

# **Doughty Street Chambers Children's Rights Group**

**Annual Children's Rights Lecture 2023**  
*'Refugee Children and Their Rights'*

*Thursday 2 November 2023*  
*17:30 – 20:00 GMT*

## **Meet the Speaker and Panel**



# SPEAKER



## **LORD DUBS**

**Member of the House of Lords**

Lord Dubs is a Labour politician and leading refugee rights advocate. He was MP for Battersea 1979-1987, during which time he served for four years as a shadow Home Office Minister.

After leaving the Commons in 1987, he became the Director of the Refugee Council and was appointed as a Labour life peer in 1994.

In 1997, after Labour's election victory, he was appointed as a Minister in Northern Ireland where he served until the establishment of a new devolved administration following the Good Friday Agreement.

In 2016, he sponsored an amendment (which later became known as the "Dubs Amendment") to the Immigration Act 2016, to offer some unaccompanied refugee children stranded in camps in Europe safe passage to Britain, having himself arrived in Britain in 1939 as a six-year-old refugee fleeing the Nazis in Czechoslovakia.

He currently serves on the British Irish Parliamentary Assembly and on the Organisation for Security and Cooperation in Europe Parliamentary Assembly. He continues to campaign on human rights and specifically on behalf of refugees.

# CHAIR



## **SHU SHIN LUH**

**Co-Lead of the Children's Rights Group at Doughty Street Chambers**

Shu Shin practices in all areas of public law. Her practice has a strong human rights, civil liberties, and anti-discrimination focus.

Her expertise covers a broad range of subject matters including community care, mental health and mental capacity, health care, education, housing, welfare benefits, human trafficking, immigration and asylum, and deprivation of liberty both in the context of immigration detention and the Court of Protection. She pursues significant public interest litigation on behalf of individuals and organisations.

Shu Shin aims to act for her clients in a comprehensive way, advising where possible on the full range of legal issues impacting on different aspects of their lives in the context of judicial review, statutory appeals, and actions against public authorities, where relevant. This depth of experience and breadth of legal knowledge and expertise enables her to have a truly creative approach to a case.

Shu Shin is committed to civil legal aid and to supporting individuals to have effective access to legal remedies. She is on the panel of junior counsel for the Equality and Human Rights Commission. She undertakes advisory and consultancy work for non-governmental and intergovernmental organisations and state bodies in the UK and other jurisdictions on legal policy and draft legislation. She acted as the specialist legal advisor to the Joint Committee on Human Rights in its immigration detention inquiry in 2018/2019. She also regularly provides training to governmental departments, local authorities, and public interest groups in the UK and internationally.

# PANEL



## **ANTONIA BENFIELD**

Antonia is a barrister at Doughty Street Chambers and works across the fields of asylum, immigration and public law with a specialism in refugee, asylum law and children's rights. Before joining the Bar, Antonia worked for NGOs including the Refugee Council, and has spent over 17 years working in support of refugee and migrant rights.

Antonia is regularly instructed in the First-Tier and Upper Tribunals, High Court and Court of Appeal on asylum and public law claims, with a particular focus on complex claims and those involving victims of torture and sexual violence. Combining her backgrounds in the NGO field, Antonia is highly regarded for her ability to engage with particularly vulnerable clients and her detailed knowledge of country conditions and asylum policy. She is especially well placed to undertake cross-cutting work in the fields of immigration, children's rights and public law and works on complex country guidance cases and claims involving cessation/revocation of international protection. She is regularly instructed in public law challenges on behalf of unaccompanied asylum-seeking children whose age is disputed by the Home Office or local authorities, unlawful detention of putative children and asylum support challenges under the Immigration and Asylum Act 1999. In addition, she acts on behalf of adults and unaccompanied minors in challenges to trafficking decisions and unlawful detention claims. Antonia acts in criminal deportation, human rights claims and EEA challenges and has extensive expertise in out-of-hours and urgent claims.

She was appointed as Counsel to the Independent Inquiry into Child Sexual Abuse (IICSA), on the Children outside the UK (Phase 2) and Child Sexual Exploitation by Organised Networks investigations from 2018 to 2022.



## **MARIAM BAFO**

Mariam Bafo is a Policy and Public Affairs Officer at We Belong, a migrant youth-led charity committed to securing equal and fair treatment for young migrants across the UK. She leads the chasing status program, which aims to hold those in power accountable and remove barriers that prevents young migrants from fully integrating into society.

Alongside this, Mariam is also involved in organising local awareness-raising events for migrant and local communities, empowering them to advocate against the hostile environment policies.

Mariam is firmly committed to involving young people in decision-making and policy development processes, ensuring their voices are heard and instrumental in shaping more inclusive policies.

## **HILDA OPOKU**

Hilda Opoku is a young woman care leaver who arrived in the UK unaccompanied. Hilda is a first year LLB Law student at Aston University and is currently a job interview panel member for Bernardo's. Hilda has participated in the evaluation of Bernardo's Sleep for Wellbeing app.

# OUR CHILDREN'S RIGHTS GROUP

Welcome to the Doughty Street Chambers Children's Rights Group, which brings together barristers from across all practice teams. The Children's Rights Group members have acted in many of the leading cases on children's rights in the UK, regional and international courts. Reflecting this, the Children's Rights Group has a particular focus on innovative legal advocacy, both in the courtroom and beyond, aimed at securing the rights set out in the UN Convention on the Rights of the Child.

Doughty Street Chambers offers extensive expertise across numerous child rights-related areas and has wide-ranging experience in bringing ground-breaking litigation for and concerning children in public law, extradition, immigration, mental health, community care, prison law, trafficking, education, criminal justice, clinical negligence and inquests. Many of our members specialise in complex and developing areas concerning the rights of children, including unaccompanied minors' rights, female genital cutting (FGC) and children, abortion rights for vulnerable teenagers, the education rights of children in custody, inclusive education for disabled children, children's effective participation in criminal trials, and the rights of LGBTQI children.

Beyond the domestic context, our barristers have played key roles in important cases before regional and international courts, including the European Court of Human Rights, the Court of Justice of the European Union, and the International Criminal Court. They also advise and engage with international and regional human rights entities, including UN treaty bodies and UN Special Procedures. They also work with intergovernmental organisations with a human rights mandate, as well as national human rights institutions. Many of our members are involved in training on children's rights issues for different stakeholders, as well as advising on law and policy reform in the field of children's rights. Others are actively involved in academic writing, making major contributions to child rights scholarship, both in the UK and elsewhere.

## Why is Doughty Street the UK's leading child rights chambers?

Our **public law, housing and community care** teams have been involved in major cases concerning carers' rights, challenges to elements of welfare 'reform' such as the benefit cap, as well as challenges to failure to provide support under sections 17 and 20 of the Children Act 1989. We have brought ground-breaking challenges concerning the rights of children in the criminal justice system and of children in and leaving custody.

We regularly act on behalf of children in matters involving **criminal law, prison law and actions against the police**, including difficult cases concerning prison suicide, the use of restraint in Young Offender Institutions, and the use of police powers in relation to children within the criminal justice system. Members of our criminal team are experienced in representing children and young people at trial and at the appellate level. They have especial expertise in cases which involve intermediaries and complexities surrounding mental health and learning disability. Many of our criminal practitioners have led public law challenges relating to youth criminal justice, including the use of youth conditional cautions and youth court procedure.

Our **Court of Protection and mental health** teams frequently represent 16 and 17 year olds as well as their parents in the Court of Protection.

Members of Doughty Street regularly represent children and young people in **education** cases, including matters involving special educational needs, disability rights, discrimination, and challenging exclusions from school.

Our members assist **migrant and refugee children** and have been involved in challenges to age assessments of accompanied asylum-seeking children carried out by local authorities, as well as challenges involving asylum support to destitute families. Our barristers have appeared in key cases involving refugee children separated from their families across Europe. Members of our **immigration** team regularly represent accompanied asylum-seeking children in claims for international protection as well as children facing the deportation of a parent from the UK. Our **extradition** barristers have appeared on behalf of children in challenges to a parent's proposed extradition from the UK. We have extensive expertise in assisting **trafficked children** in different legal contexts, including when they are defendants in criminal proceedings, where immigration and asylum issues arise, in public law challenges concerning unlawful decision-making or failures to provide support, and in unlawful detention, false imprisonment and civil claims against public authorities and traffickers.

Our **clinical negligence** team have experience of challenging negligence on the part of healthcare staff during pregnancy and delivery. Chambers members have appeared in **inquests** involving the deaths of children and young people supported by local authorities, in custody or mental health settings, have worked to provide sensitive representation for families of disabled children who have died.

Our members have been involved in actions seeking redress for historic **child sex abuse**. Several of our members are involved in the Independent Child Sex Abuse Inquiry both as Counsel to the Inquiry team and on behalf of participants. We bring claims to hold institutions and public bodies to account on behalf of survivors of child sex abuse, and bring challenges concerning the failure to remove children from abusive homes.

We offer expertise in cases where **family law intersects with children's rights**, including with regard to forced marriage, as well as public law proceedings on allegations of radicalisation and child neglect.

Reflecting our experience in using international law instruments, including the UN Convention on the Rights of the Child (UNCRC) in a range of different legal contexts, members of Chambers have contributed to the **promotion and defence of children's rights globally**. This has included, work on behalf of Nigerian children accused of witchcraft, child soldiers, and children with disabilities. Members have also brought actions before a range of UN and regional complaints bodies.

# MEET OUR CHILDREN'S RIGHTS GROUP

## Co-leaders of the Children's Rights Group



**Shu Shin Luh**  
Co-Leader, Children's Rights Group

Call: 2006



**Professor Aoife Nolan**  
Co-Leader, Children's Rights Group

## Silks



**Helena Kennedy KC**  
Call: 1972, Silk: 1991



**Edward Fitzgerald KC**  
Call: 1978, Silk: 1995



**Nicholas Bowen KC**  
Call: 1984, Silk: 1995



**Martin Westgate KC**  
Call: 1985, Silk: 2010



**Stephen Cragg KC**  
Call: 1996, Silk: 2013



**Aswini Weeraratne KC**  
Call: 1991, Silk: 2015



**Caoilfhionn Gallagher KC**  
Call: 2001, Silk: 2017



**Ben Cooper KC**  
Call: 1999, Silk: 2020



**Emma Goodall KC**  
Call: 1996, Silk: 2021



**Maya Sikand KC**  
Call: 1997, Silk: 2021





**Jamie Burton KC**  
Call: 1999, Silk: 2021



**Adam Straw KC**  
Call: 2004, Silk: 2021



**Liam Walker KC**  
Call: 2001, Silk: 2022



**Laura Dubinsky KC**  
Call: 2002, Silk: 2022



**Fiona Murphy KC**  
Call: 2013, Solicitor: 1993



**Garry Green KC**  
Call: 1999, Silk: 2023

## Juniors



**Sophy Miles**  
Call: 1991, Solicitor: 1989



**Zia Nabi**  
Call: 1991



**Simon Cox**  
Call: 1992



**Dominic Preston**  
Call: 1995



**Krishnendu Mukerjee**  
Call: 1996



**Oliver Lewis**  
Call: 2000



**Phil Haywood**  
Call: 2001



**Angela Patrick**  
Call: 2003



**Amelia Nice**  
Call: 2006



**Megan Hirst**  
Call: 2015 (2006 - Supreme Court of Queensland, Australia)



**Louise Price**  
Call: 2006



**Leonie Hirst**  
Call: 2006



**Mary Westcott**  
Call: 2007



**Michelle Knorr**  
Call: 2008



**Catherine Meredith**  
Call: 2008



**Zimran Samuel MBE**  
Call: 2008



**Sarah Steinhardt**  
Call: 2008



**Rowena Moffatt**  
Call: 2009



**Marisa Cohen**  
Call: 2010



**Maryam Mir**  
Call: 2010



**Samuel Jacobs**  
Call: 2011



**Kate O'Raghallaigh**  
Call: 2011



**Tim Cooke-Hurle**  
Call: 2012



**Hayley Douglas**  
Call: 2012



**Antonia Benfield**  
Call: 2013



**Jelia Sane**  
Call: 2013



**Agata Patyna**  
Call: 2014



**Daniella Waddoup**  
Call: 2014



**Zoe Harper**  
Call: 2015



**Mary-Rachel McCabe**  
Call: 2015



**Nancy Williams**  
Call: 2016



**Gemma Daly**  
Call: 2017



**Margherita Cornaglia**  
Call: 2017



**Donnchadh Greene**  
Call: 2018



**Alice Irving**  
Call: 2018



**Tayyiba Bajwa**  
Call: 2019



**Caragh Nimmo**  
Call: 2020 (2016 - Solicitor,  
Scotland)



**Sarah Dobbie**  
Call: 2020 (2017 -  
Australia)

## Academic Experts and Associate Tenants



**Dr. Anne Gallagher**



**Prince Zeid Ra'ad Al Hussein**



**Theo Huckle KC**  
Call: 1985, Silk: 2011



**Geraldine Van Bueren KC**  
Call: 1979, Silk: 2013



**Susie Alegre**  
Call: 1997



**Katherine O'Byrne**  
Call: 2013



**Alison Pickup**  
Call: 2007



**Nani Jansen Reventlow**  
Call: 2007



**Martha Spurrier**  
Call: 2010

# Contact us

To discuss the work of our barristers, or for more information about Doughty Street, please contact:



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*"The clerks are exceptional and always quick to respond to queries, offering good availability and flexibility. Always reliable and very commercially aware, meaning they are more than happy to negotiate a fee that meets the client's needs and budget."* - Legal 500

*"The clerking is really good; they go the extra mile to get things sorted. They're some of the friendliest clerks and can't do enough for you."* - Chambers & Partners