

## The Istanbul Convention and sex-based rights

Sex Matters, Fair Play for Women and Transgender Trend, together with LGB Alliance, the Women's Rights Network, For Women Scotland and Merched Cymru, have submitted a shadow report, *Sex and the law in the UK*, to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) in advance of its visit to the UK in January 2024.

The Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) is the most comprehensive legal framework to tackle violence against women and girls.

The convention is founded on the recognition that:

[“the realisation of de jure and de facto equality between women and men is a key element in the prevention of violence against women.”](#)

It links violence against women to historically unequal power relations, discrimination against women and the prevention of their full advancement in society.

When it says “women” and “men” it is using **the ordinary meanings**. [It does not seek to promote gender-identity ideology or use “gender” to supplant the meaning of sex in law.](#)

Our report argues and provides evidence from the women's sector, criminal justice, schools and safeguarding that the UK is in breach of the convention because:

- 1. The current interpretation of the definition of sex in the Equality Act**, which no longer clearly reflects the ordinary meaning, undermines the whole purpose of the law in relation to women's rights.
- 2. This effect is exacerbated by widespread adoption of policies that are not aligned to the law at all**, but to gender self-identification.

Without clear legal protection against discrimination, measures to allow positive action **on the basis of sex**, or a requirement to consider the specific needs and disadvantages of **women as a sex**, the UK is in breach of the Istanbul Convention.

Removing the legal effect of the Gender Recognition Act on the protected characteristic of sex in the Equality Act would return legal protection to women.

It would not take away protection from transgender people, who are covered by the separate characteristic of gender reassignment.

## Recommendations

The submission recommends that GREVIO:

1. **Makes clear to all stakeholders** that sex (man/woman, male/female) and “taking a gendered approach” in the Istanbul Convention relate to the ordinary meaning of biological sex, not gender identity.
2. **Meets with civil-society groups** campaigning for sex-based rights when visiting the UK.
3. **Assesses the UK’s legal framework**, which no longer recognises women as a group (based on biological sex), and consider if this is compatible with Article 4 and Article 6 of the Istanbul Convention.
4. **Highlights attacks on gender-critical human-rights defenders** and the chilling effect on discussion of women’s rights and safeguarding.

It suggests that GREVIO makes the following recommendations:

To the UK Government –

5. **Amend the definition of sex in the Equality Act** to remove the effects of the GRA and restore protection for women.
6. **Provide clear guidance to people applying for GRCs**, explaining which rights the certificate does and does not give.
7. **Ensure that data on sex is collected** clearly wherever sex matters.

To devolved governments –

8. **Reform data-collection and reporting across the criminal-justice system** to be accurate about sex.
9. **Revise searching policies** so that all decisions are on the basis of sex.
10. **Make all prisons single-sex.**
11. **Make clear that single-sex services are valuable** and should be maintained, in victims’ codes and communication on VAWG .
12. **Review safeguarding risks** associated with secrecy about sex and identity, and about trans identification.
13. **Direct organisations required to deliver rights under the victims’ codes to leave the Stonewall Champions scheme** and review training received on the Equality Act.