

Select Committee on International Agreements

Oral evidence: Istanbul Convention

Monday 1 February 2021

10.05 am

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Members present: Lord Goldsmith (The Chair); Lord Foster of Bath; Lord Gold; Lord Kerr of Kinlochard; Lord Lansley; Baroness Liddell of Coatdyke; Lord Morris of Aberavon; Lord Oates; The Earl of Sandwich; Lord Watts.

Joint Committee on Human Rights members present: Baroness Ludford and Baroness Massey of Darwen.

Evidence Session No. 1

Virtual Proceeding

Questions 1 - 15

Witness

[I](#): Victoria Atkins MP, Minister for Safeguarding, Home Office.

Examination of witness

Victoria Atkins MP.

Q1 **The Chair:** Good day. This is a public evidence session of the International Agreements Committee. In fact, it is the first evidence session of the International Agreements Committee, having taken over from the International Agreements Sub-Committee of the European Union Select Committee. We are very pleased and grateful that we have Minister Victoria Atkins with us. We have some issues to raise about the Istanbul Convention.

I welcome you, Minister, to our session. Thank you again for attending. I also want to welcome two other colleagues who are joining us today: Baroness Ludford and Baroness Massey. They are joining us in their capacity as members of the Joint Committee on Human Rights.¹ Of course, Minister, as you will know, the JCHR wrote an important report on the Istanbul Convention in 2015, so we are delighted to have the additional expertise of Baroness Massey and Baroness Ludford with us today.

Minister, the United Kingdom signed the Istanbul Convention in 2012—that is quite a long time ago—but has still not ratified it. Among the issues that we want to raise with you today are the reasons for that delay and whether the issues that stopped ratification have been dealt with or are likely to be soon. Do you know how common it is for international agreements to remain unratified for such a long time?

Victoria Atkins: Thank you, Lord Goldsmith, and thank you to the committee for inviting me to give evidence today on the important issue of the Government's work to tackle violence against women and girls but, in particular, our commitment to the Istanbul Convention. We are committed to the convention. We are committed to ratifying the convention when we are in a position to do so, but as, I suspect, the committee knows, we must not ratify a convention until we are satisfied that we are fully meeting the obligations within that convention.

We are there. We are complying with the convention. Indeed, we are exceeding the requirements of the convention in all but three areas: psychological violence, in Article 33; extraterritorial jurisdiction, in Article 44; and non-discrimination relating to refugee or migrant status and resident status, in Article 4(3) and Article 59.

Northern Ireland is not yet compliant with Article 33, but it will be once the new domestic abuse offence in the Domestic Abuse and Family Proceedings Bill is enacted and implemented by the Assembly. I understand that the Bill was before the Assembly in January and it is expected to be implemented in autumn of this year.

Extraterritorial jurisdiction, as your Lordships will know, is dealt with in the Domestic Abuse Bill, which is in Committee in your Lordships' House.

¹ Also referred to as JCHR

I am so delighted that it is, and I am watching very carefully the debates that are happening at the moment. Clauses 66, 67 and 68 of the Bill deal with extraterritorial jurisdiction. Once the Bill is passed, Royal Assent is gained and we are able to implement, we will have satisfied that criterion as well. That leaves us with the articles on how we deal with migrant victims of domestic abuse or violence.

I know that this is an issue that gravely concerns your Lordships' House; it concerns my House as well. We are reviewing our position on this, as I made clear in the Statement on progress that I laid before Parliament in October, pending the outcome of the Support for the Migrant Victims scheme which I announced at the Second Reading of the Bill in the House of Commons.

On your question about how it applies to other agreements, we will ratify this convention—let us be very clear about that—but we have to ensure that we are meeting the criteria of the convention. Indeed, in many regards we are exceeding it, as I say. Of course, the work to comply with the convention means that women and girls are being protected, but also that male victims of sexual violence and so on are being protected, as we make our journey towards ratification.

I have asked officials the very challenging question you have set about how common it is for international agreements to remain unratified, and I am told that there are two examples: the Lanzarote Convention, relating to child sexual abuse; and the Hague Convention, relating to cultural properties.

We signed the Lanzarote Convention in 2008 and ratified it in 2018. The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict was signed in 1954, with a second protocol in 1999, and we ratified them in 2017. I very much expect we will be doing better than that example, but I appreciate that it has taken time. I hope the committee understands that we are doing this because we want to get it right on the ground for victims of sexual violence and other forms of violence against women and girls.

The Chair: Thank you, Minister. We understand that the Government need to be satisfied that they are complying with their obligation before they ratify, otherwise they are immediately in breach of their international law obligations.

As you may know, this committee has a great emphasis on trade at the moment because of the trade agreements which the Government are making after our exit from the EU, but we are responsible for national agreements more generally, so we will be watching that. That is one reason why this session covers something that is not trade, of course, but is violence against women and girls.

Thank you for that. I move to Lord Morris to pose the next question.

Q2 **Lord Morris of Aberavon:** What has been the practical effect of the UK

not ratifying the convention?

Victoria Atkins: In our work in the years since we signed the convention, we have achieved a great deal in tackling violence against women and girls. It goes to the point, which Lord Goldsmith has rightly emphasised, that we have to have the journey of compliance before we can ratify. We have taken a range of measures over the last eight years to help women and girls. I will refer to my list, if I may, because there are quite a few.

We have committed funding of £100 million to tackle violence against women and girls, particularly for front-line services that do an absolutely critical job in protecting women and girls and other victims of these sorts of offences.

We have introduced new stalking protection orders with criminal sanctions for breaching them. This was a great step forward for protecting victims of stalking. Perpetrators can be extremely devious, frankly, in the way they commit their crimes, so we wanted to have the civil order but also have the criminal breach of it and, importantly, introduce positive requirements in those orders for the perpetrator potentially to undergo a mental health examination or other forms of intervention.

We have criminalised forced marriage and we have introduced lifelong anonymity for victims of forced marriage and female genital mutilation. We have brought in a new mandatory reporting duty on female genital mutilation and we have created a new offence of failing to protect a girl from FGM.

We have increased funding for rape and sexual abuse support services. We have created a new criminal offence of disclosing private sexual photographs and films without the consent of an individual. We have launched the Revenge Porn Helpline, and of course introduced the offence of publicising revenge porn.

The biggest piece of work, which you will be very aware of at the moment, is of course the landmark Domestic Abuse Bill. That Bill does so much, I think, to turbocharge what we as a country are doing to tackle some of these invidious crimes against women and girls. Domestic abuse affects 2.3 million adult victims in England and Wales. We know that many children are also affected who live in abusive households.

The Bill introduces measures such as the domestic abuse commissioner, who will be holding national and local government to account, but it also: sets up the Part 4 duty on tier 1 local authorities for specialist services for people living in safe accommodation; introduces new domestic abuse protection orders; and, critically, has a definition of domestic abuse, in Clause 1, with all the statutory guidance that flows with it.

These are really positive steps forward for helping victims living in our country.

Lord Morris of Aberavon: Thank you very much. That is very positive. I have taken part in debates on the Domestic Abuse Bill and on the definitions of domestic abuse, but I come back to my original question. What has been the practical effect of not implementing?

Victoria Atkins: As I said, we are exceeding the requirements of the convention in all but three areas: psychological violence, extraterritorial jurisdiction and how we are looking after migrant victims.

In response to those three areas, we have very clear measures for closing the gaps in the law that may exist but also for addressing the support needs of migrant victims through the Support for Migrant Victims scheme. We are in the middle of the tendering process at the moment and have specialist organisations that are applying to us. We want to get that scheme started as soon as possible so that we can start helping the other category of migrant victims, who are not already helped through the DDVC, the destitution domestic violence concession, scheme.

This has been a journey, and we are working on the practical effects to meet the requirements of the convention in any event before ratification, as we are obliged to do.

Q3 **Lord Morris of Aberavon:** In the meantime, until it is ratified it is no use in our own domestic courts, as you will be well aware. Is there a gap here, and would it not have been better to have implemented it by one single piece of legislation rather than tacking it on to the Domestic Abuse Bill, which I have taken a small part in?

Victoria Atkins: Are you referring to ETJ—extraterritorial jurisdiction?

Lord Morris of Aberavon: Yes.

Victoria Atkins: I would not say that it was tacked on to the Bill. I would humbly disagree, if I may. While I have been Minister I have been advocating its inclusion in the Bill as a very positive step forward. We lay out in the Bill the offences to which ETJ will extend. Indeed, through Clause 68 and Schedule 2, we are including course of conduct offences, such as coercive controlling behaviour, which of course we made an offence in the Serious Crime Act 2015.

The body of work that we are building on as a country—of course, this is replicated across all four corners of the United Kingdom—to tackle DA in particular will, I hope, make a real change to victims of domestic abuse. Sadly, as we know from the support for helplines during the pandemic and so on, there is a need there. We have seen increases in calls to helplines across the board. I believe that this Bill will go a great way to helping to address some of the needs of victims of DA in particular but other forms of VAWG as well.

The Chair: Thank you. Lord Lansley, you want to ask a supplementary at this point.

Q4 **Lord Lansley:** Yes, if I may. Good morning. It is good to see you here,

Minister.

Focusing on the legislative processes concerned, I will start with the Domestic Abuse Bill. There was a domestic abuse Bill in the previous Session. Could you tell us what the Government's approach was then to incorporating all the necessary legislative changes, including extraterritorial jurisdiction, to get that Bill on to the statute book?

Victoria Atkins: You are pointing to the history of this Bill, which I have lived with through, I think, the last two years. We really wanted to ensure that this Domestic Abuse Bill was a Bill that answered the needs of victims and which we could be proud of having passed as a country. You may know that we have had a very thorough scrutiny process throughout the journey of this Bill. We have been very receptive to amendments and points of view that have been expressed across the House of Commons and now during the Committee stage in the House of Lords. I am very proud of the real consensual and collegiate approach that has been taken to this Bill. It has been a real honour to be involved in it.

On the journey of the Bill, we launched the consultation back in 2018, I think—I am testing my memory—and we had something like 3,000 responses to that, from specialist organisations, victims and members of the public. We reviewed that very carefully and we published the draft Domestic Abuse Bill. That had pre-legislative scrutiny through the Joint Committee, which produced a very detailed report. We have either met or answered those recommendations. Indeed, some of the committee's recommendations have been incorporated into the Bill as it has made its journey through. The Bill was introduced but, if I recall correctly, we had a new Parliament, which meant that the Bill fell. We then reintroduced it in October 2019. Then we had the general election and so we reintroduced it a third time early last year.

We were very conscious, incidentally, as was Northern Ireland, that although the Executive and the Assembly were not in place, the Article relating to psychological violence still had to be satisfied for Northern Ireland. So in the first and second iterations of the Bill we included measures relating to Northern Ireland and psychological violence.

However, I am happy to say that since the Assembly has re-formed I have spoken and worked very closely with my counterpart in Northern Ireland. They are very keen for their legislation to be updated and to include this, so we have—quite rightly, because it is a devolved matter—removed the parts relating to Northern Ireland and psychological violence from this third iteration of the Bill, because Northern Ireland is dealing with it themselves. They are making great progress on their Bill and, as I say, we very much hope that it will be implemented in autumn this year.

That is a potted history of the Bill thus far.

Lord Lansley: Yes, it is a complex legislative history. There was clearly all-party support, as evidenced by the Private Member's Bill in 2017. If I remember correctly, 135 Members of Parliament arrived on a Friday to

see it through. So was there not a moment in 2019, notwithstanding Prorogation, that in the wash-up the extraterritorial jurisdiction measure might have been taken out and passed with all-party support? Was an opportunity perhaps missed?

Victoria Atkins: I do not recall thinking that or indeed being advised about that. When we introduced the Bill, it was at such an early stage and we were very conscious that both Houses would want to scrutinise it very carefully. We have very much enabled and encouraged that. It was not at a stage where we felt it would be right to try to speed things up and to cut down that scrutiny. I appreciate that, looking at the timetable and with the benefit of hindsight, one would want certain parts to be expedited, but I believe that we have had to take this course of ensuring that we give the scrutiny that the Bill and the subject matter deserve.

If I may, I will give an indication of the Government's determination and commitment to the DA Bill. I think it was pretty much the only Bill, or one of one or two Bills, that were called back during the first lockdown to go through Second Reading and Committee stage in the House of Commons, because we were so keen to get the Bill moving. I give huge thanks to Members of Parliament but also to House of Commons staff who enabled that to happen during the first lockdown.

We very much want to get this passed and get Royal Assent through so that we can start implementing some of the enormous changes that the Bill will bring about.

The Chair: We move to Lord Gold. I know that part of what you want to ask may have been covered already, Lord Gold.

Q5 **Lord Gold:** Good morning, Minister. Lord Morris has really covered the ground, which is whether this could have been covered in one piece of legislation. I have to say, listening to your answers to the questions and thinking this through, I am a little bit concerned as to whether, as Lord Lansley has pointed out, the whole thing could not have been speeded up.

Although this may be a one-off, when finally the treaty is ratified, looking back and thinking about whether matters could have been improved, I suspect that in your previous life dealing with the Serious Fraud Office, if it had taken this length of time to deal with anything, you would have been very angry indeed. I think that what has been achieved is very good, but it would be very good to have assurance that if something similar happens in the future we can speed things up.

Victoria Atkins: Thank you for that. In my previous life, I used to prosecute national-level frauds. Those cases took many years to prosecute—in fairness, not necessarily by the Serious Fraud Office but by prosecuting organisations.

The convention is really important. We signed up to it in absolute good faith in 2012. We have wanted to go beyond the convention. However, and I hope the committee would agree with this, we could not possibly

have a box-ticking exercise to ratify it. It is interesting, Lord Gold, that you take that view on the Domestic Abuse Bill. I am afraid that I would have come under quite concerted criticism in the Commons had we tried to reduce the level of scrutiny in our place. We welcomed the contributions of the Joint Committee to really drive us and challenge us to try to do more.

During the convoluted history of the Bill, as I set out to Lord Lansley, we have been able to make some really important changes. In this latest iteration, we have been able to introduce Part 4, which is the statutory duty on local authorities to provide specialist services for people living in safe accommodation. We have also been able to make a commitment in the Bill about priority housing and priority need for housing for victims of domestic abuse who are made homeless through abuse. There have been some real improvements to the Bill through the course of the scrutiny.

I completely understand that this committee's role is to scrutinise and hold government Ministers to account on the timeliness, as well as the quality, of the Government's responses to international agreements. Perhaps we will have to agree to disagree on how long this has taken, in that I am convinced now that the Bill is in a much better place than it was when we introduced the draft Bill. We have been very open and wanting to improve it with the help of parliamentary colleagues across both Houses.

The Chair: Thank you. I will move on. We have a number of questions still to come. You are giving some very important answers, but I will ask my colleagues and, if I dare, you too, Minister, to try to be a little bit brisker on some of them, so that we get through all the material and you can get off to the other important duties you have.

Q6 **Baroness Liddell of Coatdyke:** It is very good to hear your passion for these issues, but just last week, on 25 January, the Secretary-General of the Council of Europe was rather exasperated when he said that the Istanbul Convention remains the "gold standard" for addressing violence against women and domestic violence and calling on all member states that have not ratified to do so "in the interests of women and all of society".

Can you give us some kind of timetable and some indication of the areas where steps will have to be taken to meet the requirements of the convention in domestic law, and can you give us your guarantee that these will be completed by the end of 2021?

Victoria Atkins: Thank you for that. We are committed to ratifying as soon as possible, but I cannot, I am afraid, give a precise date or give the assurance you are seeking. As I say, there are only three areas now that are outstanding. The first is Article 33, psychological violence, in Northern Ireland. That completed its passage through the Assembly on 18 January and Royal Assent is expected in February or March. However, I am told that we may be waiting until autumn later this year for implementation.

Article 44 is the extraterritorial jurisdiction point. Again, that is in the Domestic Abuse Bill, so the sooner we get the Bill passed the better. It will automatically come into force in England and Wales within two months. I understand that it will take a little longer in Scotland and Northern Ireland, but we will certainly meet those requirements by the end of the year.

The third area relates to migrant women under Article 4(3) and Article 59. As we have said throughout, in our response to the Joint Committee and in the Statement that I laid before Parliament in October, this is under review. The Support for Migrant Victims scheme is about to be launched, and we want to look at how that scheme works as part of the ratification process.

The Chair: We will come back to the last point, but we now go to Baroness Massey.

Q7 **Baroness Massey of Darwen:** Good morning, Minister and colleagues. As the Chair said at the beginning, I am a member of the Joint Committee on Human Rights. I am a fairly recent member, so I was not on that committee when it produced its report in 2015, as the Minister said. I am also a member of the Parliamentary Assembly of the Council of Europe; I speak mainly on children's issues there. I remember much frustration and impatience about people not ratifying conventions. I was there when the UK ratified the Lanzarote Convention, much to everyone's delight. There was a reception and everybody cheered, so that was very nice.

My question should be very brisk, because you addressed many of these issues in response to the questions from Lord Lansley, Lord Morris and Baroness Liddell. It is about the need to address the issue of extraterritorial jurisdiction, which of course has been around since 2014 and is well understood. It has taken a long time to pass this legislation, as Baroness Liddell pressed you on, and the priority given to this is clearly on your mind and on our minds. Could you be any more precise than you were with Baroness Liddell about what priority this is being given? Thank you.

Victoria Atkins: Do you mean on extraterritorial jurisdiction specifically?

Baroness Massey of Darwen: Yes.

Victoria Atkins: It is in the Domestic Abuse Bill. Clause 66 sets it out very clearly in relation to murder, manslaughter, offences against the 1861 Act and the Infant Life (Preservation) Act. We have corresponding measures in the next clause for Northern Ireland. Clause 68, which forms Parts 1, 2 and 3 of Schedule 2, contains amendments to provide for extraterritorial jurisdiction over certain other offences in England and Wales.

It is interesting that you raised the Lanzarote Convention. As the committee knows far better than I, the default position ordinarily is that there is dual criminality in international agreements, but there are very

specific exceptions to that rule, including child sexual abuse under the Lanzarote Convention and, of course, forced marriage and FGM. Under this Bill, what we call the course of conduct offences, such as coercive control and behaviour, will also be made an exemption. It is very welcome news, and I am very pleased that this Bill will achieve that.

Baroness Massey of Darwen: Can you say anything more about the priority that will be given? Are you saying that, because it is in the Domestic Abuse Bill, it will proceed as a normal kind of thing?

Victoria Atkins: The Domestic Abuse Bill is a clear priority for the Government. The Prime Minister is a great advocate for work on this Bill. It flows that the Istanbul Convention is a priority for the Government. That is why we are going to such great efforts to meet the final three articles that we have not yet satisfied. I say "we"; of course, I am grateful to Northern Ireland Assembly colleagues for playing their part in this as well. We have had great working with the devolved authorities, and I understand that their legislative consent Motion is ready and raring to go in Scotland and Northern Ireland in respect of this legislation.

Baroness Massey of Darwen: Thank you.

Q8 **Lord Kerr of Kinlochard:** Good morning, Minister. I am a trustee of the Refugee Council and I need to declare that interest. My interest this morning is specifically on the Article 4(3) problem of discrimination against refugees. Article 4(3) of the convention says that victims' rights have to be respected, irrespective of their migrant or refugee status.

As I understand the problem—the third problem that you described—migrants do not have access to refuges because of their migrant status, or rather non-status, and they do not have access to housing benefit because they do not have access to public funds. If that is the problem, why do you need more time to study its scale and scope? Why can you not just solve it?

Victoria Atkins: Thank you, Lord Kerr. I am genuinely grateful to you for raising this, because I know this is an issue that troubles colleagues in my House but also in your Lordship's House.

If I may take us back a little bit in the history of work to tackle domestic abuse, we absolutely recognise that migrant victims of domestic abuse can face extraordinary pressures, in addition to the pressures that may be flowing from their abuse. That is why in 2012 we introduced what is called the destitution domestic violence concession, DDVC, which helps victims who have come into this country, perhaps on a spousal visa, who have settled here and have—

Lord Kerr of Kinlochard: Can I interrupt you for a second? You said that there were three problems holding you up now, and this is one of them, so what you did in 2012 is irrelevant because it does not allow you to ratify the convention now. What do you need to do to ratify the convention now? Why can you not just accept an amendment to the Domestic Abuse Bill, like the one put forward by the End Violence Against

Women Coalition, and thus allow migrants access to refuges?

Victoria Atkins: The DDVC is absolutely relevant, because I would not want anyone on this committee to fall into the misapprehension that migrant victims are a homogenous group of people who have exactly the same needs and for whom there is no support available, because that would be incorrect. The destitution domestic violence concession is absolutely relevant, because it applies to migrant victims who have a legitimate expectation of settled status in this country. That has been in place since 2012. Those migrant victims can be looked after, and indeed are looked after, through the benefit system but also through seeking help with their immigration, because they have a legitimate expectation of living in this country and spending their lives here.

That is not the case for the second category of migrant victims. These victims will come in on a visitor visa of six months. They may be here on a student visa of a year. They may be here illegally. They may have been trafficked, in which case incidentally the national referral mechanism would be open to them as victims of modern slavery.

That is the cohort that we are very concerned about, by definition, because not everybody is registered with the state if they have been trafficked here, for example. Trying to gather the figures and the understanding of the needs of these victims, how many there are and what sort of help they need, is a critical part of us building a sustainable programme of support for these victims. We want to do that. We are absolutely clear about that, but at the moment I do not have the evidence available for me to be able to build that programme. That is why, at the Second Reading of the Domestic Abuse Bill, I announced our Support for Migrant Victims scheme, which will sit alongside the DDVC to help migrant victims who do not have access to the DDVC or other forms of support, such as the national referral mechanism.

I announced it in the Second Reading. We have worked side by side with charities, which have been brilliant in helping us to understand some of the pressures they face on the ground. We have drawn up the scheme. I accept that it has taken time. We have listened very carefully to the concerns of the charities when it comes to how the scheme is drafted. They have asked, for example, that the scheme lasts for longer than we perhaps were initially able to pledge, because they want to ensure that the scheme is set up properly and that we get the proper data from it. Once that pilot project is completed, we will have much better data than we have at the moment to build up the programme support.

I absolutely understand the wish to go faster on this, but I cannot look you in the eye and say that somebody who is here on a visitor visa of six months has the same needs as somebody who is here with their children, having lived here for many years, on a spousal visa, who has been prevented from obtaining indefinite leave to remain. There are clearly big differences, and we need to get that data to build the programme of support.

Lord Kerr of Kinlochard: When do you think you will have the data?

Victoria Atkins: We published the scheme in draft in September-October precisely because we wanted the charities to look over it, to give us constructive criticism and ideas as to where we needed to do better. They did that. We have listened to the charities and we are in the middle of the tendering process at the moment. All being well, we hope that we will be able to get the scheme started in the next month or so, and then it will last for 14 months. That is the period that we have been able to extend the funding for. At the end of that, we will, I hope, have very clear data as to the sorts of needs we need to address. We absolutely want—

Lord Kerr of Kinlochard: So you are saying that you will not be able to ratify the convention until the end of 2022 or 2023 at the earliest.

Victoria Atkins: There are options open to us. I am clear that, for us to do right and proper by the convention, we have to let this review take its course. At this point, I cannot help with the precise date, but we will be keeping it under very close review.

The Chair: I will bring in Lord Sandwich now, because his question follows on precisely from Lord Kerr's questions and is something that troubles me as well.

Q9 **The Earl of Sandwich:** Good morning, Minister. My background is with NGOs, so I am very concerned about this issue. The End Violence Against Women Coalition is, as you know, arguing that the pilot is unnecessary. I think it represents 99 organisations, and that includes many of the front-line workers. It is a very strong lobby that you have to deal with, there.

You have explained the differences between different categories and how you have to wait, but it puzzles me that this should satisfy the convention. It is a partial exercise and the funding is limited, of course. That is another thing that concerns everyone. How can you justify that?

Victoria Atkins: That is the difference between NGOs and Ministers, is it not? With the best will in the world, NGOs are there not only to provide front-line services but to press the Government and Ministers to do more and more. I take those concerns very seriously. As I say, they were instrumental in helping to draw up the scheme, and I am extremely grateful to them for their help on that.

I am afraid I cannot grant every wish of every NGO. I understand that there are 190 amendments in your Lordship's House on the Bill itself, but I am afraid I will not be able to go along with all of them, to put it mildly. My job as Minister is to look at reasonable and proper representations, such as have been made by EVAW and others, and to try to find a way that addresses their concerns in a way that helps victims first and foremost. This is why I think the pilot project is such a step forward, because we will be helping not just the migrant victims who meet the criteria of the DDVC but now those who do not.

The Chair: Can I clarify something? Lord Kerr interpreted what you were saying as meaning that, because of the determination to do the pilot—you have explained why you want to do it, and that is a question mark—the result will be that it will not be possible for the United Kingdom to ratify this convention until, I think he was suggesting, the end of 2022 even 2023. Is it chronologically right that the result of the pilot will be that we cannot ratify until that late date?

Victoria Atkins: We will keep all measures under review. We will have satisfied two of the three by the end of this year. We will have to keep Article 4(3) and so on for migrant women under review. It is a living document, as I see it. It is a living piece of work, and we will have to keep it—

The Chair: The convention is not a living document, but am I right—

Victoria Atkins: Importantly, I do see it as a living document. I appreciate that in strict legal terms it is not, but every step that we take, including the drafting of the VAWG strategy and the domestic abuse strategy later this year, is a further step not just to meeting the expectations of the convention but to exceeding them.

The Chair: I agree with those who talked about welcoming your passion for this, but is it factually right that, because of the pilot scheme, the United Kingdom will not be in a position to ratify this convention until 2022 or even 2023?

Victoria Atkins: There is a range of options open to us, but I have to put a Statement before Parliament that I am satisfied that we are meeting the criteria. It follows that there will be work on migrant victims that we have to comply with and that we have to undertake, but, as I say, we will keep this very much under review.

The Chair: I will take that as a yes then, Minister. Let me turn to Baroness Ludford, please.

Q10 **Baroness Ludford:** Minister, I am a Member of the House of Lords. Like Baroness Massey, I am a member of the Joint Committee on Human Rights. I am grateful to the committee for inviting me as a guest.

Like Baroness Massey, I was not on the JCHR when it produced its report on the convention in 2015, but your reply just now is likely to increase the frustration, which Baroness Liddell noted earlier, of the Secretary-General of the Council of Europe. As I think your colleagues in Government like to say, we may have left the EU but we have not left Europe, and, of course, we like to see ourselves as a leading member of the Council of Europe. The Government have confirmed, not least because of the trade and co-operation agreement with the EU, that we are committed to the Convention on Human Rights, so along with that there is great concern about the UK's non-ratification of the Istanbul Convention.

What impact has non-ratification of this convention had on the UK's

ability to take a leadership role, perhaps not only in Europe but even in the world, in combating violence against women and girls?

Victoria Atkins: The United Kingdom is rightly viewed as a beacon of light for women's rights. The convention is not the only indicator of our commitment to expanding the rights of women and girls not just in our own country but across the world. Just recently, the Prime Minister appointed an international envoy to meet his determination to ensure that every girl in the world receives a quality education. That is just one example of the commitment we have overseas to ensuring the rights of women and girls.

We are very much involved in other means such as other international bodies; there is, for example, our leadership of the global Generation Equality Forum on ending gender-based violence. We are driving change through that organisation and we take a range of positive actions to tackle VAWG internationally, including in projects in our overseas posts.

I am not aware of any evidence that our not yet having ratified the convention, despite all our work to comply with it, has materially affected our leadership, but of course I am conscious that you are present at assemblies and meetings that I am not at. If there is any evidence that that is the case, I would be very interested to hear it.

Baroness Ludford: We understand that several Council of Europe member states that are not as progressive, perhaps, as the UK—these include Poland, Hungary, Slovakia and Bulgaria—have failed to ratify the Istanbul Convention or even plan to withdraw from it. There is a concern that the UK's failure to ratify, possibly even for a further two years, is setting a bad example, or at least is not a good example. Will it not rather embarrass the UK's international envoy if we cannot send a leadership message on this convention?

Victoria Atkins: We are very concerned about the thoughts and proposals put forward by some countries about the convention but also about women's rights more generally. I appreciate that I am not a Foreign Office Minister, but I would be cautious about drawing a line between our work to ratify the convention and some of the comments that have been made overseas, in parliaments and by certain Presidents. I would be a bit cautious about concluding that as flowing inevitably from it.

The fact that the UK is making such efforts to comply with the convention shows how seriously we take it. I am not aware of any evidence that some of the countries you have mentioned have referred to our non-ratification thus far as supporting some of their wilder comments. Some people have made some very difficult comments in individual parliaments. We are working towards ratification. I hope that the committee can see from looking at the body of work that we have done in the last decade just how much commitment there has been not just to meeting the requirements of the convention but to exceeding them in many instances.

There are three areas left. I hope that in the meetings that Baroness Ludford has referred to we are emphasising that is just the list of three, two of which are in the process of being legislated on. On the third, we are doing positive work to help the victims. It must surely be our goal to help women and girls on the ground with the issues they are facing from violence against them and that has been our approach throughout.

Q11 Lord Watts: The Government say that they are committed to the convention, yet the convention was signed in 2012 and the recommendations from the Joint Committee were in 2015, which very much puts Britain in the second division in leading the way to address these issues.

Although the legal implications are difficult, what has stopped the Government from providing special services for victims of violence and making progress on committing to services for honour-based crimes and increasing the education on these issues? Those things could have been addressed far better than they have been. Would you accept that the Government need to do a lot more about these issues, even while they are waiting to address the issue of when they should sign the convention?

Victoria Atkins: If I may, I will take your Lordship back to the Bill. On specialised local services, your Lordship will be aware that Part 4 of the Bill was added in the third iteration. It places a new statutory duty on tier 1 local authorities and includes the setting up of local partnership boards whereby local commissioners will have to get around the table with victims and specialist organisations to address the needs of people living in safe accommodation.

At the moment, someone who is, for example, a victim of domestic abuse and is fleeing her home with her adult children, may be refused admission to a refuge because refuges are entitled to refuse admission to male adults if they meet the criteria under the 2010 Act. Those people are often put into safe accommodation to ensure they are all housed.

This duty requires local authorities to provide specialist services to everyone, whether they are in a refuge or in other forms of safe accommodation. The Bill very much deals with that and it was widely welcomed at the time it was introduced.

Lord Watts: I accept that it was widely well received, but we have had a chance to put these services in place since 2012. It is an awfully long time for the Government to hide behind the fact that they have not signed the convention. They could have provided the services years ago.

Victoria Atkins: We put into law the offence of coercive controlling behaviour in 2015. We introduced the Domestic Abuse Bill in 2018-19. It has taken work for the Bill to be as important and as game-changing as it is. Very recently, I sat in on an international conference held by the designate Domestic Abuse Commissioner. She was very much welcomed by her international counterparts. Some of the steps we have taken will change how domestic abuse victims are treated and looked after in this country.

On the issue of so-called honour-based abuse, I will not repeat what I have already set out to the committee, but a lot has been done to strengthen legislation on forced marriage, FGM and other types of so-called honour-based abuse. I would like us to have a debate about whether we should continue to use that phrase in the new Violence Against Women and Girls strategy. Do we feel that we have got to a stage where we no longer have to refer to the motivations of the perpetrators in describing that type of crime? I welcome the debate. It is the sort of debate we should be engaging all parts of society in. A huge amount of work has been going on.

To reassure your Lordship on forced marriage and FGM protection orders, which go much further than the convention requires, 2,661 forced marriage protection orders and 644 FGM protection orders have been made as of September last year. So I gently push against the idea that we have not been acting in accordance with the convention, because we absolutely have been doing so, but we have to do this before we can ratify.

The Chair: Thank you very much indeed, Minister. We have two or three questions more, and I want to try to get through them because I promised to let you get away, but also to let you have time to make any concluding remarks.

Q12 **Lord Foster of Bath:** Thank you very much for being with us, Minister, and for your obvious passion and desire to make progress on this issue.

You have stressed, on a number of occasions now, that there are three areas where progress needs to be made to ensure we meet the requirements of the convention. Can I suggest to you that there is a fourth area? The convention requires the adequate provision of refuges, yet the evidence suggests that we are currently not achieving that. I am well aware of the recently introduced £40 million, which was very welcome, but it does not provide any more for refuges. I am well aware of the measures imposed on local councils for social housing and so on, but again they do not address the specific issue of refuge spaces for women and children who require that type of support.

Can you tell us whether it is your belief, unlike Women's Aid and other organisations that would not share it, that we are adequately meeting the requirements of the convention for refuge spaces?

Victoria Atkins: This is a question that MHCLG Ministers look at every week. We keep a running tally of refuge spaces with the help of Women's Aid, Refuge and other organisations critical to the provision of refuge spaces. We know that coverage is not consistent across the country. In a given week, there may be perhaps 70 unfilled spaces, but we know that they might not provide coverage if they are not in the right place or if they have particular requirements that do not meet the needs of, let us say, a victim who is fleeing with adult children or a LGBT+ victim or a male victim. That is why the tier 1 duty is so important. The requirements in that duty will very much help to answer some of those legitimate concerns.

During the pandemic we have been very careful to try to help boost the number of refuge spaces, and MHCLG has seen just shy of 1,900 further spaces during this time. In some cases, of course, it is absolutely essential that a woman flees for her own safety and that of her children, but where it is safe and possible, I would very much like us to be talking about stopping the perpetrator from—

Lord Foster of Bath: Minister, time is short. I genuinely appreciate the measures that are being taken. One can argue whether sufficient funds are being made available to local authorities to meet the duty placed upon them, but leaving that aside for a minute, there is a very simple question. As Minister with responsibility for this, do you believe that we are currently meeting the refuge requirements as laid out in the convention and therefore that it is not an additional area that prevents us from signing?

Victoria Atkins: As I say, the duty set out in the Bill will help us to further our meeting of that requirement. I am very alive to the concerns that the sector expresses. We watch the provision of places very carefully. I believe the Bill helps us to underline our commitment to those refuge spaces.

Lord Foster of Bath: I am not sure I heard a yes or a no to my question as to whether you believe we are meeting the requirements or whether we are progressing towards the requirement.

Victoria Atkins: I do not have the specific wording of the article before me, but I am content that over the last 10 years we have invested in refuge spaces. We have seen something like a 10% increase in refuge spaces. We know that this can be a very dynamic situation. Just as we saw an increase in the number of calls to helplines during the pandemic, we would expect to see an increase in referrals to refuges and we have prepared for that. I do not believe this is a situation where we can say, "This number will satisfy all domestic abuse referrals in this week for the next year". I do not believe it is as static as that. We know from the evidence that it is not. I am conscious that we want this national duty on tier 1 local authorities to meet those needs.

The Chair: I am conscious of how short our time is, so if after this session, Minister, you or your office want to send anything further to us on that in writing, we would be very happy to receive it. Let me go to Lord Oates.

Q13 **Lord Oates:** May I say at the beginning that because I have to take my partner to a hospital appointment, I may switch off my camera, but I will still be listening to you.

Back in October, the Government announced that they were going to run separate strategies for violence against women and girls and domestic abuse. As you will know, quite a few stakeholders have expressed their concern about this. Could you explain the justification?

Victoria Atkins: Yes. I hope everything is all right.

This is a real opportunity for us to reflect on what we have done thus far but also to try to build a strategy and a sense of purpose for the next decade. Until the previous VAWG strategy ended in 2020, we had one catch-all strategy for all forms of violence against women and girls. That was absolutely right; the 2016 strategy was a very good piece of work and we have achieved a great deal. We are now in a very different place in our approaches to tackling VAWG and DA than we were even a couple of years ago.

Domestic abuse is the highest harm, highest volume crime we have to deal with and I think it deserves its own strategy. It affects 2.3 million adult victims as well as the children living in those households. We know that, in any given year, quite a large proportion of the national homicide rate is defined as domestic homicide. I believe that we need to bring all the energy and commitment that we have through the Bill into a stand-alone strategy so that we are giving that very high volume, high harm type of crime the emphasis it deserves.

Having said that, I would also like to bring some of the light and scrutiny that has come forward on DA to other forms of VAWG. The idea behind having the two strategies is that we get two bites of the cherry, two national strategies dealing with crimes that disproportionately affect women and girls. We will be very clear. I have listened carefully to the concerns of the sector.

The two strategies sit alongside each other. They complement each other, and there will be cross-references between the two. We are clear, for example, that sexual violence can be a form of DA; it is in Clause 1 of the Bill, after all. I want that same focus and attention to be brought to sexual violence, FGM, forced marriage and the other forms of violence against women and girls that we know about.

I also want us to update the strategy. We know that perpetrators are using tech more and more now to continue their abuse. There are different ways of abusing—cyber flashing is an example—and the strategy has to reflect that. In the call for evidence for the Violence Against Women and Girls strategy—if you are able to publicise it in your networks, I would be so grateful—we will bring in the public to tell us what they are experiencing. A public survey is being disseminated widely, through the arms of government, the Armed Forces, councils, universities, FE colleges and the NHS. We have a specific, very carefully drafted survey for victims and survivors who will work through the survey, if they are able to, with specialist charities to ensure that the process does not distress them in any way. We have focus groups to ensure that we are reaching parts of the society that perhaps we are not ordinarily very good at reaching, including for example disabled victims. We also have an Ipsos MORI survey to provide a backstop to the views that we are gathering.

With all that, we will be in a position to draft the VAWG strategy. First, we want to publish the VAWG strategy. The DA Bill is ticking along in the House of Lords. It will get Royal Assent. We will then publish the DA

strategy in the summer. This is in no way an attempt to de-gender these crimes, which I have heard one or two people are concerned about. It is not an attempt to separate them out. We want this focus on both strategies so that local commissioners have good guidance as to what they should be doing on the ground.

The Chair: One last guest member wants to ask you a question, and then I will ask you for any last comments in conclusion.

Q14 **Baroness Massey of Darwen:** Thank you. I will be very quick. My question is about the issue of violence in teenage relationships and addressing that in relationships and sex education in schools.

Three quick points. The Government state that it is the duty of the child protection system to deal with the abuse of children under the age of 16, as you well know. Teenage relationships are not defined in any statutes and there is a postcode lottery of specialist services for teenagers. It seems to me that the issue of educating young people to be aware of healthy relationships, or non-healthy relationships, is absolutely crucial. I appreciate that the Government introduced statutory relationships and sex education last September.

Do you have any comments about this? It is an issue that will come up in the Domestic Abuse Bill—I have an amendment on it—and I think it came up in the Commons as an amendment as well. A quick comment, please. It is an issue that we should bear in mind.

Victoria Atkins: Thank you for that. This was the source of much debate internally in the Home Office and in the House of Commons. We settled on having the age of 16 as the date in statute because, as you rightly say, we were very mindful of the very strict and strong powers that exist on safeguarding children under the Children Act and other mechanisms and we did not want any confusion.

The Joint Committee also raised the issue of teenage relationships. We have to find ways of reaching young people who are facing the abuse that you have described. You are absolutely right, of course: mandatory education will help a lot, and help not just girls but boys, to understand what is healthy. Sadly, I see in some of my gang work huge misunderstanding about what is healthy. Education is absolutely critical.

On the definition, we have, after much thought, settled upon the age of 16 as the minimum age, but that does not mean to say that we cannot tackle teenage relationships. We have a specific campaign in the Home Office, Disrespect NoBody, which helped get across the message about what is healthy. Operation Encompass is a wonderful scheme where the police and the schools work very closely together. I believe that as time goes on there will be a greater understanding of what is and is not acceptable in relationships.

Q15 **The Chair:** Minister, I want to give you an opportunity to make any concluding remarks you want to make. In doing so, are you able to say anything further about the issue that has been troubling me, and you have also heard it from colleagues? It is that you need the pilot scheme,

which will obviously delay things, to identify the scale and scope of the potential needs of migrant victims, which is what you said in your progress report, in circumstances where you have had evidence from I think as many as 24 expert organisations as to what that need is. I am inviting you to say something about that if you would like to, but otherwise this is your time to say anything else you would like to say.

Victoria Atkins: Thank you ever so much. I and the Government want to ratify as soon as possible, but we can only do that when we are satisfied that we are compliant with the convention. The procedure itself need not take more than a matter of months.

On the very complex issue of migrant victims, I referred to reviewing our position and a range of options. I do not want to set hares running. This is why I am being a little bit careful in my phrasing. I emphasise that no decisions have been made and we will keep this under review, but one of the options open to us would be to apply for a temporary reservation to Article 59, which is the specific article, when there are no other barriers to ratification, pending the results from the pilot. I do not want to set hares running. That is an option, but it is one that we will keep under very close review. This is an important subject matter, and that is why we want to get it right. It will be part of our work not just on the convention and our work under the Domestic Abuse Bill but, of course, on the domestic abuse and VAWG strategies.

On other matters, I hope I have imparted the Government's real commitment to this convention. I fully understand that it is the duty of this committee to scrutinise and hold a Government to account. I totally appreciate that. I thank you for the opportunity to talk about a range of issues flowing from the convention, including that of refuge spaces. I was pressed on that by, I think, Lord Watts. We are satisfied that we are meeting that part of the convention. I did not have the precise wording of the convention in front of me. I apologise for that.

I hope the committee feels that the direction of travel is very much forward. We will be making progress on all three areas, but we will particularly have met the expectations on two of the three and we will keep the third very much under review.

The Chair: Minister, thank you very much indeed for your attendance. I fully agree with colleagues who have praised your personal commitment, and we welcome that. Obviously there are issues, and the committee will consider them. If there is anything further you or your office want to say after this, please drop us a note and we will be very pleased to receive it. Otherwise, thank you again for your time. This meeting is now concluded.