

Public Petition Committee
Thursday 10 September 2026
2nd Meeting, 2026 (Session 7)

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

Introduction

Petitioner Fiona Drouet

Petition Summary Calling on the Scottish Parliament to urge the Scottish Government to make non-fatal strangulation a standalone criminal offence in Scotland.

Website <https://petitions.parliament.scot/petitions/PE2136>

1. This is a continued petition that was published on 6 January 2025. On 23 April 2025 the petition was referred to the Criminal Justice Committee. Details of action taken by the Session 6 Criminal Justice Committee are set out on the website highlighted above.
2. The Criminal Justice Committee then held an evidence session on 21 May 2025, which included evidence from the Petitioner.¹ That committee then wrote to the then Lord Advocate and the Cabinet Secretary and received responses from each, as well as the Petitioner².
3. It is clear from those responses, as well as the most recent response from the Scottish Government, that the position of the Government and Crown Office and Procurator Fiscal Service (COPFS) is that non-fatal strangulation is already a crime, prosecuted under common assault, attempted murder or domestic abuse legislation, and that as such there is no need for a specific offence in Scots law.
4. [In a submission to the Criminal Justice Committee on 11 July 2025](#), the Petitioner set out her reasons for disagreeing with this position, believing that this lack of distinct recognition of the crime minimises the gravity of the offence. The Petitioner did, however, welcome an offer from the then Lord Advocate to discuss the matter further.
5. It is evident from the correspondence between the Session 6 Criminal Justice Committee and the then Lord Advocate, Scottish Government and Petitioner, that there has been engagement between the Petitioner and the COPFS and Scottish Government about the issue.
6. A full summary of this petition and its aims can be found at **Annexe A**.

¹ <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=16452>

² Responses are available at: [PE2136 Make non fatal strangulation a standalone criminal offence in Scotland | Scottish Parliament Website](#)

7. Every petition collects signatures while it remains under consideration. At the time of writing, 2,596 signatures have been received on this petition.
8. The Committee sought the views of the Scottish Government on all petitions carried over from Session 6 to inform its consideration. A copy of its response is available at **Annexe B**, along with a response from the Petitioner.
9. The Scottish Government's response of 21 July 2026 referred to its [consultation on improving protections in the justice system for women and girls](#). This consultation ended on 31 August 2026. That consultation sought views on a range of matters including the operation of non-fatal strangulation law. The Petitioner's response indicates that the Petitioner has submitted evidence to that consultation.

Action

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

Clerks to the Committee
September 2026

Annexe A: Summary of petition

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

Petitioner

Fiona Drouet

Date Published

6 January 2024

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to make non-fatal strangulation a standalone criminal offence in Scotland.

Previous action

In 2021 I founded EmilyTest and began working to highlight the lack of recognition for non-fatal strangulation (NFS) in Scottish Law. My daughter, Emily, tragically died at 18 after enduring abuse, including strangulation. The perpetrator was convicted of common assault. I urged Scottish Government to recognise NFS as standalone offence. In 2021, Humza Yousaf acknowledged the risks of NFS, but did not support its introduction as a separate crime in Scots Law. The First Minister recently announced that he will seriously consider this proposal.

Background information

Non-fatal strangulation (NFS) is increasingly recognised as a severe form of domestic abuse. In June 2022, England & Wales made NFS a standalone crime, followed by Ireland in 2023. Scotland must urgently address the dangers posed by NFS. NFS is a significant predictor of homicide in abusive relationships, with victims being 8 times more likely to be killed. The act can cause brain damage, organ failure, mental ill health, and death. Victims often describe NFS as a near-death experience, with 80% suffering lasting impacts. Women are disproportionately affected, with a 2024 review showing that 81% of NFS victims were women, and 97% of perpetrators were male. The introduction of NFS legislation in England & Wales has revealed the extent of this crime. Between June and December 2022, 8,375 NFS offences were reported, with 971 charges. These figures reflect the prevalence and urgency of addressing this form of abuse. Scotland must follow the example set to protect women and girls by making NFS a standalone crime.

Annexe B: Written Submissions

Scottish Government written submission, 21 July 2026

PE2136/D: Make non-fatal strangulation a standalone criminal offence

The current position is that in February 2026, the Scottish Government published a consultation 'Improving protections in the justice system for women and girls'. This consultation is due to end on 31 August 2026 and seeks views on a range of matters including the operation of non-fatal strangulation law. The consultation lays out the current operation of laws in this area and suggests these laws work effectively in being able to respond to non-fatal strangulation. Views can be offered through the consultation and the responses will inform consideration of next steps by the Scottish Government.

Petitioner written submission, 7 September 2026

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

EmilyTest has responded to the Scottish Government consultation on non-fatal strangulation (NFS). Our response is informed by our work to prevent gender-based violence (GBV). Our overall position is that, while Scotland already has important legal protections, there is a strong case for creating a standalone offence of non-fatal strangulation.

Our support is not simply about creating an additional route to prosecution. Naming NFS in law could improve recognition, data, professional practice, public understanding and, importantly, prevention.

Existing protections and the limitations of DASA

We recognise the significant protections already available under Scots law. NFS can be prosecuted as assault and, where it forms part of a course of abusive behaviour by a partner or ex-partner, can be incorporated within a charge under the Domestic Abuse (Scotland) Act 2018 (DASA). We strongly support retaining these protections, including the evidential advantages DASA can provide.

However, we do not believe the existing framework provides comprehensive protection or removes the case for a standalone NFS offence.

One important limitation is that DASA requires a "course of behaviour", involving behaviour on at least two occasions. NFS can be the first or only identified incident of abuse. In those circumstances, it cannot by itself constitute a DASA offence. Given the seriousness of strangulation and its association with escalation and future serious harm, we do not believe specific recognition should depend upon someone experiencing further abuse.

Research has found that women previously subjected to NFS by an intimate partner are just under 8 times more likely of subsequently becoming a victim of homicide compared with abused women who had not experienced strangulation. NFS therefore needs to be recognised not simply as another method of assault, but as an important indicator of risk.

There is also a significant evidence gap in Scotland because NFS is not currently separately identifiable within criminal justice data. We cannot readily establish how frequently it occurs, how often it is incorporated within DASA cases or prosecuted through other offences, or the outcomes of those cases. We therefore support the Scottish Government's proposal for improved recording, but do not consider administrative recording an alternative to specific legal recognition. The two should complement each other.

We also do not see DASA and a standalone offence as competing approaches. A carefully designed offence could preserve the ability to incorporate strangulation within a DASA course of conduct where appropriate, while enabling NFS to be specifically charged in other circumstances.

Scottish courts have demonstrated that they recognise the seriousness of strangulation when sentencing offenders. Recent cases, albeit not all, have described it as an “inherently dangerous and life threatening act” and recognised strangulation as an aggravating feature within serious patterns of domestic and sexual violence. However, sentencing takes place at the end of the criminal justice process. Our concern is also with what happens much earlier: whether victims/survivors, police, healthcare professionals and others recognise strangulation, understand its significance and respond appropriately.

Public awareness and prevention

A central part of our response concerns the role of law in prevention. NFS can cause serious harm without obvious external injury and remains poorly understood. There is also growing concern about its normalisation within sexual activity, particularly amongst younger people.

Research published by the Institute for Addressing Strangulation in 2025, involving 4,175 UK respondents aged 16–34, found that 55% had either been strangled or strangled someone during sex. Among sexually experienced 16–17-year-olds, 43% reported having been strangled. Almost three in ten respondents believed there were “safe ways” to engage in strangulation.

This highlights the need for much greater public education. Awareness work should challenge the idea that strangulation is a routine or expected part of sexual activity and address assumptions around consent, particularly where strangulation is introduced unexpectedly during a sexual encounter.

Importantly, COPFS has itself acknowledged the potential wider benefits of legislation. In evidence to the Scottish Parliament, Dr Emma Forbes identified “compelling reasons” for creating a specific NFS offence, including that it would immediately raise public awareness and make incidents easier to count.

The experience of England and Wales, where a standalone offence was introduced in 2022, is also relevant. Police recorded almost 24,000 strangulation and suffocation offences in the first year, rising to over 44,000 in the year ending June 2025. CPS charges increased from 1,483 in 2022–23 to 8,545 in 2024–25. While legislation alone cannot explain these increases, post-legislative review has

identified improvements in recognition and understanding of strangulation as a high-risk indicator of escalating abuse.

There is also emerging international evidence suggesting specific NFS legislation may contribute to prevention. US research has associated the introduction of standalone NFS laws with reductions in intimate-partner homicide, although differences between legal systems mean these findings must be interpreted cautiously.

Our position is therefore that Scotland should consider a carefully drafted standalone NFS offence alongside improved recording, specialist training, public education and professional guidance. It should not require evidence of visible injury, should apply both within and outside domestic abuse contexts, and should preserve Scotland's existing protections regarding consent rather than introducing a consent defence like that operating elsewhere.

Conclusion

I strongly encourage the Committee to take this issue forward and support further consideration of a standalone offence of non-fatal strangulation. I believe there is a strong case for examining not only whether existing law can prosecute NFS, but whether specifically naming it in law could strengthen recognition, improve public and professional understanding, support earlier intervention and, ultimately, help prevent further harm.