



THE HONOURABLE SOCIETY OF THE
MIDDLE TEMPLE

Human Rights Law Research QS

This Qualifying Session will provide background information on human rights law. The first 30 minutes of the presentation will focus on resources and research for this practice area. The introduction will be followed by a group discussion on the subsequent scenario led by Master Feria-Tinta, who specialises in public international law and international arbitration.

This session will deal with a mock scenario concerning a human rights case arising from disciplinary proceedings. Please read in advance the charges the BSB filed against P, a Barrister who in this mock scenario is subjected to disciplinary proceedings for tweeting 14 tweets, in advance of this Qualifying Session.

In preparation for the training, please reflect on the legal principles under Article 10 (freedom of expression) of the European Convention on Human Rights which will need to be addressed (the test to be applied), check key jurisprudence on this, review the case of [*Morice v France* (Application no. 29369/10, Grand Chamber, Judgment of 23 April 2015)] and consider arguments for and against. Please be prepared to discuss your thoughts with the group. Please bring your laptop to the session.



Figure 1 Link to Human Rights Law Research Slides

**COUNCIL OF THE INNS OF COURT
BAR TRIBUNAL ADJUDICATION SERVICE**

IN THE MATTER OF:

THE BAR STANDARDS BOARD

-and-

P

**SCENARIO FOR MOCK HUMAN RIGHTS CASE ARISING FROM BSB
DISCIPLINARY PROCEEDINGS**

Charge 1

Statement of Offence

Professional misconduct, contrary to Core Duty 3 and/or rC8 of the Code of Conduct of the Bar of England and Wales (9th Edition), Bar Standards Board Handbook

Particulars of offence

P, a barrister, acted contrary to Core Duty 3 and rC8, in that on 6 April 2022, she posted or allowed a 14-part thread to be tweeted in her name on her twitter account, which contained misleading tweets which individually and/or cumulatively inaccurately reflected the findings of the judge in a case in which she was instructed. Such conduct could reasonably be seen by the public to undermine her integrity, and in fact lacked integrity.

The tweets in question are as follows:

“the Judge is undermining not only W’s mental health & wellbeing as a woman, but he is also throwing a Miss Havisham spin on W, as a failed unstable wife. Despite the fact it was found that H is violent & has a temper where he drinks and resorts to aggression”.

This tweet was inaccurate in that the Judge did not find that the Respondent husband was violent and/or that he resorted to aggression.

“this screams of excusing the alleged perpetrator and blaming the wife. Oh, he liked vigorous debate and she was quiet- what does she expect? As if his temper and throwing things at her is permissible. It’s NOT”.

This tweet was inaccurate in that it referred to the Respondent husband “throwing things at” the Applicant wife, which did not reflect the findings.

Charge 2

Statement of Offence

Professional misconduct, contrary to Core Duty 5 of the Code of Conduct of the Bar of England and Wales (9th Edition), Bar Standards Board Handbook

Particulars of offence

P, a barrister, behaved in a way which was likely to diminish the trust and confidence which the public placed in her and in the profession, contrary to Core Duty 5, in that on 6 April 2022, she tweeted or allowed a 14-part thread to be tweeted from her twitter account which contained misleading tweets which individually and/or cumulatively inaccurately reflected the findings of the judge in a case in which she was instructed.

The tweets in question are as follows:

“the Judge is undermining not only W’s mental health & wellbeing as a woman, but he is also throwing a Miss Havisham spin on W, as a failed unstable wife. Despite the fact it was found that H is violent & has a temper where he drinks and resorts to aggression”.

This tweet was inaccurate in that the Judge did not find that the Respondent husband was violent and/or that he resorted to aggression.

“this screams of excusing the alleged perpetrator and blaming the wife. Oh, he liked vigorous debate and she was quiet- what does she expect? As if his temper and throwing things at her is permissible. It’s NOT”.

The tweet was inaccurate in that it referred to the Respondent husband “throwing things at” the Applicant wife, which did not reflect the findings.

Charge 3

Statement of Offence

Professional misconduct, contrary to Core Duty 3 and/or rC9 of the Code of Conduct of the Bar of England and Wales (9th Edition), Bar Standards Board Handbook

Particulars of offence

P, a barrister failed to act with integrity in that she knowingly or recklessly misled or attempted to mislead the public about the findings made by the judge in a case in which she was instructed when on 6 April 2022, she tweeted or allowed a 14- part thread to be tweeted from her twitter account which individually and/or cumulatively inaccurately reflected the findings of the judge.

The tweets in question are as follows:

“the Judge is undermining not only W’s mental health & wellbeing as a woman, but he is also throwing a Miss Havisham spin on W, as a failed unstable wife. Despite the fact it was found that H is violent & has a temper where he drinks and resorts to aggression”.

This tweet was inaccurate in that the Judge did not find that the Respondent husband was violent and/or that he resorted to aggression.

“this screams of excusing the alleged perpetrator and blaming the wife. Oh, he liked vigorous debate and she was quiet- what does she expect? As if his temper and throwing things at her is permissible. It’s NOT”.

The tweet was inaccurate in that it referred to the Respondent husband “throwing things at” the Applicant wife, which did not reflect the findings.

Charge 4

Statement of Offence

Professional misconduct, contrary to Core Duty 3 and/or rC8 of the Code of Conduct of the Bar of England and Wales (9th Edition), Bar Standards Board Handbook

Particulars of offence

P, a barrister, failed to act with integrity, contrary to Core Duty 3 and/or behaved in a way which could reasonably be seen by the public to undermine her integrity contrary to rC8, in that on 6 April 2022, she posted or allowed a 14-part thread to be tweeted in her name on her twitter account in relation to a case in which she was instructed, which posts individually and/or cumulatively were without a sound factual basis and contained seriously offensive, derogatory language which was designed to demean and/or insult the judge.

The tweets in question are as follows:

“1/14 I represented A T. She said she was coerced into signing a post-nuptial

agreement by her husband (who is a part-time judge). I lost the case. I do not accept the Judge's reasoning. I will never accept the minimization of domestic abuse.

2/14 Demeaning the significance of domestic abuse has the affect of silencing victims and rendering perpetrators invisible. This judgment has echoes of he "boys club" which still exists among men in powerful positions. I dissect the judgment below [with a link provided to the judgment].

5/14 "the clear impression that I have is that this was a relationship that at times was tempestuous and that H would on occasions lose his temper." Tempestuous? Lose his temper? Isn't this the trivialization of domestic abuse & gendered language. This is not normal married life.

8/14 "To put it another way, her need to maintain the relationship eclipsed her cognitive understanding." This couldn't be a clearer example of the pathologisation of a victim and the blaming of a victim- how many women "fail to leave" abuse & so are culpable?

10/14 The Judge is undermining not only W's mental health & wellbeing as a woman, but he is also throwing a Miss Havisham spin on W, as a failed unstable wife. Despite the fact it was found that H is violent & has a temper where he drinks & resorts to aggression.

12/14 Let's move onto H's ex partner. The judge turns a blind eye to H's previous partner stating that H is controlling. The Judge unnecessarily compares W to H's previous partner, insinuating that if W was stronger, she too could have avoided H's controlling behaviour.

13/14 "I find that W "has her sights too high" [financially]. A misogynistic tale as old as time, the woman is failing to get what she wants so she makes dramatic allegations. This outdated notion puts women's right & the protection of believing survivors back years.

Charge 5

Statement of Offence

Professional misconduct, contrary to Core Duty 5 of the Code of Conduct of the Bar of England and Wales (9th Edition), Bar Standards Board Handbook.

Particulars of offence

P, a barrister, behaved in a way which was likely to diminish the trust and confidence which the public places in her and in the profession, in that on 6 April 2022, at 8.25pm, she posted or allowed a 14-part thread to be tweeted in her name on her twitter account in relation to a case in which she was instructed, the posts

individually and/or cumulatively were without a sound factual basis and contained seriously offensive, derogatory language which was designed to demean and/or insult the judge.

The tweets in question are as follows:

“1/14 I represented A T. She said she was coerced into signing a post-nuptial agreement by her husband (who is a part-time judge). I lost the case. I do not accept the Judge’s reasoning. I will never accept the minimization of domestic abuse.

2/14 Demeaning the significance of domestic abuse has the affect of silencing victims and rendering perpetrators invisible. This judgment has echoes of he “boys club” which still exists among men in powerful positions. I dissect the judgment below [with a link provided to the judgment].

5/14 “the clear impression that I have is that this was a relationship that at times was tempestuous and that H would on occasions lose his temper.” Tempestuous? Lose his temper? Isn’t this the trivialization of domestic abuse & gendered language. This is not normal married life.

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10/14 The Judge is undermining not only W’s mental health & wellbeing as a woman, but he is also throwing a Miss Havisham spin on W, as a failed unstable wife. Despite the fact it was found that H is violent & has a temper where he drinks & resorts to aggression.

12/14 Let’s move onto H’s ex partner. The judge turns a blind eye to H’s previous partner stating that H is controlling. The Judge unnecessarily compares W to H’s previous partner, insinuating that if W was stronger, she too could have avoided H’s controlling behaviour.

13/14 “I find that W “has her sights too high” [financially]. A misogynistic tale as old as time, the woman is failing to get what she wants so she makes dramatic allegations. This outdated notion puts women’s right & the protection of believing survivors back years.