

Pegasus Scholarship Trust – ECHR Placement 2019

Charlotte Gilmartin

During my Pegasus Scholarship I was fortunate enough to undertake a placement at the European Court of Human Rights, in Strasbourg, France. I spent three months working in the UK Division of the court, alongside a small group of lawyers of different levels of seniority led by the UK Permanent Judge. I was welcomed in to the UK Division's busy and specialist team and encouraged to assist them with a wide variety of tasks in their daily routine. I thoroughly enjoyed the opportunity to experience working in a very different environment to my Chambers, notably in an international setting, and to gain an insight in to the workings of such an important and unique institution.

A key aspect of my role entailed assisting the UK division with processing applications to the court brought by individuals. Applications by individuals against contracting states, alleging that the state violates their rights under the European Convention on Human Rights, can be made by any person, non-governmental organisation or group of individuals. Once registered with the court, the case is assigned to a judge rapporteur who makes a final decision that the case is inadmissible. A case may be inadmissible when it is incompatible with the requirements of *ratione materiae*, *ratione temporis* or *ratione personae*, or if the case cannot be proceeded with on formal grounds, such as non-exhaustion of domestic remedies, lapse of the six months from the last internal decision complained of, anonymity, substantial identity with a matter already submitted to the court, or with another procedure of international investigation. Where cases are not inadmissible, they may be progressed through the Chamber or Committee hearing process.

I was involved in assisting with this process. The first stage of the sift focuses on procedural defects – namely, has the individual complied with the published requirements for completing the form to make an application to the court. Secondly, I was tasked with analysing their merits and forming a preliminary view as to the style of decision to which the application should be allocated – whether in Chamber, Committee, or Single Judge, as well as being alert to the potential for urgent interim measures to be put in place in the meantime. The articles of the Convention invoked in individual applications were wide-ranging, and so this proved an interesting and challenging exercise in requiring an awareness of all the court's significant case law.

I was also involved in responding to research requests made by judges sitting in cases being heard by the Chamber or Grand Chamber of the Court. These are by their very nature cases that raise serious questions of interpretation and application of the European Convention on Human Rights, a serious issue of general importance, or which may depart from previous case law. Frequently, questions arise during a hearing as to how each Member State deals with a particular legal issue, and these will be disseminated to lawyers in each division for their consideration and response. I therefore had the opportunity to consider how very specific legal problems, spanning a range of issues, were dealt with in the UK jurisdiction, and to consider how best to summarise this for an international audience. This could be challenging given the variation in composition of the legal systems between different member states, and

given the potential breadth of research requests. However, it gave a fascinating insight in to the level of detail in to which the Court will inquire before publishing a judgment. I was also encouraged to carry out research for the jurisprudential aspect of the court's work, namely providing updates and analysis of the Court's more recent case law. Again, I was reassured and impressed by the thorough approach which the Court takes to this task.

Overall, my scholarship has allowed me to gain a unique insight in to the functioning of the European Court and its position as regards its signatory states. I had the opportunity to meet with some of the most Senior judges of the court, to exchange ideas regarding implementation of the Convention in domestic systems, and I was pleased to have the opportunity to contribute to this debate from the perspective of a UK lawyer. Similarly, working with lawyers from diverse countries and professional backgrounds was an extremely enriching experience. I hope to continue to benefit from new connections made with such a special institution in the future, both from a professional and personal point of view. I am extremely grateful to the Pegasus Trust for their generosity and support in organising my placement, and I would highly recommend it to all new practitioners keen to enrich their professional experience to date.