

PE2136/B: Make non fatal strangulation a standalone criminal offence in Scotland

Petitioner written submission, 6 March 2025

Introduction

Non-fatal strangulation (NFS) is increasingly recognised as a severe form of domestic violence. In June 2022, England and Wales made NFS a standalone crime, recognising its extreme harm. Ireland followed suit in 2023. Scotland must keep pace with these changes by introducing NFS as a standalone criminal offence.

NFS is particularly dangerous, often signalling a heightened risk of homicide. Victims are eight times more likely to be killed when NFS is involved in an abusive relationship. The act itself can cause brain damage, organ failure, long-term physical and mental health problems, and increases the risk of strokes and neurological disorders. Victims report the trauma of experiencing NFS as a near-death event. Nearly 80% of NFS victims suffer lasting effects beyond the immediate assault.

Women are disproportionately affected by NFS. A February 2024 Domestic Homicide Review identified 80 NFS victims, 81% of whom were women, with 97% of perpetrators being male. Most victims were later killed by their perpetrators, often former intimate partners. Between 2000 and 2018, three-quarters of all homicide victims from NFS were women.

The Role of Social Media

A 2020 BBC survey revealed that nearly 40% of UK women aged 18-39 reported experiencing choking, strangulation, or gagging during sex, with 42% feeling pressured into these acts. This highlights the cultural factors contributing to the normalisation of NFS. The 'We Can't Consent to This' campaign addresses how NFS is framed as part of "rough sex," which normalises violence against women. Pornography often depicts women being "choked", and a 2022 BBC survey found that 57% of men who committed violent acts during sex cited pornography as an influence. Social media platforms, including TikTok, further perpetuate this behaviour with harmful hashtags like #chokeme and #breathplay.

Although explicit data linking (so called) consensual strangulation to abusive or homicidal behaviour is limited, the normalisation of strangulation in sexual contexts leads to society's increased acceptance of violence against women. This highlights the need for legal reforms and public awareness campaigns to mitigate these risks.

Research by Munro and Dangar (2021) highlighted correlations between coercive control, NFS, and domestic abuse-related suicides. Their analysis found that perpetrators in suicide cases were three times more likely to have engaged in coercive control and four times more likely to have a history of NFS. These findings further stress the urgent need to address this life impacting/ending form of abuse.

Data and Statistics

From June to December 2022, 8,375 NFS offences were reported across 27 police forces in England and Wales, yet only 971 charges were brought. This highlights the prevalence of NFS despite low convictions. However, compared to other recently introduced offences, such as 313 prosecutions for upskirting (2019-2022), the charge rate for NFS is relatively high. With an overall charge rate of 5.6% for all crimes and 6.8% for domestic abuse, the 10% charge rate for NFS shows that, although improvements are needed, the offence is being used more effectively than others.

NFS drastically increases the risk of homicide and has serious psychological effects, including a potential link to suicide.

Why Scotland Must Act

Establishing NFS as a standalone offence in Scotland will signal zero tolerance for such acts, ensure appropriate consequences for perpetrators, and enhance victim protection. It will also deter future harm and reinforce Scotland's commitment to addressing domestic abuse.

Scotland must not lag behind other parts of the UK in recognising the severe threat posed by NFS. Immediate legislative action is needed to address this gap in protection and justice for victims of domestic abuse.

Conclusion

Scotland must follow England, Wales, and Ireland by making NFS a standalone crime. This will signal zero tolerance, ensure proper consequences for perpetrators, improve victim protection, and reinforce Scotland's commitment to addressing violence against women. Scotland cannot lag behind in addressing this critical gap in justice for victims.

The Scottish Government has a vital opportunity to protect victims, prevent further harm, and raise public awareness about the serious risks of NFS. By recognising it as a standalone crime, Scotland can send a clear message that NFS is unacceptable, helping to prevent future abuse and prevent more precious lives from being irreparably damaged and/or lost.