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14 March 2017

Christopher Chope MP  
House of Commons  
London  
SW1A 0AA

### **Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Bill – Commons Report**

Thank you for your contribution at Report Stage of Dr Eilidh Whiteford MP's Private Member's Bill, the Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Bill.

One of the areas you raised concerns about was the UK's ability to express reservations in respect of particular areas of the Istanbul Convention, as set out in paragraphs 2 and 3 of Article 78. You tabled amendments seeking to limit the use of reservations in relation to the requirements of Articles 33 (psychological violence), 34 (stalking), 44 (extra-territorial jurisdiction) and 59, paragraph 4 (right to regain residence status for victims of forced marriage); and you sought a commitment that the Convention would be ratified without any reservations. I am writing to clarify the Government's position on Article 78.

The Convention applies to the whole of the UK, so the extent to which the UK reserves the right not to apply, or to apply only in specific cases, the provisions laid down in the Articles to which the reservations in Article 78 apply is not solely a matter for the UK Government. As you will appreciate, the devolved administrations are responsible for implementing the UK's obligations under the Convention in their territories, and it would not be appropriate for the Westminster Government to seek to limit the exercise of a discretion that the treaty affords them.

You expressed particular concern about the position on extra-territorial jurisdiction (ETJ). As I made clear at Report, taking ETJ over certain offences, for compliance with Article 44, is the only legislative step necessary before the Convention can be ratified. Article 78 would enable us to limit any new ETJ provision in certain ways.

We do in fact already take ETJ over offences committed abroad by habitual residents (as well as nationals) of the UK in relation to some of the offending behaviour covered by the Convention, such as forced marriage and female genital mutilation. We will consider the

extent to which it is necessary to extend ETJ for other offences covered by the Convention before bringing forward primary legislation.

You will appreciate that changes to primary legislation require collective agreement, so I cannot give any commitment at this stage that the UK Government will not make any reservations in relation to Article 44. Nor, as indicated above, can I give any such commitment on behalf of the devolved administrations.

Finally, I would also like to emphasise that once we comply with the Convention and before we ratify, we are required by the Constitutional Reform and Governance Act 2010 to lay the text of the Convention and an accompanying Explanatory Memorandum before the House for scrutiny.

I hope that this has provided further clarity on the matter.

I am placing a copy of this letter in the House library

A handwritten signature in blue ink that reads "Sarah Newton". The signature is written in a cursive, flowing style.

**Sarah Newton MP**