

## Dr Charlotte Proudman

Call: 2010

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

As a Junior Research Fellow at Queens' College, Cambridge, Charlotte's researches gender inequality under the law and female genital mutilation ("FGM") jurisprudence in the UK. Charlotte was awarded her Doctorate in FGM law and policy at King's College, Cambridge and she was a Visiting Researcher at Berkeley Law School and Harvard Law School.

As an advocate for change, Charlotte is a media commentator on women's rights and the law. She often acts as a legal advisor to women's rights campaigns to change the law. Charlotte is a legal advisor to Girl's Not Brides UK, which seeks criminalise child marriage and to increase the legal age of marriage to 18 and Our Streets Now, a campaign to make street-based sexual harassment an offence. Charlotte was instrumental in the introduction of FGM Protection Orders in 2015 and the criminalisation of forced marriage in 2012.

## References

*"Charlotte is insightful and tenacious, a strong advocate with skills that surpass her call. Her written work is excellent and her judgment is sound. She is a personable barrister that combines real ability with enthusiasm for her work".* Teresa Barnett, solicitor, Crosby Woods.

*"Charlotte picked up the reigns of a financial relief upon divorce case at very short notice and achieved a brilliant result, leaving the client ecstatically happy".* Nigel Fisher, solicitor, Taylor Rose TTKW.

*"Charlotte is great to work with, and both reliable and efficient. Clients report that she is calm and able to explain complex matters "in plain English", which on a day at court with all its pressures is much appreciated. Her advocacy and negotiation skills are very effective. Clients give great feedback about Charlotte. What more could you ask for?"* Karen Agnew-Griffith, solicitor, Woolley & Co Solicitors.

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*“Charlotte is always a pleasure to instruct and is liked by clients. She is brilliant at analysing the case, advising on all of the issues, and managing cases. She has great attention to detail and is a tough but realistic negotiator. Definitely counsel that you would want in your corner”.* Tish Reel, solicitor, Owen White & Catlin LLP.

*“Charlotte is a strong and skilful advocate who works tirelessly for her clients. I have been impressed with the excellent quality of her work. I recently instructed Charlotte on a child abduction matter. She worked extremely hard and was instrumental in achieving an excellent outcome for our client including costs. I would highly recommend her”.* Nathalie El-Korashy, solicitor, Harris Waters Solicitors.

*“Charlotte is extremely client focused, professional and enthusiastic. She is a strong advocate on behalf of her client. She is hard working and gives clear, sensible advice to clients. Charlotte communicates well with clients particularly when they are at their most vulnerable and clients report that she is kind, calm and fair in her approach. She is a first choice in any type of children proceedings and is always liked by clients”.* Emily Reed, solicitor, Duncan Lewis.

*“Charlotte has excellent knowledge in the area of female genital mutilation law. She demonstrates commitment to and passion for this area of work. I have been most impressed by her professionalism and swift response especially with pro bono cases that are often at very short notice. On behalf of the families that Charlotte has supported and is continuing to support, I would like to send her our sincere gratitude”.* National FGM Centre.

*“I found Charlotte very experienced with acute awareness of my situation and focused with attention to detail. Charlotte is direct, tough but fair in negotiation.”* Direct access client in a financial remedy case.

*“Charlotte is meticulous in her preparation and case strategy, which vastly improves the chances of securing a desired outcome. She is also very good in establishing a strong rapport with her clients.”* Direct access client in a financial remedy and private law children case.

## Family

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Charlotte specialises in high value financial relief matters following divorce and separation. She also has experience in Schedule 1 of the Children Act 1989 applications; property claims between unmarried partners; and intervener claims. Of recent, Charlotte acted for a spouse where the assets were valued at over £15 million.

With a Doctorate in FGM law and policy, Charlotte is instructed in both family and immigration cases. Charlotte was instrumental in the introduction of FGM Protection Orders and a Family Court Practice Direction on Forced Marriage and Female Genital Mutilation Protection Orders. As junior counsel, Charlotte represented the mother in *Re A (A Child: Female Genital Mutilation: Asylum)* [2019] EWHC 2475 in which the President of the Family Division issued guidance as to how family courts should approach applications for FGM Protection Orders where the family’s immigration status is precarious. Charlotte was instructed as junior counsel on behalf of the mother in *Re X (Female Genital Mutilation Protection Order No.2)* [2019] EWHC 1990 (Fam) in which the court issued guidance on how to approach travel restrictions in FGM Protection Order.

Charlotte specialises in child abduction in both Hague and non-Hague Convention countries. In *S v S* [2017] EWHC 1298 (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 experience complex public law children cases at first instance and appellate level. Cases include the re-opening of findings of fact; non-accidental injury; child sexual exploitation and trafficking; and challenges to Section

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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 child care arrangements in private law children cases, particularly relocation matters and cases involving alleged parental alienation and child sexual abuse.

Charlotte has experience in Court of Protection cases involving the welfare and management of property and affairs of persons lacking capacity.

### Selected Publications

- FGM and Travel Bans after Re X (Female Genital Mutilation Protection Order No.2) [2019] EWHC 1990 (Fam), Family Law Journal, 2019
- Sexual Harassment in Higher Educational Institutions: An Interview with Dr Charlotte Proudman and Georgina Calvert-Lee, Counsel Magazine, 2019
- Girl's Not Brides UK, A Campaign to Increase the Age of Marriage and Criminalise Child Marriage, Counsel Magazine, 2019
- Medically Unnecessary Genital Cutting and the Rights of the Child: Moving Toward Consensus, The American Journal of Bioethics, 2019
- FGM Asylum Claims, Counsel Magazine, 2019
- A Barrister's Perspective on the Challenges of Applying for FGM Protection Orders, National FGM Centre, 2018
- Year in review: Dr Charlotte Proudman looks back on the highs and lows for feminism in the legal profession, Chambers and Partners, 2017

### Selected Training and Conferences

- Sexual Harassment and Mental Health at the Bar, Trinity College, Dublin, 21.11.2019.
- Women at the Bar, King's College, London, 12.11.2019.
- Working Collaboratively to Tackle FGM, Westminster Conferences, 18.09.2019.
- Expert Witness Training in FGM Cases, National FGM Centre, 16.08.2019.
- UN Human Rights Council Legal Expert Meeting on the Elimination of FGM, OHCHR, Ethiopia, July 2019.
- National Day of Memory to Victims lost to Honour Killings, Karma Nirvana, 15.07.2019.
- What can law school providers do to educate students about addressing sexual harassment at the Bar? Bar Standards Board Conference, 12.07.2019.
- FGM and Female Genital Cosmetic Surgery: A Contradiction in Terms? FGM Symposium, University of Leicester, 28.06.2019.
- Comparative Discrimination Law Conference, Berkeley Comparative Equality & Anti-Discrimination Law Study Group, 17-18 July 2019.
- The Right to Justice: The Impact of Legal Aid Cuts, Society of Labour Lawyers and Haldane Society, 30.05.2019
- "Women Lie" A Hostile Environment towards FGM in an Immigration Context, 3D International Expert Meeting on Ending FGM, Brussels, 20.05.2019.
- Quotas for Women: A Radical or Realistic Solution? Women in Law Summit, London, 17.05.2019
- FGM and Medicine, The Faculty of Forensic and Legal Medicine of the Royal College of Physicians, Cardiff, 11.05.2019.
- FGM: Can Criminalisation Eradicate the Cruel Cut? Berkeley Law School, 16.04.2019.
- International Women's Day and FGM, Global Health Cambridge, 13.03.2019.
- The Fight against FGM with Waris Dirie and the Desert Flower Foundation, The Ivy Club, 11.03.2019.
- Charlotte was awarded 'True Honour Award 2019' from IKWRO, London, 07.03.2019.

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## Notable Cases

*Re A (A Child: Female Genital Mutilation: Asylum)* [2019] EWHC 2475. Karon Monaghan QC and Dr Charlotte Proudman represented the mother in an application for a Female Genital Mutilation Protection Order before the President of the Family Division. The case concerned a girl age 10 of Sudanese origin with Bahraini citizenship. The mother applied for asylum on behalf of the girl, claiming a risk of FGM for the girl. The mother's appeal rights were exhausted in respect of her immigration claims. The family were served with removal directions. Social Services applied for a FGMPO due to concern that the girl would be cut if deported. The court granted an injunction against the Home Secretary, prohibiting the removal of the girl from the jurisdiction. The case was transferred to the President of the Family Division; the President decided that the family court does not have jurisdiction to make an injunction against the Home Secretary. The mother argued that FGM constitutes Article 3 ECHR and therefore the court ought to have power to restrain the Home Secretary from removing a child at risk of FGM from the jurisdiction.

*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. An application for an FGMPO should only be made in a family court when the family's immigration appeal rights have been exhausted and the Home Secretary has issued removal directions. 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. This case has now been superseded by the Judgment of the President in *X and Y (Permission to Appeal)* [2019] EWHC 1713 (Fam).

*London Borough of Barnet v KM, TW, JS, JB* [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 issues of 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*

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[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 led 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 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 including asylum claims, unaccompanied minors, Article 8 ECHR and domestic violence ILR route. With extensive experience in violence against women and girls internationally, Charlotte specialises in cases involving FGM, honour-based violence, trafficking for the purposes of sexual exploitation and religious conversion.

Charlotte is often successful in such cases including: an 18 year-old girl at risk of FGM in Sierra Leone; woman and child at risk of violence in St Lucia; woman trafficked from Albania to England and sexually exploited; Nigerian woman beaten by her husband and successfully applied for ILR on the basis of domestic violence; and an Iranian woman who converted to Christianity.

## Appointments

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- Junior Research Fellow, Queens' College, Cambridge (2018-2021)
- Visiting Scholar, Berkeley Law School, (2019)
- 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)

## Memberships

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- Family Law Bar Association

## Awards

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- Economic and Social Research Council Studentship (2013)

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- 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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