

Ishaani Shrivastava

Call: 2010

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

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.

Expertise

Public

Ishaani is a specialist in public law, with expertise in judicial review and human rights. Ishaani has a particular interest in procurement and subsidy control. Ishaani advises and appears on behalf of public authorities and commercial entities, as well as individual claimants, charities and NGOs.

In September 2024, Ishaani was appointed to the Attorney General's B Panel.

Public International

Ishaani has expertise in public international law. 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's work has also included assisting as part of a team in the compilation of an expert report, for a foreign domestic court, on the principle of non- refoulement as a norm of customary international law; assisting in a team acting as *amicus* in a South American court on issues concerning the right to work for asylum seekers and refugees under international law. She intervened in US courts twice, once in the US Supreme Court, on behalf of the UK FCDO in cases concerning UK nationals facing the death penalty, the interventions 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.

Employment

Ishaani has expertise in employment cases involving questions of freedom of thought, belief and religion, and in the context of modern slavery and human trafficking. She also has expertise in questions of territorial jurisdiction, applicable law and appropriate forum.

Achievements

Memberships and Associations

Administrative Law Bar Association

Human Rights Lawyers Association

Procurement Lawyers' Association

UK Environmental Law Association

Employment Law Association

Employment Law Bar Association

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

Ishaani contributed, since inception, to the AIRE Centre's Annual Rule of Law Forum for South Eastern Europe, which was supported by the UK FCDO, and attended by ECtHR judges, and all levels of the judiciary, lawyers and NGO workers from Albania, Bosnia, Croatia, Kosovo, North Macedonia, Montenegro and Serbia.

Ishaani wrote 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 addressed 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).