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Kaukab Stewart MSP
Convener
Equalities, Human Rights and Civil Justice Committee
The Scottish Parliament
Edinburgh
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Via email: ehrcj.committee@parliament.scot

28 June 2023

Dear Kaukab,

I am writing to update the Committee on action to implement the Council of Europe Convention on Combating Violence Against Women and Girls and Domestic Violence ("the Istanbul Convention").

As the Committee may be aware, Article 66 of the Convention establishes an independent Group of Experts on Action against Violence against Women and Domestic Violence ("GREVIO"). The task of the Group is to monitor implementation of the Convention by States Parties.

In accordance with Article 68 paragraph 1 of the Istanbul Convention, States Parties are required to submit a report on legislative and other measures giving effect to the provisions in the Convention to the Secretary General of the Council of Europe. This takes the form of a response to a questionnaire provided by GREVIO.

The overall UK evaluation report includes information on work being taken forward in relevant areas which are devolved to Scotland. Scottish Government officials have worked closely with Whitehall counterparts to provide information for those parts of the UK response to the questionnaire. Subsequently, GREVIO will consider the UK report, alongside NGO reports and information gathered from a visit to the UK which will take place early next year. This information will be collated by GREVIO into a baseline evaluation report with a set of recommendations to further the implementation of the Istanbul Convention. The Scottish Government will have an opportunity to comment on the draft baseline report before the final version is published by GREVIO in November 2024.

I therefore wanted to make the Committee aware, prior to recess, that the UK Government will be sending the UK's evaluation report to GREVIO by 30 June.

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I also wanted to make the Committee aware that I have written to the UK Minister for Safeguarding in order to underline the Scottish Government's disappointment that an exemption is being applied in relation to Article 59 of the Convention. The Committee will be aware that this concern was previously raised to the UK Government by the former Minister for Equalities and Older People, Ms McKelvie. The requirement of Article 59 is designed to ensure that where the victim's immigration status is dependent of that of their partner, the victim can obtain a residence permit in their own right, allowing them to access all safety measures given to residents, following the ending of the relationship. Whilst this is a reserved matter under the Scotland Act, the Scottish Government is working to make Scotland a fair country where everyone is treated with dignity and respect and we remain very strongly of the view that exempting migrant women from the protections afforded by the Convention is both unjust and unacceptable.

The UK Government has previously indicated that the Article 59 reservation is under review pending the results and evaluation of the Support for Migrant (SMV) scheme, which concluded last Summer. I have asked for an update from the Minister for Safeguarding on the results from the scheme and how this impacts on the review of the exemption of the article.

As long-standing supporters of the Istanbul Convention, we are pleased that it has been formally ratified and baseline evaluation procedures have begun. However, we recognise a key element of the Istanbul Convention is the obligation placed on States to ensure that its provisions are implemented without discrimination on any grounds and as such, we will continue to engage with the UK Government on this matter. Additionally, I will provide further updates to the Committee on implementation of the Istanbul Convention later in the year.

SIOBHIAN BROWN

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