

The IARS Women's Advisory Board Manifesto for the UK Ratification of the Istanbul Convention

[IARS's Women's Advisory Board](#), a group formed by 10 Refugee and Asylum Seeking women participants of the [Gender and Justice Empowerment Project](#), would like to welcome the passing of a UK law to ratify the Council of Europe's [Istanbul Convention on preventing and combating violence against women and domestic violence](#).

On the 27th of April a bill requiring the UK to ratify the Istanbul Convention has received Royal Assent and has become law. The bill which shall certify the UK ratification of the Istanbul convention, the *Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Bill 2016-17*, passed all its readings in parliament with no amendments.

We would like to particularly thank and congratulate the efforts from women's equality organizations and the volunteer-run "IC change" campaign (Istanbul Convention Change), who campaigned for and closely followed the Bill throughout its parliamentary stages, working hard with MPs to guarantee it passed all its readings.

This law requires the UK government to ratify the Istanbul Convention, and set out a clear timeline providing reasonable steps to enable the UK to successfully become compliant with the Convention. We recognise the Istanbul Convention as an important and progressive law as it will effectively put legal obligations on the state to protect women from all forms of violence against women, and prevent, prosecute and eliminate violence against women and domestic violence.

As part of the Gender and Justice Empower project, we have been working to confirm that the UK in fact complies with its obligations under the EU victim's directive of protecting refugee and migrant women victims of crime. However, we regret that although the EU victim's directive states that victims should be protected without discrimination based on

their residence status, the UK has not effectively implemented this Directive, the UK updated Victims Code (2015) falls short in explicitly transposing such principle into its text.

That said, we particularly welcome the Istanbul Convention's strong anti-discrimination framework, whereby it explicitly states that the rights of victims shall be protected without discrimination on any grounds, including migrant or refugee status:

*"The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured **without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.**" [page3, CETs 210, 2011]*

As such, we would like to urge the Government to ensure to include, as part of the Istanbul Convention ratification plan, a step to amend the UK Victims Code as to guarantee its compliance with the Convention anti-discrimination framework protecting migrant and refugee women regardless of their immigration status.

As migrant, refugee and asylum seeking women, who have gone through the asylum system and/or are still in the process of having our asylum claims recognized, we have experienced the difficulties and often unfairness associated with claiming asylum on the grounds of gender-based persecution in the UK. We have had to deal with the lack of accessible and reliable information about the asylum process; language barriers; unqualified interpreters who misinterpreted what we've said; being stigmatized, disbelieved and bluntly being called liars.

Therefore, we would like to put special emphasis in the importance of the UK properly considering in its ratification process Article 60 of the Istanbul Convention on "Gender-based asylum claims". As per the convention, the UK shall ensure a gender-sensitive interpretation of the Refuge Convention; recognize gender-based violence against women as a valid ground for persecution; develop gender guidelines and gender-sensitive asylum procedures as well as gender-sensitive reception procedures and support services for asylum seekers.

Such guidelines if in fact put into practice must address problems we have faced as refugee women and that many still continue to face. Some of them are the lack of childcare facilities, meaning that our children had to stay in the same room whilst we were being interviewed by immigration officers; having male immigration officers interviewing us and asking degrading questions demanding graphical descriptions of sexual violence and rape (which means being violated twice); women survivors of sexual violence being locked up in detention centers where there is a pervasive problem of sexual violence perpetrated by male guards; and being inappropriately touched and searched by guards as criminals. This in turn is damaging to the mental health of these women, as we know some women have unfortunately attempted suicide.

Finally, we also urge the UK to safeguard the principle of non-refoulement as stated in Article 61 of the Istanbul convention, guaranteeing that regardless of their status or residence, victims of violence against women will not be returned to countries where their life would be at risk, or subjected to inhuman or degrading treatment or punishment.

We know from first hand experiences that respecting this principle is vital. Many of us have suffered attempts from immigration authorities to return us to unsafe countries. Immigration officials have both, tried to manipulate and mislead us into signing voluntarily return documents as well as heavily intimidating and threatening us to sign those documents. Fortunately, we have been able to resist those attempts, however, many refugee women have been and still are forcibly deported to unsafe countries in mass deportation charter flights.

We also recognise and greatly welcome Article 59 of the Convention on Residence Status, which foresees that migrant women shall be granted an autonomous residence permit in cases where the victim's residence status depends on their spousal or partner (irrespective of the duration of the relationship) and that any expulsion proceedings shall be suspended to allow for victims to apply for such a permit. If properly implemented this provision will be life-saving for several migrant women on spousal visas who are now being forced to remain

trapped in abusive relationships given that under the current UK legislation they may face destitution and deportation if they decide to leave their abusive partners.

We look forward for the Government to announce its implementation plan for ratification, fully incorporating the articles of the convention that guarantee that migrant and refugee women will indeed be protected from all forms of violence and have our victims' rights properly recognized, regardless of our immigration status.

We are committed to closely following the ratification process and holding the Government to account both on their report and on their timetable to warrant refugee and migrant women will be effectively protected from all forms of violence against women.

On the 8th of June it will mark five years since the UK signed the Istanbul Convention, coincidentally this is also the date for the 2017 UK General election. We thus urge all MP candidates to reassure its commitments to ratifying the Istanbul Convention if elected, in particular in relation to protecting refugee and migrant women's rights.

Sincerely,

[The IARS Women's Advisory Board](#)