

PE2182/B: Review the Domestic Abuse (Scotland) Act and introduce a minimum sentence for severe offences

Petitioner written submission, 4 November 2025

I am writing in response to the Scottish Government's reply to our petition calling for a review of the Domestic Abuse (Scotland) Act and the introduction of minimum sentencing for severe offences. More specifically, the response to our proposal to introduction of minimum sentencing for severe offences.

While I acknowledge the Government's commitment to judicial independence and its support for the Scottish Sentencing Council's ongoing work, I must respectfully challenge the assertion that current measures are sufficient to address the scale and severity of domestic abuse in Scotland.

The Scottish Government maintains that sentencing is best left to the discretion of the independent court, which can consider the facts and circumstances of each case. However, the available data clearly demonstrates that this discretion is not resulting in consistent or adequate accountability for perpetrators.

According to criminal proceedings data published by the Scottish Government in December 2024, only 763 people were convicted in 2022–23 under the Domestic Abuse (Scotland) Act 2018. Of those:

- 66% received community sentences
- 15% received custodial sentences
- 12% received financial penalties
- 8% received other outcomes, such as admonishment

In contrast, Police Scotland recorded 61,934 incidents of domestic abuse during the same period. The most common offences were common assault (32%) and threatening and abusive behaviour (21%). This means that only around 1.23% of incidents resulted in a conviction under the 2018 Act.

Furthermore, in 2022–23, 83% of domestic abuse victims were women, and 81% of incidents involved a male perpetrator and a female victim -

<https://womensaid.scot/information-support/domesticabuse-statistics-scotland/>

To illustrate the broader scale of violence against women, the Scottish Government's own homicide statistics show that 38% of female homicide victims were killed by a partner or ex-partner in 2023–24 - <https://www.gov.scot/publications/homicide-scotland-2023-24/documents/>

These figures are not just statistics. They represent lives devastated by abuse and a justice system that is failing to respond with the seriousness these crimes demand.

Sentencing guidelines, while useful, are advisory, not binding. Introducing minimum sentences would establish a clear baseline of accountability, while still allowing judges to apply discretion within a defined range. This approach preserves judicial independence while ensuring consistency and fairness. It also promotes impartiality by helping to mitigate the influence of personal bias in the judicial consideration of such offences.

The Government's reliance on appeal mechanisms to address unduly lenient sentences is reactive and insufficient. And place an additional emotional burden on victims, forcing them to wait yet again for justice and delaying their ability to move forward with their lives.

Introducing minimum sentencing or minimum sentencing guidance, would send a clear and unequivocal message that domestic abuse is a serious crime with serious consequences. It would affirm Scotland's commitment to protecting women and children and strengthen public confidence in the justice system.

I would be interesting to hear what measures the Scottish Government could propose as a counter to the petition.

Finally, I wish to respectfully highlight that, based on the available information, the committee members due to discuss this petition at the next meeting appear to be male. Given the gendered nature of domestic abuse, it is vital that women are meaningfully involved in these conversations. Their lived experiences and perspectives are essential to shaping effective and empathetic policy.

Thank you for your time and consideration.