

## Catherine Meredith



Call: 2008

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### Profile

Catherine handles complex public law and private law claims, often involving multiple state agencies and the intersection of civil and criminal law, domestic, European and international law. She has acted at all levels up to the Supreme Court, both European Courts and in international fora. Her high profile, novel cases have broken new ground for the first time.

Catherine is a member of the Equality and Human Rights Commission panel of Counsel. She acts as an expert adviser to European and UN institutions, working with the Council of Europe (e.g., alternatives to detention project), the Group of Experts on Action Against Trafficking in Human Beings (GRETA), the UN Office on Drugs and Crime (UNODC), UNICEF, UN Refugee Agency (UNHCR), UN Committee on the Elimination of Discrimination (CEDAW), and UN Special Procedures (including the Special Rapporteur on Trafficking).

### What the Directories say

*"Catherine is a leading junior in her field. She has excellent knowledge in the complex legal arena of trafficking and modern-day slavery."* - Chambers and Partners 2023

*"Careful, considered approach. Takes care to ensure favourable outcomes for clients are implemented effectively, even where settlement is offered at early stage."* - Legal 500 2023

*"She is knowledgeable, trustworthy and extremely intelligent. She is passionate about social justice and is empathetic towards clients and fights for them."* - Chambers and Partners 2022

*"Catherine is a top barrister in immigration law especially when it applies to victims of trafficking."* - Legal 500 2022

*"An enterprising and experienced immigration barrister, she is highly regarded for her strong commitment to cases involving trafficked children and sexual and gender-based violence. Her broad practice has a noted focus on judicial review, asylum claims and ECHR law. She is regularly instructed on behalf of prominent human rights NGOs, in both the Supreme Court and ECtHR."* - Chambers & Partners 2021

*"She is really experienced, committed and professional. She is always able to deal with technical and complex procedural issues."* - Chambers & Partners 2021

*"She really fights hard for her clients."* - Chambers & Partners 2021

*"If I had a trafficking case I'd go to her in a heartbeat." "She is an excellent, intellectual lawyer, who grasps cases very well."* - Chambers and Partners

*"Catherine is a top barrister in immigration law especially when it applies to victims of trafficking."* - Legal 500 2021

Catherine is ranked as a leading junior in immigration.

## **Background**

Catherine has 15 year's experience in human rights and civil liberties.

She worked with the AIRE Centre, the Parliamentary Assembly of the Council of Europe (Committee on Refugees Migration and Population), the UN Refugee Agency (UNHCR) and the Commonwealth Secretariat. She has utilised judicial, non-judicial, Parliamentary and media strategies to secure access to justice for clients and bring about changes to law and policy. She continues to bring this creative and innovative approach to her work.

Catherine has trained and lectured domestically and internationally, has tutored on undergraduate and Masters public law and human rights programmes, and has written and published extensively including standard-setting and best-practice guides, e.g. the European Union Agency for Fundamental Rights and the European Court of Human Rights *Handbook on European law relating to asylum, borders and immigration*; and EHRC *Access to healthcare: a guide for organisations working with people seeking asylum* (2019).

## **Education**

King's College London LLB

Imperial College London MSci (Chemistry sandwich year)

London School of Economics (LSE) LLM (Human Rights Specialism)

City Law School BVC

Grays Inn Prince of Wales Scholarship

### **Languages**

French

### **Related practice areas**

Immigration

Immigration Detention Group

Actions Against the Police and Public Authorities

International Law

Anti-Trafficking

Data Protection and Information Law

Community Care and Health

Children's Rights Group

## **Administrative and Public Law**

Catherine is a public law expert. She has a broad practice acting for individuals, groups of individuals/public interest groups, charities and companies. She has breadth and depth of expertise across a wide range of issues, including asylum and immigration, anti-trafficking, support and accommodation issues, equality and discrimination, access to justice and legal aid, extraterritorial human rights obligations/military abroad. She is known for her work representing vulnerable groups, specializing in women and children's rights and LGBT+; and acts for survivors of torture, sexual and gender based violence and trafficking and often for protected parties lacking litigation capacity. Catherine often handles difficult procedural matters as well as anonymity and reporting restrictions.

### **Notable cases include:**

- **DA & Ors v The Secretary of State for the Home Department** [2020] EWHC 3080 (Admin) (for the AIRE Centre intervening) - Secret unpublished abridged screening policy under the Dublin III process which failed to identify victims of trafficking unlawful.

- **HN & MN v Secretary of State for the Home Department** JR/4719/2019 - Delays/refusal of family reunion between two vulnerable children and their UK-based uncle breached Dublin III and the right to private life under Article 8 ECHR.
- **PK (Ghana) v Secretary of State for the Home Department** [2018] EWCA Civ 9 - Home Office policy on residence permits for victims of trafficking struck down because incompatible with UK's trafficking obligations.
- **LL v Lord Chancellor** CO/3581/2017 - Legal aid for immigration advice for victims of trafficking within scope of legal aid, forcing Legal Aid Agency U-turn.
- **SSHD v ZAT & Ors (Syria)** [2016] WLR 4894 (for the AIRE Centre intervening) - Children and a vulnerable adult admitted to the UK to join family, under Article 8 ECHR.
- **The Public Law Project v Lord Chancellor** [2016] AC 1531 (for Office of the Children's Commissioner intervening) - Unlawful residence test for legal aid.
- **Galdikas & Ors, R (on the application of) v Secretary of State for the Home Department & Ors (Rev 1)** [2016] WLR(D) 214 - Extension of support duty to prevent victims of trafficking facing cliff-face upon exiting the NRM.
- **Kontic & Others v Ministry of Defence** [2016] EWHC 2034 (QB) - Extraterritorial human rights abuses - military action in Kosovo.
- **Y & Others v SSHD and the FTT (IAC)** [2015] EWHC - Breaches of the ECHR and Equality Act arising from unlawful detention and processing within the detained fast track.

## Trafficking and Modern Day Slavery

Catherine is recognised as a leading anti-trafficking expert. She handles complex, multi-agency cases, often intersecting civil, criminal, domestic and international law. She acts in a broad range of trafficking challenges, including *inter alia* NRM failures, failures to identify, failure to investigate, non-prosecution, support failures, as well as asylum and immigration matters including unlawful detention, access to legal aid, access to justice, and effective remedies. She acts in public law and private law claims, including for compensation under the Human Rights Act and in tort.

Catherine acts as an expert adviser and Consultant on domestic, regional and international anti-trafficking and human rights law and policy, developing best practice and user-friendly practitioner guides, capacity building and training. She has advised the Council of Europe, including the Group of Experts on Trafficking in Human Beings (GRETA), the Parliamentary Assembly of the Council of Europe (PACE), the Committee of Ministers; the EU Fundamental Rights Agency; UN agencies, including the UN Special Rapporteur on Trafficking (and UN Special Procedures); UN Office on Drugs and Crime (UNODC), UN Refugee Agency (UNHCR), UNICEF and the Committee on the Elimination of Discrimination (CEDAW).

She has advised on legislative and policy issues, PMQs, public consultations, reports, briefings, campaigns, including authoring/ co-authoring/ collaborating with other practitioners or well-known NGOs in the field of anti-trafficking. She has advised on trafficking and gender based violence issues in relation to the Modern Slavery Bill, the Serious Crime Bill (FGM), the Legal Aid Sentencing and Punishment of Offenders Act (LASPO) and several legislative instruments concerning immigration.

Catherine also advises on business and human rights , corporate responsibility and on trafficking and modern slavery in supply chains.

### **Notable cases include:**

- **VCL and AN v the United Kingdom Application** nos. 77587/12 and 74603/12, judgment 16 February 2021 (for Anti-Slavery International intervening in AN) - First case on non-prosecution of child victims of trafficking under the duty to protect under Art 4 ECHR.
- **DA & Ors v The Secretary of State for the Home Department** [2020] EWHC 3080 (Admin) (for the AIRE Centre intervening) - Secret unpublished abridged screening policy under the Dublin III process which failed to identify victims of trafficking unlawful.
- **MS (Pakistan) v Secretary of State for the Home Department** [2020] UKSC 9 (for Liberty – application to intervene) - Jurisdiction of the Immigration Tribunal to determine trafficking claims in asylum and human rights appeals; and the Home Office duty to investigate under Article 4 ECHR.
- **PK (Ghana) v Secretary of State for the Home Department** [2018] EWCA Civ 9 - Home Office policy on residence permits for victims of trafficking (Discretionary Leave to Remain) struck down for non-compliance with UK's trafficking obligations.
- **LL v Lord Chancellor** CO/3581/2017 - Legal aid for immigration advice for victims of trafficking within scope of legal aid, forcing Legal Aid Agency U-turn.

- **JL v Austria** 58216/12, judgment 17 January 2017 - Duty to identify and protect potential victims of trafficking, and investigative.
- **Galdikas & Ors, R** (on the application of) v Secretary of State for the Home Department & Ors (Rev 1) [2016] WLR(D) 214 - Extension of support duty to prevent victims of trafficking facing cliff-face upon exiting the NRM.
- **XB v SSHD** [2015] EWHC 2557 (Admin) - Exceptional relief granted to return victim of trafficking who was removed after the unlawful certification of a fresh claim. Home Office failed to comply with duties of fairness and disclosure holding back material on risk.
- **Y & Others v SSHD and the FTT (IAC)** [2015] EWHC - Unlawful processing of victims of trafficking and LGBTQI minorities with the detained fast track in breach of published policy, Human Rights Act 1998 and the Equality Act 2010.

## Civil Liberties and Human Rights

Catherine has 15 year's experience in human rights and civil liberties. She worked with the AIRE Centre, the Parliamentary Assembly of the Council of Europe (Committee on Refugees Migration and Population), the UN Refugee Agency (UNHCR) and the Commonwealth Secretariat. She has utilised judicial, non-judicial, Parliamentary and media strategies to secure access to justice for clients and bring about changes to law and policy. She continues to bring this creative and innovative approach to her work.

### Notable cases include:

- **VCL and AN v the United Kingdom Application** nos. 77587/12 and 74603/12, judgment 16 February 2021 (for Anti-Slavery International intervening in AN) - First case on non-prosecution of child victims of trafficking under the duty to protect under Art 4 ECHR.
- **Sufi and Elmi v UK** (2012) 54 E.H.R.R - 9 prohibiting removal of any person to the territory of Somalia based on a real risk of treatment prohibited by Article 3 ECHR from indiscriminate violence or humanitarian disaster in refugee or IDP camps.
- **MA & Ors v SSHD** [2013] EUECJ C-648/11 (acting for the AIRE Centre as intervenor) - Causing the Dublin III regulation to be amended in accordance with the best interests of

unaccompanied asylum-seeking minors.

- **Tarakhel & Ors v. Switzerland** [2014] ECHR 600, Grand Chamber ECtHR (for AIRE Centre, Amnesty International, European Council on Refugees and Exiles, intervening) - Requiring return of children of families facing return to Italy under the Dublin regulation to be in accordance with best interests and the need for individual specific assurances.
- **Sharifi and others v. Italy & Greece**, App. no. 16643/09, 21 October 2014 (for the AIRE Centre and Amnesty intervening) - Interception at sea and access to asylum procedures.
- *Austin v. the United Kingdom* [2012] ECHR 459 police kettling of peaceful protest.
- **Behrami v. France/Saramati v. France**, Germany and Norway (2007) 45 EHRR SE10 - Extraterritorial human rights obligations in Kosovo in relating to the de-mining of unexploded cluster munitions and arbitrary detention.
- **Secretary of State for Defence v. Al-Skeini & Ors** [2007] UKHL 26 - Extraterritorial human rights obligations in Iraq and investigative duties.
- **R (Al Rawi & Ors) v. Secretary of State for Foreign & Commonwealth Affairs & Anor** [2006] EWCA Civ 1279 - Extraterritorial/ diplomatic obligations to British nationals in Guantanamo.
- **Saadi v United Kingdom** (13229/03) (Grand Chamber) (2008) 47 [2008] I.N.L.R. 436 - Arbitrary immigration detention for administrative convenience.

## Equality and Discrimination

Catherine regularly represents claimants in judicial reviews and civil claims under the Equality Act 2010 and Human Rights Act 1998 raising equalities and human rights issues. Her cases have involved discrimination in various forms, equality impact assessments, and the public sector equality duty. Catherine has developed public interest challenges raising novel equalities arguments including in claims concerning LGBTI+ claims, disability, race, religion, gender. She is particularly interested in intersectional discrimination.

She is a member of the Equality and Human Rights Commission panel of specialist Counsel and worked on an extensive project concerning the right to health, leading to the publication of *Access to healthcare: a guide for organisations working with people seeking asylum* (2019). She has advised the Committee on the Elimination of Discrimination (CEDAW) and other bodies

on gender transformative approaches and equality of women and girls who are victims of trafficking.

## Immigration and Asylum

Catherine is an experienced immigration asylum and refugee law practitioner acting at all levels, in judicial reviews, statutory appeals, and civil claims, across a wide-range of matters. She has a particular specialism in complex cases involving human rights; and representing particularly vulnerable groups, including children, women, victims of trafficking, victims of torture and sexual and gender based violence, LGBTQI+ and persons with disabilities including incapacitous clients.

Her cases have involved the application and interrelationship of EU, ECHR, international and domestic law. She has been involved in ground-breaking litigation involving victims of trafficking and unaccompanied and separated children in cases which have changed and developed law and policy.

Catherine also advises private individuals and organisations on all aspects of business and commercial immigration. She is also experienced in handling high value high net cases for individuals and businesses; including difficult business immigration issues and whistleblowing.

### **Notable cases include:**

- **HN & MN v Secretary of State for the Home Department** JR/4719/2019 - Delays/refusal of family reunion between two vulnerable children and their UK-based uncle breached Dublin III and the right to private life under Article 8 ECHR.
- **PK (Ghana) v Secretary of State for the Home Department** [2018] EWCA Civ 9 - Home Office policy on residence permits for victims of trafficking struck down because incompatible with UK's trafficking obligations.
- **LL v Lord Chancellor** CO/3581/2017 - Legal aid for immigration advice for victims of trafficking within scope of legal aid, forcing Legal Aid Agency U-turn.

Further cases are noted above under 'Administrative and Public Law' 'Civil Liberties and Human Rights' and 'Trafficking and Modern Slavery'.



## International Law

Catherine has been involved in landmark strategic litigation, acting on behalf of individuals, groups, and NGOs in the domestic courts up to the Supreme Court, the European Court of Human Rights, and the Court of Justice of the EU.

Catherine has provided expert advice to individuals, groups, NGOs, and supranational institutions on State liability and accountability mechanisms in complex cases concerning the legality of acts and omissions by the UK and other State actors e.g., air strikes / no fly zones in Syria, Libyan detention camps, state-sponsored human rights abuses in Sudan, and human rights abuses particularly of children and minorities in Myanmar. She has represented individuals abroad on a range of issues including trafficking, family reunion, investigative duties for crimes committed abroad.

Catherine also advises on business and human rights, corporate responsibility and on trafficking and modern slavery in supply chains.

Notable cases can be found above under 'Administrative and Public Law' 'Civil Liberties and Human Rights' and 'Trafficking and Modern Slavery'.

## Media Law and Defamation

Catherine's practice in media law and defamation has developed from broad experience advising journalists, human rights and political activists, campaigners, bloggers, politicians (and their families) in the domestic courts and supranational courts in human rights and protection claims. She is experienced in relation to reporting restrictions and anonymity applications, particularly for vulnerable individuals and high profile political refugees and dissidents from repressive regimes.

Catherine also acts as a duty lawyer on the Guardian (media) libel and legal rota.

She frequently works with journalists, civil society on investigations and parallel litigation and press/ campaigning/ Parliamentary strategies including on high profile cases or cases seeking a change to law and policy.

## Publications

- *Beyond the end of the line: home secretary can and will support victims of trafficking post-exit from the NRM*, Legal Action Group, February 2018, Fiona Couzens and Catherine Meredith.
- *Preliminary Deference? The impact of judgments of the Court of Justice of the EU in cases XYZ, ABC and Cimade and Gisti on national law and the use of the EU Charter of Fundamental Rights*, ECRE, March 2017. Acted on Advisory Panel.
- **Modern Slavery: More Action Needed?** Employment Law Journal, May 2015, Richard Kenyon and Catherine Meredith
- **Grayling stalls over changes to exceptional funding**, Legal Action Group, May 2015, Catherine Meredith and Alison Pickup (in relation to legal aid for victims of trafficking).
- **“Practical and effective not theoretical and illusory” – the role of interim measures in the European Court of Human Rights protection of rights**, Nuala Mole and Catherine Meredith, Journal of Immigration Asylum and Nationality Law (2015) 29.1.
- *Handbook on European law relating to asylum, borders and immigration*, European Union Agency for Fundamental Rights and the European Court of Human Rights, written by Nuala Mole, Maryam Akhavan-Tabib & Catherine Meredith, June 2013, re-published June 2014. Included chapter on trafficking.
- *Asylum and the European Convention on Human Rights* Council of Europe Human Rights Files, (5th edition), 2010, Nuala Mole & Catherine Meredith. Included trafficking.
- **Parliaments united against human trafficking**, PACE, 2010.
- *Toolkit on How to Request Interim Measures under Rule 39 of the Rules of the European Court of Human Rights for Persons in Need of International Protection*, UNHCR, 2012.
- *Guidelines on human rights protection in the context of accelerated asylum procedures* Council of Europe, 2009, Expert advisor
- **Not in My Front Yard: Security and Resistance to Responsibility for Extraterritorial State Conduct**, Wolf Legal Publishers, 2009, Theodora Christou and Catherine Meredith.
- **War or Crime? National Legal Challenges in Europe to the War in Iraq**, Wolf Legal Publishers, 2009. ed. Elspeth Guild, Chapter with Theodora Christou.

- *Comparative Study on the Mandates of National Human Rights Institutions*, 2007, Commonwealth Secretariat Publishing.
- EHRLR Case notes (on European jurisprudence), 2007.