



Ishaani Shrivastava

Year of Call: 2010



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

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

In 2024, Ishaani was appointed to the Attorney General's B?Panel of Counsel.

Recommendations

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

"Ishaani is an excellent advocate — a pleasure to work with, meticulously prepared, all over the detail and always keeps an eye on what is important to the client." - Owen Wilkinson, Associate at major City Law firm

Employment

Ishaani undertakes a range of High Court and employment tribunal work.

Ishaani has a particular expertise in modern slavery claims, and has provided advice and representation to claimants in High Court and Tribunal proceedings. She successfully represented the claimant in *Wong v Basfar* [2022] UKSC 20, a landmark decision in which the Supreme Court found that a claim by a domestic worker, against a diplomat, for wages and breaches of employment rights could not be defeated by diplomatic immunity where the domestic worker was working in circumstances of modern slavery. The conduct by the diplomat was held to constitute the exercise of a commercial activity, thus falling within an exception to diplomatic immunity under Article 31 of the Vienna Convention on Diplomatic Relations 1961.

Ishaani has advised extensively on equal pay, including the provision of advice to a broadcaster on an ongoing basis, over several months.

Ishaani regularly appears as sole counsel in multi-day hearings. Recent cases have involved complex issues of territorial jurisdiction, applicable law, and anonymity/privacy orders, as well as whistleblowing, and sex and race discrimination.

Ishaani has been instructed in matters in the High Court concerning industrial action and restrictive covenants.

Administrative and Public Law

Ishaani undertakes work, led and unled, for the MoJ, Public Law and SASO team, through the Attorney General's

Panel of Counsel. Ishaani was appointed to the B Panel in 2024.

Ishaani works heavily with individual claimants, charities and NGOs. Most recently, she assisted as part of a team in the compilation of an expert report, for a foreign court, on the principle of non-refoulement as a norm of customary international law. She assisted in a team acting as amicus in a South American court on issues concerning the right to work under international law. She intervened in the US Supreme Court on behalf of the UK FCDO in a case concerning a UK national facing the death penalty, the intervention addressing the right to a fair trial. She intervened in the Economic Community of West African States (ECOWAS) Court of Justice on behalf of Media Legal Defence Initiative, addressing freedom of expression. She has advised and appeared in cases concerning the free movement of persons under Directive 2004/38/EC and the Immigration Regulations 2006, before the Social Security and Immigration and Asylum Tribunal.

Ishaani acted as one of a team of counsel in the Kenyan Emergency Group Litigation brought by over 40,000 claimants. She assisted 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, since inception, to the Annual Rule of Law Forum for South Eastern Europe, which is supported by the UK FCDO, and attending by ECtHR judges, and all levels of the judiciary, lawyers and NGO workers from Albania, Bosnia, Croatia, Kosovo, North 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)
- 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.
- Balancing data protection with transparent justice – Chapter 5: The right to be forgotten and the right to erasure (2023).

Tax

Ishaani is regularly instructed by HMRC in judicial review claims and cases involving an EU or ECHR element.

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 (B Panel) in 2024

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