



GARDEN COURT CHAMBERS

# Smita Shah

YEAR OF CALL: 2002



Smita is currently undertaking a PhD in Law at the European University Institute, Florence, Italy examining the application of the UN Convention on the Rights of the Child to child defendants on trial before Military Tribunals and National Security Courts.

Smita Shah is an expert with over 10 years' experience in child protection, child rights, women's rights and international human rights law and humanitarian law, capacity building, advocacy and litigation.

If you would like to get in touch with Smita please contact the clerking team:

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**FAMILY LAW**

Between October 2004 and August 2015, Smita was a practising barrister and member of the family team at Garden Court Chambers. Her practice encompassed all areas of children law and family law, both public and private law disputes, applications for secure accommodation, domestic violence, forced marriage and Brussels II cases; representing local authorities, parents, extended family members, children, young persons and vulnerable adults.

She was regularly instructed in trials or fact-finding hearings: with complex and conflicting expert and medical evidence, historic sexual abuse and non-accidental injuries, cases with concurrent criminal proceedings, special measures and cases with closed and open hearings due to the sensitive nature of the material being put before the court. For over 10 years she trained and supported pupil barristers on their first days in the family court. Smita was an active member of Rights of the Child UK coalition and CEDAW UK women's rights coalition.

## **INTERNATIONAL HUMAN RIGHTS**

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In complement to her domestic practice, Smita worked internationally in human rights and humanitarian law. She has been an expert trainer for UNICEF Nigeria building the capacity of child protection networks across Nigeria, UNDP on a Rule of Law Project in Myanmar and the Bar Human Rights Committee in Ramallah and Nablus, West Bank, Occupied Palestinian Territory.

She has litigated before the European Court of Human Rights, led two successful briefs in Colombia, firstly representing the San Jose de Apartado peace community before the Supreme Court and secondly to the Colombian Constitutional Court on proposed military justice reforms. She held workshops on human rights and family law with lawyers in Algiers, Algeria and Family Court reporters from Iran and contributed to the UK CEDAW report July 2013. From 2013 to 2015, Smita was the lead convenor for Garden Court International, a team of 70 Barristers of varying seniority and practice areas in International Law developing and implementing a strategy for the flourishing development and growth of the team.

### **Freedom of Expression Law Clinic**

Smita is the co-founder of the Freedom of Expression Law Clinic currently based at Edinburgh University. Two groups of six students represent and submit petitions on behalf of their clients, journalists or bloggers, imprisoned by the state for exercising their right of freedom of expression to the UN Working Group on Arbitrary Detention. The Clinic has had [notable success](#) before the UNWGAD on behalf of Vietnamese blogger, Minh Man and a client released. The project started as a collaboration between the University of Oxford, The

University of Zagreb, Media Legal Defence Initiative (MLDI) and Garden Court Chambers (GCC) in 2014.

Smita is a Trustee of Media Legal Defence Initiative, recipient of the Global Freedom of Expression Prize awarded by Columbia University appointed July 2014, ongoing

### **Advisory work**

She is a member of the Advisory Board for UNICEF UK for award winning research entitled, '[The UN Convention on the Rights of the Child: A Study of Legal Implementation in 12 Countries](#)' January to December 2012

She was a legal advisor for UK CEDAW Working Group. Appointed February 2011 to 2015.

## **PUBLICATIONS**

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Commissioned to contribute a Chapter entitled 'The Legal Status of Intersex Persons in India and the Decision of the Supreme Court of India' in publication '*The Legal Status of IntersexPersons*, Ed. Dr Jens M. Scherpe, Anatol Dutta, Tobias Helms due Autumn 2018, Intersentia.

Fenton-Glynn C. and Shah S. 'Children Case Update: Human Rights' at pages 1456-1477 *December 2016 Vol 46 Family Law*

['Will there be any women in 50 years time, Lord Sumpton?'](#) 30th November 2015, *Oxford Human Rights Hub*

'The Impact of Legal Aid cuts on access to justice in the UK,' in Corinne Lennox (ed.), *Contemporary Challenges in Securing Human Rights*, London: Institute of Commonwealth Studies; Human Rights Consortium, School of Advanced Study, University of London, 2015 and presented as paper at Conference on 6th November 2015, 20th Anniversary Conference for MA in Human Rights.

['Egypt's Military Courts: Polluting the Arab Spring'](#) May 2011 Garden Court Chamber Blog

['Anwar Ibrahim Trial Turns back the Clock in Malaysia' Comment is Free](#), *The Guardian* 24/11/10

Member of Advisory Board for UNICEF UK for award winning research entitled, '[The UN Convention on the Rights of the Child: A Study of Legal Implementation in 12 Countries](#)' January to December 2012

CEDAW UK shadow report 2013 'Women's Equality in the UK: A Health Check' (2013)

## EDUCATION

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**LLM in International Comparative Law (Columbia University)**

**MA in Understanding and Securing Human Rights (Lond.)**

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