

May 2023

## Improving Recommendations from the UN's Universal Periodic Review: A Case Study on Domestic Abuse in the UK

Alice Storey

*School of Law, Birmingham City University*

Follow this and additional works at: <https://digitalcommons.pace.edu/pilr>



Part of the [Human Rights Law Commons](#), [International Humanitarian Law Commons](#), and the [International Law Commons](#)

---

### Recommended Citation

Alice Storey, *Improving Recommendations from the UN's Universal Periodic Review: A Case Study on Domestic Abuse in the UK*, 35 Pace Int'l L. Rev. 193 (2023)

DOI: <https://doi.org/10.58948/2331-3536.1427>

Available at: <https://digitalcommons.pace.edu/pilr/vol35/iss2/2>

This Article is brought to you for free and open access by the School of Law at DigitalCommons@Pace. It has been accepted for inclusion in Pace International Law Review by an authorized administrator of DigitalCommons@Pace. For more information, please contact [dheller2@law.pace.edu](mailto:dheller2@law.pace.edu).

# IMPROVING RECOMMENDATIONS FROM THE UN'S UNIVERSAL PERIODIC REVIEW: A CASE STUDY ON DOMESTIC ABUSE IN THE UK

Alice Storey\*

## ABSTRACT

Hailed as an international human rights innovation, the UN Human Rights Council's Universal Periodic Review ("UPR") is a peer-review mechanism that assesses the protection and promotion of human rights in all 193 UN Member States, including intergovernmental and civil society input. Importantly, within the UPR, other Member States provide recommendations to each state under review on how it can improve human rights on the ground. States can decide to accept or note recommendations and should then go on to implement those that are accepted. The recommendations are a fundamental part of the UPR process, yet they are not always formulated in a way that leads to positive change. Using the case study of domestic abuse in the UK, this article seeks to add to the current literature through an analysis of the formulation of UPR recommendations, providing five practical suggestions for how recommendations can be improved to ensure action is taken on the ground: (1) use consistent terminology, (2) be specific when discussing aspects of violence against women and girls, (3) UPR recommendations should be fluid and adapt to the changing human rights landscape, (4) utilize recommendations provided by civil society organizations in their stakeholder submissions, and (5) consider applying an intersectional approach when making recommendations.

## KEYWORDS

Universal periodic review, human rights, recommendations, domestic abuse, United Kingdom of Great Britain and Northern Ireland

## TABLE OF CONTENTS

I. Introduction.....	195
II. The Universal Periodic Review .....	197
A. Recommendations .....	198
III. Case Study: Domestic Abuse in the UK .....	199
IV. Analysis.....	203
A. Analyzing the UK UPRs: Method .....	203
B. Analyzing the UK UPRs: Findings .....	204
1. Take Action on Violence Against Women and Girls.....	204
a. Recommendations.....	205
b. Improving the Recommendations .....	208
1. Sign or Ratify the Istanbul Convention.....	208
a. Recommendations.....	209
b. Improving the Recommendations .....	212
1. Specific Mention of Domestic Abuse.....	215
a. Recommendations.....	215
b. Improving the Recommendations .....	216
i. GRT Women.....	217
ii. Trans Women.....	219
V. Conclusion.....	221

## I. INTRODUCTION

The UN Human Rights Council's ("UNHRC") 'innovative' Universal Periodic Review ("UPR") is a peer-review mechanism that assesses the protection and promotion of human rights in all 193 UN Member States, including intergovernmental and civil society input.<sup>1</sup> There have been three complete cycles of UPR to date, running from 2008-2022, and the fourth cycle commenced in November 2022.<sup>2</sup>

Importantly, within the UPR, the other 192 Member States can make recommendations to the state under review regarding how it can improve human rights on the ground.<sup>3</sup> States accept or note recommendations and should then go on to implement those that are accepted.<sup>4</sup> The recommendations are a fundamental part of the UPR process, yet they are not always formulated in a way that leads to positive change.<sup>5</sup>

To identify good practice within the UPR recommendations, and opportunities for improvement, this article analyzes the formulation of UPR recommendations made to the United Kingdom of Great Britain and Northern Ireland ("UK") on domestic abuse in its first three cycles of UPR (2008, 2012, 2017). Domestic abuse has been selected as it is a prominent issue of human rights concern in the UK: it is estimated that 1.6 million women in England and Wales experienced domestic abuse in the year between March 2019 and

---

\*LLB (Hons), PG Dip (Legal Practice), LLM (International Human Rights), PhD. Senior Lecturer and Associate Director of the Centre for Human Rights, School of Law, Birmingham City University, The Curzon Building, 4 Cardigan Street, Birmingham, B4 7BD, UK. Thank you to Dr. Metka Potocnik, Dr. Rebecca Smyth and Michael Lane for their very helpful comments on previous drafts of this article. Thank you to Nourin Abourahma, Georgia Cartwright, Ellis Hart, Olivia Moyle, Melisa Oleschuk, and Glen Waddell for their research assistance. Any errors remain my own.

<sup>1</sup> *Basic Facts About the UPR*, U.N. HUM. RTS. COUNS., <https://www.ohchr.org/en/hr-bodies/upr/upr-main> (last visited Mar. 15, 2023).

<sup>2</sup> See *Cycles of the Universal Periodic Review*, U.N. HUM. RTS. COUNS., <https://www.ohchr.org/en/hr-bodies/upr/cycles-upr> (last visited Mar. 15, 2023) (providing information about the Fourth Cycle and providing additional sources regarding previous cycles).

<sup>3</sup> Off. U.N. High Comm'r for Hum. Rts., *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*, U.N. Doc. HR/PUB/06/10/Rev.1, 139 (2008).

<sup>4</sup> See *id.* at 145 (explaining how member states can provide conclusions respecting recommendations and expressing their views).

<sup>5</sup> See *id.* at 140 (explaining the UPR's mission of creating positive developments).

2020.<sup>6</sup> This situation was exacerbated by the COVID-19 pandemic and subsequent government-mandated lockdowns, with the Office for National Statistics (“ONS”) reporting that “[t]he number of police recorded domestic abuse-related crimes in England and Wales rose 6% in the year ending March 2021 to 845,734.”<sup>7</sup> Statistics show similar trends in Scotland and Northern Ireland.<sup>8</sup> Equally, States, including the UK, have a responsibility to prevent gender-based violence, including domestic abuse,<sup>9</sup> and international human rights law provides such protections for women globally. For international human rights to have an impact upon protecting women from domestic abuse, those international laws must be translated into domestic action. The UPR is a vehicle to do this.

To identify good practice and opportunities for improvement in the formulation of recommendations, all recommendations received by the UK in its first three UPR cycles (in 2008, 2012, 2017) relating to domestic abuse were collated, categorizing them into three themes: (1) Take action relating to Violence Against Women

---

<sup>6</sup> See OFF. NAT'L STAT., DOMESTIC ABUSE IN ENGLAND AND WALES OVERVIEW: NOVEMBER 2020 2 (2020) [hereinafter OFF. FOR NAT'L STAT.], [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwalesoverview/november2020](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwalesoverview/november2020) (reporting statistical evidence pertaining to domestic abuse in England and Wales within a 12-month period ending in March 2020).

<sup>7</sup> See *id.* (reporting statistical evidence pertaining to domestic abuse in England and Wales within a 12-month period ending in 2021).

<sup>8</sup> Compare SCOTTISH GOV'T, DOMESTIC ABUSE: STATISTICS RECORDED BY THE POLICE IN SCOTLAND - 2020/21 (2021) [hereinafter SCOTTISH GOV'T], <https://www.gov.scot/publications/domestic-abuse-recorded-police-scotland-2020-21/pages/2/> (reporting statistical evidence pertaining to domestic abuse in Scotland), with *Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland*, POLICE SERV. N. IRELAND 1 (Nov. 24, 2022), [https://www.psni.police.uk/sites/default/files/2022-11/domestic%20abuse%20bulletin%20sep%2022\\_0.pdf](https://www.psni.police.uk/sites/default/files/2022-11/domestic%20abuse%20bulletin%20sep%2022_0.pdf) (reporting statistical evidence documenting the increment of domestic abuse in Northern Ireland by the Northern Ireland Police).

<sup>9</sup> See generally Adriene K. Wing, *International Law and Feminism*, in RSCH. HANDBOOK ON FEMINIST JURIS. 468, 468 (Edward Elgar, 2019) (establishing that international law took the first steps to sanction discrimination against women as several states adopted the suggestions provided by the Convention on All Forms of Discrimination against Women); see also Irem Çağlar & Berna Akçali Gur, *The State's Due Diligence Obligation*, in RSCH. HANDBOOK ON FEMINIST JURIS. 485, 493 (Edward Elgar, 2019) (determining that states can be held responsible for avoiding to implement national policies to prevent or reduce domestic violence); see also *Opuz v. Turkey*, No. 33401/02, ¶ 80 (Sept. 9, 2009), <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-92945%22%7D> (establishing that European states should introduce national policies against violence against women).

and Girls ('VAWG'), (2) Sign or ratify the Istanbul Convention, (3) Specific mention of domestic abuse.<sup>10</sup> This article then makes practical suggestions for how recommendations can be improved to ensure action is taken on the ground. Namely, Member States should (1) use consistent terminology, (2) be specific when discussing aspects of violence against women and girls, (3) be fluid and adapt to the changing human rights landscape, (4) utilize recommendations provided by civil society organizations in their stakeholder submissions, and (5) consider applying an intersectional approach when making recommendations.

## II. THE UNIVERSAL PERIODIC REVIEW

The UPR involves intergovernmental and civil society input in the review of all 193 UN Member States' protection and promotion of human rights.<sup>11</sup> Each review is recorded in publicly available documentation. This starts with the preparation of the three documents that form the basis of each review: the National Report, prepared by the State under Review, and the Compilation of UN Information and Summary of Stakeholders' Information, both of which are compiled by the Office of the High Commissioner for Human Rights ('OHCHR'). The review itself is then held in the UNHRC, wherein an interactive dialogue takes place between the State under Review and other States. As part of this, recommendations are provided by the UN Member States as to how the State under Review can better protect and promote human rights. The proceedings are written up into the Outcome Report, and the State under Review can then decide to accept or note each of the recommendations. The Outcome Report will thereafter be adopted at a UNHRC plenary session. Finally, the accepted recommendations should be implemented by the State under Review, with progress on implementation forming the basis of the next review. States may

---

<sup>10</sup> See *generally* SUBMISSION TO THE UNIVERSAL PERIODIC REVIEW OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, HUM. RTS. WATCH (Nov. 2022), <https://www.hrw.org/news/2022/03/31/submission-universal-periodic-review-united-kingdom-great-britain-and-northern> (highlighting the United Kingdom's acknowledgement of the issue of domestic violence in their country and specific recommendations to combat this issue).

<sup>11</sup> See Universal Periodic Review, U.N. Hum. Rts. Couns., <https://www.ohchr.org/en/hr-bodies/upr/upr-main> (last visited Mar. 21, 2008) (showing that the UPR utilizes input from government and civil society to protect and promote human rights for all UN member states).

also submit a mid-term review, halfway between cycles, updating on their progress, but engagement with this is limited. With regards to the rest of the mechanism, the UPR has achieved success in attracting 100% cooperation from Member States to date, with the Fourth Cycle of reviews having commenced in November 2022.

#### *A. Recommendations*

The core focus of this article is the recommendations section of the UPR. This process is vital, as this is where the State under Review is provided with suggested ways in which it could improve on its human rights record from its peers – the other 192 Member States. Given the importance of this part of the UPR, it is imperative that it operates to its full potential, i.e., stronger recommendations will lead to more action on the ground and, ultimately, better human rights promotion and protection globally.

Scholars have previously considered the UPR recommendations, contemplating points including recommendations are too broad to have any real impact on human rights.<sup>12</sup> In fact, of the 26 UPR Project at BCU reports submitted up to October 2022, in 18 of our reports we noted that recommendations were not specific enough to have impact.<sup>13</sup> Other issues identified through research include a high number of recommendations lead to a lack of action

---

<sup>12</sup> See Alice Storey, *Challenges and Opportunities for the UN Universal Periodic Review: A Case Study on Capital Punishment in the USA*, 90 UMKC L. REV. 132-33 (2021) (highlighting how some have criticized the impact of the UPR in creating actual change); Amna Nazir, *The Universal Periodic Review and the Death Penalty: A Case Study of Pakistan*, 1 RSIL L. REV. 126, 128 (2020) (highlighting that UPR recommendations can be considered to be too broad to have any true positive impact on human rights).

<sup>13</sup> See generally THE UPR PROJECT AT BCU, BIRMINGHAM CITY SCH. L., [www.bcu.ac.uk/law/research/centre-for-human-rights/consultancy/upr-project-at-bcu](http://www.bcu.ac.uk/law/research/centre-for-human-rights/consultancy/upr-project-at-bcu) (last visited Mar. 21, 2023) (demonstrating the impacts of UPRs based on reports).

by Member States,<sup>14</sup> recommendations lack focus,<sup>15</sup> and the hypocrisy of some States' recommendations on issues that also require resolving at home.<sup>16</sup> Etone has found that "[n]o other international mechanism has received as much criticism about the quality of its recommendations as the UPR."<sup>17</sup> Whilst there has been analyses of UPR recommendations previously, Fukuda calls for "more scholarly attention" regarding the UPR generally, but "its recommendations in particular."<sup>18</sup>

This article seeks to add to the current literature by providing an analysis of the formulation of UPR recommendations, using domestic abuse in the UK as the case study, and providing practical suggestions for how recommendations can be improved to ensure action is taken on the ground.

### III. CASE STUDY: DOMESTIC ABUSE IN THE UK

The case study selected to analyze the formulation of UPR recommendations is domestic abuse in the UK. The UK was chosen because it regularly engages with the UPR mechanism, both as a State under Review and a recommending state: it received 406 recommendations across its first three cycles of UPR and, across the same three cycles, made 1,453 recommendations to other states,

---

<sup>14</sup> Emma Hickey, *The UN's Universal Periodic Review: Is it Adding Value and Improving the Human Rights Situation on the Ground?*, 7 INT'L CONST. L.J. 6 (2013); Constance de la Vega & Tamara N. Lewis, *Peer Review in the Mix: How the UPR Transforms Human Rights Discourse*, in NEW CHALLENGES FOR THE UN HUMAN RIGHTS MACHINERY: WHAT FUTURE FOR THE UN TREATY BODY SYSTEM AND THE HUMAN RIGHTS COUNCIL PROCEDURES? 353, 381 (M. Cherif Bassiouni & William A. Schabas eds., 2011); Roland Chauville, *The Universal Periodic Review's First Cycle: Successes and Failures*, in HUMAN RIGHTS AND UNIVERSAL PERIODIC REVIEW: RITUALS AND RITUALISM 87, 95, 96 (Hilary Charlesworth & Emma Larking eds., Cambridge Univ. Press 2015).

<sup>15</sup> *The Universal Periodic Review: A Skewed Agenda? Trends Analysis of the UPR's Coverage of Economic, Social and Cultural Rights*, 2 CTR. ECON. & SOC. RTS., 11 (2016), [https://www.cesr.org/sites/default/files/CESR\\_ScPo\\_UPR\\_FINAL.pdf](https://www.cesr.org/sites/default/files/CESR_ScPo_UPR_FINAL.pdf); Sangeeta Shah & Sandesh Sivakumaran, *The Use of International Human Rights Law in the Universal Periodic Review*, 21 HUM. RTS. L. REV. 264, 275 (2021).

<sup>16</sup> Walter Kälin, *Ritual and Ritualism at the Universal Periodic Review: A Preliminary Appraisal*, in HUMAN RIGHTS AND THE UNIVERSAL PERIODIC REVIEW: RITUALS AND RITUALISM 25, 36 (Hilary Charlesworth & Emma Larking eds., 2014).

<sup>17</sup> Damian Etone, *The Universal Periodic Review and Transitional Justice*, in HUMAN RIGHTS AND THE UN UNIVERSAL PERIODIC REVIEW (Damian Etone, Amna Nazir & Alice Storey eds., forthcoming 2023).

<sup>18</sup> Kazuo Fukuda, *Human Rights Council's Universal Periodic Review as a Forum of Fighting for Borderline Recommendations? Lessons Learned from the Ground*, 20 NW. J. HUM. RTS. 63, 118 (2022).



according to UPR Info's most up-to-date figures.<sup>19</sup> The first three cycles of the UK's UPR were chosen for analysis as this provides a large sample of data to evaluate and make value judgements on. The fourth cycle commenced in late 2022, with the UK being reviewed in November 2022, but as the cycle is both in its infancy and incomplete, it did not form part of the data collection.

Domestic abuse was selected as the human rights issue for two key reasons, (1) it is a serious violation of human rights that has been raised during the UK's UPR, and (2) it is a key action point in the UK for both government and civil society.

For the first time, the Domestic Abuse Act (2021) ('DAA') has provided a statutory definition of domestic abuse in England and Wales.<sup>20</sup> It provides that domestic abuse consists of physical or sexual abuse, violent or threatening behavior, controlling or coercive behavior, economic abuse, psychological, emotional or other abuse, and that "it does not matter whether the behavior consists of a single incident or a course of conduct."<sup>21</sup> The definition also states that the people involved must be aged 16 or over and be "personally connected" to each other.<sup>22</sup> Scotland and Northern Ireland provide similar definitions.<sup>23</sup> Domestic abuse is also sometimes referred to as domestic violence, intimate partner violence, and comes under the umbrella terms of VAWG and gender-based violence.<sup>24</sup> This article refers to 'domestic abuse' throughout, as this is the terminology used in the DAA, also acknowledging the fact that domestic abuse includes much more than just physical violence.

First, demonstrating the serious nature of domestic abuse, the ONS approximates that 1.6 million women aged 16 to 74 in England

---

<sup>19</sup> UPR INFO DATABASE, <https://upr-info-database.uwazi.io/en/library/> (last visited June 6, 2023).

<sup>20</sup> Domestic Abuse Act 2021, c. 17, § 1(1)-(3) (Eng.), <https://www.legislation.gov.uk/ukpga/2021/17/section/1/enacted>.

<sup>21</sup> *Id.* c. 17, § 1(3)(a)-(e).

<sup>22</sup> *See id.* § 1, ¶ 2 (displaying the necessary requirements of age and relationship to qualify as domestic abuse which predominantly impacts women more than men).

<sup>23</sup> *See* Domestic Abuse (Scotland) Act 2018, (ASP 5) §§ 1-3 (explaining the definition of domestic abuse under the view of the country of Scotland); *See* Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 c. 2, §§ 1-4 (defining the interpretation of domestic abuse under Northern Ireland's perspective).

<sup>24</sup> *See* Frequently Asked Questions: Types of Violence Against Women and Girls, U.N. WOMEN, <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/faqs/types-of-violence> (last visited Mar. 14, 2023).

and Wales experienced domestic abuse in the year ending March 2020.<sup>25</sup> However, providing an accurate number of domestic abuse victims is difficult as many are unable to report the abuse. In Scotland, “police recorded 65,251 incidents of domestic abuse in 2020-21.”<sup>26</sup> This was a 4% rise from 2019-20, and 80% of cases involved a male perpetrator and female victim.<sup>27</sup> In Northern Ireland, “there were 32,219 domestic abuse incidents” in the year ending December 31, 2021, a 1.2% rise compared with 2020,<sup>28</sup> and “domestic abuse crimes” increased by 9%.<sup>29</sup>

It is important to note that the UK is a ‘union state’ made up of the three nations, England, Wales, and Scotland, and the province of Northern Ireland.<sup>30</sup> Owing to devolution, each nation provides its own laws and strategies to combat domestic abuse.<sup>31</sup> Although these currently must comply with the Human Rights Act,<sup>32</sup> this practice of devolution can cause fragmentation in its prevention of domestic abuse.<sup>33</sup> The DAA, for example, only covers England and Wales, with some provisions of the Act applicable in England only.<sup>34</sup>

<sup>25</sup> OFF. FOR NAT’L STAT., *supra* note 6, at 2.

<sup>26</sup> SCOTTISH GOV’T, *supra* note 8, at 2.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* at 1.

<sup>29</sup> *Id.*

<sup>30</sup> See Adrian Kay, *Territorial Justice and Devolution*, 7 BRITISH J. POL. & INT’L RELS. 544, 544 (2005) (defining a union state as a territory which incorporates autonomous regions with their own asymmetrical political and social rights coexisting in one territory).

<sup>31</sup> See Nickie Charles & Fiona Mackay, *Feminist Politics and Framing Contests: Domestic Violence Policy in Scotland and Wales*, 33 CRITICAL SOC. POL’Y 593, 606 (2013) (explaining how asymmetrical devolution has led to differing domestic policies within the U.K. notably affecting domestic violence).

<sup>32</sup> See Paul Chaney, *Human Rights and Social Welfare Pathologies: Civil Society Perspectives on Contemporary Practice Across UK Jurisdictions – Critical Analysis of Third Cycle UPR Data*, INT’L J. HUM. RTS. 3 (July 2020) (explaining that the founding statutes of the UK make it unlawful for the nations and provinces that make up the United Kingdom to act in ways that are incompatible with the Human Rights Act); see also Ned Simons, *Queen’s Speech 2022: The Key New Laws Announced By The Government*, HUFFINGTON POST, [www.huffingtonpost.co.uk/entry/queens-speech-2022-the-key-new-laws-announced\\_uk\\_627a1a72e4b03ca83645e9bf](http://www.huffingtonpost.co.uk/entry/queens-speech-2022-the-key-new-laws-announced_uk_627a1a72e4b03ca83645e9bf) (May 10, 2022) (noting that the current conservative government has laid out plans to replace the Human Rights Act with a Bill of Rights).

<sup>33</sup> Charles & Mackay, *supra* note 30, at 611.

<sup>34</sup> See *Domestic Abuse Act 2021: Overarching Factsheet*, U.K. GOV’T (July 11, 2022), <https://www.gov.uk/government/publications/domestic-abuse-bill-2020-factsheets/domestic-abuse-bill-2020-overarching-factsheet#will-these-measures->

There are further existing laws, policies, and mechanisms across the UK that seek to protect women from domestic abuse and punish perpetrators.<sup>35</sup>

The effect of the COVID-19 global pandemic on domestic abuse is a particular concern, both globally and specifically in the UK.<sup>36</sup> Many practitioners and scholars agreed that the COVID-19 outbreak, and the subsequent government-imposed lockdowns, would increase the risk of domestic abuse at home due to forced quarantine with potentially abusive family members.<sup>37</sup> In fact, "[t]he UK's largest domestic abuse charity, Refuge, has reported a 700% increase in calls to its helpline in a single day, while a separate helpline for perpetrators of domestic abuse seeking help to change their behavior received 25% more calls after the start of the Covid-19 lockdown."<sup>38</sup> Margolis has also contended that "[t]he pandemic has exposed longstanding flaws in the UK Government's approach to domestic violence."<sup>39</sup> In particular, it has exacerbated issues such as a lack of funding, "including cuts to domestic abuse services such as refuges, and cuts to police and healthcare budgets."<sup>40</sup>

---

apply-across-the-united-kingdom (explaining that the Domestic Abuse Act mainly applies to England and Wales, or England only, not the entire United Kingdom).

<sup>35</sup> See generally U.K. Learning Exch., *Domestic Violence: A Guide to Civil Remedies and Criminal Sanctions* 22 (Mar. 2007), <https://lx.iriss.org.uk/sites/default/files/resources/Domestic%20violence.pdf> (providing a guide to the different civil remedies and criminal sanctions that are available to victims of domestic violence in the United Kingdom).

<sup>36</sup> See Kim Usher et al., *Family Violence and Covid-19: Increased Vulnerability and Reduced Options for Support*, 29 INT J. MENTAL HEALTH NURSING 549, 549 (2020) (reporting that international reports of domestic violence have increased since social isolation and quarantining began, further stating that it is of particular concern in the UK).

<sup>37</sup> See Caio Augusto de Lima et al., *COVID-19: Isolations, Quarantines and Domestic Violence in Rural Areas*, 2 SCI MEDICINE J. 44, 44 (2020) (reasoning that because victims must quarantine themselves at home with abusive family members, it is likely that there will be an increase in domestic violence incidents against women due to the coronavirus pandemic).

<sup>38</sup> Mark Townsend, *Revealed: Surge in Domestic Violence During COVID-19 Crisis*, GUARDIAN (Apr. 12, 2020), [www.theguardian.com/society/2020/apr/12/domestic-violence-surges-seven-hundred-per-cent-uk-coronavirus](http://www.theguardian.com/society/2020/apr/12/domestic-violence-surges-seven-hundred-per-cent-uk-coronavirus).

<sup>39</sup> *UK Failing Domestic Abuse Victims in Pandemic*, HUM. RTS. WATCH (June 8, 2020), [www.hrw.org/news/2020/06/08/uk-failing-domestic-abuse-victims-pandemic](http://www.hrw.org/news/2020/06/08/uk-failing-domestic-abuse-victims-pandemic).

<sup>40</sup> ALICE STOREY ET. AL., THE UPR PROJECT AT BCU 1, 11 (2022) [hereinafter *UPR Project 2022*].

Second, tackling and preventing domestic abuse is a key action for both the UK government and civil society.<sup>41</sup> On March 30, 2022, the government launched its Tackling Domestic Abuse Plan which aims to “drive down the prevalence of domestic abuse and domestic homicide and provide victims and survivors with the support they need.”<sup>42</sup> Civil society organizations such as Women’s Aid, Refuge, and the Centre for Women’s Justice work tirelessly to provide support for victims and survivors and to lobby the government into taking action.<sup>43</sup> This article advocates for using UPR recommendations, when they are formulated appropriately, to further action against domestic abuse in the UK.

#### IV. ANALYSIS

##### A. *Analyzing the UK UPRs: Method*

Within the UPR, UN Member States have made recommendations to the UK on the issue of domestic abuse (and other related issues, such as the umbrella term of (“VAWG”).<sup>44</sup> Where the UK has accepted such recommendations, the government should then go on to implement them in practice. To identify good practice within the UPR recommendations, and opportunities for improvement, this article analyses the formulation of UPR recommendations made to the UK on domestic abuse in its first three cycles of UPR (2008, 2012, 2017).<sup>45</sup> To do this, all recommendations received by the UK

---

<sup>41</sup> See Lord Sharpe of Epsom, *Tackling Violence Against Women and Girls*, U.K. Parliament (Feb. 20, 2023), <https://questions-statements.parliament.uk/written-statements/detail/2023-02-20/HLWS554> (describing that the UK government “has made tackling violence against women and girls a key priority”).

<sup>42</sup> *Tackling Domestic Abuse Plan*, Gov. U.K., <https://www.gov.uk/government/publications/tackling-domestic-abuse-plan> (last updated Sept. 1, 2022); see also SEC’Y OF STATE FOR THE HOME DEPT., TACKLING DOMESTIC ABUSE PLAN, 2022, CP 639 (U.K.).

<sup>43</sup> See, e.g., CTR FOR WOMEN’S JUST., <https://www.centreforwomensjustice.org.uk/about> (last visited Mar. 18, 2023) (explaining that part of the organization’s mission is to propose legislation and advocate for policy reform).

<sup>44</sup> See *Basic Facts About the UPR*, U.N. Hum. Rts. Council, <https://www.ohchr.org/en/hr-bodies/upr/basic-facts> (last visited Mar. 20, 2023) (explaining that in addition to the 47 members of the UPR working group, “any UN Member State can take part in the discussion/dialogue”).

<sup>45</sup> See Universal Periodic Review - United Kingdom of Great Britain and Northern Ireland, U.N. Hum. Rts. Council, <https://www.ohchr.org/en/hr-bodies/upr/gb-index> (last visited Mar. 20, 2023) (providing a catalog for the 2008, 2012, and 2017 reports in reverse chronological order).

in its first three UPR cycles relating to domestic abuse were collated, categorizing them into three themes: (1) take action relating to Violence Against Women and Girls, (2) sign or ratify the Istanbul Convention, (3) specific mention of domestic abuse. The government's responses to these recommendations and whether it had engaged in any implementation was also identified. This created the dataset.

### *B. Analyzing the UK UPRs: Findings*

The UK received 406 recommendations across all three cycles, with just 21 relating to domestic abuse or VAWG more generally.<sup>46</sup> One recommendation was made in the first cycle, which can be excused given that the UPR was in its very early days of operation and only 28 recommendations were provided to the UK in total.<sup>47</sup> Six recommendations were made in 2012 on domestic abuse or VAWG and 13 in 2017.<sup>48</sup> Analysis of the UPR recommendations on domestic abuse in the UK and any responses comes under three themes and is set out below: (1) take action relating to Violence Against Women and Girls (ten recommendations), (2) sign or ratify the Istanbul Convention (seven recommendations), (3) specific mention of domestic abuse (four recommendations).

#### 1. Take Action on Violence Against Women and Girls

The Declaration on the Elimination of Violence Against Women defines VAWG as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private

---

<sup>46</sup> UPR INFOR DATABASE, *supra* note 19.

<sup>47</sup> *See generally* U.N. Hum. Rts. Council, Report of the Working Group on the Universal Periodic Review - United Kingdom of Great Britain and Northern Ireland, ¶ 56, U.N. Doc. A/HRC/8/25 (May 23, 2008) [hereinafter Report of the Working Group 2008].

<sup>48</sup> *See generally* U.N. Hum. Rts. Council, Report of the Working Group on the Universal Periodic Review - United Kingdom of Great Britain and Northern Ireland, ¶ 110, U.N. Doc. A/HRC/21/9 (July 6, 2012) [hereinafter Report of the Working Group 2012] (providing a list of 132 recommendations); U.N. Hum. Rts. Council, National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21, U.N. Doc. A/HRC/WG.6/27/GBR/1 (Feb. 4, 2017) [hereinafter National Report 2017].

life.”<sup>49</sup> This definition covers a wide range of violence, including but not limited to, domestic abuse, rape, female genital mutilation, and forced marriage. Across the UK’s first three UPRs, ten recommendations were made on VAWG.

As demonstrated below, the recommendations made regarding VAWG were very broad in nature, leading to a lack of focus in the UK government’s response, and ultimately very minimal action on this important issue. In part, this can be attributed to the terminology used and this article suggests a practical way in which Member States can have more impact through targeted recommendations that use consistent terminology.

#### *a. Recommendations*

In 2012, Cuba and Malaysia made recommendations asking the UK to “combat” violence against women.<sup>50</sup> The UK accepted both of these recommendations,<sup>51</sup> noting the submission of its report to CEDAW in 2011 and that its “[v]iolence against women and Girls Action Plan also specifically commits the UK to strongly support the ratification of CEDAW and to lobby for the full implementation of the Convention.”<sup>52</sup> Pointing to the individual nations, the UK noted that Scotland’s “violence against women strategy ‘*Safer Lives, Changed Lives*’ is currently being refreshed to give a sharper focus on the prevention and early intervention, data and outcome measurement, and the impact on minority ethnic women.”<sup>53</sup> Despite the broad nature of the recommendations, the government’s response points to the intersection between domestic abuse and ethnic minorities.<sup>54</sup> However, in practice, minority women are not fully

---

<sup>49</sup> G.A Res. 48/104, Declaration on the Elimination of Violence Against Women (Dec. 20, 1993).

<sup>50</sup> See Report of the Working Group 2012, *supra* note 48, ¶¶ 110.51, 110.71 (stating Cuba’s recommendation as “[c]ontinu[ing] efforts to combat discrimination on any ground and violence against women” and Malaysia’s recommendations to “[t]ake more effective measures to combat all forms of violence against women and girls and to ensure that perpetrators of violence are taken to justice and punished”).

<sup>51</sup> *Id.* ¶ 19.

<sup>52</sup> *Id.* at Annex I, ¶ 110.51.

<sup>53</sup> *Id.*

<sup>54</sup> See The Scottish Government, *Safer Lives, Changed Lives A Shared Approach to Tackling Violence Against Women in Scotland* (2009) <https://lx.iriss.org.uk/sites/default/files/resources/Safer%20lives.pdf> (discussing there is little evidence recorded on the experiences of minority ethnic women

protected in the UK as migrant women were omitted from the DAA, as discussed below.<sup>55</sup>

Two recommendations focused upon the UK's Action Plan relating to VAWG in 2012, with Brazil asking the UK to "[a]dopt a national strategy to combat all forms of violence against women and girls"<sup>56</sup> and Colombia recommending the UK "[c]ontinue making progress in implementing the Action Plan on violence against women and girls."<sup>57</sup> Both recommendations were accepted,<sup>58</sup> but there was a lack of intersectional focus in the UK's response, with the government noting that "[t]he updated Action Plan was launched on 8<sup>th</sup> March 2012. More than half the original actions have been completed, with a further 100 actions to be delivered, with more emphasis on the importance of prevention."<sup>59</sup> Yet, the VAWG 2016-2020 Action Plan still, as of July 2021, had actions that had not been met.<sup>60</sup> Instead of providing broad, sweeping recommendations, they could instead focus upon how the most recent version of the Action Plan<sup>61</sup> will affect women in practice, identifying the specific types of VAWG within the Action Plan and making recommendations on them.

---

which may be influenced by underreporting and difficulty in finding support when experiencing domestic abuse, which may cause ethnic women suffering domestic abuse for long periods before leaving a partner).

<sup>55</sup> Domestic Abuse Bill – Proposed Changes in the Law for Victims/Survivors Driven to Offend, CTR FOR WOMEN'S JUST. (2016), <https://www.centreforwomensjustice.org.uk/dabill> (stating the Domestic Abuse bill does not ensure equal protection for migrant women).

<sup>56</sup> Report of the Working Group 2012, *supra* note 48, at Annex I, ¶ 110.69 (stating the recommendation to adopt a national strategy to combat all forms of violence against women and girls is supported by the United Kingdom).

<sup>57</sup> *Id.* at Annex I, ¶ 110.70.

<sup>58</sup> *Id.* at Annex I, ¶ 110.69, 110.70.

<sup>59</sup> *Id.* at Annex I, ¶ 110.69.

<sup>60</sup> *Ending Violence Against Women and Girls Strategy Action Plan Update*, U.K. HOME OFF., [www.gov.uk/government/publications/strategy-to-end-violence-against-women-and-girls-2016-to-2020/ending-violence-against-women-and-girls-strategy-action-plan-update-march-2019-accessible-version](http://www.gov.uk/government/publications/strategy-to-end-violence-against-women-and-girls-2016-to-2020/ending-violence-against-women-and-girls-strategy-action-plan-update-march-2019-accessible-version) (July 21, 2021) (noting that the work against the VAWG 2016-2020 Action Plan is still ongoing as of July 2021).

<sup>61</sup> *See generally* H.M. GOVERNMENT, *TACKLING VIOLENCE AGAINST WOMEN AND GIRLS*, 2021-2, at 67 (U.K.) (discussing the new recommendations that will be considered in Spring 2022, which the Ministry of Justice will consider carefully).

In the 2017 review, five recommendations were made in relation to VAWG, asking the UK to “prevent” or “combat” VAWG.<sup>62</sup> All of these recommendations were supported,<sup>63</sup> yet the UK Government did not distinguish between them, instead providing one lengthy response to all five recommendations, detailing the actions taken across the four nations. In relation to domestic abuse, the UK Government pointed to the “new offence of domestic abuse covering controlling and coercive behavior” which is criminalized in s.76 Serious Crime Act 2015, and also hailed what was then the Domestic Abuse Bill.<sup>64</sup> Moreover, the government noted action across the other nations, finding that in Wales there is “the National Training Framework for Wales on Violence Against Women and Domestic abuse and Sexual Violence (“VAWDSV”)<sup>65</sup> and the “Northern Ireland Department of Health and Department of Justice continue to fund...the Multi-Agency Risk Assessment Conferences for high risk victims of domestic violence.”<sup>66</sup> The broad nature of the recommendations led to a lack of detail provided by the government. Ideally, it would have responded identifying any specific frameworks that are in place to support those facing domestic abuse and VAWG, including successes and challenges faced. This would have allowed implementation to be monitored more closely, including by civil society organizations.

---

<sup>62</sup> See Hum. Rts. Council, Rep. of the Working Group on the Universal Periodic Review, ¶¶ 134.83, 134.180-34.186, U.N. Doc. A/HRC/36/9 (July 14, 2017) [hereinafter Report of the Working Group 2017] (explaining the recommendations of Paraguay, Slovenia, Bosnia and Herzegovina, China, and Libya).

<sup>63</sup> *Id.* at Annex I, 32-33, 74-75, 78-79 (graphing whether the recommendations were supported by each countries’ opinion).

<sup>64</sup> *Ending Violence Against Women and Girls Strategy Action Plan Update*, *supra* note 60; see also Serious Crime Act 2015, c. 9 § 76(1) (U.K.), <https://www.legislation.gov.uk/ukpga/2015/9/section/76/enacted> (stating when a person commits an offense of controlling or coercive behavior in an intimate or familial relationship).

<sup>65</sup> See *Ending Violence Against Women and Girls Strategy Action Plan Update*, *supra* note 60 (referencing Wales’ Violence against Women, Domestic Abuse and Sexual Violence strategy as it pertains to the United Kingdom); see also Welsh Government, *VIOLENCE AGAINST WOMEN, Domestic Abuse and Sexual Violence National Strategy for 2022-2026, Consultation, 2022-5* at 1 (laying out the framework of VAWDSV in Wales and what it hopes to achieve in prevention, protection, and support to end domestic violence).

<sup>66</sup> See *Ending Violence Against Women and Girls Strategy Action Plan Update*, *supra* note 60 (noting core services that the United Kingdom provides funding for).



*b. Improving the Recommendations*

By using the umbrella term 'VAWG' in their recommendations and not specifying the type of violence they are referring to, Member States fail to hold the UK Government to account regarding domestic abuse (and other forms of VAWG). This is because approaches required to tackle each individual type of VAWG will be different, and so by providing broad recommendations asking the UK to deal with VAWG is not distinct enough to have an impact in practice. As Strid et al. argue, "[t]he visibility of the interrelations and intersections of multiple inequalities improves the quality of violence against women policy by enabling the making and implementation of policy that concretely targets the *specific causes and effects of the different forms of violence against women*."<sup>67</sup> [emphasis added]. This also affects men, as the UK Government is now bracketing male victims within the general VAWG strategy,<sup>68</sup> a move which has been criticized by organizations such as Respect UK as failing male victims of violence.<sup>69</sup> Ideally, Member States should use the term "domestic abuse" when making recommendations on that issue, which is in line with the terminology used by the UK government.<sup>70</sup>

1. Sign or Ratify the Istanbul Convention

The Council of Europe's Convention on preventing and combating violence against women and domestic violence (2014) ('Istanbul Convention') is an example of how international law seeks to prevent domestic abuse.<sup>71</sup> Open to all Council of Europe States, the

---

<sup>67</sup> Sofia Strid et al., *Intersectionality and Multiple Inequalities: Visibility in British Policy on Violence Against Women*, 20 SOC. POL. 558, 575 (2013).

<sup>68</sup> See H.M. GOVERNMENT, SUPPORTING MALE VICTIMS OF CRIMES CONSIDERED VIOLENCE AGAINST WOMEN AND GIRLS, 2022, at 15 (U.K.), [https://data.parliament.uk/DepositedPapers/Files/DEP2022-0294/Supporting\\_Male\\_Victims\\_March\\_2022.pdf](https://data.parliament.uk/DepositedPapers/Files/DEP2022-0294/Supporting_Male_Victims_March_2022.pdf) (acknowledging the Government's commitment to raising awareness by including male victims in VAWS communication campaigns).

<sup>69</sup> See @RespectUK, TWITTER (Apr. 7, 2022, 8:50 AM), <https://twitter.com/RespectUK/status/1512050069553438725> (arguing that male victims of domestic abuse must be supported in their own right).

<sup>70</sup> See Domestic Abuse Act 2021, *supra* note 20, pt. 1 (defining "domestic abuse" for purposes of such acts committed within the UK).

<sup>71</sup> See *generally* The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, art. 1, May 11, 2011,

Istanbul Convention provides a framework to protect women from all types of violence by stipulating practical solutions such as required support services and data collection.<sup>72</sup>

*a. Recommendations*

Following the UK's second UPR cycle in 2012, wherein two recommendations from France<sup>73</sup> and Australia<sup>74</sup> asked the UK to sign and ratify the Istanbul Convention, the UK became a signatory to it.<sup>75</sup> Whilst the UK Government stated that it "remains fully committed to ratifying the Convention and to taking the measures necessary to enable us to do so,"<sup>76</sup> at that time, no action was taken to ratify the Istanbul Convention.

As such, in 2017, the focus shifted directly to ratification of the Istanbul Convention, with six recommendations in total. Five recommendations, from Italy,<sup>77</sup> Montenegro,<sup>78</sup> Spain,<sup>79</sup> Bosnia and Herzegovina,<sup>80</sup> and Turkey,<sup>81</sup> asked the UK to ratify the Istanbul Convention. Finland made the same recommendation, but went into more detail, asking the UK to '[m]ake the necessary legal, policy and practice-related changes to enable the ratification of the...Istanbul Convention and dedicate sufficient resources to central, devolved and local authorities to ensure its effective implementation.'<sup>82</sup> The UK accepted all of these recommendations and provided the same response to them:

---

C.E.T.S. 210 (setting forth the Convention's purpose to prevent violence against women).

<sup>72</sup> *Id.* arts. 7-11, 16.

<sup>73</sup> Report of the Working Group 2012, *supra* note 48, ¶ 110.29.

<sup>74</sup> *Id.* ¶ 110.74.

<sup>75</sup> See GOVERNMENT, SUPPORTING MALE VICTORIA ATKINS PARLIAMENTARY UNDER-SECRETARY FOR SAFEGUARDING AND VULNERABILITY, ISTANBUL CONVENTION RATIFICATION: 2019 REPORT ON PROGRESS, STATEMENT BEFORE THE UK PARLIAMENT, 2019-20, <https://questions-statements.parliament.uk/written-statements/detail/2019-10-31/HCWS58> (providing an overview of the steps taken by the UK government in tackling violence against women and girls).

<sup>76</sup> *Id.*

<sup>77</sup> Report of the Working Group 2017, *supra* note 62, ¶ 134.43.

<sup>78</sup> *Id.* ¶ 134.44.

<sup>79</sup> *Id.* ¶ 134.45.

<sup>80</sup> *Id.* ¶ 134.47.

<sup>81</sup> See *id.* ¶ 134.46 (explaining the ratification of the Council of Europe on preventing and combating violence against women).

<sup>82</sup> *Id.* ¶ 134.48.

The United Kingdom has signed the [Istanbul Convention] in 2012 and remained committed to ratifying it. It remained fully committed to tackling violence against women and girls, including through new laws to ensure that perpetrators faced consequences for their actions and by increasing resources for victims. In order to be compliant with Article 44 of the Convention, the UK must take extra-territorial jurisdiction (ETJ) over certain offences if committed abroad by UK nationals. The UK Government will introduce the ETJ measures necessary for compliance for England and Wales as part of the forthcoming Domestic Abuse Bill.<sup>83</sup>

In 2021, through the passing of the DAA, this issue of ETJ was resolved.<sup>84</sup> Yet, after settling the Article 44 problem, the UK Government found another point to hold up ratification of the Istanbul Convention, regarding its response to migrant victims:

The issue of support for migrant victims of domestic abuse was one of those raised by the Joint Committee [on Human Rights] on the Draft Domestic Abuse Bill in 2019. In our response, the Government committed to 'review the overall response to migrant victims of domestic abuse, taking careful account of evidence provided by stakeholders on this issue' and taking into account any obligations we may have under the Istanbul Convention regarding migrant victims. This relates to Articles 4(3) (to the extent that it relates to non-discrimination on the grounds of migrant or refugee status) and 59 of the Convention in particular.<sup>85</sup>

It appeared that the UK was stalling in terms of ratifying the Istanbul Convention, however, on May 17, 2022, the UK's Home Secretary announced that the UK would ratify the Istanbul Convention by July 31, 2022.<sup>86</sup> This seemed to be a big step towards

---

<sup>83</sup> See Report of the Working Group 2017, *supra* note 62, ¶ 50 (elaborating on the 2012 Istanbul Convention which provided new laws and stronger protections).

<sup>84</sup> See Domestic Abuse Act 2021, *supra* note 20, ¶ 74 (listing the amendments pertaining to extra-territorial jurisdiction).

<sup>85</sup> *Istanbul Convention: 5th Progress Report 2021*, U.K. Gov't (Nov. 1, 2021), <https://www.gov.uk/government/publications/istanbul-convention-implementation-progress-report-2021/istanbul-convention-5th-progress-report-2021-accessible-web-version>. The Joint Committee on Human Rights' focus upon this issue of migrant women and domestic abuse is welcomed and it would be prudent for them to continue holding the government to account on this, both generally and specifically in relation to scrutiny of the UK's UPR.

<sup>86</sup> See Charley Coleman, *Istanbul Convention: Preventing and Combating Violence Against Women and Domestic Violence*, HOUSE LORDS LIB. (June 23, 2022), <https://lordslibrary.parliament.uk/istanbul-convention-preventing-and->

improving the protection of women from domestic abuse in the UK, yet it was also announced that two reservations would be attached to the ratification.<sup>87</sup> In international law, a 'reservation' is defined as "a unilateral statement...made by a state...whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State."<sup>88</sup>

The Istanbul Convention came into force in the UK on November 1, 2022, as planned.<sup>89</sup> Of particular concern is the reservation related to the protection of migrant women.<sup>90</sup> The Home Secretary stated that it would attach:

a reservation on Article 59, which relates to migrant victims, to enable us to ratify the Convention before the evaluation of the Support for Migrant Victims scheme concludes, at which point we will consider the policy issues involved substantively, and whether that reservation should continue.

The UK Government's approach to protecting migrant women from domestic abuse has been widely criticized.<sup>91</sup> Disappointingly, despite having the opportunity to rectify this when the government enacted the DAA in 2021, migrant women were once again overlooked.<sup>92</sup> Migrant women are particularly vulnerable to domestic abuse for a number of reasons. They will often have come to the UK on a "spousal visa," meaning that their immigration status could be reliant upon women staying with their abuser, along with being

---

combating-violence-against-women-and-domestic-violence/ (establishing that the UK Home Secretary Priti Patel announced that the UK ratified the Istanbul Convention).

<sup>87</sup> *Id.*

<sup>88</sup> Vienna Convention on the Law of Treaties art 2(d), May 23, 1969, 1155 U.N.T.S. 331.

<sup>89</sup> *The United Kingdom Ratifies the Istanbul Convention*, COUNS. EUR. (Jul. 29, 2022), [www.coe.int/en/web/istanbul-convention/-/the-united-kingdom-ratifies-the-istanbul-convention](http://www.coe.int/en/web/istanbul-convention/-/the-united-kingdom-ratifies-the-istanbul-convention).

<sup>90</sup> *Id.*

<sup>91</sup> Sundari Anitha, *Neither Safety nor Justice: the UK Government Response to Domestic Violence Against Immigrant Women*, J. SOC. WELFARE & FAM. L., 189, 199 (2008); Sofia Graca, *Domestic Violence Policy and Legislation in the UK: A Discussion of Immigrant Women's Vulnerabilities*, EUR. J. CURRENT LEGAL ISSUES, 22 (1) (2017); Suaad Elabani et al., *Migration and Attitudes Towards Domestic Violence Against Women: A Case Study of Libyan Migrants in the UK*, 9 MIGRATION & DEV. 111-30 (2020).

<sup>92</sup> *Domestic Abuse Bill*, CTR. WOMEN'S JUST. (2021), [www.centreforwomensjustice.org.uk/dabill](http://www.centreforwomensjustice.org.uk/dabill).

financially reliant upon their spouse.<sup>93</sup> This has been identified as “immigration abuse” by the Domestic Abuse Commissioner, Nicole Jacobs.<sup>94</sup> Equally, migrant women are often wary of law enforcement, often for good reason as “police forces have been reporting abused women to immigration enforcement.”<sup>95</sup> Jacobs has recommended that there should be a “firewall” in place between police and the Home Office, to allow migrant women the opportunity to report abuse without fearing for their immigration status.<sup>96</sup> Furthermore, English is often not the first language of migrant women, immediately putting a language barrier in place for migrant women reporting abuse.<sup>97</sup> This creates a distinct form of abuse, unique to migrant women.

By attaching this reservation to its ratification, the UK is failing to address the discrimination faced by migrant women who are being abused. The UK Government must ensure that within its evaluation of the Support for Migrant Victims scheme it provides a clear way forward for protecting migrant women, including amending domestic laws and practice, in order to remove the reservation as soon as possible.

#### *b. Improving the Recommendations*

There is a correlation between numerous UPR recommendations and the UK’s ratification of the Istanbul Convention. Whilst the UPR alone will not have led to this important decision, it will have been one part of a wider movement for ratification. It is important that the UPR recommendations are fluid and adapt to the changing human rights situation – for example, instead of asking the UK to sign or ratify the Convention, it must focus on the limitations (through the reservations it will attach) and how to tackle

---

<sup>93</sup> *Migrant Abuse Victims Need More Support in Landmark Domestic Abuse Bill*, CTR. WOMEN’S JUST. (July 23, 2019), [www.centreforwomensjustice.org.uk/news/2019/7/23/migrant-abuse-victims-need-more-support-in-landmark-domestic-abuse-bill](http://www.centreforwomensjustice.org.uk/news/2019/7/23/migrant-abuse-victims-need-more-support-in-landmark-domestic-abuse-bill).

<sup>94</sup> *Safety Before Status: Improving Pathways to Support for Migrant Victims of Domestic Abuse*, DOMESTIC ABUSE COMM’R (2021), <https://domesticabusecommissioner.uk/wp-content/uploads/2021/10/Safety-Before-Status-Report-2021.pdf>.

<sup>95</sup> *Id.* at 4, 14.

<sup>96</sup> *Id.* at 37.

<sup>97</sup> *See id.* at 26 (expressing the lack of migrant women whose predominant language is English, thus causing additional barriers of assessing and repairing such abuse).

them. Spain did this to some extent during the UK's Fourth Cycle UPR in November 2022, asking the UK to "lift your reservation to Article 59 of the Istanbul Convention, so that migrant women can receive the same support and protection."<sup>98</sup> This is a very positive move, albeit from just one Member State.

Moreover, the wider issue of the intersection of domestic abuse and migrant women should be a key issue for Member States to address when formulating UPR recommendations. During the UK's first three UPRs, the particular experiences of migrant women suffering domestic abuse was discussed elsewhere in the UK's UPRs, predominantly by CSOs.<sup>99</sup> This means that the information is available to Member States, they just need to use it when formulating their recommendations. In 2008, Amnesty International highlighted the fact that women who are subject to immigration control and have been subject to domestic abuse find it "almost impossible" to access social benefits.<sup>100</sup> Indicating the positive impact the UPR can have, in 2012, Amnesty International praised the fact that the 'Call to End Violence Against Women and Girls' had changed the rule of no access to public funds for migrant women.<sup>101</sup> In 2012 the Northern Ireland Human Rights Commission noted a particular problem with migrant victims of domestic abuse accessing housing,<sup>102</sup> and the Equality and Human Rights Commission highlighted the concern that migration rules lead to women staying in abusive

---

<sup>98</sup> U.N. Hum. Rts. Council, Report of the Working Group on the Universal Periodic Review - United Kingdom of Great Britain and Northern Ireland, ¶ 43.276, U.N. Doc. A/HCR/52/10 (Jan. 9, 2023).

<sup>99</sup> See U.N. Hum. Rts. Council, Summary Prepared by the Office of the High Commissioner for Human Rights, ¶ 34, U.N. Doc. A/HRC/WG.6/1/GBR/3 (Mar. 11, 2008).

<sup>100</sup> Report of the Working Group 2008, *supra* note 47.

<sup>101</sup> *United Kingdom Amnesty International Submission to the UN Universal Periodic Review 13th Session of the UPR Working Group, May-June 2012*, AMNESTY INT'L 1 (Nov. 21, 2011).

<sup>102</sup> See NORTHERN IRELAND HUMAN RIGHTS COMMISSION (NIHRC), SUBMISSION BY THE NIHRC TO THE UN HUMAN RIGHTS COUNCIL'S UNIVERSAL PERIODIC REVIEW OF THE UK ¶ 43 (Nov. 2011),

[https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session13/GB/NIHRC\\_UPR\\_GBR\\_S13\\_2012\\_NorthernIrelandHumanRightsCommission\\_E.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session13/GB/NIHRC_UPR_GBR_S13_2012_NorthernIrelandHumanRightsCommission_E.pdf) (urging for emergency financial assistance for NI migrant victims of domestic abuse who face discrimination in accessing public funds thus leading to a lack of housing for migrants. Note this report was prepared by the NIHRC in 2011 and submitted to the UN Human Rights Council in 2012).

relationships due to their insecure migration status.<sup>103</sup> In 2017, Amnesty International recommended that the UK should “[e]xtend domestic violence protections in the Immigration Rules and policy to those seeking to escape abusive partners with limited rights to stay in the UK.”<sup>104</sup>

As such, where possible, Member States should utilize recommendations made by CSOs. Damian Etone, in his study on African States and the UPR, found that many States already do this,<sup>105</sup> and so it is possible that this approach could also be adopted in the context of domestic abuse in the UK. This is particularly important because of how European countries have dealt with intersectional abuse of migrant women, finding that policies designed to address the oppression of marginalized groups can incite further racism, while simultaneously failing to “provide any tangible measures, such as better immigration policies or culturally sensitive public services that actually help migrant women and racial/ethnic minority women.”<sup>106</sup> Governments should not blindly implement policies without understanding the implications and efficacy of them. CSOs can provide their expertise on this issue through their stakeholder submissions, with Member States being able to use their template recommendations during the UPR.

---

<sup>103</sup> See EQUALITY AND HUMAN RIGHTS COMMITTEE (EHRC), UNIVERSAL PERIODIC REVIEW OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ¶ 15 (May 2012), [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session13/GB/EHRC\\_UPR\\_GBR\\_S13\\_2012\\_EqualityandHumanRightsCommission\\_E.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session13/GB/EHRC_UPR_GBR_S13_2012_EqualityandHumanRightsCommission_E.pdf) (finding that family migration rules in the UK may negatively impact migrant women in abusive relationships who may feel unable to leave a relationship due to their vulnerable immigration status).

<sup>104</sup> *United Kingdom AI Submission for the UN Universal Periodic Review 27th Session of the UPR Working Group*, AMNESTY INT’L 8 (Apr./May 2017), <https://www.ohchr.org/en/hr-bodies/upr/uprgb-stakeholders-info-s27>.

<sup>105</sup> See DAMIAN ETONE, *THE HUMAN RIGHTS COUNCIL: THE IMPACT OF THE UNIVERSAL PERIODIC REVIEW IN AFRICA* 146 (Routledge 1st ed. 2020) (explaining that the UPR can create a synergy with other human rights mechanisms, amplifying the concerns of CSOs, leading the various human rights mechanisms to reinforce and complement each other).

<sup>106</sup> Celeste Montoya, *Institutions*, in *THE OXFORD HANDBOOK OF FEMINIST THEORY* 367, 381 (Lisa Disch & Mary Hawkesworth eds., Oxford Univ. Press 2016).

## 1. Specific Mention of Domestic Abuse

### *a. Recommendations*

The more specific a UPR recommendation is, the more likely it will lead to positive change on the ground. Therefore, recommendations that directly refer to protecting women from domestic abuse should be the most effective. Four recommendations made specific reference to domestic abuse (albeit using the term ‘domestic violence.’) These recommendations were made in 2017, demonstrating the progressive evolution of the UPR and Member States’ understanding of the need for specificity. Maldives recommended the UK should “[a]dopt national legislation, especially in Northern Ireland, on domestic violence protection, that ensures all cases of domestic violence are thoroughly investigated and that perpetrators are prosecuted.”<sup>107</sup> Sudan and Indonesia suggested that the UK should “combat”<sup>108</sup> or “reduce” domestic abuse. Czechia’s recommendation focused on the impact of domestic abuse: “[s]tep up its efforts in fighting domestic violence and take measures to prevent secondary victimization and the negative impact of domestic violence on children.”<sup>109</sup> The UK Government accepted the four recommendations, providing the same lengthy general VAWG response already discussed above.<sup>110</sup>

Whilst these recommendations are welcomed, they have not led to any specific change for women facing domestic abuse in the UK.<sup>111</sup> One possible reason why is because the recommendations consider “domestic abuse” as one homogenous issue that is experienced by everyone in the same way. However, we know this is not the case. As Beth Goldblatt asserted, domestic abuse “. . . cuts across class, touching both rich and poor. It is clear, however, that poverty and unequal access to resources contribute to the

---

<sup>107</sup> Report of the Working Group 2017, *supra* note 62, ¶ 134.18.

<sup>108</sup> *Id.* ¶ 134.183.

<sup>109</sup> *Id.* ¶ 134.187.

<sup>110</sup> *See id.* at Annex I (supporting the recommendations made by the Maldives, Sudan, Indonesia, and Czechia).

<sup>111</sup> *See e.g.*, Amanda Taub & Jane Bradley, *As Domestic Abuse Rises, U.K. Failings Leave Victims in Peril*, N.Y. TIMES (July 2, 2020), <https://www.nytimes.com/interactive/2020/07/02/world/europe/uk-coronavirus-domestic-abuse.html> (criticizing the lack of government strategy in responding to domestic violence during the COVID-19 lockdown).



conditions that make women vulnerable to violence.”<sup>112</sup> Cynthia Bowman has also added that “[t]he necessity to pay attention to issues of race and class, as well as gender, have become major themes in modern feminist legal theory.”<sup>113</sup> However, these issues must also be handled sensitively, as Celeste Montoya noted, “[p]olicies designed to address the oppression of marginalized groups may worsen the situation of the worst off, when intersectional complexities are not explicitly considered.”<sup>114</sup> Moreover, scholars in the Global South have led the way in terms of minorities and intersectionality, as they “rejected the concept of a global sisterhood and believed that it had the effect of universalizing the experience of gender in ways that did not capture their own experiences.”<sup>115</sup>

### *b. Improving the Recommendations*

It has already been noted throughout the UK’s three UPR cycles, predominantly by CSOs, that many different minorities and marginalized groups experience domestic abuse, including migrants, the gypsy, traveller, and Roma (“GRT”) community,<sup>116</sup> the LGBTQ+ community, those with disabilities, elderly people, and those living in poverty. When considering that different categories of women experience domestic abuse differently, this engages with the concept of “intersectionality.” Spurred on by the one-dimensional nature of liberal feminism, Kimberle Crenshaw coined the term intersectionality to describe how different aspects of identity intersect to create distinct ways of discriminating against or

---

<sup>112</sup> Beth Goldblatt, *Violence Against Women and Social and Economic Rights: Deepening the Connections*, in RSCH. HANDBOOK FEMINIST ENGAGEMENT INT’L L. 359, 360 (Susan H. Rimmer & Kate Ogg eds., Edward Elgar 2019).

<sup>113</sup> Cynthia G. Bowman, *Socialist Feminist Legal Theory: A Plea*, in RSCH. HANDBOOK FEMINIST JURIS. 91, 102 (Robert West & Cynthia G. Bowman eds., Edward Elgar 2019).

<sup>114</sup> Montoya, *supra* note 87, at 381.

<sup>115</sup> JOHANNA BOND, *GLOBAL INTERSECTIONALITY AND CONTEMPORARY HUMAN RIGHTS* 9 (Oxford Univ. Press 2021).

<sup>116</sup> *See generally*, U.K. Race Disparity Unit, *Gypsy, Roma and Irish Traveller Ethnicity Summary*, Gov. U.K. (Mar. 29, 2022) [hereinafter *Gypsy, Roma and Irish Traveller Ethnicity Summary*], <https://www.ethnicity-facts-figures.service.gov.uk/summaries/gypsy-roma-irish-traveller> (detailing how “GRT” is the terminology suggested by the UK government to describe people from a range of ethnicities who are believed to face similar challenges).

oppressing women.<sup>117</sup> This can include gender, race, class, sexuality, disability, age, and socio-economic status.<sup>118</sup> In particular, intersectionality identifies that these characteristics are intrinsically linked to create a new form of discrimination,<sup>119</sup> not that they are separate or cumulative forms of discrimination, but that the person is discriminated against because of their interlinked facets of identity.<sup>120</sup>

Focusing upon minority and marginalized groups that are particularly vulnerable to domestic abuse, and the intersectional nature of the abuse they suffer, would be a key improvement to UPR recommendations on this issue. This information can be identified from the stakeholder summary and individual reports. Below is an example of how this could work for two categories of affected women: (1) GRT<sup>121</sup> women and (2) trans women, yet the suggestion can be applied to all categories of women who face domestic abuse.

#### i. GRT Women

Similar to migrant women, women from a GRT background are also vulnerable to domestic abuse. Racist and discriminatory attitudes and practices towards the GRT community, more generally, exacerbates this issue.<sup>122</sup> Research has found that discrimination

---

<sup>117</sup> See Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Policies*, 1 UNIV. CHI. LEGAL F. 139, 166-67 (1989) (advocating for an intersectionality approach to address the needs and problems of disadvantaged communities and moving away from a top down approach that compartmentalizes and views the needs of disadvantaged communities as singular issues).

<sup>118</sup> Anne S. Runyan, *What is Intersectionality? Building Solidarity in the Fight for Social Justice*, AM. ASS'N UNIV. PROFESSORS (Nov./Dec. 2018), <https://www.aaup.org/article/what-intersectionality-and-why-it-important#ZBoFBuzMKWA>.

<sup>119</sup> LORENA SOSA, *INTERSECTIONALITY IN THE HUMAN RIGHTS LEGAL FRAMEWORK ON VIOLENCE AGAINST WOMEN: AT THE CENTER OR THE MARGINS* 17, 18 (Cambridge Univ. Press 1st. ed. 2018).

<sup>120</sup> See BOND, *supra* note 116, at 173, 174 (stating “additive models fail to capture the full complexity of intersectional discrimination” and that those with “multiple intersecting forms of identity, such as race, socioeconomic status, and gender, are described as ‘particularly vulnerable’”).

<sup>121</sup> *Gypsy, Roma and Irish Traveller Ethnicity Summary*, *supra* note 117.

<sup>122</sup> See Paul Gavin, *‘Prison is the Worst Place a Traveller Could Be’: The Experience of Irish Travellers in Prison in England and Wales*, 16 IRISH PROB. J. 135, 137 (2019) (explaining the experiences of Irish travellers, a subset of the “GRT”

against the GRT community is viewed as the “last acceptable” form of racism in the UK,<sup>123</sup> despite their protected status under the Equality Act 2010.<sup>124</sup> A survey conducted by the University of Birmingham and YouGov, found that 44.6% viewed the GRT community negatively.<sup>125</sup>

Multiple UPR recommendations were made regarding eradicating racism and discrimination towards the GRT community generally in the UK’s 2017 review, from Guatemala, Indonesia, Venezuela, Lebanon, and Spain.<sup>126</sup> This could quite easily translate into recommendations regarding GRT women’s experiences of domestic abuse, especially as some information has already been provided by CSOs in the UK’s UPR. For example, in its 2012 Stakeholder submission, the UK Joint Committee on Women highlighted that “61% of married English Gypsy women and 81% of Irish Travellers had experienced domestic abuse, most of which was more severe and sustained violence than those within mainstream communities.”<sup>127</sup>

In 2017, the National Roma Integration Strategy (“NGTRIS”) highlighted the issue of the GRT community experiencing domestic abuse.<sup>128</sup> It praised the fact that interest in this issue has grown

---

community, that the group faces inside and outside of prisons, such as literacy and mental health problems, as well as racism and discrimination).

<sup>123</sup> Paul Hutchison et al., *Predictors of “the Last Acceptable Racism”: Group Threats and Public Attitudes Toward Gypsies and Travellers*, 2018 J. APPLIED SOC. PSYCH. 1, 1 (explaining the concept of “the last acceptable racism” as lacking the social psychological factors when determining the reasoning of prejudice against Gypsies/Travellers).

<sup>124</sup> See generally WOMEN AND EQUALITIES COMMITTEE, TRACKING INEQUITIES FACED BY GYPSY, ROMA AND TRAVELLER COMMUNITIES, 2017-19, HC 360, ¶ 5 (U.K.) (explaining which ethnic groups have been protected against discrimination by the Equality Act of 2010).

<sup>125</sup> Lisa Dowd, *Death Threats are a Way of Life: Gypsies and Irish Travellers and Muslims ‘Least-Liked’ in UK, Survey Finds*, SKY NEWS (Jan. 24, 2022) <https://news.sky.com/story/death-threats-are-a-way-of-life-gypsies-and-irish-travellers-and-muslims-least-liked-in-uk-survey-finds-12524098>.

<sup>126</sup> See Report of the Working Group 2017, *supra* note 62, ¶¶ 134.84, 134.89-92 (showing the various recommendations on how to deal with discrimination in Guatemala, Indonesia, Venezuela, Lebanon, and Spain).

<sup>127</sup> U.K. JOINT COMMITTEE ON WOMEN, UNIVERSAL PERIODIC REVIEW- UNITED KINGDOM, 2012-13, at 12 (U.K.).

<sup>128</sup> *Commission Staff Working Document Accompanying the Document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Assessing the Implementation of the EU Framework for National Roma Integration Strategies and the Council Recommendation on Effective Roma Integration Measures in the Member States - 2016*, at 72, COM (2016) 209 final (June 27, 2016).

amongst advocacy groups and researchers who have in recent years undertaken important work including on domestic abuse.<sup>129</sup> There is a significant opportunity for academics to engage further with the UPR by using it as a platform to disseminate their academic research to a practice-based audience.<sup>130</sup>

It would be more effective for Member States to use the information provided by CSOs to formulate specific recommendations to ensure action is taken to protect GRT women from domestic abuse, rather than providing recommendations on domestic abuse generally. This is because it would encourage the government to consider targeted approaches to this particular form of intersectional abuse, highlighting that the same approach for all women will not work in practice.

## ii. Trans Women

Another group of women who are often overlooked in terms of protection from domestic abuse is transgender women ('trans women'). Disappointingly, the UK Government does not collect LGBTQ+ specific data in relation to domestic abuse prevalence. However, in 2018, Stonewall found that 1 in 6 trans women experienced domestic abuse in the UK.<sup>131</sup> A 2020 study in the US concluded that "[t]ransgender individuals experience a dramatically higher prevalence of [domestic abuse] victimization compared with cisgender individuals."<sup>132</sup>

Further problems arise in terms of trans women seeking support for domestic abuse, as "[i]n the UK, there are no specific domestic abuse refuges for the LGBTQ+ community, with only two refuges offering specialized support for LGBTQ+ survivors and both are in London."<sup>133</sup> Similar to the GRT community, transgender

<sup>129</sup> See *id.* (stating the various advocacy groups that have developed community engagement and policy programs).

<sup>130</sup> See Alice Storey, *Engaging with the UN Human Rights Council's Universal Periodic Review Mechanism as an Academic*, 23 JURIS POIESIS 665, 665 (2020) (proposing that non-governmental organizations submit stakeholder reports to encourage further academic input to the UPR process).

<sup>131</sup> STONEWALL & NFP SYNERGY, SUPPORTING TRANS WOMEN IN DOMESTIC AND SEXUAL VIOLENCE SERVICES 2, [www.stonewall.org.uk/system/files/stonewall\\_and\\_nfpsynergy\\_report.pdf](http://www.stonewall.org.uk/system/files/stonewall_and_nfpsynergy_report.pdf).

<sup>132</sup> Sarah M. Peitzmeier et al., *Intimate Partner Violence in Transgender Populations: Systematic Review and Meta-analysis of Prevalence and Correlates*, 110 AM. J. PUB. HEALTH e1, e1 (Sept. 2020).

<sup>133</sup> UPR Project 2022, *supra* note 40, ¶ 45.

people are discriminated against more generally. This is also reflected in the support for trans women facing domestic abuse, as a high-profile domestic abuse organization told one worker, “[i]f they don’t sound like a woman, it doesn’t matter if they say they are, hang up. We’re not supporting them.”<sup>134</sup>

Comparable to Montoya’s warning regarding migrant women, Faye cautions against the solution simply being to create refuges for the community: “[w]hile specialist provision for trans survivors is to be encouraged, there is a difference between advocating for tailored services designed to help people with specific experiences and championing enforced segregation.”<sup>135</sup> Instead, the UPR Project at BCU’s UK Stakeholder Report argues, “[a] sensible and evidence-based approach should be taken, and most importantly the UK Government should implement any actions related to this issue in conjunction with representatives from the LGBTQ+ community.”<sup>136</sup>

Trans women were discussed in the UK’s 2017 UPR in a general context. The Special Rapporteur on violence against women was cited in the Compilation Report, discussing trans women in terms of “entrenched discriminatory practices”<sup>137</sup> and Montenegro mentioned trans women during the 2017 interactive dialogue, in terms of “empowering” all women and “enhancing gender policies.”<sup>138</sup> Whilst it is positive that a Member State has discussed trans women during the interactive dialogue, these discussions must be translated into recommendations to encourage action and allow implementation to be monitored. There was no discussion of the intersectional discrimination faced by trans women who suffer domestic abuse in the UK’s first three cycles. This is something the UPR Project at BCU has sought to rectify by providing an overview of the

---

<sup>134</sup> Moya Lothian McLean, *‘If They Sound Like a Man, Hang Up’ – How Transphobia Became Rife in the Gender-based Violence Sector*, GAL-DEM (Feb. 1, 2021), <https://gal-dem.com/transphobia-in-sexual-violence-services/>.

<sup>135</sup> SHON FAYE, *THE TRANSGENDER ISSUE: AN ARGUMENT FOR JUSTICE* 59 (Bulletin of App. Transgender Stud. 2021).

<sup>136</sup> *UPR Project 2022*, *supra* note 40, ¶ 46.

<sup>137</sup> See U.N. Hum. Rts. Council, *Compilation on the United Kingdom of Great Britain and Northern Ireland*, ¶ 13, U.N. Doc. A/HRC/WG.6/GBR/2 (Feb. 22, 2017) (discussing the concerns regarding violence against women from black and minority ethnic communities and the LGBTQ community).

<sup>138</sup> See Report of the Working Group 2017, *supra* note 62, ¶ 44 (discussing Montenegro’s approach in combating domestic violence by advocating for the empowerment of women and enhancing gender policies for vulnerable communities).

issue along with suggested recommendations for Member States to use in the Fourth Cycle review.<sup>139</sup>

## V. CONCLUSION

Improving UPR recommendations to ensure they have a positive effect on human rights on the ground is not a radical argument. The aim of this article is to provide practical suggestions as to how this can actually be achieved, using domestic abuse in the UK as a case study.

First, Member States should avoid using the phrase ‘violence against women and girls’ without further specification, instead considering how to target specific types of VAWG that affect different categories of women. UPR Info has advocated for a SMART approach to UPR recommendations (specific, measurable, achievable, realistic, timebound).<sup>140</sup> Furthermore, consistent terminology should be used when referring to a specific human rights issue. For example, here, domestic abuse is the chosen terminology as it reflects the UK’s own references.

Second, the UK has now ratified the Istanbul Convention, but with a reservation attached which means the government is failing to protect migrant women from abuse. Two core improvements were identified in relation to this. (1) UPR recommendations must be fluid and adapt as the human rights situation develops. In this instance, the recommendations started by asking the UK to sign the Istanbul Convention. When the UK government had achieved that, they then developed to asking the UK to ratify it, and now they must progress to considering removing the reservations. To some extent, this has happened in the UK’s Fourth Cycle UPR which took place on 10<sup>th</sup> November 2022, as Spain asked the UK to lift its reservation regarding migrant women.<sup>141</sup> (2) Member States should utilize CSO

---

<sup>139</sup> See generally *UPR Project 2022*, *supra* note 40, ¶¶ 44-46 (outlining further points for the UK to consider regarding Domestic Abuse and the LGBTQ community such as providing adequate support and refuge for trans women experiencing domestic abuse).

<sup>140</sup> See *For Impact on the Ground the UPR Needs SMART Recommendations*, UPR INFO (Oct. 21, 2015), <https://upr-info.org/en/news/impact-ground-upr-needs-smart-recommendations> (explaining the meaning of the acronym “SMART” and stating that SMART recommendations improve accountability and enable monitoring of the implementation of recommendations).

<sup>141</sup> See *UPR Project 2022*, *supra* note 40, ¶ 35 (stating that six recommendations asked the UK to ratify the Istanbul Convention including Spain).

recommendations. As CSOs are clearly seeing the difficulties and issues facing domestic abuse victims first-hand, the UK Government should work with them, both within the UPR process and more generally. As section III B identified, issues related to domestic abuse were discussed elsewhere in the UPR, predominantly by CSOs in their individual stakeholder reports. This means that the information is available to Member States to help formulate meaningful recommendations and they now need to use it.

Third, whilst it is commendable that Member States have started to refer to domestic abuse specifically in their recommendations, focusing on particular marginalized groups of women that face domestic abuse could lead to more targeted action by the UK government. This section introduced the theory of intersectionality, through the examples of how intersectional recommendations would support GRT and trans women, also reinforcing the argument that Member States should use information provided by CSOs when formulating recommendations. More work on this in relation to the UPR is required to understand what effect an intersectional approach would have on the mechanism more widely. In sum, because the UK Government must at least consider implementing all UPR recommendations, this approach would encourage the government to find ways to address specific instances of intersectional abuse, highlighting that the same approach for all women will not work in practice.

This article contends that the core findings of this research can be applied across the entirety of the UPR recommendations, especially when related to women's rights: (1) use consistent terminology, (2) be specific when discussing aspects of VAWG, (3) UPR recommendations should be fluid and adapt to the changing human rights landscape, (4) utilize recommendations provided by CSOs in their stakeholder submissions, and (5) consider applying an intersectional approach when making recommendations.

Further research is required regarding the UPR as a whole, but particularly how the UPR recommendations can be improved to ensure they are implemented on the ground. The author's next research project will consider in more detail the utility of Member States using CSO recommendations and information, through the case study of female genital mutilation in Somalia.