

## Dr Charlotte Proudman

Call: 2010

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Charlotte has a broad family law practice encompassing children matters and high value financial relief cases. Charlotte undertakes judicial review claims that overlap with family law particularly asylum and Article 8 ECHR. She is often instructed to appear against Queen's Counsel and she is fast developing a number of published cases of public interest.

Charlotte is a Junior Research Fellow in Human Rights at Queens' College, Cambridge. Her research interests are gender inequality under the law and female genital mutilation ("FGM") jurisprudence in Western nations. Charlotte was awarded her Doctorate in Philosophy at King's College, Cambridge and she was a Visiting Researcher at Harvard Law School. She is a media commentator on issues that relate to her research.

## Family

Charlotte specialises in high value **financial relief matters** following divorce and separation. She has experience in Schedule 1 of the Children Act 1989 applications; property claims between unmarried partners; intervener claims; secret trusts; and inheritance claims. Of recent, Charlotte secured an excellent result for a spouse where the assets were valued at over £10 million.

With a Doctorate in **FGM** law, Charlotte is the go to expert. As a member of the Bar Human Rights Committee's working group, Charlotte was instrumental in the introduction of FGM Protection Orders. FGM cases often involve conflicting immigration and family law jurisdictions such as where the Home Secretary has ordered the deportation of a family that has been prohibited from leaving the country by a family court. This often results in the Home Secretary intervening in family cases. Charlotte was instructed in [BA & Anor v JA & Ors \(female genital mutilation protection orders and immigration appeals\) \[2018\] EWHC 1754 \(Fam\)](#), in which guidance was given on how family courts should approach applications for FGM Protection Orders where the family's immigration status is precarious.

Charlotte specialises in **child abduction** both Hague and non-Hague Convention countries. In [S v S \[2017\] EWHC 1298](#)

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(Fam), Charlotte represented the applicant father seeking the return of the child to Iran following a fact-finding hearing and evidence from Iranian family law experts. In *Re: Rodwell* [2016] EWHC 1731 (Fam), Charlotte represented the applicant father who sought the return of the children to Spain but the children's whereabouts were unknown thus the court had no jurisdiction. Charlotte has successfully applied for costs orders in several child abduction cases including a costs order of £7,000.

Charlotte is experienced in all areas of **public law children** at first instance and appellate level. Cases include non-accidental injury cases; child sexual exploitation and trafficking; severely disabled children; and challenges to Section 20 of the Children Act 1989 where children have been unlawfully accommodated by the local authority resulting in successful claims for damages.

Charlotte has a wealth of experience in disputes about children care arrangements in **private law children** cases.

Charlotte has experience in highly sensitive **Court of Protection** matters involving the welfare and management of property and affairs of persons lacking capacity.

## Selected Publications

- Proudman, C. (2018), "A Barrister's Perspective on the Challenges of Applying for FGM Protection Orders", *National FGM Centre*.
- Proudman, C., & Okine, J. (2016), "Failure to Act on Female Genital Mutilation," *Lexis Nexis*.
- Proudman, C. (2016), "Comparative Study of Female Genital Mutilation Legislation in the Commonwealth," Report to Northern Ireland Human Rights Commission.
- Proudman, C. (2016), "Combating Sexism and Hate Speech," Report to the Council of Europe Gender Equality Unit.
- Dias QC, D., and Proudman, C. (2015), "International Human Rights Law and FGM" Report to the United Nations Human Rights Office of the High Commissioner, Towards a better investment in the rights of the child.
- Ekaney QC, N., & Proudman, C. (2015), "FGM and the Serious Crime Act 2015" *Family Law Week*
- Ekaney QC, N., & Proudman, C. (2015), "Female Genital Mutilation: Prosecution and Prevention" *Counsel*.
- Proudman, C. (2015), "Case summary: *B and G (Children) (No 2)* [2015] EWFC," *Family Law Week*.
- Proudman, C. (2015), "Critical Analysis of Female Genital Mutilation and the Serious Crime Act 2015," *Counsel*.
- Proudman, C. (2015), "Prostitution, Sex-Buyer Laws and the "End Demand" campaign" *Counsel*.
- Proudman, C. (2015), "The End Demand Campaign" *Family Law Journal*, 45(2), 105-238.

## Selected Training and Conferences

- Launching the Pilot Practice Direction on Forced Marriage and Female Genital Mutilation Protection Orders, *Goldsmith Chambers and National Police Chiefs Council*, 11.2018.
- Legal Debate of 2018: Why quotas are the only solution to gender equality in the workplace, *Thomson Reuters*, 09.2018.
- FGM: A Hidden Crime, *UCL: Faculty of Law*, 06.2018.
- Reflections of the National and International Movement to End FGM, *University of Portsmouth*, 06.2018.
- Workshop: Identifying and Safeguarding Girls at Risk of Female Genital Mutilation, *National FGM Centre and the Metropolitan Police*, 11.2017.
- Domestic abuse and the family courts, *FiLiA Conference*, 10.2017.
- Launch of FGM European Knowledge Platform for Professionals, *FORWARD (anti-FGM NGO)*, London, 24.04.17.

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- Celebrating International Women's Day, *City University*, 03.2017.
- European Conference to Tackle FGM, *FORWARD*, London, 23.02.2017.
- Re-Defining FGM as Torture, *UN Women Somalia*, London, 23.01.2017.
- Combatting the Challenges Women Lawyers Encounter, *Trinity College, Oxford University*, 01.2017.

## Notable Cases

**Re X (Female Genital Mutilation Protection Order. No.2) [2019] EWHC 1990 (Fam)** – Nkumbe Ekaney QC and Dr Charlotte Proudman represented the mother in a case concerning a FGM Protection Order (“FGMPO”). The local authority applied for a travel ban to prohibit the mother’s child from leaving the jurisdiction to visit her father in Egypt due to the risk of FGM. After various expert reports, the court granted the mother leave to temporarily remove the child from the jurisdiction to Egypt to visit her father in 2019. The case gives guidance on both the macro and the micro factors that must be taken into account when deciding a travel ban in a case where FGM is a risk.

**X v Y [2019] EWHC 1713 (Fam)** – Frank Feehan QC and Dr Charlotte Proudman represented the appellant in an application for permission to appeal the trial judge’s decision concerning a financial remedy and child arrangements order. The court granted leave on one ground namely whether the child arrangements should be set out in the body of an order or by way of recitals. The issue is one of enforcement.

**BA & Anor v JA & Ors (female genital mutilation protection orders and immigration appeals) [2018] EWHC 1754 (Fam)**. Charlotte was instructed by the parents of two girls at risk of FGM in Nigeria to apply for FGM Protection Orders (“FGMPOs”). Holman J gave guidance on when families with insecure immigration status should apply for FGMPOs. Only when immigration appeal rights have been exhausted and the Home Secretary has issued removal directions, can an application for an FGMPO be considered by the family courts. However, this will give rise to (a) complex issues of extraterritoriality; and (b) family courts shall have to review findings of immigration tribunals and/or the Secretary of State about risk of FGM upon return.

**A London Borough v AB & Ors [2018] EWHC 1473 (Fam)**. Charlotte was led by Frank Feehan QC of 1KBW in a public law children fact-finding hearing in which they represented private foster carers before Newton J. The child had been privately fostered for over four years. The judge found that the parents abandoned the child and the local authority breached its duties under the private fostering regulations. The judgment included guidance on the duties under private fostering arrangements.

**AAM v KG [2018] EWHC 283 (Fam)**. Charlotte represented the appellant who appealed the trial judge’s order of nullity on the ground of polygamy. The case involved the following issues: validity of marriages overseas, the necessity of documentary evidence proving the existence of a marriage and the relevance of expert evidence. Baker J (as he then was) granted leave to appeal on all ten grounds. At a substantive appeal hearing, the learned judge found that while there was some merit in the appeal, on balance the appeal could not succeed.

**S v S [2017] EWHC 1298 (Fam)**. Charlotte represented the father in an application for return of the child to Iran following abduction by the mother to England. Two Iranian legal experts gave evidence about the enforceability of the father’s undertakings in Iran.

**Yathurshini Logenthiran and Savithirthevi logenthiran v The Secretary of State for the Home Department [2017] [HU/06141/2015 and HU/06145/2015]**. The Upper Tribunal found that the First-tier Tribunal made an error of law in failing to consider Article 8 ECHR outside of the Immigration Rules and thus the case was remitted to the First-tier Tribunal for a re-hearing.

**Petroleum Company of Trinidad and Tobago Limited (Appellant) v Ryan and another (Respondents) (Trinidad and Tobago) [2017] UKPC 30**. Charlotte was lead by Jonathan Crystal and Romie Tager QC of Selborne Chambers in an appeal upheld by the Privy Council to set aside the Court of Appeal’s decision to reverse the trial judge’s findings

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concerning the escape of hydrocarbon fumes from an oil well causing medical injuries.

[Re: Rodwell \[2016\] EWHC 1731 \(Fam\)](#) Charlotte represented the applicant father who sought the return of his children to Spain but the children's whereabouts were unknown, thus the court had no jurisdiction.

## Immigration

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Charlotte is experienced in judicial review cases that overlap with family law. She is instructed in complex judicial review matters in asylum cases, unaccompanied minors and Article 8 ECHR. With extensive experience in violence against women and girls internationally, Charlotte specialises in FGM, honour-based violence, trafficking for the purposes of sexual exploitation and religious conversion.

Of recent, Charlotte was successful in the following cases: 18 year-old girl at risk of FGM in Sierra Leone; woman and child at risk of violence in St Lucia; woman who was trafficked from Albania, sexually exploited and impregnated; Nigerian woman on a spousal visa who was beaten by her husband; and an Iranian woman who converted to Christianity.

## Appointments

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- Junior Research Fellow, Queens' College, Cambridge (2018-2021)
- Affiliated Researcher, Department of Sociology, University of Cambridge (2017-2018)
- Fellow of the Royal Society for the encouragement of Arts, Manufactures and Commerce (2016-2017)
- Visiting Researcher, Harvard Law School (2015)
- Visiting Scholar, Berkeley Law School (2019)

## Memberships

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- Family Law Bar Association

## Awards

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- Economic and Social Research Council Studentship (2013)
- International Legal and Professional Development Grant, Bar Council (2013)
- Wolfson Scholarship, Lincoln's Inn (2011)
- Queens' College Award, Cambridge (2010 and 2011)
- Continuing Education Scholarship, Lincoln's Inn (2010 - 2011)
- Human Rights Lawyers' Association Bursary (2010)
- Hardwicke Scholarship, Lincoln's Inn (2009)

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