



Joshua Jackson

Year of Call: 2020

Call Clerk on 020 7827 4000

PRACTICE AREAS

Discrimination & Equality | Employment | Human Rights | Public & Administrative Law

HIGHLIGHTS

Josh Jackson is a specialist in human rights and international law, and has acted in high profile human rights cases before domestic, foreign and international courts. His expertise in human rights and international law informs and complements his growing practice in equality, public and administrative law.

Prior to qualifying as a barrister, Josh worked on strategic international litigation with several NGOs. He combines a practice at the Bar with active involvement in civil society, being a member of the Executive Committees of Action4Justice and the ETO Consortium. He was the recipient of Middle Temple's top scholarship for Bar school, and has received the highest awards at all levels of education.

Consistent with his background, Josh has developed a Claimant-based practice and is dedicated to using law to generate social impact at home and abroad.

OVERVIEW

Josh specialises in human rights and public international law, public and administrative law, and discrimination and equality law..

Human Rights & Public International Law

Josh has a unique specialism in domestic, European and international human rights law, international environmental law, and public international law. He has acted as counsel and as a consultant in a variety of international human rights and environmental cases.

Recent instructions include:

- Acting for six Portuguese children in *Duarte Agostinho & Ors v Portugal & 32 Other States* before the ECtHR in a challenge to 33 European States' inaction on climate change. The case raises complex points regarding exhaustion of domestic remedies, shared State responsibility, extraterritorial jurisdiction, international environmental law, victim status, and obligations under Articles 2, 3, 8 and 14.
- Assisting Schona Jolly QC and Ruaraidh Fitzpatrick in *Buttet v United Kingdom* before the ECtHR in a challenge regarding the compatibility of rules of State immunity under the State Immunity Act and the UN Convention on Jurisdictional Immunities of States with Article 6 ECHR. The case raised complex questions of customary international law in the context of State immunity.
- Assisting Schona Jolly QC in *Liu and Ors v Norway* before the ECtHR in a challenge regarding the recognition of Taiwanese nationality and Article 8 ECHR. The case raised issues regarding the rules of Statehood under customary international law.

Josh is currently instructed as counsel in three other matters in the process of

going to the ECtHR – updates to follow in due course.

Josh advises on human rights and international law in claims in foreign jurisdictions. For example:

- Advising Palestinian and Israeli NGOs on international law issues arising from the construction of a power station on the Israeli/West Bank border.
- Advising in *Thomas & Quadad v Attorney General* before the Guyanese Constitutional Court in a challenge to oil and gas exploration based on the constitutional right to a healthy environment.

This experience adds a distinctive dimension to Josh's domestic practice.

Public & Administrative Law

Josh acts for Claimants in a broad range of judicial reviews. Drawing upon the above experience and his employment practice, he adds particular value in judicial reviews concerning the Human Rights Act, issues of international law, and/or the Equality Act 2010. He also has a growing a practice in community care, education and social welfare judicial reviews.

Recent instructions include:

- Acting for care workers in *R (Peters and Findley) v Secretary of State for Health and Social Care* (led by Ed Williams QC) before the administrative court in a challenge to the mandatory vaccination requirement for care workers on ultra vires, insufficient inquiry/relevant considerations, Article 8 ECHR, and Article 8 with 14 ECHR grounds.
- Acting for a victim of trafficking in a challenge to the Home Office's delay in granting leave to remain and providing a biometric residence permit under Article 8 ECHR, and Article 8 with Article 14.
- Acting for a social housing tenant in a challenge to a local authority's failure to provide a disabled parking bay under ss.20/21 (failure to make reasonable adjustments) and 149 EQA (public sector equality duty), and Article 14 ECHR.
- Acting for two children asylum seekers in a challenge to a local authority's

failure to provide access to education under ss.10 and 68 of the Education and Skills Act 2008, s.175 of the Education Act 2002, section 11 of the Children Act 2004, Article 2 Protocol 1 ECHR, and s.149 EQA.

- Advising alongside Catherine Casserley on the compatibility of the expansion of the ULEZ with Article 14 ECHR and ss.20/21 EQA.
- Advising a vulnerable adult in a challenge to a local authority's failure to provide direct payments under s.31 of the Care Act 2014 and Articles 3/8 ECHR.
- Acting for Disabled Qualified Panel Member of the First-Tier Tribunal in an appeal before the Upper Tribunal against an overpayment decision of the Department of Work and Pensions on ultra vires grounds.

Catherine and Josh have delivered advanced training to the Equality and Human Rights Commission on: "[**Discrimination and Public Law: Using the Equality Act 2010 and the Human Rights Act 1998 - When, Why and How?**](#)". They have provided and are available to provide similar training to law firms and NGOs on this issue.

Josh co-drafted the Administrative Law Bar Association's response to the Independent Human Rights Act Review. He has also acted for claimants in social security appeals and represents detainees in immigration bail hearings on behalf of BID. During pupillage, Josh assisted Tom Brown on a number of unlawful detention cases.

Employment & Discrimination

Josh has acted in discrimination, working time, whistleblowing, health and safety, minimum wage, and trade union claims. Overlapping with his public law practice, he adds particular value in claims under the Equality Act 2010.

Recent instructions include:

- Acting for the claimant in *Pipe v Coventry University* in a ten-day first instance trial and an ongoing appeal to the EAT concerning the application of PhD/research promotion requirements to persons with ADHD, and their compatibility with s.15 (discrimination arising from disability), s.19 (indirect age and disability discrimination), and ss.20/21 EQA (failure to

make reasonable adjustments).

- Acting for and attaining a settlement of over £250,000 for a claimant in a disability discrimination claim.
- Acting on behalf of foster carers in *Johnstone & Johnstone v Glasgow City Council* in whistleblowing and health and safety claims following the landmark EAT judgment they had employee status in 2020.
- Acting for a care worker in a challenge to a mandatory vaccination requirement on the grounds of belief-based discrimination.

Drawing on his human rights expertise, Josh assisted Chris Milsom in *Steer v Stormsure* before the Employment Appeal Tribunal and Court of Appeal regarding the compatibility of the absence of interim relief under the Equality Act with Article 14 ECHR, and the application of section 3 of the Human Rights Act.

During pupillage, Josh collaborated with members of chambers in a high-profile group claim involving questions of worker status.

Private and Tort Claims

Josh accepts instructions in a range of tortious claims with an employment, discrimination, environmental or human rights dimension. For example, he has experience in claims against public authorities, modern slavery claims, employers' liability cases, environmental tort claims, and business and human rights matters.

Recent instructions include:

- Acting in claims under the Human Rights Act against public authorities.
- Advising on potential tort claims against corporations with respect to their contributions to climate change.
- Advising on potential tort claims regarding oil spills off the costs of different Latin American countries.
- Acting alongside Anna Beale in a civil claim against human traffickers outside of jurisdiction.

During pupillage, Josh assisted Dan Lawson and Anna Beale in complex employers' liability cases. He has also co-authored a [Handbook on business and human rights](#).

Prior to Cloisters

Prior to becoming a barrister Josh worked as a project manager at Action4Justice, where he helped develop access to justice platforms in different countries and authored guidebooks on public interest litigation. Previously, he spent a year as an intern in Greenpeace International's legal team, where he assisted on climate litigation in several jurisdictions. He has also gained experience with the UN and the Global Legal Action Network.

Josh has working proficiency in Spanish.

QUALIFICATIONS AND AWARDS

J F Gregg Prize for Best Law Student - University of Birmingham, 2017

Sir Henry Barber Law Scholarship - University of Birmingham, 2017

Bachelor of Laws with First Class Honours - University of Birmingham, 2017

Masters in Public International Law (Cum Laude) - University of Amsterdam, 2018

Valedictorian Speech - University of Amsterdam, 2018

BPTC Scholarship - City Law School, 2019

Queen's Scholar - Middle Temple, 2019

Bar Practice Training Course (Outstanding), City Law School, University of London, 2020

MEMBERSHIPS AND APPOINTMENTS

Action4Justice, Executive Committee Member

Administrative Law Bar Association, Member

Bar Human Rights Committee, Member

ETO Consortium, Steering Committee Member

Free Representation Unit, Member

Global Legal Action Network, Member

Haldane Society of Socialist Lawyers, Member

Young Legal Aid Lawyers, Member

PUBLICATIONS, TRAINING AND MATERIALS

'Discrimination as a Public Law Wrong: Using the Equality Act and Art 14 in Judicial Review' (Training, November 2021).

'A closer look at AI and employment: Analysis of the recent CDEI and TUC reports' (Blog, November 2020)

Anti-Corruption Guidebook, Action4Justice (2020)

Climate Litigation Guidebook, Action4Justice (2020)

Arrest Guidebook, Action4Justice (2020)

Pre-Trial Detention Guidebook, Action4Justice (2020)

Going to Court Guidebook, Action4Justice (2020)

'Pathways to Justice in a Globalised World: An Assessment of the Justiciability of the Extraterritorial Obligations in the Area of Economic, Social and Cultural Rights' (2018) Amsterdam Center for International Law No. 2018-09

HIGHLIGHT CASES

Duarte Agostinho & Ors v Portugal & 32 Other States App no. 39371/20 (European Court of Human Rights): Ongoing climate case challenging States' failures to take sufficient action to prevent dangerous climate change. Based on Articles 2, 3, 8 and 14, involving issues of extraterritorial jurisdiction, exhaustion of local remedies, victim status, and shared State responsibility.

Buttet v United Kingdom App no. 12917/19 (European Court of Human Rights): Ongoing case regarding the compatibility of the State Immunity Act 1978 with Article 6 and the rules of customary international law on State immunity.

Liu & Ors v Norway App no. 24859/21 (European Court of Human Rights): Unsuccessful application regarding the compatibility of the non-recognition of Taiwanese nationality with the requirements of Article 8, with reference to the rules of statehood under customary international law.

Thomas & Quadad v Attorney General (2021) 2021-HC-DEM-CIV-FDA-742 (Constitutional Court of Guyana): Ongoing constitutional case challenging compatibility of oil and gas exploration of the Guyanese coast with the constitutional right to a healthy environment.

Pipe v Coventry University Case No: 1305255/2020 (West Midlands Employment Tribunal): Ongoing disability and age discrimination claim alleging failure to make reasonable adjustments, discrimination arising from disability, and indirect discrimination in relation to the application of PhD/research requirements to a person with ADHD in the context of a promotion framework.

Johnstone & Johnstone v Glasgow City Council Case Nos: 4103972/16 &

4103973 (Glasgow Employment Tribunal): Ongoing whistleblowing, health and safety and working time claim brought on behalf of foster carers following EAT judgment on employment status.

R (Peters and Findley) v Secretary of State for Health and Social Care CO/2652/2021 (Administrative Court): Unsuccessful application for judicial review which sought to challenge mandatory vaccination requirement for care workers pursuant to the Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021 on the grounds of ultra vires, insufficient inquiry/relevant considerations, Article 8 ECHR, Article 8 with 14 ECHR, and irrationality.