



PUMP COURT



**Parosha Chandran**

Call: 1997

Group(s): Civil & Public Law Group

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## Practice

### Recent Awards:

- Barrister of the Year 2008, Law Society Excellence Awards
- Pro Bono/Human Rights Lawyer of the Year 2009, Society of Asian Lawyers Annual Awards

### What they say:

Law Society Excellence Awards 2008:

*"Parosha Chandran has acted in precedent-setting human trafficking and immigration cases, and works with a number of NGOs providing support to victims of sex trafficking, forced labour and torture – in addition to giving lectures and providing training. In what is an under-supported area of law, the judges felt the glowing testimonials in her entry summed up her outstanding commitment and what a remarkable talent she is."* (24th October 2008)

Chambers and Partners Directory, 2010 Edition:

Civil Liberties: *"Parosha Chandran of 1 Pump Court is a recognised specialist on issues relating to trafficking, and is renowned for her intellectual expertise and client-sensitive approach."*

Immigration: *"Parosha Chandran is lauded for her "imaginative and fearless approach to cases." Her practice focuses on human rights and human trafficking work, with sources praising her expertise in the latter type especially."*

Chambers and Partners Directory, 2009 Edition:

- Civil Liberties: ...Clients observe that she is *"not only an excellent lawyer, but also approachable, helpful and able to put vulnerable clients at ease."*
- Immigration: *"One source explained: "She inspires confidence - you know you can rely on her to deliver.""*

The Legal 500, 2009 Edition:

- The 'dedicated' Parosha Chandran is 'very imaginative and fearless in her approach to cases'.

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The Times Law Panel 2009:

- *"Parosha Chandran is a barrister specialising in immigration and human rights whose work has led to several advances in the law governing the rights of victims of human trafficking".*
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### Summary

Parosha is an experienced leading junior at the Bar in the fields of human rights, immigration and public law. She has acted in successful cases in a variety of human rights-related areas throughout her practice, from immigration and asylum (including adult & children's cases, HIV appeals & deportation) to trafficking-related crime, from civil actions against the police and prison law to employment-related race discrimination and medical cases. She has appeared in the Asylum and Immigration Tribunal, the Employment Tribunals, the High Court, the Court of Appeal and the Privy Council and has drafted several successful applications to the ECtHR. She regularly lectures on human rights law and provides legal training to a diverse range of groups. She also works closely with a number of organisations including the POPPY Project, Anti-Slavery International, the AIRE Centre, ECPAT (UK), Kalayaan and the Helen Bamber Foundation. She is the co-founder (together with Klara Skrivankova of Anti-Slavery International and Nadine Finch of Garden Court Chambers) of the Trafficking Law and Policy Forum, an educational think tank devoted to issues concerning human trafficking. Parosha has acted in numerous cases involving victims of human trafficking for forced labour and sexual exploitation and, from 2004 to date, has achieved asylum status for the majority of women on the POPPY Project.

### Educational background

LLB (Hons.) (University of London), 1994; Teacher-training course & certificate in Human Rights (CIEDHU: International Centre for the Teaching of Human Rights in Universities, Strasbourg), 1994; LLM (University of London, UCL), 1996; Bar Vocational Course (Inns of Court School of Law), 1995-6.

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#### Internships, human rights work & publications

Volunteer, British Institute of Human Rights (1994-6), Intern, AIRE Centre (1995-6), Intern, European Commission for Human Rights, Strasbourg (1996), UNHCR London (1997); Research Consultant in Human Rights, King's College London (1997); an Independent Legal Advisor to the Lord Chancellor's Department on the Human Rights Bill (1997); UN International Criminal Tribunal for the Former Yugoslavia, Office of the Prosecutor, The Hague (1999); author of the book A Guide to the Human Rights Act 1998 (Butterworths, 1999).

Specialist adviser and contributor to the IAS Anti-Trafficking Toolkit (2007)

#### Scholarships, Awards & Nominations

International Diploma in Human Rights Law (International Institute of Human Rights, Strasbourg, 1994 – 3 competitive exams, youngest award-holder); Hardwicke Scholarship (Lincoln's Inn, 1995); Stage Scholarship (Lincoln's Inn, 1996); Pegasus Scholarship (Joint Inns of Court, 1999); Barrister of the Year 2008 (The Law Society Excellence Awards, October 2008); Pro Bono/Human Rights Lawyer of the Year 2009 (Society for Asian Lawyers); selected as a Woman of Achievement (Woman of the Year Awards 2009).

#### Appointments and Memberships

Vice Chair (2008-) and Trustee (2000-) of the British Institute of Human Rights; co-founder of the Trafficking Law and Policy Forum (2007-); member of The Times Law Panel (2009-); member of the Foreign and Commonwealth Office's Pro Bono Lawyers Panel (2003-); member of Lincoln's Inn Euro Committee & Stage Scholarship Selection Panel (2005-); member of the legal team of the Kurdish Human Rights Project (2002-); member of the south-eastern circuit, ILPA, Justice.

#### Precedent-Setting Cases

→ *R v O* [2008] EWCA Crim 2835 – This was an out of time appeal against conviction and sentence. In this judgment of 2nd September 2008 the Court of Appeal (Criminal Division) overturned the criminal conviction and sentence of a young Nigerian girl who had been successfully prosecuted and sentenced to imprisonment for using an identity card belonging to another whilst trying to flee her trafficker in the UK and escape to France. The judgment provides vital new guidance on the use of criminal prosecutions against child and adult victims of trafficking for immigration offences committed in the UK. It is the first time that the combined issues of human trafficking, the operation of the UK's criminal law and the recognition of victims' rights have been given detailed scrutiny by the UK Courts. Parosha was led by Peter Carter QC. Instructed by Fisher Meredith LLP.

See <http://www.bailii.org/ew/cases/EWCA/Crim/2008/2835.html>

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→ *M v UK* (Application no. 16081/08) – a successful application to the European Court of Human Rights (ECtHR) by a victim of trafficking in the UK complaining of violations of Articles 3,4 & 8 ECHR. This is the first human trafficking-related complaint against the UK to be brought to the ECtHR. This was a challenge the UK's decision-making in refusing (asylum and human rights) protection to a young orphan girl who was trafficked, as a minor, firstly within Uganda for the purposes of sexual exploitation and then into the UK for the same purpose. Once M's full application was lodged in Strasbourg the ECtHR, exceptionally, ordered a stay on M's removal from the UK in the absence of removal directions and, again exceptionally, granted five national and international NGOs leave to intervene in the case. The ECtHR made a decision to communicate the complaint to the UK Government in June 2008. The Government has recently settled the case, with costs, by granting M three years leave to remain in the UK. A striking out decision from the Court is pending. Parosha was sole counsel, jointly instructed in the case by Fisher Meredith LLP (Catherine Robinson) and the AIRE Centre (Adam Weiss).

For the ECtHR's decision to communicate see:

<http://www.bailii.org/eu/cases/ECHR/2008/522.rtf>

→ *SB (PSG-Protections Regulations-Article 6) Moldova CG [2008] UKAIT 00002*  
This case has Country Guidance status and it is therefore binding on the Asylum and Immigration Tribunal (AIT). This AIT established that 'former victims of trafficking' are capable of forming a particular social group (PSG) under the Refugee Convention 1951 and recognised the right to refugee status for SB, a victim of trafficking from Moldova. It has set an important precedent in the UK and has impacted upon Home Office policy. In accepting novel arguments the AIT overturned para 95 of MP (Trafficking, Sufficiency of Protection) Romania [2005] UKIAT 00086 and para 18 of JO (internal relocation – no risk of re-trafficking) Nigeria [2004] UKIAT 0025, in which previous Tribunals had found that this group was incapable of forming a PSG. Factually, SB was a young woman who had been trafficked for sexual exploitation to the UK. She escaped, gave evidence against her trafficker (her trafficker was convicted and sentenced to 7 years imprisonment) and yet the Home Office continued to refuse SB international protection in the UK. The Secretary of State for the Home Department (SSHD) eventually granted SB Humanitarian Protection but refused

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to recognise her as a refugee by reason inter alia that 'former victims of trafficking' could not constitute a particular social group under the Refugee Convention. This appeal was brought against the SSHD's decision to refuse SB asylum status with the hope of achieving some positive guidance on the issue for SB and other victims of trafficking. Instructed by Hammersmith Law Centre (Zofia Duszynska).

See: <http://www.bailii.org/uk/cases/UKIAT/2008/00002.rtf>

→ *PA v Commissioner of the Police of the Metropolis* (2009): This is a recent precedent-setting forced labour case which involved a judicial review of the failure of the Metropolitan Police to investigate a human trafficker in the UK and prosecute her for criminal offences including forced labour offences. After the application was lodged in the High Court the Police settled the case by accepting they had acted in breach of the investigative duty imposed on them under Article 4 ECHR. The Police re-opened the case and investigated the trafficker/forced labour offender. Parosha was instructed by Liberty.

#### **Other Relevant Cases**

→ *X v SSHD* (AIT appeal, 2008, unreported). In this case Parosha represented a highly traumatised minor female who had been the victim of severe forced labour exploitation for a number of years in the UK. X's asylum appeal was complicated by the fact that, simultaneously to her asylum case, she was due to give evidence against her traffickers, the Quainoos, in the first ever criminal prosecution for forced labour trafficking. In successfully representing X in her complex asylum appeal Parosha worked in conjunction with ECPAT (UK), the CPS, the Paladin (child trafficking) team of the Metropolitan Police and the Refugee Council. X's subsequent evidence at Isleworth Crown Court led to the conviction and sentence of her traffickers. Instructed by the Immigration Advisory Service (IAS, London: Kalvir Kaur).

→ *PO (Nigeria) v SSHD* [2007] EWCA Civ 1183. Court of Appeal permission ruling. Sedley LJ commented upon 'the moral case' which may be involved in assessing Article 8 ECHR protection claims brought by victims of trafficking. Instructed by Wilson & Co (Ana Gonzalez).

See: <http://www.bailii.org/ew/cases/EWCA/Civ/2007/1183.rtf>

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- *MS v SSHD* [2007] EWHC 2489 (Admin) Permission ruling and grant of bail by Dobbs J. Related to a 1 year false imprisonment claim by a victim of trafficking. Damages are currently being negotiated. Instructed by Fisher Meredith.

See: <http://www.bailii.org/ew/cases/EWHC/Admin/2007/2489.rtf>

- *R (on the application of Yusuf & others) v SSHD* [2006] Civ 3513 (Admin). Substantive ruling dismissing all four applicant's challenges to the imposition of the new 5 year leave to remain policy for refugees in the UK post-August 2005 as opposed to the previous policy to immediately grant refugees indefinite leave to remain (ILR). Ms Yusuf's case was distinguished by the Court (she was a victim of trafficking with severe mental health concerns resulting from her experiences as a trafficking survivor): see paras 76 and 127 of the judgment. Davis J's findings were acted upon, a new application was made to the SSHD and Ms Yusuf was granted ILR. This is the one of the first cases where it was successfully argued that an individual's vulnerable mental health may be proper ground for the immediate grant of ILR (as opposed to five years' leave to remain) post- the August 2005 policy change. Instructed by Birnberg Peirce (Rachael Despicht).

See: <http://www.bailii.org/ew/cases/EWHC/Admin/2006/3513.rtf>

### **Other Recent Noteworthy Cases**

#### Immigration Law

- *YS and YY* (Paragraph 352D - British national sponsor former refugee) Ethiopia [2008] UKAIT 00093 - currently subject to the SSHD's appeal to the Court of Appeal. Instructed by Rahman & Co.

#### Death Penalty Privy Council Case

- From 2006-2008 Parosha acted in an appeal to the Privy Council against the conviction and sentence of JP, a man convicted of murder in Trinidad, who was sentenced to the death penalty. Although JP's appeal against his conviction was unsuccessful, the Privy Council commuted his sentence from death to life imprisonment. Parosha was led by Peter Carter QC. Instructed by Addleshaw Goddard.

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### Recent Talks & Lectures

- 'The Council of Europe Convention on Action against Trafficking in Human Beings' – an expert panel discussion led by Parosha at Lincoln's Inn, (January 2007).
- 'Modern Versions of the Female Slave Trade: Human Trafficking in Today's World': a talk given to the UK Association of Woman Judges' Annual Conference (Chaired by Baroness Hale, President of the UK Association) (February 2007).
- Parosha was one of the international guest lecturers who taught a one-week human rights course in Sibiu, Romania to postgraduate students from across Europe on 'Anti-Discrimination' at the invitation of the Romanian Government (July 2007).
- Human Rights Law Update Course 2008, Lincoln's Inn (February 2008). Since 2000 Parosha has presented a general Human Rights Update course each year at Lincoln's Inn, jointly with Dr Hans Christian Kruger, former Deputy Secretary General of the Council of Europe.
- A talk on the link between poverty and human trafficking at Oxford University for the Green Economics Institute at its 'Social Issues of Green Economics Conference' (Spring 2008).
- A talk on human trafficking & civil compensation claims at the ILPA Annual Conference (Spring 2008).
- A talk on the Council of Europe Convention on Action Against the Trafficking in Human Beings at the Garden Court/ILPA conference on Trafficking (May 2008).
- A talk on asylum law and human trafficking to the clinicians of the Helen Bamber Foundation (July 2008).
- A careers talk on human rights practice at the Bar at the College of Law, Store Street (August 2008).
- A talk on human trafficking, criminal law and compensation claims at the annual Bar Conference (November 2008).
- A talk on human trafficking in the UK to international judges at the International Conference on Judicial Reforms, Commission of Jurists, London (June 2009).

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→ A talk on the criminal defence of victims of trafficking at the first human trafficking seminar to be organised in Scotland for criminal practitioners, hosted by the Legal Services Agency in Glasgow – to take place on 26.11.09.

**Specialisms**

Immigration

Human Rights