

Rt Hon. Priti Patel MP
Home Secretary

By email

1 July 2022

Dear Priti,

We are delighted the Government now intends to ratify the Istanbul Convention. It is long overdue and over a decade since the UK signed the Convention. It establishes comprehensive legal standards to ensure the right of women to be free from violence, and it is essential that the UK adopts the measures in its commitment to prevent violence against women and girls.

As part of its scrutiny work on this issue, the Women and Equalities Committee commissioned two of its special advisers, Alexander Horne and Professor Shazia Choudhry to provide a memorandum to the Committee, which it has published.¹

We welcome the House of Lords' International Agreements Committee's report *Scrutiny of international agreements: Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* and share similar concerns.

We are concerned about the Government's proposed reservations to the treaty. This country should lead the world in preventing violence against women and girls, and entering reservations, particularly against Article 59, risks creating a two-tier system for women.

Article 59 Reservation

Article 59 concerns a woman's residence status. It requires States to ensure that women without their own residence status are not discriminated against when accessing support.

We note the Government's reasoning for placing a reservation on Article 59 and that it considers the position to be under review. However, we would like to see a stronger commitment to revisiting the reservation, with the ultimate aim of withdrawing it. Given the length of time between signing and ratifying the Convention, we have serious concerns that the issue of non-discrimination will continue to remain unaddressed and vulnerable women will remain at risk.

Therefore, we ask that you write to our three Committees:

- Explaining why you consider that ratification without this reservation is dependent on the evaluation of the short-term pilot Support for Migrant Victims Scheme;
- Setting out further detail on how the scheme is being evaluated, with particular reference to criteria under which the success of the Scheme might be measured;
- Clarifying how the evaluation will be used by the Government to work towards removing the reservation.

¹ [Memorandum on the Istanbul Convention by Alexander Horne, Counsel, Hackett & Dabbs LLP, Visiting Professor Durham University, Shazia Choudhry, Professor of Law, Oxford University](#)

Furthermore, we request that the Government shares its evaluation of the Support for Migrant Victims Scheme with us as soon as possible once completed, and subsequently writes to our Committees every six months outlining the steps it is taking in revisiting the reservation. We understand that the external evaluators are expected to deliver a report and recommendations for consideration by the Home Office by the end of July 2022. Should this no longer be the case, we would be grateful if you could write to us with a revised timescale.

Article 44(3) Reservation

Article 44(3) of the Convention states that signatories may not apply a dual criminality requirement for offences encompassed by Articles 36 (sexual violence, including rape), 37 (forced marriage), 38 (female genital mutilation) and 39 (forced abortion and forced sterilisation). We note the Government's reasoning on dual criminality and are pleased that the Government can highlight where dual criminality in fact does not exist in relation to the relevant articles.

We would be grateful if you could clarify, further to the Explanatory Memorandum, why the Government distinguishes between conduct under Articles 36 and 39 and Articles 37 and 38.

We wish you well as you work towards ratification of this important treaty, and will continue to scrutinise the Government's progress towards ensuring that no women are discriminated against in accessing protections afforded by the Convention.

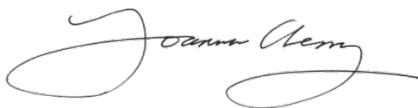
Yours ever,



Rt Hon Caroline Nokes MP
Chair, Women and Equalities
Committee



Dame Diana Johnson MP
Chair, Home Affairs Committee



Joanna Cherry QC MP
Acting Chair, Joint Committee on
Human Rights