

# Written Ministerial Statement

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## Department for Communities

### RATIFICATION OF THE ISTANBUL CONVENTION

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**Ms Hargey (The Minister for Communities):** I wish to advise you that the British Government has ratified the Council of Europe Convention on Combating Violence Against Women and Domestic Violence, commonly known as the Istanbul Convention. While the overall responsibility for the Convention is an excepted matter, it touches on many devolved issues.

The Convention is a significant international legal instrument which requires criminalising or legally sanctioning different forms of violence against women, including domestic violence, sexual harassment and psychological violence. The obligations of the Istanbul Convention cover four areas of action.

- preventing violence against women;
- protecting victims;
- prosecuting perpetrators; and
- implementing related comprehensive and co-ordinated policies.

Ratification of the Istanbul Convention is a major milestone in tackling domestic, sexual and gender based violence against women and will reinforce the Executive's commitment to gender equality and ending violence against women and girls. The British Government has applied two reservations under Article 78(2) of the Convention, which allows countries to make a reservation on certain provisions of the Convention. This means that the country will not be bound by that particular provision.

The first reservation was on Article 59 of the Convention, which relates to migrant victims of domestic abuse. Previous annual reports on progress towards ratification of the Istanbul Convention have confirmed that the British Government's position on Article 59 is under review pending the evaluation of the Support for Migrant Victims (SMV) scheme. That evaluation will be concluded this summer, at which point consideration will be given to whether the reservation on Article 59 should continue.

It should be noted that I have real concerns with this reservation and I do not believe it is appropriate. Any review undertaken by the British Government on the Support for Migrant Victims scheme should seek to explore the best ways to protect migrant victims, it should not be giving consideration to whether or not migrant victims should be protected and supported.

The second reservation relates to Article 44 (3), which refers to the prosecution of residents for committing acts in another country which are crimes in domestic law but not under the law of that other country, and which reflects the provisions of the Sexual Offences Act 2003 and the Domestic Abuse Act 2021. Ministers in Britain, the Executive and Scottish Governments have all previously agreed that such a condition is necessary for crimes of forced abortion and forced sterilisation (Article 39), and for crimes of sexual violence including rape (Article 36). The provisions of the Domestic Abuse Act 2021 reflect those decisions.

Under Article 68 of the Convention, the British Government will now be subject to the monitoring process to ensure that it is fulfilling its obligations. The monitoring mechanism consists of two distinct, but interacting, Council of Europe bodies:

- the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent body composed of 15 members. Their task is to monitor the implementation of the Convention by the parties; and

- the Committee of the Parties, which is composed of representatives of the Parties to the Istanbul Convention. It follows up on GREVIO reports and conclusions.

Evaluations are carried out on a country-by-country basis. The process is triggered by GREVIO when it sends out an evaluation questionnaire to the state party concerned. The process aims to collect as much information as possible and can take up to 18 months to complete.