



## BRIEFING PAPER

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# UK policy on ratifying the Istanbul Convention on preventing violence against women

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### Contents:

1. What is the Istanbul Convention?
2. Why hasn't the UK ratified the Convention?
3. How big is the problem of domestic violence in the UK?
4. Support for UK ratification
5. Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Bill 2016-17



# Contents

<b>Summary</b>	<b>3</b>
<b>1. What is the Istanbul Convention?</b>	<b>4</b>
<b>2. Why hasn't the UK ratified the Convention?</b>	<b>5</b>
<b>3. How big is the problem of domestic violence in the UK?</b>	<b>8</b>
3.1 England & Wales	8
3.2 Scotland	11
3.3 Northern Ireland	12
<b>4. Support for UK ratification</b>	<b>13</b>
<b>5. Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Bill 2016-17</b>	<b>14</b>
5.1 The Bill	14
5.2 Debate in Parliament	15
5.3 Campaigns for the Bill	18

## Summary

The “Istanbul Convention” is a Council of Europe [Convention](#) on preventing and combating violence against women and domestic violence.

The Convention was adopted by the Council of Europe on 7 April 2011 and came into force on 1 August 2014.

The UK signed the Convention on 8 June 2012 but has not ratified it. The Government has [said](#) that it is committed to ratification but that amendments to domestic law - to take extra-territorial jurisdiction over a range of offences - are necessary before this can be done.

### **Calls for UK ratification**

A February 2015 [report](#) by the Joint Committee on Human Rights called on the then Government “to prioritise ratification of the Istanbul Convention”.

There is an [IC Change campaign](#) calling for the Government to ratify the Convention.

Women’s Aid and Scottish Women’s Aid have both called for ratification.

Amnesty International has [said](#) that Governments across Europe should ratify the Convention.

### **Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Bill 2016-17**

Dr Eilidh Whiteford has introduced a Private Members’ Bill requiring the Government to “take all reasonable steps as soon as reasonably practicable to enable the United Kingdom to become compliant” with the Convention.

The Bill extends to England and Wales, Scotland and Northern Ireland.

The Bill had its Second Reading in the House of Commons on 16 December 2016, and Committee stage in one sitting on 1 February 2017. It was not amended. However, the Government signalled its intention to table amendments at Report stage, and gave a brief explanation of what these would be.

The Bill’s progress can be followed on the [Preventing and Combating Violence Against Women and Domestic Violence Bill 2016-17](#) pages of the Parliament website, along with [amendments](#) which have been tabled.

Report stage is on 24 February 2017.

# 1. What is the Istanbul Convention?

The “Istanbul Convention” is a Council of Europe [Convention](#) on preventing and combating violence against women and domestic violence.

The Convention was adopted by the Council of Europe (COE) on 7 April 2011 and was opened for signature on 11 May 2011 at the 121st Session of the Committee of Ministers in Istanbul. The Convention entered into force on 1 August 2014.<sup>1</sup>

The full text of the Convention is [available online](#). Article 1 states that its purposes are to:

- a. protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence;
- b. contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women;
- c. design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence;
- d. promote international co-operation with a view to eliminating violence against women and domestic violence;
- e. provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence

The COE site has a range of further [material](#) on the Convention. This includes an [overview](#) of its main themes.

A [chart of signatures and ratifications](#) is available from the COE website.

The UK signed the Convention on 8 June 2012 but has not ratified it.

In March 2016, the European Commission proposed that the European Union ratify the Convention.<sup>2</sup>

Dr Eilidh Whiteford has introduced a [Bill](#) requiring the UK to ratify the Convention – see section 5 of this Briefing Paper.<sup>3</sup>

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<sup>1</sup> COE website, [Istanbul Convention – historical background](#) [accessed 13 December 2016]

<sup>2</sup> [“Commission proposes EU accession to international Convention to fight violence against women”](#), European Commission press release, 4 March 2016; For some discussion see: Steve Peers, [Violence against women: what will be the impact of the EU signing the Istanbul Convention?](#), EU law analysis blog, 4 March 2016

<sup>3</sup> [Preventing and Combating Violence Against Women and Domestic Violence \(Ratification of Convention\) Bill 2016-17](#)

## 2. Why hasn't the UK ratified the Convention?

The Government has said that amendments to domestic law - to take extra-territorial jurisdiction over a range of offences - are necessary before the Convention can be ratified.<sup>4</sup>

During a November 2016 Lords [debate](#) on the Convention, the Government said that it already exercised extraterritorial jurisdiction over murder, FGM, forced marriage and offences against children.<sup>5</sup>

On 8 December 2016, during a Commons debate on the UN's International Day for the Elimination of Violence against Women, Sarah Newton (Parliamentary Under-Secretary of State for the Home Office) said:

(...) I know that we will ratify it [the Convention]. I want to assure Members that the lack of ratification is not stopping us doing anything; we are already complying with every single aspect of that convention. We exceed most of its criteria, with the exception being the criterion relating to extra-territorial powers. Detailed and ongoing discussions are taking place between the Ministry of Justice and the devolved Administrations, particularly Northern Ireland's, to get this right...<sup>6</sup>

### Article 44 of the Convention

Article 44 of the Convention requires state parties to take extra-territorial jurisdiction over a range of offences:

1 Parties shall take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention, when the offence is committed:

a in their territory; or

b on board a ship flying their flag; or

c on board an aircraft registered under their laws; or

d by one of their nationals; or

e by a person who has her or his habitual residence in their territory.

2 Parties shall endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention where the offence is committed against one of their nationals or a person who has her or his habitual residence in their territory.

3 For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction is not subordinated to the condition that the acts are criminalised in the territory where they were committed.

4 For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall

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<sup>4</sup> [PQ 42923](#) [answered 25 July 2016]

<sup>5</sup> [HL Deb 24 November 2016 c2043](#)

<sup>6</sup> [HC Deb 8 December 2016 c437](#)

## 6 UK policy on ratifying the Istanbul Convention on preventing violence against women

take the necessary legislative or other measures to ensure that their jurisdiction as regards points d and e of paragraph 1 is not subordinated to the condition that the prosecution can only be initiated following the reporting by the victim of the offence or the laying of information by the State of the place where the offence was committed.

5 Parties shall take the necessary legislative or other measures to establish jurisdiction over the offences established in accordance with this Convention, in cases where an alleged perpetrator is present on their territory and they do not extradite her or him to another Party, solely on the basis of her or his nationality.

6 When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult each other with a view to determining the most appropriate jurisdiction for prosecution.

7 Without prejudice to the general rules of international law, this Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its internal law.

### **Joint Committee on Human Rights report (February 2015)**

In February 2015, the Joint Committee on Human Rights published a [report](#) on the UK's progress towards ratification of the Convention.<sup>7</sup>

The report called on the then Government "to prioritise ratification of the Istanbul Convention by putting the final legislative changes required (regarding jurisdiction) before this Parliament"<sup>8</sup>:

229. We are concerned by the Government's lack of engagement with devolved administrations regarding the ratification of the Istanbul Convention because they are responsible for implementing the same positive obligations in their territories. This strengthens our earlier recommendation that the work of the Inter-Ministerial Group should be broadened to include questions of compliance of devolved policy with the Istanbul Convention.

230. We are concerned that the delay in ratifying the Istanbul Convention could harm the UK's international reputation as a world leader in combating violence against women and girls. We acknowledge that, if the devolved administrations need to take further legislative steps, there may be a delay in ratifying the Istanbul Convention. We recommend, however, that the Government bring forward the necessary primary legislation regarding jurisdiction before the end of this Parliament, and that the devolved administrations also bring forward any legislative measures that they consider to be necessary, so that the goal of ratifying the Istanbul Convention can be given the priority it deserves.

In its March 2015 [response](#) to the Committee's report, the then Government said it was "committed to ratifying" the Convention:

The UK has some of the most robust laws in the world against violence towards women and girls and as the Committee has acknowledged, we already comply with the vast majority of the articles in the Convention. The Government takes its international

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<sup>7</sup> Joint Committee on Human Rights report, [Violence against women and girls](#), HL Paper 106/HC 594, 19 February 2015

<sup>8</sup> Ibid, p4

commitments very seriously and will only commit to such ratification when we are absolutely satisfied that we comply with all articles.

As the Committee has recognised, the Convention applies to the whole of the UK and the devolved administrations are responsible for implementing the positive obligations of the Convention in their territories.

The Government has liaised with the devolved administrations about ratification of the Istanbul Convention, including the further legislative steps necessary on extraterritorial jurisdiction, and will continue to do so through consultation and the Inter- Ministerial Group, of which the devolved administrations are members.

It is not feasible to bring forward the necessary legislative changes on extra-territorial jurisdiction in England and Wales in the limited time that remains of this Parliament.<sup>9</sup>

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<sup>9</sup> Home Office, [\*Government response to the Joint Committee on Human Rights Sixth Report on Violence Against Women and Girls: Session 2014-2015\*](#), March 2015, p42

## 3. How big is the problem of domestic violence in the UK?

### 3.1 England & Wales

#### Crime Survey for England & Wales

The most reliable estimates of the extent of domestic violence come from the Crime Survey for England and Wales (CSEW) formerly the British Crime Survey (BCS). The CSEW asks people about their experience as victims. Being a household survey, it picks up more crime than the official police figures, as not all crimes are reported to the police, let alone recorded by them.

Two sets of figures are available from the CSEW: the first, collected from the survey's inception in 1981, come from the results of face-to-face interviews; the second, available from 2004/05, come from confidential self-completion modules, which respondents complete in private by responding to questions on a computer. The unwillingness of respondents to reveal experience of domestic violence to an interviewer means that the first measure significantly underestimates the extent of domestic violence.

#### CSEW data

The CSEW estimates of domestic abuse<sup>510</sup> are based on a relatively broad definition covering male and female victims of partner or family non-physical abuse, threats, force, sexual assault or stalking. The latest statistics show that:

- Some 7.7% of women and 4.4% of men were estimated to have experienced domestic abuse in 2015/16, equivalent to an estimated 1.2 million female and 651,000 male victims.<sup>11</sup>
- In 2014/15, 27.1% of women and 13.2% of men had experienced any domestic abuse since the age of 16. These figures were equivalent to an estimated 4.5 million female and 2.2 million male victims of domestic abuse between the ages of 16 and 59.<sup>12</sup>

The chart below shows the estimated number of victims of any domestic abuse reported in the self-completion module on intimate violence in the CSEW since year ending March 2005.<sup>13</sup>

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<sup>10</sup> Domestic abuse includes non-physical abuse, threats, force, sexual assault or stalking carried out by a current or former partner or other family member. 'Domestic abuse' is not directly comparable to the main CSEW 'domestic violence' category.

<sup>11</sup> ONS, *Domestic abuse in England and Wales: year ending March 2016*, Figure 1, 8 December 2016

<sup>12</sup> ONS, *Focus on: Violent Crime and Sexual Offences, 2014/15*, 11 February 2016

<sup>13</sup> Data is not available for year 2007/08. Data for 2015/16 was published in February 2017; but has yet to be incorporated into this paper: See ONS, *Focus on violent crime and sexual offences, England and Wales: year ending Mar 2016*, 9 February 2017



Levels of domestic abuse have generally declined over the past decade. In the year ending March 2005 there were a reported 2.7m victims compared to just under 2.0m in the year 2014/15. This is a statistically significant reduction of 27%.<sup>14</sup>



## Police data

Domestic violence offences are not published within the centrally collected police recorded crime series. Such offences are not specifically defined by law and details of the individual circumstances of offences are not collected.

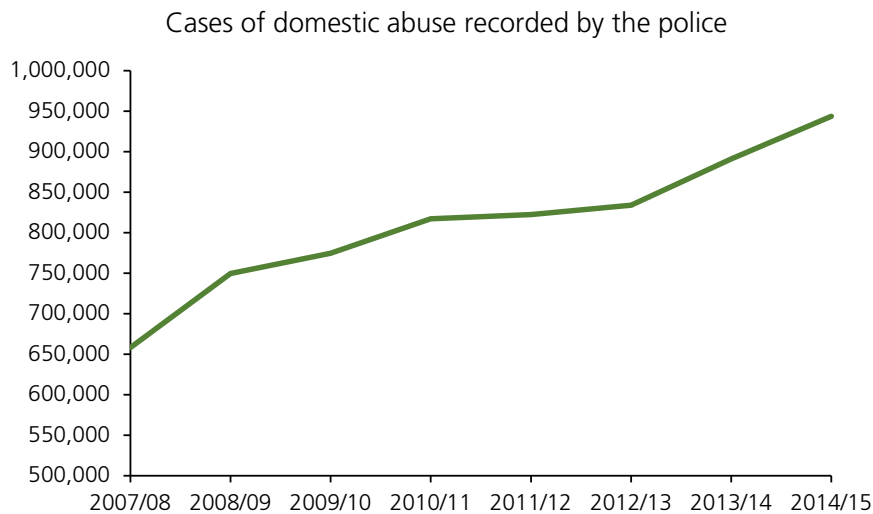
However police forces do collect domestic violence incident data which is provided at police force area level. This information has been collected by the Home Office, and a full breakdown by force can be found in the appendix, however, it is unaudited and has not been classified as an official statistic.

The chart below illustrates the number of domestic abuse cases recorded by the 43 police forces of England & Wales between March 2007/08 and March 2014/15:<sup>15</sup>

<sup>14</sup> ONS, [Focus on: Violent Crime and Sexual Offences, 2014/15](#), 11 February 2016

<sup>15</sup> Data by police force for 2015/16 was published in February 2017; but has yet to be incorporated into this paper: See ONS, [Focus on violent crime and sexual offences, England and Wales: year ending Mar 2016](#), 9 February 2017

## 10 UK policy on ratifying the Istanbul Convention on preventing violence against women

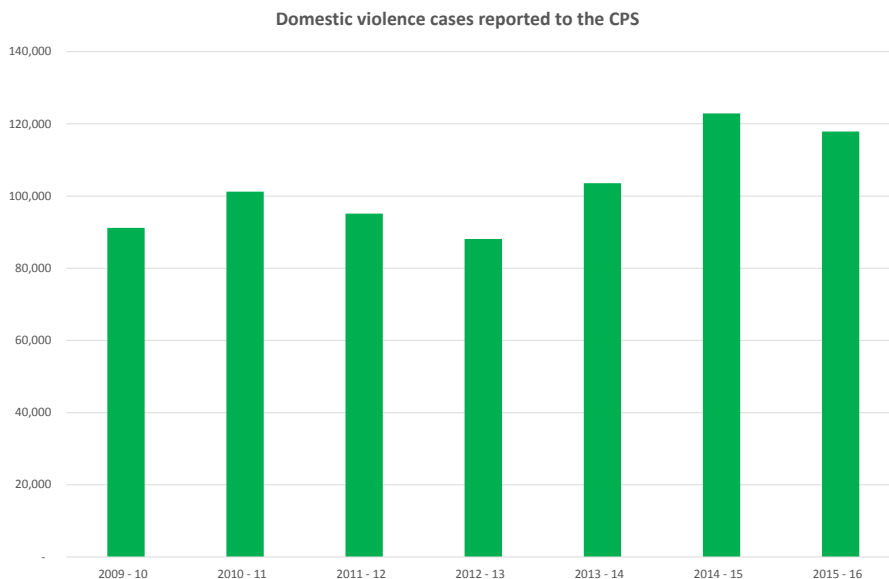


As can be seen the number of cases recorded by the police has increased year on year from 2007/08. In 2014/15 the number of cases recorded reached 943,628 – this is a 43% increase on 2007/08.

### Crown Prosecution Service

The [Violence against women crime report](#) is an annual publication from the Crown Prosecution Service which contains information on domestic violence crimes.

In 2015/16, there were 118,000 domestic violence cases that were referred to the CPS – a fall of 4% on 2014/15. Compared to 2009/10 the number of cases referred to the CPS increased by 29%.<sup>16</sup>



This is not the same as the total number of people arrested for the offence. Between arrest and referral to the CPS the police may decide that no crime has been committed or that there is insufficient evidence to proceed.

<sup>16</sup> CPS, *CPS Violence against Women and Girls crime report 2015-2016*, CPS domestic abuse pre-charge decisions 2009-2016 tables.

Of the cases referred to the CPS the decision to charge was made in 69.7% of cases, a slight rise in proportion from 2014/15 when 68.9% were charged.

In 2015/16 101,000 defendants were prosecuted, an increase of 9% on 2014/15 and a 50% increase on 2008/09.

### **CPS domestic violence prosecutions and convictions**

	Total prosecutions	Total convictions	Convictions as a % of prosecutions
2008/09	67,094	48,465	72.2%
2009/10	74,113	53,347	72.0%
2010/11	82,187	59,101	71.9%
2011/12	79,268	58,138	73.3%
2012/13	70,702	52,549	74.3%
2013/14	78,071	58,276	74.6%
2014/15	92,779	68,601	73.9%
2015/16	100,930	75,235	74.5%

Source: CPS

The number of offenders successfully convicted in 2015/16 was 75,000. This represented 74.5% of completed prosecutions – a slight rise on the 73.9% obtained the year before.

## **3.2 Scotland**

### **Scottish Crime and Justice Survey (SCJS)**

The Scottish Crime and Justice Survey (SCJS) is a large-scale survey measuring people's experience and perceptions of crime in Scotland.

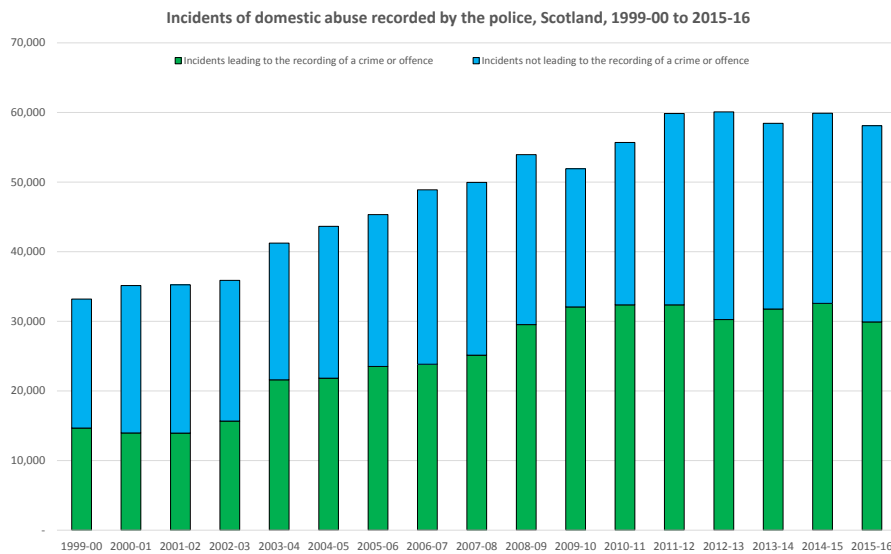
The [2014-15 Partner Abuse report](#) published in May 2016 and based on a self-reporting module from the SCJS in 2014/15 found that 2.9% of respondents had experienced partner abuse in the last year. A higher proportion of women (3.4%) than men (2.4%) had experienced partner abuse in the last year. A higher proportion of women (18.5%) than men (9.2%) had experienced partner abuse (physical or psychological) since the age of 16.

### **Incidents recorded by the police**

The number of incidents of domestic abuse recorded by the police in Scotland between 1999-00 and 2015/16 is shown in the chart below:<sup>17</sup>

<sup>17</sup> Scottish Government, *Domestic Abuse recorded by the police in Scotland, 2015-16*, Table 1, 25 October 2016

## 12 UK policy on ratifying the Istanbul Convention on preventing violence against women



The general trend in the number of incidents of domestic abuse recorded by police in Scotland has been upwards. The total number of incidents recorded by the police has risen over the period by 75% from just over 33,000 in 1999-00<sup>18</sup> to 58,000 in 2015-16, a fall of 3% over the number of incidents recorded in 2014/15.

Of the 58,000 incidents recorded in 2015/16, just over 29,000 (51%) led to the recording of a crime or offence. In 80% of incidents the gender of the victim was identified as female and in all but 1 percentage point of these the perpetrator was identified as male.<sup>19</sup>

44% of incidents were 'first time' incidents where neither the victim nor the perpetrator had a previous history of domestic abuse.

### 3.3 Northern Ireland

Annual figures on domestic abuse in Northern Ireland are available in the publication [Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2015/16](#).

The report shows that in 2015/16 there were just over 28,000 domestic abuse incidents recorded, 0.4% higher than the 2014/15 figure and 35.5% higher than the level recorded in 2004/05.

There were just over 14,000 domestic abuse crimes (excluding fraud) recorded (50% of domestic abuse incidents) 5.4% higher than 2014/15 and 46% higher than in 2004/05. Of these, just over 29% led to a caution or charge/summons.

<sup>18</sup> Due to changes in data collection, between 2013-14 and 2014-15, caution should be exercised when interpreting the statistics across years.

<sup>19</sup> Scottish Government, *Domestic Abuse recorded by the police in Scotland, 2015-16*, Table 5, 25 October 2016

## 4. Support for UK ratification

### Parliamentary

[EDM 175 2016/17](#), tabled by Gavin Newlands, calls for UK ratification:

- That this House notes that 8 June 2016 marks the fourth anniversary of the UK Government becoming a signatory to the Istanbul Convention on violence against women and girls; expresses disappointment that the Government, despite outlining their commitment to do so several times, has still failed to ratify this important convention; recognises that women still face a significant amount of inequality, with one in four women experiencing some form of domestic, sexual or psychological abuse during their lifetimes; further notes that ratifying the Istanbul Convention should ensure that a series of preventative policies will be introduced to help tackle and end violence against women, such as non-violent conflict resolution in relationships and the right to personal integrity being included in school curricula at all levels; congratulates the campaign group ICchange for their continuing work in applying pressure on the Government to ratify the convention; and calls on the Government to accede to this pressure and ensure ratification as soon as possible.

The EDM has 47 signatures so far.

### Organisations

There is an [IC Change campaign](#) calling for the Government to ratify the Convention.

Amnesty International has said that Governments across Europe should ratify the Convention.<sup>20</sup>

Women's Aid<sup>21</sup> and Scottish Women's Aid<sup>22</sup> have both called for ratification.

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<sup>20</sup> ["Europe must ratify the Istanbul Convention to fight violence against women"](#), Amnesty International News, 1 August 2014

<sup>21</sup> Women's Aid blog, ["So now it's Brexit: here's what we need to do next"](#), 29 June 2016

<sup>22</sup> ["Scottish Women's Aid joins calls for UK Government to ratify the Istanbul Convention on violence against women"](#), Press release, 7 September 2015

## 5. Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Bill 2016-17

### 5.1 The Bill

Dr Eilidh Whiteford has introduced a Private Members' Bill requiring the UK to ratify the Istanbul Convention.<sup>23</sup> She has said that the Bill is "an attempt to shift the logjam [on ratification] and give the Government the impetus they need to take the final steps to bring the UK into compliance."<sup>24</sup>

The Bill extends to England and Wales, Scotland and Northern Ireland.

**Clause 1** would require the Government to "take all reasonable steps as soon as reasonably practicable to enable the United Kingdom to become compliant" with the Convention.

**Clause 2** would require the Secretary of State, within four weeks of the Bill receiving Royal Assent, to lay a report before Parliament setting out the steps that need to be taken to enable the UK to ratify the Convention, and the date by which the Government would expect the UK to be able to ratify the Convention.

**Clause 2(3)** would require the Government to notify Parliament when it had determined that the UK was compliant with the Convention and the date by which it would ratify the Convention.

**Clause 3(1)** would require the Government to publish annual reports setting out the following:

- (a) (before ratification) any alteration in the date by which the United Kingdom expects to be able to ratify the Convention and the reasons for the alteration;
- (b) (before ratification) the administrative measures taken by Her Majesty's Government to enable the United Kingdom to ratify the Istanbul Convention;
- (c) (before ratification) the legislative proposals brought forward, including those to the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly, to enable the United Kingdom to ratify the Istanbul Convention;
- (d) (before ratification) the measures to be taken and legislation required to enable the United Kingdom to ratify the Istanbul Convention; and
- (e) the measures taken by Her Majesty's Government to ensure that the United Kingdom is, and remains, compliant with the Istanbul Convention, including but not limited to measures to—

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<sup>23</sup> [Preventing and Combating Violence Against Women and Domestic Violence \(Ratification of Convention\) Bill 2016-17](#)

<sup>24</sup> [HC Deb 8 December 2016 c429](#)

- (i) protect women against violence, and prevent, prosecute and eliminate violence against women and domestic violence;
- (ii) contribute to the elimination of discrimination against women, promote equality between women and men, and empower women;
- (iii) protect and assist victims of violence against women and domestic violence;
- (iv) promote international co-operation against these forms of violence; and
- (v) provide support and assistance to organisations and law enforcement agencies to co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence.

The first annual report would be laid before Parliament no later than 1 November 2017<sup>25</sup>. Subsequent annual reports would be laid no later than 1 November each year.<sup>26</sup>

## 5.2 Debate in Parliament

The Bill's progress can be followed on the [Preventing and Combating Violence Against Women and Domestic Violence Bill 2016-17](#) pages of the Parliament website.

At Second Reading, Dr Whiteford explained why ratification was important in her view:<sup>27</sup>

I want to turn to those areas where the UK is not yet fully compliant with the convention. The main sticking point appears to be article 44, which makes provision for countries to establish jurisdiction over an offence committed by one of their nationals outwith their territory. I am told by learned friends that extraterritorial jurisdiction can be a tricky legal area—parliamentary Clerks and civil servants visibly blanch when those magic words are spoken—but the UK already exercises extraterritorial jurisdiction in relation to dozens of serious offences in a wide range of areas, including in several relevant to the convention, such as forced marriage, trafficking, female genital mutilation and sexual offences against children. There are still a number of offences, however, including rape, sexual assault and domestic abuse, where it does not yet apply and where compliance would require changes to domestic law.

Moreover, some of those offences relate to areas of devolved responsibility in Scotland and Northern Ireland, so UK Ministers would need to work with Ministers in Holyrood and Stormont to secure the necessary legislative changes in the Scottish Parliament and Northern Irish Assembly, or agree legislative consent motions. I am pleased to say that the Scottish Government have signalled their willingness to push this forward, and I have been heartened by the support for the convention and my Bill from Northern Irish MPs across the political spectrum.

I want us to be clear about the difference that ratification would make and why it matters. A few weeks ago, the hon. Member for Calder Valley (Craig Whittaker) raised in Prime Minister's Question

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<sup>25</sup> Clause 3(2) of the Bill

<sup>26</sup> Clause 3(3) of the Bill

<sup>27</sup> [HC Deb 16 December 2016 cc1075-6](#)

Time the case of a constituent of his who—it is alleged—was raped by another British national outside the UK. If we had already ratified the Istanbul convention and integrated the provisions in article 44 into domestic legislation, the authorities here could have investigated and prosecuted that crime, and crimes like it.

Another example is that the women's organisation the Southall Black Sisters has been working tirelessly to highlight the circumstances surrounding the death of Seeta Kaur, a UK citizen whose family believe was the victim of a so-called honour killing in India. The UK already has extraterritorial jurisdiction over the crime of murder, but the contested circumstances of Seeta's death have made it difficult for her family to get the police here involved, even though they claim there is evidence that a serious crime was planned in the UK. Again, ratification of the convention would strengthen the law to provide unambiguous protection for those at risk of honour-based violence.

Many Members spoke in support of the Bill. The main dissenting voice was Philip Davies, who had a "fundamental objection to the whole premise that we need to deal only with violence against women."<sup>28</sup> He continued:<sup>29</sup>

To be honest, I cannot believe that this needs saying, but it is so discriminatory and sexist to say that we should be focusing only on violence against women. If this was the other way around, there would be an absolute outcry from people in this House, and rightly so. I do not take the view that violence against women and girls is somehow worse than violence against men and boys. As far as I am concerned, all violence is unacceptable, and all violence against the person should be punished by law. Both men and women are victims and both are perpetrators of these crimes. I believe in true equality, and want people to be treated equally whether they are a victim or a perpetrator of crime.

Brandon Lewis, Minister of State for Policing and the Fire Service, reiterated the Government's commitment to ratifying the convention:<sup>30</sup>

As I say, we are absolutely committed to ratifying the convention, but before we do that, we must ensure that we are fully compliant with it. We have already taken one of the legislative steps necessary to ratify it by criminalising forced marriage as required by article 37. Members have referred to specific articles, so let me deal with one that my hon. Friend the Member for Shipley rightly pointed out.

Further amendments to domestic law are necessary to comply with the extra-territorial jurisdiction requirements, which are in article 44 of the convention. Article 44 requires the United Kingdom to take extra-territorial jurisdiction over these offences established in accordance with the convention when committed abroad by UK nationals. We already have extra-territorial jurisdiction over some of the offences covered by the convention, including the common-law offence of murder, sexual offences against children, forced marriage and female genital mutilation. However, we need to amend domestic law to take extra-territorial jurisdiction over a range of other offences—in England and Wales,

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<sup>28</sup> Ibid, c1087

<sup>29</sup> Ibid c1088

<sup>30</sup> Ibid cc1113-4



as well as in Scotland and Northern Ireland—before we are fully compliant and able to ratify the convention.

As a general rule, Government policy on the jurisdiction of our courts is that criminal offending is best dealt with by the criminal justice system of the state in whose territory the offence occurred. Exceptionally, taking extra-territorial jurisdiction is necessary to address serious crimes committed overseas as a matter of domestic policy or as part of an international consensus in which we participate. Any extension, moreover, has an impact on the criminal justice agencies—courts, prisons—including potentially increased demands on their resources. We need to ensure that we are able to consider carefully the extent to which it is necessary to take extra-territorial jurisdiction for compliance with the convention.

The Bill received its Second Reading by 135 votes to 2.<sup>31</sup>

There were no amendments tabled to the Bill in Committee. However, the Government had signalled its intention to introduce amendments on Report. The Parliamentary Under Secretary of State for Vulnerability, Safeguarding and Countering Extremism Sarah Newton set out the general direction that these might take:<sup>32</sup>

On Second Reading, the Minister for Policing and the Fire Service made it clear that the Government supported the Bill in principle but that further consideration of the detail was needed. We have now had time to consider the Bill in detail and our intention is to propose amendments on Report. I would like to take this opportunity to set out the direction of, and rationale behind, those amendments.

Clause 1 would require the Government to take “all reasonable steps” necessary to ratify the convention

“as soon as reasonably practicable”.

The Government fully support the aim behind the clause, which is to ensure that we deliver on our commitment to ratify the convention. However, as Members will appreciate, because one of the steps that we and the devolved Administrations need to take will require primary legislation to introduce ETJ, there is a danger that the clause could be interpreted as imposing a duty on the Government to legislate. In effect, that would pre-empt the will of Parliament. Much as the Government always want to get our own way in Parliament, we cannot take that for granted. We must acknowledge the democratic processes that need to happen in Parliament.

Therefore, we will table an amendment to remove clause 1, while ensuring that the spirit behind it is captured by the remaining clauses. Once again, I would like to put on the record the Government’s commitment to ratifying the convention. The proposed removal of the clause does not change that in any way, shape or form.

We fully support the requirements of clause 2. It would introduce a requirement on the Government to lay a report, setting out the steps to be taken to enable the UK to ratify the convention and the timescale for doing that. However, we have concerns about the four-week timescale. The Committee will recognise the need

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<sup>31</sup> Ibid, cc1133-4

<sup>32</sup> [HC Deb 1 February 2017 cc6-8](#)

to ensure that a more proportionate timeframe is in place, given that in order to set out when we intend to ratify, we need to be clear about the likely timescales for putting in place the necessary legislation on ETJ. We need a proper amount of time to have our discussions with the devolved Administrations so that we can give a realistic timeframe.

We support the aims behind clause 3, which requires us to lay an annual report on progress. However, the requirement in clause 3(1)(e) that the Government lay annual reports post-ratification would conflict with our wider reporting responsibilities to the Council of Europe. Once we have ratified the convention, the UK will be required to provide updates to the Council of Europe on compliance. The Group of Experts on Action against Violence against Women and Domestic Violence—the independent expert body responsible for monitoring implementation of the convention—requires each party to submit reports on progress. I can commit to providing a statement to Parliament on those updates. As the hon. Member for Banff and Buchan said, it is important that proper parliamentary time is given to scrutinising our progress, updating the House and giving Members a chance to question us on it.

Once the Government assess that the UK is compliant with all articles of the convention, the Home Office will work with the Foreign and Commonwealth Office to go through the formal ratification process. That involves laying the text of the treaty and the explanatory memorandum in both Houses for scrutiny. Following that, the UK can move to the ratification stage and deposit its instrument of ratification with the Council of Europe.

Clause 4 provides that the provisions in the Act come into force the day after Royal Assent. The Committee will appreciate that that is outside the usual two-month convention, and we therefore intend to amend it. That will not affect the timescales for any of the other measures in the Bill.

The amendments which have been tabled can be viewed on the Parliament website.<sup>33</sup>

### 5.3 Campaigns for the Bill

In the run up to the Bill's Second Reading debate, Women's Aid called on MPs to attend the debate and support the Bill.<sup>34</sup> It has also [urged](#) people to write to their MP.<sup>35</sup> The Women's Aid [website](#) says:

- Women's Aid England, Wales, Scotland and Northern Ireland have joined forces to call on the Government to take action on violence against women and girls.
- The four federations are asking MPs to attend the Second Reading debate of the Private Members Bill on the Istanbul Convention on the 16th December. If 100 MPs attend, the UK will be one step closer to ratifying the Istanbul Convention – a vital action that has not been undertaken since the UK signed up to it 4 years ago.

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<sup>33</sup> [Bill documents — Preventing and Combating Violence Against Women and Domestic Violence Bill 2016-17](#)

<sup>34</sup> Women's Aid, [Joint Women's Aid Letter to MPs – Istanbul Convention Private Members Bill](#), November 2016

<sup>35</sup> Women's Aid, [16 Days: Write to your MP to #ChangeHerstory](#)

- The Istanbul Convention is the first international treaty to establishing a legally-binding definition of violence against women as “a violation of human rights and a form of discrimination against women”. It is the most comprehensive international treaty to tackle violence against women, requesting states to criminalise forms of violence against women.
- In addition, it requires states to support women and girls by protecting access to specialist domestic abuse services – such as those run by Women’s Aid members all over the UK – that support the thousands of women and children that experience abuse every year.
- However, until the UK Government ratifies the Istanbul Convention, women and girls living in the UK cannot benefit from it. This is despite the fact that living a life free from violence and abuse is a human right...<sup>36</sup>

The [IC Change](#) campaign is also calling on people to write to their MP asking them to commit to attending the Third Reading on 24 February 2017.<sup>37</sup>

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<sup>36</sup> [“Women’s Aid Federations join forces to call on government to ratify Istanbul Convention”](#), 28 November 2016

<sup>37</sup> IC Change, [Will your MP show up to Change Herstory on 24 February 2017 – IC Change](#)

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