



Criminal Justice Committee
Wednesday 23 September 2026
6th Meeting, 2026 (Session 7)

Domestic Abuse

Today's evidence sessions provide an opportunity to question two panels of witnesses about domestic abuse:

- **panel 1** – [ASSIST](#) and [Rape Crisis Scotland](#)
- **panel 2** – Crown Office & Procurator Fiscal Service (COPFS) and Police Scotland.

This briefing provides background information to help inform the session.

Criminal offences

Part 1 of the [Domestic Abuse \(Scotland\) Act 2018](#) (referred to in this paper as the '2018 Act' but also referred to as 'DASA' by stakeholders) created a new criminal offence of domestic abuse against a partner or ex-partner. The aim was to help enable the effective prosecution of a course of behaviour rather than individual incidents.

The offence may involve violent behaviour, including sexual violence, and behaviour which is psychologically harmful (e.g. causing fear, alarm or distress). The 2018 Act provides examples of how the intended or likely impact of behaviour may make it abusive. These include making the victim dependent or subordinate to the abuser; isolating the victim from friends and relatives; and humiliating or degrading the victim. The website of Scottish Women's Aid (see [What is Domestic Abuse? Understanding the Signs](#)) provides further illustration of what domestic abuse is.

The abuse can involve behaviour which uses another person to impact the victim, including situations where a child of the victim is used in such a way. Where a child is used, the 2018 Act provides for a statutory aggravation of the offence.

For the purposes of the offence, the 2018 Act provides that someone is a person's partner if they are: (a) spouses or civil partners of each other; (b) living together as if spouses of each other; or (c) in an intimate personal relationship with each other. The [explanatory notes](#) state that

"The phrase 'intimate personal relationship' is intended to cover relationships between boyfriends and girlfriends (including same-sex relationships), although the relationship need not be sexual." (para 57)

The creation of the offence in the 2018 Act was not intended to wholly replace the use of other more general offences in the prosecution of domestic abuse (e.g. where it is not possible to prove a course of behaviour). Other offences, in conjunction with a domestic abuse aggravation, are still used in relation to most cases of domestic abuse. Such offences include common law assault and the statutory offence of [threatening or abusive behaviour](#). A statutory domestic abuse aggravator is set out in section 1 of the [Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016](#). It deals with situations where there is abuse of a partner or ex-partner which may cause physical or psychological harm.

The Scottish Government statistical bulletin [Domestic Abuse in Scotland, 2024-25](#) (published June 2026) provides information on domestic abuse recorded by the police. It states that:¹

“There were 39,711 domestic abuse aggravated crimes and offences recorded by the police in 2024-25. The most common type of crime or offence was Common assault, accounting for 37%. This was followed by Threatening and abusive behaviour and Crimes against public justice, each accounting for 14% of domestic abuse aggravated crimes and offences.

Crimes recorded under the Domestic Abuse (Scotland) Act 2018 accounted for 6% of domestic abuse aggravated crimes and offences recorded in 2024-25.”
(page 2)

More detailed information on the range of criminal offences used in relation to domestic abuse is set out in Table 3 of the [Excel tables](#) published along with the statistical bulletin. For example, the 39,711 criminal offences recorded by the police in 2024-25 included:

- common law assault – 14,507 (37%)
- threatening or abusive behaviour – 5,736 (14%)
- crimes against public justice (e.g. bail offences) – 5,706 (14%)
- 2018 Act – 2,563 (6%)
- vandalism – 2,528 (6%)
- rape and attempted rape – 1,523 (4%).

Recent legislation

In addition to the relatively recent changes made by the legislation highlighted above, recent legislation of relevance to domestic abuse includes the following:

1. [Domestic Abuse \(Protection\) \(Scotland\) Act 2021](#) – includes provision for two new short-term measures aimed at protecting people at risk of domestic abuse:
(a) the police would be able to impose domestic abuse protection notices

¹ For statistical purposes, contraventions of the criminal law are separated into ‘crimes’ (more serious) and ‘offences’ (less serious). In other contexts, the terms are often used interchangeably.

(DAPNs); and (b) on application by the police, civil courts would be able to grant domestic abuse protection orders (DAPOs). Relevant provisions have not yet been commenced. Further information on these and other protective orders is set out in a SPICe briefing on [domestic abuse and civil law](#) (August 2026). The briefing includes information on parliamentary scrutiny of the [delay in implementing provisions for DAPNs and DAPOs](#). This highlights implementation difficulties (e.g. with Police Scotland warning that a combination of tight deadlines and high anticipated volumes would place significant strain on staff). The Scottish Government's [Programme for Government 2026 – 2031](#) (September 2026) includes a commitment to consulting on implementing DAPOs.

2. [Bail and Release from Custody \(Scotland\) Act 2023](#) – in relation to the rules under which the courts decide whether an accused should be released on bail or remanded in custody, one of the changes made was to repeal [section 23D](#) of the Criminal Procedure (Scotland) Act 1995. That section had provided that bail is only to be granted in exceptional cases if the accused is being prosecuted under solemn procedure for: (a) a violent, sexual or domestic abuse offence and has a previous conviction under solemn procedure for any such offence; or (b) a drug trafficking offence and has a previous conviction under solemn procedure for such an offence. The [policy memorandum](#) published along with the relevant Bill argued that the general bail test provided for in Bill has “considerations of public safety and delivery of justice as the focus of the decision-making process” and that the repeal would simplify the legal framework (see paras 143 to 145).
3. [Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews \(Scotland\) Act 2025](#) – including provision for [domestic homicide and suicide reviews](#). This system of reviews was implemented in April 2026. A review may be carried out when someone dies, and domestic abuse is known or suspected. The purpose is to identify what lessons can be learned and improve responses to domestic abuse.
4. [Victims, Witnesses, and Justice Reform \(Scotland\) Act 2025](#) – provisions which have not yet been brought into force include ones of clear relevance to domestic abuse as well as other areas of offending (e.g. those relating to the embedding of trauma-informed practice). It also sets out some provisions dealing specifically with domestic abuse (e.g. [section 108](#) added to the matters which a criminal court must consider when deciding whether to impose a non-harassment order on an offender).

Statistics

Sources of statistics on domestic abuse include:

- [Scottish Crime and Justice Survey](#) (SCJS) statistics on what it refers to as partner abuse (including ex-partners) providing a picture of the scale of incidents not reported to the police
- [police statistics](#) relating to reported incidents of domestic abuse and relevant criminal offences
- [prosecution statistics](#) relating to charges of domestic abuse

- statistics on [criminal proceedings in the courts](#).

Scottish Crime and Justice Survey

The SCJS data is based on a representative sample of adults (aged 16 and over) living in private households. The latest available data on partner abuse was taken from surveys in 2018-19 and 2019-20. It was published in March 2021 as part of the [2019-20 main findings report](#) (see section on [partner abuse](#)) and [associated Excel tables](#) (see Volume 6 – partner abuse). Findings on partner abuse include:

- 16.5% of respondents to the survey (21.2% of female and 11.2% of male respondents) said they had experienced partner abuse since the age of 16
- of those respondents reporting that they had experienced partner abuse in the 12 months prior to the survey interview, 16% said that the police came to know about the most recent (or only) incident.

More recent SCJS data on partner abuse, taken from surveys in 2023-24 and 2024-25, is due to be published later this year.

Police statistics

In June 2026, the Scottish Government published the latest edition of its annual bulletin and tables on [domestic abuse statistics recorded by the police](#), providing data up to 2024-25.

In relation to 2024-25, it notes that the police recorded:

- 64,967 incidents of domestic abuse
- 39,711 domestic abuse aggravated crimes and offences.

The police may record an incident of domestic abuse where criminal conduct has not been identified. Most recorded incidents involve a female victim and a male suspected perpetrator (81% in 2024-25).

The following table reproduces figures for the annual number of domestic abuse incidents recorded by the police since 2015-16.

Year	2015-16	2016-17	2017-18	2018-19	2019-20
Incidents	58,104	58,810	59,541	60,641	62,907

Year	2020-21	2021-22	2022-23	2023-24	2024-25
Incidents	65,251	64,807	61,934	63,867	64,967

Prosecution statistics

In September 2026, the Crown Office & Procurator Fiscal Service (COPFS) published [data on domestic abuse and stalking charges](#) for the ten years up to and including 2025-26.

The publication includes information on the number of charges reported to the COPFS, the criminal offences involved, the action taken by the COPFS, and the sex of the accused.

For example, 34,586 charges with a domestic abuse indicator were reported in 2025-26, with initial COPFS decisions on how to proceed as follows:

- prosecution in the criminal courts – 31,563
- direct measures (e.g. fiscal fines and diversion schemes) – 1,037
- no action (e.g. where there is insufficient evidence) – 1,162
- no decision (e.g. because more information is needed) – 765
- referral to the Scottish Children's Reporter Administration – 59.

Most charges reported with a domestic abuse identifier are in cases where the accused is male (e.g. 85% in 2025-26).

In relation to prosecution, most charges of domestic abuse are prosecuted in the summary criminal courts.² However, over the ten years covered by the data, there has been an increase in both the number and proportion of charges prosecuted under solemn procedure (see figures in Table 2 of the [data tables](#)). For example:

- 2016-17 – a total of 26,157 charges prosecuted, of which 2,956 (11%) under solemn procedure and 23,201 (89%) under summary procedure
- 2025-26 – a total of 31,563 charges prosecuted, of which 8,492 (27%) under solemn procedure and 23,071 (73%) under summary procedure.

Criminal court proceedings

In December 2025, the Scottish Government published the latest edition of its annual bulletin and tables on [criminal proceedings](#), providing data up to 2023-24. They include statistics for:

- the number of people convicted where the main charge involved domestic abuse – e.g. 9,488 in 2023-24 (see Table 12)
- the number of people convicted where the main charge involved domestic abuse broken down by criminal offence – e.g. of the 9,488 people convicted of domestic abuse in 2023-24, the main charge in relation to 2,629 (28%) of them was threatening or abusive behaviour (see Table 13).

In relation to domestic abuse, the bulletin and tables provide some additional information relating to the offence set out in the Domestic Abuse (Scotland) Act 2018. For example, in 2023-24:

² Criminal procedure is divided into solemn and summary. Solemn procedure involves the most serious cases and may ultimately lead to a jury trial in a sheriff court or the High Court. Summary procedure is used for less serious offences and may lead to a trial without a jury in a sheriff court or justice of the peace court.

- 1,039 people were proceeded against where this was the main charge (see Table 4a)
- 897 people were convicted where this was the main charge (see Table 4b)
- of those 897 people, 21% received a custodial sentence, 60% a community sentence, 10% a financial penalty, and 9% some other disposal (see Tables 8a and 8b).

Post-legislative scrutiny of the 2018 Act

The domestic abuse offence set out in the Domestic Abuse (Scotland) Act 2018 (the 2018 Act) came into force on 1 April 2019.

Section 14 of the 2018 Act required the Scottish Government to produce a report (covering the three-year period April 2019 to March 2022) on the use of the new domestic abuse offence and other offences with a domestic abuse aggravator. An [interim report](#) was published in January 2023, with a [further report](#) published in February 2026. The latter commented that:

“Limitations on the data currently available mean it is too early to fully assess the impact of the legislation on the prosecution of various types of abuse, including emotional and psychological abuse, which takes place over a period of time, under the new domestic abuse offence.” (page 4)

In March 2023, the Session 6 Criminal Justice Committee took [evidence from two panels of witnesses](#) on the reforms made by the 2018 Act. Following this, the Committee published a report in May 2023 – [Post-legislative scrutiny of the Domestic Abuse \(Scotland\) Act 2018](#). Its conclusions and recommendations included that:

- there is strong support for the 2018 Act amongst prosecutors, law enforcement, and women’s groups
- the 2018 Act is beginning to have an impact and prosecutions for the new offence are increasing, albeit slowly
- relevant training for police officers is an important issue
- the experience which survivors of domestic abuse have of the justice system continues to be a problem.

Inspectorate scrutiny of policing

In January 2023, [HM Inspectorate of Constabulary in Scotland](#) published a report on phase 1 of a [thematic review of domestic abuse](#). This phase of the review had a focus on the experience of members of the public who interact with or use police services in this area. The report notes that it:

“sought to identify good practice and where improvements can be made, with a view to improving service delivery and the experience of victims, ultimately enhancing public confidence in an area of policing of great public interest and concern” (page 19)

In the report, the Chief Inspector of Constabulary (Craig Naylor) notes that:

“some issues highlighted in this report have previously been identified and acknowledged by Police Scotland and improvement measures are in progress, however I am clear that, while a great deal has been done to prioritise and tackle domestic abuse, this is still an area where further improvement is required”. (page 6)

The Chief Inspector goes on to highlight a need for:

“Prioritisation of training which should include trauma informed practices and an element of lived experience of victims to address problematic and outdated attitudes

Improved and more cohesive methods of communicating with victims throughout investigations” (page 7).

He also highlights the overlap between domestic abuse and sexual offending:

“We note that Police Scotland has specific structures, protocols, training and guidance for rape and sexual crime that are distinct from domestic abuse. We also acknowledge however that rape and sexual offending is a frequent feature of domestic abuse. A focus of our review therefore was to ensure that the same standards of service that apply to non-domestic rape are applied to cases that are domestic related, including where the sexual offending features as part of a course of conduct.” (page 6)

The key findings and recommendations of the phase 1 review are set out at pages 8 to 15 of the report.

In its [scrutiny plan 2025-28](#) (published March 2025), HM Inspectorate of Constabulary in Scotland states that:

“In January 2023, we published our initial thematic review of the police response to domestic abuse, with a focus on the experience of victims who report crimes and incidents to police. This report made 14 recommendations, which are being progressed by Police Scotland. We will continue to maintain focus on this critical area in the forthcoming scrutiny period by examining domestic abuse practices and support available to victims. We will also look at the investigation of domestic abuse involving staff or officers (either as victims or perpetrators).”

Inspectorate scrutiny of prosecution

In April 2024, [HM Inspectorate of Prosecution in Scotland](#) published a report on the [prosecution of domestic abuse cases at sheriff summary level](#).

In the introduction to the report, the then Chief Inspector of Prosecution (Laura Paton)³ highlights the importance of this area of work for the Crown Office & Procurator Fiscal Service (COPFS):

“Tackling violence against women and girls is a strategic priority for COPFS. Those working at COPFS are well aware of the need to respond robustly to reports of domestic abuse. We met a range of staff who are committed to delivering an effective service to some of the most vulnerable victims in the justice system.” (page 3)

However, she also highlights a range of concerns, including:

- victims reporting a poor experience of the justice process (not limited to the role of the COPFS)
- too many cases which could have been prepared more effectively and efficiently, and in which victims’ individual needs were not addressed
- a risk that the [Victim Information and Advice service](#) for summary domestic abuse cases may become a “letter-writing service, rather than one in which staff proactively support and engage with victims in a way that is tailored to individual needs” (page 4).

The Chief Inspector also notes that the inspection considered the impact of different approaches taken in the Glasgow Domestic Abuse Court and in Dundee as part of the Summary Case Management pilot.⁴ The report highlights examples of better practice in both (see pages 5 to 6), whilst adding that:

“many of the issues highlighted above, such as not addressing issues at an earlier stage during case preparation and inadequate communication with victims, existed as much in those areas as elsewhere. Our findings suggest there is no one approach which is consistently better than others. Rather, each approach has features which contribute to the more effective management of summary domestic abuse cases.” (page 6)

The report’s key findings and recommendations are set out at pages 7 to 15.

In May 2026, HM Inspectorate of Prosecution in Scotland published plans for a focused follow-up inspection in relation to [communication with victims of domestic abuse in summary cases](#).

³ The current Chief Inspector of Prosecution is Deborah O’Brien Demick.

⁴ Summary Case Management was fully rolled out across Scotland’s sheriff courts in January 2026. A report published by the Scottish Courts & Tribunals Service in May 2026 provides detailed information on the approach– [National Rollout Report: A Shared Vision Shaped Through Collaboration](#).

Sentencing guidelines

The Scottish Sentencing Council is developing a sentencing guideline on domestic abuse. As part of this work, it published a [consultation on sentencing domestic abuse offences](#) in May 2026 (closed 6 August).

Scottish Government proposals and commitments

In February 2026, the Scottish Government published a [consultation on improving protections in the justice system for women and girls](#) (closed 31 August). Although not limited to domestic abuse, the consultation sought views on relevant issues. For example:

- non-fatal strangulation – e.g. whether existing criminal offences provide sufficient protection for victims
- offences committed against pregnant women – having a statutory aggravation that would apply where a domestic abuse offence is committed against a pregnant woman
- non-harassment orders – whether the Crown Office and Procurator Fiscal Service should have the power to impose a non-harassment order where a person accepts an alternative to prosecution.

The Scottish Government's [Programme for Government 2026 – 2031](#) (published September 2026) includes various references to domestic abuse. For example, stating that the Government will:

“Continue working with the Scottish Civil Justice Council on a proposal for court rules so that, when dealing with civil cases, courts have full information about domestic abuse and strengthen processes to deal with misuse of family court processes, particularly in contact cases, as a means of coercive control and ongoing abuse.

Provide emergency funding to those organisations under significant pressure, e.g. the ASSIST domestic abuse court advocacy service, the National Advocacy Service, and rape crisis centres providing justice advocacy who have closed their waiting lists for that form of support.” (page 68)

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