



## Ishaani Shrivastava

Year of Call: 2010

Ishaani's principal areas of practice are public, employment, and tax law.

After being called, and before taking tenancy in 2014, Ishaani worked as a Kaufman Fellow at the AIRE Centre in EU and human rights law, and at Leigh Day & Co solicitors in international and group claims. She holds a first-class B.A. in Law, and an LL.M. from the University of Cambridge, and an LL.M. from Harvard Law School.

In 2019, Ishaani was appointed to the Attorney General's C Panel of Counsel.

### Recommendations

**"I found Ishaani to be well-prepared, very knowledgeable and an excellent speaker."** - *Rebecca Perlman, Associate, Herbert Smith Freehills (2016)*

### Employment

Ishaani undertakes High Court and employment tribunal work. Recently, she was successful in *Wong v Basfar* [2022] UKSC 20, in which the Supreme Court held that diplomatic immunity cannot defeat a claim by a victim of modern slavery.

She was recently instructed on an injunction concerning industrial action, on behalf of the defendants, in the High Court. She has also advised claimants and defendants on matters concerning breaches of restrictive covenants, TUPE transfers, and confidentiality.

Ishaani has extensive experience of equal pay work. She provided advice in this area to a public broadcaster, on an ongoing basis, over several months. She regularly appears as sole counsel in multi-day hearings. Recent cases have involved age, sex, sexual orientation and race discrimination, as well as gross misconduct dismissals for sexual harassment.

Ishaani conducts investigations, either as sole or junior counsel. She has acted as sole independent investigator for a regulatory body, and as junior counsel on investigations into public sector bodies and financial services institutions.

She acts for a wide range of clients, both claimant and respondent, including: the BBC, British Airways, British Telecommunications plc, Coca Cola European Partners, MacMillan Cancer Support, the General Dental Council, Lloyds of London, NHS Trusts, the NSPCC and the Security Industry Authority. She has acted for defendants in The Construction Industry Vetting Information Group Litigation with Christopher Stone.

In conjunction with Pro Bono Community, Ishaani has run seminars providing comprehensive training to junior lawyers assisting the pro bono departments of their firms, including CMS, Herbert Smith Freehills, and Shearman & Sterling.

## **Administrative and Public Law**

Ishaani was appointed to the Attorney General's C Panel of Counsel in March 2019 and undertakes a range of public law work through the Panel.

Ishaani also works with individual claimants, charities and NGOs. She intervened in the US Supreme Court on behalf of the UK Foreign and Commonwealth Office, in a case concerning a UK national facing the death penalty. The intervention addressed the right to a fair trial.

She intervened in the Economic Community of West African States Court of Justice, on behalf of the Media Legal Defence Initiative. The intervention addressed freedom of expression.

Ishaani is regularly instructed by HMRC in judicial review claims and cases involving human rights issues, such as when junior to Chris Stone, in the appeal against the decision of the FTT in *Banks v HMRC*, a case concerning allegations of political discrimination under Article 14 of the Human Rights Act, taken together with Article 1 of Protocol No. 1.

She has advised and appeared in cases concerning the free movement of persons under Directive 2004/38/EC and the Immigration Regulations, before the Social Security and Immigration and Asylum Tribunal.

Ishaani acted as a junior in the Kenyan Emergency Group Litigation brought by over 40,000 claimants in respect of their experiences in Kenya in the 1950s. She assisted panel counsel in drafting individual defences, preparing cross-examination of test claimants and medical experts, as well as researching historical legislation, limitation issues and questions of international law.

Ishaani has contributed to the Annual Rule of Law Forum for South Eastern Europe, supported by the UK Foreign and Commonwealth Office, and attended by ECtHR judges, all levels of the judiciary, lawyers, and NGO workers from Albania, Bosnia, Croatia, Kosovo, Macedonia, Montenegro and Serbia.

### **Ishaani has written the following publications, presented before the Forum:**

Freedom of Expression and its Relationship with the Right to Respect for Private Life and the Right to a Fair Trial: The jurisprudence of the ECtHR (2017) (contributor)

The Prohibition against Torture and Inhuman or Degrading Treatment or Punishment: The jurisprudence of the ECtHR (2018)

Children's Rights: The jurisprudence of the ECtHR (2019). This overview addresses rights under EU law and the UN Convention on the Rights of the Child, as given effect to by ECtHR jurisprudence, in the areas of domestic violence, custody, criminal justice, asylum, trafficking, and access to court.

Ishaani was instrumental in establishing the European Human Rights Database for South East Europe.

Ishaani is a contributor to the Administrative Court Digest.

## **Tax**

Ishaani is regularly instructed by HMRC in judicial review claims and cases involving human rights issues, such as when junior to Chris Stone, in the appeal against the decision of the FTT in *Banks v HMRC*, a case concerning allegations of political discrimination under Article 14 of the Human Rights Act, taken together with Article 1 of Protocol No. 1.

## Investigations

Ishaani acts across employment, discrimination, administrative and public, human rights and tax law. She regularly conducts investigations, either as sole or junior counsel. She recently acted as sole independent investigator for a regulatory body, and as junior counsel on investigations into public sector bodies and financial services institutions.

## Memberships and Associations

ALBA, ELA, ELBA

## Awards and Scholarships

### Harvard Law School:

Irving R Kaufman Public Interest Fellowship to work at the AIRE Centre (2012)

### Lincoln's Inn:

Lord Mansfield Scholar (2009)

Hardwick Entrance Award (2009)

Award for international Rounds of the Philip C Jessup International Moot Court Competition (2010)

### International Law Fund:

Scholarship from the International Law Fund to attend the Hague Academy Public International Law course (2009)

### University of Cambridge:

Scholarship - Harvard LL.M. (2011)

Senior Harris Scholar (2008)

Buchanan Prize (2008)

## Appointments

Appointed to the Attorney General's Panel of Counsel (C Panel) in 2019

## Academic

In conjunction with Pro Bono Community, Ishaani has run seminars providing comprehensive training to junior lawyers assisting the pro bono departments of their firms, including CMS, Herbert Smith Freehills, and Shearman & Sterling.

## Education

Harvard Law School, LL.M. (2012)

BPP Law School, BVC (2010)

University of Cambridge, LL.M. (2009) (Highest overall mark in International Commercial Litigation; Settlement of International Disputes; Restitution; International Human Rights)

University of Cambridge, BA (Hons) Law (2008) First class, top 5% of year. (Highest overall mark in Labour law)

## Languages

French, Basic Russian, Hindi

## Additional Information

AIRE Centre, Kaufman Fellow, European Union and European Human Rights law (2012-2013)

Leigh Day & Co solicitors, paralegal in International and Group claims (2010-2011)

Research assistant for Professor Guglielmo Verdirame (2009-2010) and Sir Michael Wood KCMG (2010, 2012-2013)

Hague Academy Public International Law course (2009)

International Criminal Tribunal for the Former Yugoslavia, Intern (2009)

## Publications

Children's Rights: The jurisprudence of the ECtHR (2019). This overview addresses rights under EU law and the UN Convention on the Rights of the Child, as given effect to by ECtHR jurisprudence, in the areas of domestic violence, custody, criminal justice, asylum, trafficking, and access to court.

The Prohibition against Torture and Inhuman or Degrading Treatment or Punishment: The jurisprudence of the ECtHR (2018)

Freedom of Expression and its Relationship with the Right to Respect for Private Life and the Right to a Fair Trial: The jurisprudence of the ECtHR (2017) (contributor)

Contributor to the Administrative Court Digest