rights Council in Geneva in 2014. To fund this experience, I was awarded a bursary by the Human Rights Law Centre at the University of Nottingham. Much of my time was spent observing resolution consultation sessions, universal periodic reviews, and side events. Upon my return, I undertook additional legal research in order to deliver a seminar on the theme of 'International Human Rights', and to write a post for the [UK Human Rights Blog](#) on 'Journalists' Safety and the UN'.

This interest grew during my year abroad in France, when in 2015 I was selected for a funded delegation to a Council of Europe conference on the freedom of expression. Our report was published in the [ELSA IFP Almanac: Media Law](#) (2013-2016), alongside another article on 'Media Law and Human Rights' that I researched and wrote in order to secure a scholarship for the IBA International Human Rights Course in 2016. Once my undergraduate degree was completed, I subsequently focused my postgraduate studies on related areas of comparative and international law.

It was during the course of my vocational training, however, that I applied for an internship at the European Court of Human Rights ('the Court'). By this stage I was keen to observe human rights law in practice, specifically in a judicial setting.

1.2. Motivation

With a view to advancing my personal and professional development, there were two reasons that motivated my application for an internship at the Court.

First, given that I intend to practise at the Bar, I knew that an internship at the Court would significantly improve my prospects of securing a pupillage, for which I am in the process of applying, and place me in a stronger position to perform well during the course of that year. Pupils and junior barristers benefit immensely from being exposed to the inner workings of a court or tribunal. I also felt that undertaking this internship might allow me to undertake specialist work in human rights law at an earlier stage of my career.

Secondly, I was enthusiastic to intern at this Court in particular because it is situated in Strasbourg, France. As I learned French as an undergraduate student, I have been keen to return to France in order to refine my language skills. By living in Strasbourg, I knew that I would be able to hear and speak French on a daily basis. Further, as the two official languages of the Court are English and French, I would be uniquely placed to employ both languages in a legal context. Fluency in the French language would be an invaluable asset as I seek to develop an international legal practice.

More generally, I have been desperate to return to Strasbourg ever since my first visit to the Council of Europe in 2015. Although I have visited many French cities over the years, both on study exchange and holiday, Strasbourg has always been my favourite. It is unique: dainty in its Franco-Germanic style, with a beautiful rose sandstone Cathedral standing majestically in the centre of its Grande Île. The single bell tower silhouette of the Cathedral is iconic not only in France but throughout Europe.

1.3. Relevance and value

Through the means of the Human Rights Act 1998, the European Convention on Human Rights ('the Convention') is the primary legal basis for human rights protections in the UK. However, it is important to remember that the Convention is a living instrument, which must be interpreted in light of present-day conditions. According to Lord Bingham in *Ullah*, at [20], "it is the duty of national courts to keep pace with the Strasbourg jurisprudence as it evolves over time: no more but certainly no less."

With this in mind, my internship at the Court provided me with an invaluable insight into the implementation of the Convention not only in the UK but across Europe, and allowed me to understand more deeply the nature, scope and scale of its evolution. For example, issues of sustainable development and climate change, which are at the centre of ongoing policy debate, have given rise to increasing and more urgent calls for a 'greening' of human rights. Although there is no free-standing right to a healthy environment in the Convention, the Court can already be seen to be advancing this idea in its more recent and innovative jurisprudence.

2. European Court of Human Rights

2.1. Institution

Walking into such an emblematic glass and steel structure each day reminded me that I was a cog in a momentous multi-jurisdictional machine. It was a surreal experience from start to finish. Having said that, the atmosphere in the Court was always calm and convivial. Every person that I met – from interns to judges – was warm, welcoming, interesting, and interested. It was particularly wonderful to work with lawyers from various backgrounds with a range of viewpoints on the work that we undertook. The interconnected and diverse working environment of the Court is one that I will certainly miss as I move into self-employed legal practice.

2.2. Role

As soon as I arrived at Court on Tuesday 1 October, I was expected to hit the ground running. Interns come and go so frequently that often they are expected to pick up work that has been left incomplete, or they are thrown straight into new projects. In either case, deadlines are tight and non-negotiable. Independence and the ability to take initiative are highly valued and necessary, particularly as supervisors will typically be working on multiple tasks at once. In this way, the internship immediately appeared to be preparing me for the prospect of pupillage in the coming years.

During my internship, I produced in-depth legal research on the activities and international co-operation procedures followed by parties to the Convention, with a particular focus on the implementation of Article 1 of Protocol 1 and the right to property. From drafting a speech for the Austrian Judge, to editing an article on surrogacy for international publication, I was not left short of opportunities to enrich my legal knowledge and skill set. Most notably, I co-authored a comparative law report on the standing of bank shareholders to challenge post-crisis public restructuring measures to assist the Grand Chamber in the *Albert and Ors v. Hungary* case (no. 5294/14). Aptly, and rather sentimentally, the hearing took place during my final week at the Court, on Wednesday 18 December.

4. Closing Comments

Given that the UK is still a member state of the Council of Europe, I firmly believe that the knowledge that I have acquired during my internship has placed me in a stronger position to develop a legal practice as a human rights law barrister upon my return, in which role I hope to make a proactive and tangible contribution to the advancement and development of human rights law within our jurisdiction. While I cannot fully express the fullness of my gratitude to the HRLA for helping me to fund this experience, I dearly hope this report goes some way to demonstrating the invaluable benefits that I have derived from the placement.

Jessica Allen was called to the Bar at Gray's Inn in July 2019. She previously graduated with honours in the Law with French and French Law undergraduate degree at the University of Nottingham in 2017, and with Distinction in the Bachelor of Civil Law postgraduate degree at the University of Oxford in 2018. To date, Jessica has focused her academic studies and work experience on areas of domestic and international public law with a view to developing a broad public law practice at the Bar in the future.