

Josephine Gillingwater

Call: 2024

E: Josephine.Gillingwater@11kbw.com

T: +44 (0)20 7632 8500



Josephine practices across Chambers' practice areas including public law and human rights, public international law, commercial law, and employment law.

Recent highlights of her practice include:

- Two cases before the European Court of Human Rights: *CC v United Kingdom* and *Q v United Kingdom* (with Galina Ward KC and Christopher Knight KC).
- Acting for the City of London Corporation resisting a challenge to the trans-inclusive admission arrangements for bathing ponds on Hampstead Heath: *R (Sex Matters) v City of London Corporation* (with Daniel Stilitz KC and Katherine Eddy).
- A challenge to the level of ambition set by the Seventh Carbon Budget on the basis that it is inconsistent with the UK's obligations under the Paris Agreement: *R (Carbon Reckoning) v Secretary of State for Energy Security and Net Zero* (with David Wolfe KC and Peter Lockley).
- Acting for the Secretary of State for Energy Security and Net Zero (intervening) in a challenge arising out of the refusal to permit the relocation of a proposed major gas-powered generating station: *R (TTEP UK Power Development II Ltd) v National Energy System Operator* (with Juliet Wells and Samuel Willis).

- A challenge to the reduction in leave granted to refugees from five years to 30 months: *R (MXR & Ors) v Secretary of State for the Home Department* (with Sir James Eadie KC, Jason Pobjoy KC, Naomi Hart and others).
- A freedom of information appeal concerning a statutory prohibition on disclosure of information relating to animal testing and Article 10 of the European Convention on Human Rights: *Cruelty Free International v Information Commissioner and Home Office* [2026] UKUT 328 (with Christopher Knight KC).

Josephine was the Judicial Assistant to Lord Lloyd-Jones in the Supreme Court and the Judicial Committee of the Privy Council from 2025 to 2026. She worked on a number of the leading cases of the past year, including *The Kingdom of Bahrain v Shehabi* [2026] UKSC 25 (the territorial scope of the personal injury exception to state immunity in the context of spyware) and *Infrastructure Services Luxembourg S.A.R.L. v The Kingdom of Spain* [2026] UKSC 9 (whether foreign states can rely on state immunity to resist the registration of ICSID awards).

Before coming to the Bar, Josephine worked in international arbitration at Freshfields, WilmerHale, and the London Court of International Arbitration (LCIA). She also worked at the International Law Commission (ILC) of the United Nations.

Expertise

Public Law and Human Rights

Josephine practices in all areas of public law and human rights, including judicial review proceedings and claims under the Human Rights Act 1998.

R (Sex Matters) v City of London Corporation

Acting for the City of London Corporation resisting a challenge to the trans-inclusive admission arrangements for bathing ponds on Hampstead Heath (with Daniel Stilitz KC and Katherine Eddy).

R (TTEP UK Power Development II Ltd) v National Energy System Operator

Acting for the Secretary of State for Energy Security and Net Zero (intervening) in a challenge arising out of the refusal to permit the relocation of a proposed major gas-powered generating station (with Juliet Wells and Samuel Willis). The claimant also brings a damages claim under the Human Rights Act 1998 for breach of Article 1 of the First Protocol (A1P1) to the European Convention on Human Rights.

CC v the United Kingdom

(APPLICATION NO. 25191/23)

European Court of Human Rights claim on whether the lack of compensation under the Equality Act 2010 for disability discrimination is compatible with Article 14 read with Article 8 and/or Articles 1 and 2 of Protocol 1 (with Galina Ward KC and Christopher Knight KC).

R (MXR & Ors) v Secretary of State for the Home Department

A challenge to the reduction in leave granted to refugees from five years to 30 months (with Sir James Eadie KC, Jason Pobjoy KC, Naomi Hart and others).

R (Carbon Reckoning Legal Project) v Secretary of State for Energy Security and Net Zero

Judicial review challenge under the Climate Change Act 2008 of the Seventh Carbon Budget (with David Wolfe KC and Peter Lockley). The case involves questions about the latest available science on the global carbon budget and the UK's obligations under the Paris Agreement.

Q v the United Kingdom

(APPLICATION NO. 11826/23)

European Court of Human Rights claim on the right to education of a child with special educational needs under Article 2 of Protocol 1 (with Galina Ward KC and Christopher Knight KC).

Cruelty Free International v The Information Commissioner and the Home Office

[2026] UKUT 328

Upper Tribunal appeal on whether the statutory bar on disclosure under section 24 of the Animals (Scientific Procedures) Act 1986 is compatible with Article 10 of the European Convention on Human Rights (with Christopher Knight KC).

R (ALX) v Chancellor of the Exchequer

[2025] EWHC 1467 (ADMIN)

Human rights challenge on behalf of parents of children with special educational needs against the Finance Act 2025, which imposed VAT on private school fees (assisting Tom Cross KC).

Dillon

[2026] UKSC 15

Supreme Court appeal concerning whether article 2(1) of the Windsor Framework has direct effect and can be relied on to disapply provisions of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (as a Judicial Assistant to Lord Lloyd-Jones).

R (Siderise Ltd) v Royal Borough of Kensington and Chelsea

[2025] EWHC 1178 (ADMIN)

Judicial review challenge to a ban of certain contractors and suppliers from local government contracts following the Grenfell Inquiry (assisting James Goudie KC and Aliya Al-Yassin).

Public International

Josephine has experience across a wide range of areas including treaty interpretation, immunities, the law of international organisations, international human rights law, international environmental law, international investment law, State responsibility, transboundary disputes, and the law of the sea. Her recent experience includes:

- Advising a State on the protection of its cultural heritage (with Paul S. Reichler and Remi Reichhold).
- Advised an intergovernmental organisation on the enforceability of agreements with States (assisting Professor Philippe Sands KC, Ruth Kennedy and Lucy Jones).
- Advised the World Wildlife Fund for Nature (WWF) on the IMO Net-Zero Framework.
- Advised a consortium of States on the negotiation of an international treaty on marine biodiversity (the BBNJ Agreement, now called the High Seas Treaty) (assisting Professor Makane Moïse Mbengue).*
- Assisted in an UNCITRAL arbitration arising from a contract for the provision of goods and services to an intergovernmental organisation.*

- Advised the United Nations Environment Programme (UNEP) on fossil fuel subsidy *
- Advised a political organisation on the right to self-determination of an Indigenous group (assisting Ali Al-Karim).*

*Before coming to the Bar.

CC v the United Kingdom

(APPLICATION NO. 25191/23)

European Court of Human Rights claim on whether the lack of compensation under the Equality Act 2010 for disability discrimination is compatible with Article 14 read with Article 8 and/or Articles 1 and 2 of Protocol 1 (with Galina Ward KC and Christopher Knight KC).

Q v the United Kingdom

(APPLICATION NO. 11826/23)

European Court of Human Rights claim on the right to education of a child with special educational needs under Article 2 of Protocol 1 (with Galina Ward KC and Christopher Knight KC).

The Kingdom of Bahrain v Shehabi

[2026] UKSC 25

Supreme Court appeal on the territorial scope of the personal injury exception to state immunity, involving allegations of spyware use against human rights activists (as a Judicial Assistant to Lord Lloyd-Jones).

Infrastructure Services Luxembourg S.A.R.L. v The Kingdom of Spain

[2026] UKSC 9

Supreme Court appeal on whether foreign states can rely on state immunity to resist the registration of ICSID awards (as a Judicial Assistant to Lord Lloyd-Jones).

Minerali Industriali SRL v Republic of Tunisia

ICSID CASE NO ARB/24/52

Dispute under the Italy-Tunisia BIT relating to sand mining (assisting Ali Al-Karim).

Commercial Litigation

Josephine worked in arbitration and has experience in matters conducted under the ICC, UNCITRAL and LCIA rules. She has often worked on cases with an international element raising issues of private international law. Her experience in this field includes:

- Assisted in an ICC arbitration governed by English law relating to a West African subsea project and LNG sales to third parties during the lifetime of a sales agreement.*
- Assisted in an ICC arbitration governed by English law arising in the energy sector in the Caribbean.*
- Assisted in an LCIA arbitration governed by Sri Lankan law against a state-owned entity relating to a construction project.*
- Assisted in an UNCITRAL arbitration governed by the UNIDROIT Principles arising from a contract for the provision of goods and services to an intergovernmental organisation.*

*Before coming to the Bar.

Employment

Josephine practices across statutory and commercial employment matters. Her recent experience in this area includes:

- A preliminary hearing to determine whether the employment tribunal has international and territorial jurisdiction in a cross-border unfair dismissal and disability discrimination claim (assisting Andrew Smith).
- A claim for belief discrimination arising from the dismissal of an employee for the expression of anti-Zionist beliefs on social media (assisting Katherine Eddy).
- A preliminary hearing to determine whether the claimant has employment status to bring an unfair dismissal claim under the Employment Rights Act 1996 (assisting Judy Stone KC).

Environment & Energy

Josephine has a particular interest in environmental and energy disputes, both domestic and international. Her recent experience includes:

- Advised the World Wildlife Fund for Nature (WWF) on the IMO Net-Zero Framework.
- Advised a consortium of States on the negotiation of an international treaty on marine biodiversity (the BBNJ Agreement, now called the High Seas Treaty) (assisting Professor Makane Moïse Mbengue).*

- Advised the United Nations Environment Programme (UNEP) on fossil fuel subsidy reform.*

*Before coming to the Bar.

R (Carbon Reckoning Legal Project) v Secretary of State for Energy Security and Net Zero

Judicial review challenge under the Climate Change Act 2008 of the Seventh Carbon Budget (with David Wolfe KC and Peter Lockley). The case involves questions about the latest available science on the global carbon budget and the UK's obligations under the Paris Agreement.

R (TTEP UK Power Development II Ltd) v National Energy System Operator

Acting for the Secretary of State for Energy Security and Net Zero (intervening) in a challenge arising out of the refusal to permit the relocation of a proposed major gas-powered generating station (with Juliet Wells and Samuel Willis). The claimant also brings a damages claim under the Human Rights Act 1998 for breach of Article 1 of the First Protocol (A1P1) to the European Convention on Human Rights.

Cruelty Free International v Information Commissioner and Home Office

[2026] UKUT 328

Upper Tribunal appeal on whether the statutory bar on disclosure of information relating to animal testing under section 24 of the Animals (Scientific Procedures) Act 1986 is compatible with Article 10 of the European Convention on Human Rights (with Christopher Knight KC).

Achievements

Education

LLB (First Class Honours), University of Birmingham, 2017 – 2021

Visiting Student in the Faculty of Law, McGill University, 2019 – 2020

LLM in International Law (Summa Cum Laude), Geneva Graduate Institute, 2021 – 2022

PGDip in Bar Practice, Inns of Court College of Advocacy, 2023 – 2024

Awards

Lord Denning Scholarship, Lincoln's Inn

Sir John and Lady Sophie Laws Scholarship, Bar European Group

Pegasus Scholarship, Inner Temple