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22 July 2025

Dear Convener

PE2136: Make non-fatal strangulation a standalone criminal offence in Scotland.

Thank you for your letter of 2 June 2025 asking for my views on the matter of [PE2136: Make non-fatal strangulation a standalone criminal offence in Scotland](#).

As you noted in your letter, the evidence sessions held on 21 May 2025 from individuals, including the Petitioner Fiona Drouet, and wider stakeholders outlined varying views which served to highlight some of the key issues to be considered.

As I have previously explained, I fully recognise the serious issue of non-fatal strangulation, which is an abhorrent type of abuse, and can have significant physical and psychological impact on victims, as noted by the Petition and within the evidence sessions to date.

As the Committee is aware, conduct amounting to non-fatal strangulation is already a criminal offence in Scotland under the common law of assault and carries maximum penalties up to life imprisonment. I remain committed to giving this proposal to also introduce a standalone offence serious consideration, as evidenced through the commitment in this year's [Programme for Government](#) to carry out a comprehensive assessment of the relevant law in order to determine next steps and this work will begin over the summer. This will involve engagement with relevant individuals and organisations and I have met with Fiona Drouet to hear her views.

There is of course the related concern around public awareness both in a criminal justice and health context. I understand that one argument made for a standalone offence is to raise awareness. I believe there are a number of other avenues that could also be explored to achieve this important aim, including focussing on the criminal nature of the behaviour and how this can already be addressed in a legal sense. This is a matter which is also being

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considered across a range of portfolios, including health and education, to see what more can and should be done; and how best to progress.

You also asked for my views on how we could better collect data (and what that might look like and for what purpose) on the prevalence on non-fatal strangulation. Routine information is not currently available that specifically identifies where the details of a sexual offence involves non-fatal strangulation. Let me explain how it is categorised:

- If it occurred as part of any non-consensual sexual activity, this would form part of the offence e.g. rape.
- If the offence happened separately, then both a crime of rape and a second crime for the non-fatal strangulation would be recorded (such as an attempted murder, assault etc.).
- If it was established that there was consent to sexual activity, but not consent to the strangulation, any non-fatal strangulation would most likely be recorded as a sexual assault given the sexual element.

I agree that better collection of data is a component that requires consideration. Understanding prevalence is important in order to ensure appropriate action is taken and services put in place, and also so that the impact of any action can be properly measured. Therefore in collaboration with stakeholders, policy experts and survey design specialists, Scottish Government analysts have recently completed work on developing new questions on the topic of non-fatal strangulation during consensual sexual activity. These questions have been included in the 2025/26 Scottish Crime and Justice Survey questionnaire, which went into the field in April. This will provide a basis to better understand the level of incidence, public attitude and perception, which I am sure you will agree, is a positive step forward. I will consider what response this may require, when that data is available.

You will also be aware that following the Independent Porn Review, conducted by Baroness Gabby Bertin, the UKG has announced their intention to bring forward amendments to the Crime and Policing Bill to include criminalising the act of strangulation in pornography. The Scottish Government supports that decision and will consider further once we have seen the details of the amendments.

I hope this response is helpful to the Committee.

Yours sincerely,



ANGELA CONSTANCE

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