

Mandates of the Special Rapporteur on violence against women and girls, its causes and consequences; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders and the Working Group on discrimination against women and girls

Ref.: AL GBR 6/2024
(Please use this reference in your reply)

16 May 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on violence against women and girls, its causes and consequences; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 50/7, 52/9, 52/4 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged abuse, bullying and harassment of barrister Dr. Charlotte Proudman**. Dr Proudman is a female barrister specialising in family law and the founder of Right to Equality, a group that campaigns to change sexist and discriminatory laws against women. Dr. Proudman defends the rights of mothers at risk of losing their children in custody cases, and women and children who are survivors of domestic violence.

According to the information received:

Since 2020, Dr. Proudman has been the subject of a relentless campaign of abuse, bullying and harassment on social media, reportedly by male senior barristers. She has been the subject of derogatory comments using obscene language and accused of being a feminazi, misandrist, vile, narcissist and 'mentally ill' with calls for her to be disbarred. She has been accused of lacking integrity and bringing the profession into disrepute.

Dr. Proudman represents survivors of rape, domestic abuse and coercive and controlling behaviour in court. She specialises in family court cases, particularly those involving child custody and she also speaks out about 'parental alienation' being used as a weapon to silence women and children by abusive fathers. She has also been active in challenging misconceptions in such cases across the legal sector. She uses her knowledge and experience of the justice system to advocate for legal change to ensure protection and support for victims and survivors. Throughout her career, she has been committed to championing the rights of women and children in vulnerable conditions and pushing boundaries in the pursuit of justice.

When Dr. Proudman writes on social media about injustice in the family court system, she is frequently lambasted with abuse, bullying and harassment or threatened with a complaint by barristers, solicitors and lay people, the majority of whom are men. Between 2021 to 2023, over 100 complaints were reportedly submitted about Drs. Proudman to the Bar Standards Board¹ (BSB)

¹ The Bar Standards Board 'BSB' is the regulatory body for Barristers in the UK.

and to her Chambers where she practices (Goldsmith Chambers in London), where she was receiving 2 to 3 complaints per day. The complaints reportedly described her as an extremist, mentally ill, misandrist, dangerous and reportedly said she needed sanctioning by her regulatory body some complaints called for her to be disbarred while others claimed that by speaking out about injustice in the family justice system meant she was bringing the profession into disrepute.

In March 2023, Dr. Proudman reported more than 50 barristers, who were predominantly male, to the BSB over a series of public harassment messages. As she failed to receive a response from the BSB, on 1 July 2023, Dr. Proudman wrote an article in Counsel Magazine (a magazine for barristers and judges) which sets out in precise detail the abuse she was continuing to suffer. On 3 July 2023, the then Chair of the Bar Council published a statement in support of Dr. Proudman criticising other barristers for misogyny and abuse and also raising concerns about the conduct of the BSB. Despite being acknowledged by the BSB as “unpleasant and inflammatory” and that they would have been “unpleasant and difficult” for Dr. Proudman to read, the board said it would not take action because the messages do not meet the threshold for regulatory action.

According to information received, the Legal Services Board Regulatory Performance Assessment in February 2024 noted that the decision making in respect of the BSB’s regulatory risk lacked clarity; the timescales for investigating bullying and harassment at the bar were limited; and the way in which the investigations are processed, and their impact evaluation are “not readily apparent.”

In November 2023, Dr. Proudman was required to give evidence in a criminal trial involving a lay person who had been threatening her. The individual was subsequently charged with harassment with intent to cause fear of violence and possession of a bladed article. As the individual was convicted of carrying a knife, the court imposed a five-year Restraining Order preventing him from contacting Dr. Proudman. Despite the restraining order, he reportedly made videos posted online encouraging people to complain about Dr. Proudman to the Bar Standards Board and the University of Cambridge, where she is a Senior Research Associate, in an alleged attempt to have her dismissed.

In the same month, an Inspector of Nottinghamshire Police was reportedly sacked for gross misconduct after sending misogynist and racist messages to people on social media. He reportedly sent misogynistic messages to Dr. Proudman calling her vile and a narcissist when she had tweeted about rape.

As of March 2024, the Bar Tribunal and Adjudication Service (BTAS) has, through the BSB, commenced disciplinary action against Dr. Proudman in relation to her criticism on social media over remarks made in a family case in April 2022. In her 14-part thread on X (formerly Twitter), Dr. Proudman suggested that the presiding Judge in the case had minimised the significance of the domestic abuse her client said she had faced at the hands of her ex-husband (a part-time Judge and Barrister). Dr. Proudman noted that she was troubled by the Judge referring to their relationship as “tempestuous” and his

use of the word “reckless” to describe the alleged domestic violence.

In the Twitter thread that triggered the disciplinary proceedings, Dr. Proudman said: “I do not accept the judge’s reasoning. This judgment has echoes of the ‘boys’ club’ which still exists among men in powerful positions.” It reportedly transpired that the senior Judge is a member of the ‘Garrick Club’, a male only club which does not allow for female membership”. When Dr. Proudman discovered in early 2024 that the judge appointed to handle her disciplinary proceedings, was also a member of the Garrick, she made a formal request that he recuse himself on the grounds that a “fair-minded and informed observer, having considered these facts, would conclude that there was a real possibility of bias”. After considering her request, the Judge withdrew himself from the case in March 2024.

Dr. Proudman could face a 12-month suspension of her license or a fine if found in breach for posting the 14-part thread on X. A three-person disciplinary panel will consider the five professional misconduct charges against her later this year. She is reportedly accused by the BSB of tweeting misleading information that “inaccurately reflected the findings of the judge in a case in which she was instructed”.

While we do not wish to prejudge the accuracy of the above-mentioned allegations, we are concerned that the ongoing harassment of Dr. Proudman, combined with the BSB’s decision to take disciplinary proceedings may send a disconcerting message that legal professionals who dare to challenge alleged systemic gender bias against mothers in custody cases and women who are survivors of domestic violence, will be punished. It may also lead to fear within the community of women human rights defenders, academics and practicing lawyers and Barristers who are working to defend the rights of women within the UK, that such decisions will significantly deter victims further from reporting and/or voicing their abuse; thus placing women and children at further risk of significant harm.

We are further concerned at reports that disciplinary proceedings against Dr. Proudman are directly related to her professional activities as a lawyer. If confirmed, these facts would be in breach of the guarantees that lawyers are entitled to in order to perform their professional functions without any threat, intimidation, harassment or interference, and without suffering, or being threatened with, prosecution or any administrative or disciplinary sanctions for actions undertaken in accordance with professional duties and ethical standards. Furthermore, international standards provide that lawyers, as all other people living in the United Kingdom, are entitled to freedom of expression.

In particular, international standards provide that lawyers should not be subject to civil, criminal or disciplinary liability for statements made in good faith in written or oral pleadings or in their professional appearances before the judicial authority.

The continued exposure of Ms. Proudman to threats or actual violence online is facilitated by the absence of specific references to misogyny and sexism, as well as gender-based discrimination perpetrated by Barristers, within the BSB’s code of conduct is concerning. There is a similar gap in the BSB social media guidance of 20 September 2023. It is concerning that such gaps exist despite the objectives outlined in the Legal Services Act of 2007 which aims to protect and promote the

public interest and improve access to justice. A gender-responsive approach to these objectives would prompt more sustained approach to addressing gender-based violence against Barristers particularly in relation to the representation of cases of violence against women within the justice system. Furthermore, the Legal Services Act does not protect whistleblowers who are independent barristers or who are self-employed.

We express our deep concern about the misogynistic and sexist nature of the alleged attacks that Dr. Proudman is being subjected to online. The insulting and degrading remarks to which she has allegedly been subjected underline the gender dimension of the discrimination to which women who are active and visible in the public sphere, such as lawyers, women judges and women politicians, are disproportionately victims.

The legal profession and its free exercise are an essential element of the rule of law, the protection of human rights and the functioning of an independent judicial system. Its free exercise contributes to ensuring access to justice, oversight of state power, protection of due process and judicial guarantees. According to international standards, States must guarantee that those who practice law can do so free from intimidation, obstacles, harassment or interference.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate what measures have been taken to investigate the allegations of ongoing abuse, harassment and online bullying of Dr. Proudman.
3. Please indicate whether any protection measures have been implemented in Dr. Proudman's case, and if so, please provide details.
4. Please indicate what measures the BSB will take to review their code of conduct for barristers and social media guidance and explicitly make clear that sexism, misogyny and gender-based discrimination is in breach of the code of conduct.
5. Please indicate what measures are being taken to strengthen the protection of women and girls from online violence.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human

Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Reem Alsalem

Special Rapporteur on violence against women and girls, its causes and consequences

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Dorothy Estrada-Tanck

Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation above.

Prohibition of gender based violence

We would like to remind your Excellency's Government of Resolution 2005/41 on the Elimination of Violence against Women, which emphasizes that all forms of violence against women take place in the context of de jure and facto discrimination against women and the inferior status reserved for women in society, and that they are exacerbated by the obstacles that women often face when trying to obtain redress from the State.

In this context, we wish to recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its General Recommendation No. 19 (1992), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women, whether perpetrated by a State official or a private citizen, in public or private life. Moreover, in its General Comment No. 35 (2017) the CEDAW underlined that "The *opinio juris* and State practice suggest that the prohibition of gender-based violence against women has evolved into a principle of customary law."

As highlighted by the Special Rapporteur on the promotion and protection of freedom of opinion and expression in one of its reports (A/76/258), the most pervasive and pernicious form of gendered censorship is the use of online sexual and gender-based violence, hate speech and disinformation to silence women. Digital platforms have provided a vital space for women's engagement and activism but they have also perpetuated gender power structures, normalizing sexualized attacks online. Female politicians, journalists, human rights defenders and feminist activists, especially those with intersecting marginalized identities, are disproportionately targeted by State and non-State actors. The objective is to intimidate them and drive them off the platforms and out of public life. That has serious consequences for human rights, diversity in public debates and the media, and ultimately, democracy and development.

We note the G7 Roadmap in relation to which your Excellency's Government embraced the commitments to end sexual and gender-based violence, abuse and harassment in a digital context (2018), and underlined that "Leaders confirmed the need to tackle existing and emerging online forms of gender-based violence, and the recommendations of the Gender Equality Advisory Council 2021 to the Leaders of the G7, specifically recommendation 12 'action to tackle online harassment and abuse of women and girls.'"

Protection of lawyers from improper restrictions and infringements

We would like to refer your Excellency's Government to the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Havana (Cuba), 27 August-7 September 1990). Principle 16 of the Basic Principles requires governments to take all appropriate measures to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, and to prevent that lawyers be threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

In respect of disciplinary proceedings, principle 27 provides that charges or complaints made against lawyers in their professional capacity shall be processed expeditiously and fairly under appropriate procedures and lawyers shall have the right to a fair hearing. The complaint against the victim has not been processed expeditiously; it has been ongoing since April 2022, and given the concerns raised about the regulatory body, it is submitted it has not been executed fairly or justly. Further, principle 28 stated that disciplinary proceedings against lawyers shall be brought before an impartial disciplinary committee established by the legal profession, before an independent statutory authority, or before a court, and shall be subject to an independent judicial review. Given that the tribunal judge was a member of the same elitist male club as the judge whom the victim criticised, the state has failed in its obligations to ensure an independent and impartial disciplinary committee.

Furthermore, we wish to refer your Excellency's Government to articles 33, 35 and 36 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), respectively on psychological violence, physical violence and sexual violence, which also set standards that are applicable in the prevention of violence against women in the workplace. According to the Convention, State Parties must enact legislative and other measures to exercise due diligence in preventing, investigating, punishing, and providing reparation for acts of violence committed by non-State actors (art. 5(2)). It is apparent that, employers, employer organisations, and trade unions fall under the category of non-state actors in this context. Furthermore, State Parties are required to implement legislative and other measures aimed at preventing all forms of violence against women by any natural or legal person (art. 12(2)).

We would like to take this opportunity to express the Working Group's deep concerns to your Excellency's Government which is acting in contravention of its own legislation as per section 1(f) and 1(g) of the Legal Services Act 2007, but also in violation of the victim's human rights. We are concerned in the message that the proceedings against the victim would be sent out to the wider public, particularly victims in speaking out when an advocate such as the victim are effectively being silenced. We understand that the proceedings will become public knowledge 14 days prior to any substantive disciplinary hearing. The BSB's actions effectively promote the targeting and abuse of women and silencing of victims.

The freedom of expression, association and assembly

Article 19(1) of the ICCPR protects the right to “hold opinions without interference.” Article 19(2), which protects the right to freedom of expression, states that this right shall include the “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his [or her] choice.” Under article 19(3), any restrictions on freedom of expression must be “provided by law”, proportionate, and necessary for “respect of the rights and reputations of others”, “for the protection of national security or of public order, or of public health and morals”. The General Assembly, the Human Rights Council and the Human Rights Committee have concluded that permissible restrictions on the Internet are the same as those offline.

We would further like to recall article 7(c) of the Convention on the Elimination of All Forms of Discrimination against Women, which specifies that States parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, ensure to them, on equal terms with men, the right to participate in non-governmental organizations and associations concerned with the public and political life of the country.

The Basic Principles on the Role of Lawyers, in principle 23 provides that lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

We would also like to recall that articles 21 and 22 of the ICCPR guarantee the rights to freedom of peaceful assembly and of association. The Human Rights Council has emphasized that states have the obligation to respect and fully protect these rights online as well as offline. The General Assembly has also called upon all states to “ensure that the same rights that individuals have offline, including the rights to freedom of expression, of peaceful assembly and of association, are also fully protected online, in accordance with human rights law”. The Special Rapporteur on the rights to freedom of peaceful assembly and association has repeatedly recognized that digital technology is integral to the exercise of the rights of peaceful assembly and association. Technology serves both as a means to facilitate the exercise of the rights of assembly and association offline, and as virtual spaces where the rights themselves can be actively exercised. States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards. This means ensuring that the rights to freedom of peaceful assembly and of association are enjoyed by everyone, without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (article 2(1) of the International Covenant on Civil and Political Rights).

The protection of women human rights defenders

We wish to highlight in particular the Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms also known as the Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We would also like to draw your attention to the General Assembly Resolution 68/181, which urges States to acknowledge publicly the important and legitimate role of women human rights defenders in the promotion and protection of human rights, democracy, the rule of law and development as an essential component of ensuring their protection, including by publicly condemning violence and discrimination against them (OP7). We invite you to refer to the Human Rights Council resolution 31/32 as well, in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women defenders. Such policies and programmes should be developed with the participation of women defenders themselves (OP5, 19 and 20).

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

Also, of particular relevance are: article 5 (a), which provides for the right to meet or assemble peacefully; article 5 (b) and (c), which provides for the right of all persons to form, join and participate in non-governmental organizations, associations and groups; and to communicate with nongovernmental or intergovernmental organizations; article 9, paragraph 4, point a), which provides for the right to unhindered access to and communication with international bodies and article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence

of his or her legitimate exercise of the rights referred to in the Declaration.

Specifically, we would like to draw your attention to the General Assembly resolution 68/181, which urges States to acknowledge publicly the important and legitimate role of women human rights defenders in the promotion and protection of human rights, democracy, the rule of law and development as an essential component of ensuring their protection, including by publicly condemning violence and discrimination against them (OP7). We invite you to refer to the Human Rights Council resolution 31/32 as well, in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women defenders. Such policies and programmes should be developed with the participation of women defenders themselves (OP5, 19 and 20).

We also refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms. We would also like to refer to Human Rights Council Resolution 22/6, which indicates that domestic law should create a safe and enabling environment for the work of human rights defenders (PPs 10-13).

Moreover, in a joint statement, the Working Group on discrimination against women and girls emphasized that today's rising fundamentalisms of all kinds and political populism, as well as unchecked authoritarian rule and uncontrolled greed for profit-making further fuel discrimination against women, intensifying the obstacles facing women human rights defenders. Women human rights defenders working on rights contested by fundamentalist groups such as women's sexual and reproductive health and rights and those denouncing the actions of extractive industries and businesses are at heightened risk to attacks and violence.

The Special Rapporteur on violence against women and girls, its causes and consequences also drew attention to the heightened risk and exposure of women human rights defenders to gender-based violence (A/73/301). In another report on online violence against women, the Special Rapporteur underscored that women and girls may receive misogynistic sexualized threats online, and that women human rights defenders may be targeted by violence facilitated online and by information and communication technology (A/HRC/38/47). The Special Rapporteur called for perpetrators of online violence to be brought to justice.

The fair trial rights

We also wish to bring to the attention of your Excellency's Government article 14 of the ICCPR, which enshrines the right to a fair trial and due process. In particular, article 14(1) of the ICCPR sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent, and impartial tribunal established by law. This is particularly relevant as gendered forms of online discrimination in practice harm or hinder

women's access to equality before courts and tribunals. In addition, judicial membership of all-male institutions that exclude women prevents women especially female activists from access equality before the courts.

We are particularly concerned that the victim doesn't have access to justice and is not protected under Whistleblowing policies⁹ as a self-employed Barrister. Moreover, the whistleblower is being targeted for voicing the injustices within your state's Family Courts. There is a gap in your state's legislation and the victim, and others in her position or similar, have no protection from being met with retaliation and consequences for speaking out about matters concerning wider public interest.

In its General Recommendation No. 35, the CEDAW emphasized that “all judicial bodies are required to refrain from engaging in any act or practice of discrimination or gender-based violence against women and to strictly apply all criminal law provisions punishing such violence, ensuring that all legal procedures in cases involving allegations of gender-based violence against women are impartial, fair and unaffected by gender stereotypes or the discriminatory interpretation of legal provisions, including international law. The application of preconceived and stereotypical notions of what constitutes gender-based violence against women, what women's responses to such violence should be and the standard of proof required to substantiate its occurrence can affect women's rights to equality before the law, a fair trial and effective remedy” (para. 26).

In its General Recommendation No. 33 (2015) on women's access to justice, the CEDAW noted how gender prejudices in the judicial system impeded access to justice and contribute to a culture of impunity. Against this context, CEDAW recommended that State parties to “Implement mechanisms to ensure that evidentiary rules, investigations and other legal and quasi-judicial procedures are impartial and not influenced by gender stereotypes or prejudice” (para. 18 (e)).