

Jane Hutt AS/MS
Y Gweinidog Cyfiawnder Cymdeithasol
Minister for Social Justice



Llywodraeth Cymru
Welsh Government

Huw Irranca-Davies MS
Chair of the Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
CF99 1SN

5 July 2022

Dear Huw,

Thank you for your letter of 22 June to the First Minister of Wales, the Rt Hon. Mark Drakeford MS regarding the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). I am responding as the responsibility for Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) falls within my portfolio.

You asked for details of the Welsh Government's involvement in the decision to ratify the Convention. I was contacted by Rachel Maclean MP, UK Minister for Safeguarding on 3rd May who informed me of the that the UK Government would commence the ratification proceedings for the Council of Europe Convention on Combating Violence Against Women and Girls and Domestic Violence with a request for my officials to review the Explanatory Memorandum and respond by 6th May.

While I welcome the commencement of this process, and have written to UK Ministers to encourage them to ratify the convention on a number of occasions, I have raised several concerns in writing to the Minister for Safeguarding along with my disappointment at the short timescales offered to consider this in sufficient detail. These concerns have also been discussed between Welsh and UK Government officials.

I expressed my concern regarding the plans outlined in paragraph 9.10 of the Memorandum to submit a reservation on Article 59 which relates to support for migrant victims of VAWDASV. I highlighted my disappointed that the plight of migrant women was not recognised on the face of the Domestic Abuse Act 2021 and that I am again disappointed to see that these victims and survivors will not be adequately supported and provided for within the ratification of the Istanbul Convention.

The reason stated for this reservation was the ongoing evaluation of the Home Office's Support for Migrant Victims pilot scheme. While the Welsh Government welcomes this

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

scheme, and I am pleased to see this has been extended, I regard the pilot to be testing the question of how, not whether, migrant victims and survivors are supported. I do not see the existence of the pilot as an acceptable reason to submit a reservation to Article 59.

This action is at odds with the Welsh Government 'Nation of Sanctuary' approach. Our approach recognises the particular challenges and hardships faced by refugee, migrant and asylum-seeking women fleeing VAWDASV and aims to provide assistance and support to enable them to rebuild their lives in Wales. In light of this, I called for the UK Government to reverse this decision to ensure migrant victims and survivors are recognised and supported as the Convention intended.

This position is supported by the Scottish Government and the Minister for Equalities and Older People, Christina McKelvie MSP also wrote to the Minister for Safeguarding to express similar concerns.

You also asked whether the Welsh Government's involvement is accurately described in the Explanatory Memorandum. As part of my response to the Minister for Safeguarding, I noted my concerns with regards to paragraph 10.2 in the Memorandum which covers Articles within the Convention that relate to reserved and devolved matters. Section 10 of the Memorandum relates to Consultation, and not legislative competence. I asked that this paragraph be removed, or, in the alternative, my officials be given sufficient time to carry out a detailed analysis of the Convention through the lens of competence. The UK Government did not agree to this and the Welsh Government therefore reserved its position on legislative competence.

Additionally in your letter, you asked how the Welsh Government is carrying out its duties under the Convention, for each of its articles relating to devolved areas which are set out in the Explanatory Memorandum. Each year the UK publishes a [progress report](#) which summarises our compliance with the Convention. It outlines the progress of both the UK Government and devolved administrations.

Furthermore, our recently published [National Strategy for Violence Against Women, Domestic Abuse and Sexual Violence 2022-2026](#) sets out how we are tackling VAWDASV in Wales. While the Convention sets out minimum standards to prevent violence against women, protect victims and prosecute perpetrators, through the delivery of our strategy we intend to go beyond these minimum standards and make our Welsh contribution to tackling the global epidemic that is VAWDASV.

We are committed to working with the UK Government to ratify the Convention however this process must also find solutions that can address the inequalities faced by migrant victims and survivors of VAWDASV.

Yours sincerely,

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a long horizontal stroke at the top.

Jane Hutt AS/MS

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