

Citizen Participation and Public Petitions Committee  
Wednesday 25 February 2026  
5th Meeting, 2026 (Session 6)

## PE1887: Create an Unborn Victims of Violence Act

### Introduction

**Petitioner** Nicola Murray

**Petition summary** Calling on the Scottish Parliament to urge the Scottish Government to create an Unborn Victims of Violence Act, creating a specific offence that enables courts to hand down longer sentences for perpetrators of domestic violence which causes miscarriage.

**Webpage** <https://petitions.parliament.scot/petitions/PE1887>

1. The Committee last considered this petition at its meeting on 3 May 2023. At that meeting, the Committee agreed to seek a chamber debate on the issues raised in the petition.
2. [The Committee held a debate on the issues raised in the petition on 2 May 2024.](#)
3. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
4. The Committee has received new written submissions from the Cabinet Secretary for Justice and Home Affairs and the Petitioner which are set out in **Annexe C**.
5. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage.](#)
6. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
7. [The Scottish Government gave its initial response to the petition on 23 August 2021.](#)
8. Every petition collects signatures while it remains under consideration. At the time of writing, 112 signatures have been received on this petition.

### Action

9. The Committee is invited to consider what action it wishes to take.

**Clerks to the Committee**  
**February 2026**

## **Annexe A: Summary of petition**

### **PE1887: Create an Unborn Victims of Violence Act**

#### **Petitioner**

Nicola Murray

#### **Date Lodged**

19 August 2021

#### **Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to create an Unborn Victims of Violence Act, creating a specific offence that enables courts to hand down longer sentences for perpetrators of domestic violence which causes miscarriage.

#### **Previous action**

I have previously petitioned the UK government and written to MPs and MSPs on the issue.

#### **Background information**

As the law currently stands if a perpetrator of domestic violence causes a miscarriage, still birth or forces a woman to terminate her pregnancy against her will, they cannot be adequately prosecuted, and this leads to lenient sentences being available in court. This Act should not impact on reproductive rights.

I have experienced the loss of three babies due to domestic violence and a forced termination. I was absolutely devastated and grief stricken. I felt incredibly let down because in my experience, the law as it currently stands offered no protection or redress. I believe that the current law cannot adequately prosecute perpetrators who cause such loss through their violent actions or coercive control.

## **Annexe B: Extract from Official Report of last consideration of PE1887 on 3 May 2023**

**The Convener:** Agenda item 2 is consideration of continued petitions, the first of which, PE1887, was lodged by Nicola Murray and calls on the Scottish Parliament to urge the Scottish Government to create an unborn victims of violence act, creating a specific offence that enables courts to hand down longer sentences for perpetrators of domestic violence that causes miscarriage.

At our previous consideration of the petition, on 23 November 2022, we heard evidence from the petitioner, Nicola Murray, and key stakeholders. The committee agreed to recommend that the Scottish Government creates a specific statutory offence and/or aggravator for causing miscarriage through acts of domestic violence. We also recommended that, in its forthcoming report on the provisions of the Domestic Abuse (Scotland) Act 2018, the Scottish Government should include a review and evaluation of the effectiveness of the current legal framework in bringing forward and prosecuting charges where miscarriage is caused.

The committee also wrote to the Scottish Sentencing Council, requesting that the evidence gathered be taken into account as part of the council's development of sentencing guidelines. We have since had confirmation from the SSC that it will consider the committee's evidence as part of its work.

The response from the then Cabinet Secretary for Justice and Veterans was that he would take time to fully consider the implications of any proposed changes before considering any next steps, including the potential for wider consultation. He said that officials were already exploring potential policy options and that he would welcome meeting the petitioner once that work is concluded. The cabinet secretary's response refers to a recent report on the Domestic Abuse (Scotland) Act 2018 but notes that it "does not include a review of the effectiveness of the current framework in bringing forward and prosecuting charges where miscarriage is caused."

A little bit of work has taken place and been forthcoming in the wake of the evidence that we took from Nicola Murray. Do members have any questions, comments or suggestions that we might consider in relation to that?

**David Torrance (Kirkcaldy) (SNP):** Would the committee agree to seek a debate in the chamber, if we can find time in the busy parliamentary schedule, to raise the issues that were raised in the petition?

**The Convener:** Do we agree with that suggestion? Having investigated that speculatively, I understand that it could be later in the autumn before the opportunity arises, which I suppose would allow us to pursue any outcomes that might be forthcoming from the on-going investigations, so that we have all that information before us at the time of the debate. Are we agreed?

**Members** *indicated agreement.*

## **Annexe C: Written submissions**

### **Cabinet Secretary for Justice and Home Affairs written submission, 19 September 2023**

#### **PE1887/M: Create an Unborn Victims of Violence Act**

I wanted to provide the committee with an update on the Scottish Government's considerations of PE1887 as promised in my predecessor's letter earlier this year.

Let me begin by saying that I fully recognise the tragic circumstances outlined by the Petitioner which no woman should ever have to endure.

I have to balance that position with the very real challenges that are always presented when looking at proposals on new pieces of legislation and law; and to consider if there are other avenues to explore to achieve the same end.

While I recognise the Committee's support for the Petition, I have noted that you are also aware of the clear and evident difficulties in creating any new offence in this area, particularly but not exclusively in terms of how it could be proven. It is likely to prove difficult, both medically and causally, to demonstrate for example, that psychological or another form of abuse led to a woman's miscarriage. Committee members and those invited to provide evidence outlined some of those challenges and made clear how the law currently reflects these circumstances through judicial process and how that might be strengthened.

As part of the Committee's considerations you will already be aware that Section 2 of the Domestic Abuse (Scotland) Act 2018 Act in particular provides a non-exhaustive definition of what is considered "abusive behaviour" for the operation of the domestic abuse offence, and this includes behaviour that is violent, threatening or intimidating or that has as its purpose or relevant effect the frightening, humiliating, degrading or punishing of a partner or ex-partner. The Act therefore recognises the multi-faceted nature of domestic abuse, which is much more than physical abuse. The maximum penalty for an offence under section 1 of the Act is imprisonment for a term of up to 14 years.

It is for Police Scotland and the COPFS to investigate and prosecute cases under the domestic abuse offence, including decisions about what conduct may be included in a course of conduct, and it is understood that common law and other statutory offences may be used depending on the individual facts and circumstances of each case.

For example, the common law offence of assault may also apply in those instances the Petitioner describes, where the violent actions of a perpetrator cause the victim to miscarry, or a perpetrator forces a woman to terminate her pregnancy against her will. The maximum penalty for the common law offence of assault ranges up to life imprisonment and is limited only by the sentencing powers of the court in which the case is heard.

Were the Scottish Parliament to consider any change to the law in this area there would need to be considerable thought given to the possibility of unintended consequences.

With those considerations, I am not persuaded at this time that we should introduce a new offence, but I do note the ongoing considerations of the Sentencing Council and the fact that are currently considering their approach to sentencing guidelines.

Please keep me advised of the committee's considerations.

Yours sincerely

Angela Constance MSP

## **Petitioner written submission, 24 October 2023**

### **PE1887/N: Create an Unborn Victims of Violence Act**

Last year I did a freedom of information request with Police Scotland regarding Domestic Abuse in pregnancy and their recorded figures.

This showed that since I lost my son Brodie in 2017, 4 women in Scotland per day are abused whilst pregnant. This totals 7,310 recorded incidents. This is a horrific figure given we know that domestic abuse is under reported by around 30-40%.

Here are the responses and figures obtained: <https://www.scotland.police.uk/spa-media/vsvdsdo5/22-1213-response.pdf>

Furthermore, here is press coverage of the FOI and my story.

[https://www.scotsman.com/news/opinion/columnists/scotlands-domestic-violence-crisis-shocking-number-of-attacks-on-pregnant-women-demands-a-change-in-the-law-susan-dalgety-3778931?fbclid=IwAR28IBffcw0tu0U3EcHzOaEs2tMfGxP0MPhnWnEIZkq\\_eXlsanmCleY-O0\\_aem\\_AaWlrfSwPVB17Ax2d1aqWtWUiBiz2AVODDqiyi5Z7gKek\\_aKhdhAbOzudXEj-G2mrzs#mamx3s5fcvg](https://www.scotsman.com/news/opinion/columnists/scotlands-domestic-violence-crisis-shocking-number-of-attacks-on-pregnant-women-demands-a-change-in-the-law-susan-dalgety-3778931?fbclid=IwAR28IBffcw0tu0U3EcHzOaEs2tMfGxP0MPhnWnEIZkq_eXlsanmCleY-O0_aem_AaWlrfSwPVB17Ax2d1aqWtWUiBiz2AVODDqiyi5Z7gKek_aKhdhAbOzudXEj-G2mrzs#mamx3s5fcvg)

### [The Devastating Scale of Pregnancy Loss Linked to Domestic Abuse – Byline Times](#)

I urge the Scottish Government to take action for those women, and those 4 per day ongoing.

I firmly believe that an amendment to the current Domestic Abuse (Scotland) Act 2018 will enable the judicial system to work more effectively for those women, as currently it is very obvious things are simply not working as they should and empty words of faux sympathy do little to change our plight.

I am steadfast in my belief that within domestic abuse law is the natural home for this amendment and that the wording by Dr Mary Neal leaves no room for misinterpretation and unintended consequences for women.

The amendment would in fact reinforce reproductive autonomy.

**Cabinet Secretary for Justice and Home Affairs written submission,  
2 July 2024**

**PE1887/O: Create an Unborn Victims of Violence Act**

I write to you following last month's constructive debate on the above-mentioned Petition and following a time for further reflection.

Immediately following the debate, my officials followed up with the Scottish Sentencing Council secretariat to seek an update on progress in developing a sentencing guideline for domestic abuse cases as we all appreciated this was an important part of our considerations on any potential next steps within the debate. I also highlighted the areas raised within the debate in my recent meeting with the Lord Justice Clerk last month.

The Council secretariat were helpfully familiar with the debate and confirmed that the Council was carefully considering the issue as it looks to advance the draft guideline for public consultation. The secretariat confirmed the Council's previously stated position that there is nothing that necessarily precludes the loss of an unborn child caused by violent actions or coercive control from being labelled as part of an offence or from being considered by a judge or sheriff as a factor in a sentencing decision. The secretariat outlined that the issues raised in the Petition insofar as they relate to sentencing, are being considered in the context of the draft guideline being developed on sentencing domestic abuse offences.

That being said, I have reflected further, as I indicated I would as part of my closing speech, on the arguments made during the debate.

While I think we would all welcome the developing work on the part of the Scottish Sentencing Council, I am not convinced that in isolation it would directly address the aims of the Petitioner and the consensus amongst those who contributed to the debate.

I have therefore asked my officials to progress discussions with justice partners to develop policy for how a statutory aggravator for causing miscarriage through acts of domestic abuse could operate. We will use the existing Domestic Abuse Justice Partners Roundtable format but engaging others throughout. Those discussions would also look at the implications and challenges of potentially broadening the aggravator to include other crimes but with a clear focus on domestic abuse. I can't and would not at this stage want to raise expectations around timing for when that work will be completed but I will commit to keeping you updated on a regular basis.

I would be grateful if you could advise the Petitioner of this development and to convey my thanks for her bravery and determination in bringing this to the debating chamber of the Scottish Parliament. I would also like to personally thank you for

conducting the debate in such a well informed and constructive manner, something which the now First Minister reflected at the time as well.

I am copying this letter to the Convener of the Criminal Justice Committee for their interests as well.

Yours sincerely,

**ANGELA CONSTANCE**

**Cabinet Secretary for Justice and Home Affairs written submission,  
5 March 2025**

**PE1887/P: Create an Unborn Victims of Violence Act**

Thank you for your email of 10 February asking for an update on our considerations of [PE1887: Create an Unborn Victims of Violence Act](#).

In my previous response of 2 July 2024, I set out my intention for officials to progress discussions with justice partners on this issue as I fully recognise the appalling experience of the Petitioner and that more needs to be done to address violence against women, particularly when the victim is pregnant, and the violence leads to a tragic loss.

As part of those discussions, consideration has been given to potential next steps which would improve the position of women such as the petitioner who have experienced this dreadful loss. I am pleased to advise that these discussions have taken place in a constructive and productive manner and have focussed on the potential to develop a statutory aggravator for causing miscarriage through acts of domestic abuse, and importantly how this could operate in practice.

This has included consideration of potential legislative vehicles that might be used to progress any relevant amendments to the existing legislative position.

I should also advise that this matter was raised during a recent evidence session with the Criminal Justice Committee, at Stage 1 of the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill. I agreed to discuss this matter in more detail with the Convener, and I am pleased that a meeting has been scheduled for later this month.

I also remain focused on ensuring that we proactively engage with the Petitioner as well as other stakeholders as we develop work in this area.

I will of course look to keep the Committee advised of any further developments.

Yours sincerely,

**ANGELA CONSTANCE**