



Baroness Hayter of Kentish Town
Chair of the International Agreements Committee
House of Lords
London
SW1A 0AA

19 May 2022

Ratification of the Council of Europe Convention on Combating Violence Against Women and Girls and Domestic Violence (Istanbul Convention)

Dear Baroness Hayter,

I am writing to you as Chair of the International Agreements Committee to inform you that the UK has this week commenced the proceedings required by the Constitutional Reform and Governance Act 2010 which precede the UK's ratification of the Council of Europe Convention on Combating Violence Against Women and Girls and Domestic Violence (Istanbul Convention).

The UK signed the Istanbul Convention in 2012 to signal our strong commitment to tackling crimes which disproportionately affect women and girls. As you know, the Convention includes a large number of articles which require signatory states to take certain actions to combat, for example, domestic abuse, sexual violence, stalking and so-called 'honour'-based abuse. While we have for many years been compliant with the vast majority of the articles in the Convention, as you know there has to date been a handful of issues for which we had to await the passage and implementation of legislation before we could be in the position of full compliance with the Convention, which is (subject to any reservations made) a necessary condition for ratification.

However, I am now pleased to confirm that all those legislative barriers to ratification have been removed and that the UK is now in a position to ratify the Convention. The final obstacles were the need for Northern Ireland Ministers to bring into force measures in the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 which render them compliant with Article 33 of the Convention ('psychological violence', i.e. coercive or controlling behaviour), and also measures within that Act and the Domestic Abuse Act 2021 which render them compliant with Article 44 (extra-territorial jurisdiction). Those provisions came into force on 21 February.

Our previous annual reports on our progress towards ratification have confirmed that the UK's position on Article 59 of the Convention, which relates to migrant victims of domestic abuse, is under review pending the results and evaluation of the Support for Migrant Victims (SMV) scheme. The evaluation will conclude by this summer, and we will then consider what if any policy changes we should make. However, Article 78(2) of the Convention permits us to make a reservation on Article 59, which nine other countries have done. When my predecessor as Safeguarding Minister, Victoria Atkins MP, appeared before your Committee in February 2021, she confirmed that we were looking at a range of options in relation to Article 59, including applying a reservation on this article pending

the results of the SMV scheme. We have decided to take that course to enable us to ratify as soon as possible. This is wholly without prejudice to the conclusions relating to Article 59 and corresponding policy decisions which we will reach in the light of the evaluation of the SMV scheme, at which point we would be able either to maintain the reservation or to withdraw it under Article 78(4).

This reservation would sit alongside a separate reservation on Article 44(3) of the Convention, to the extent that it relates to Articles 36 (sexual violence, including rape) and 39 (forced abortion and sterilisation). Article 44(3) states that our ability to prosecute British nationals and residents for certain crimes committed overseas must not be made subject to a condition that the behaviour is also illegal in the country where it was committed. Ministers in the UK, Scottish and Northern Ireland Governments have previously decided that such a condition is necessary for Article 39 crimes (committed by anybody) and for Article 36 crimes committed by UK non-national residents, and the provisions of the Domestic Abuse Act 2021 reflect those decisions.

On Tuesday the Home Secretary made a Written Ministerial Statement to Parliament confirming that the UK will commence the ratification process for the Istanbul Convention, and the FCDO has also laid before Parliament the corresponding Command Paper and Explanatory Memorandum.

I am grateful to the Committee for its continued interest in the UK's ratification of the Istanbul Convention.

A handwritten signature in black ink, appearing to read 'Rachel Maclean', with a small flourish at the end.

Rachel Maclean MP