

# Scottish Parliament

Thursday 8 January 2026

*[The Presiding Officer opened the meeting at 11:40]*

## General Question Time

**The Presiding Officer (Alison Johnstone):** Good morning. The first item of business is general question time.

### St Kilda

**1. John Mason (Glasgow Shettleston) (Ind):** To ask the Scottish Government what action it will take to prevent starvation and suffering among the sheep on St Kilda. (S6O-05339)

**The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon):** The Soay sheep on St Kilda are considered to be an unmanaged population of wild animals due to their unique history of adapting to life without management over many generations. This unique historical flock is protected by the Wild Mammals (Protection) Act 1996, which provides the same protection that is afforded to Scotland's wild deer population.

In the meantime, the National Trust for Scotland is undertaking a full review of the situation, and we are engaging with it on that.

**John Mason:** In the first place, the sheep are clearly feral. Sheep are not wild animals. Those sheep were put on St Kilda by human beings in the 1930s. They are in a confined space. If the same sheep were in Perthshire or Angus in a confined space, they would not be considered wild. Will the cabinet secretary look at this matter and at considering the sheep to be feral?

**Mairi Gougeon:** I can only reiterate the position that I set out in my initial response. The Government has a long-standing position on the matter, and we do not intend to change it.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I have to say that I very much support John Mason's case. It seems to be a case of out of sight, out of mind. After all, we put the sheep there in the first place and left them to their fate, and their fate is most unpleasant.

I am pleased to hear that the NTS is reviewing the situation, and I hope that it will take steps to ensure that those sheep are regarded as feral, not wild.

**Mairi Gougeon:** I appreciate the points that have been made by Christine Grahame and John Mason. I have set out quite clearly the Government's position on how the Soay sheep on St Kilda are regarded and the protections that are afforded to them under the 1996 act.

As Christine Grahame touched on, and as I said in my initial response, the National Trust for Scotland, as the owner of St Kilda, has responsibility for the sheep that inhabit it. The NTS is undertaking a full review, and we will, of course, engage and work closely with it on that.

### Homelessness

**2. Emma Roddick (Highlands and Islands) (SNP):** To ask the Scottish Government what action it will take in light of the findings of the ending homelessness together 2025 annual report. (S6O-05340)

**The Cabinet Secretary for Housing (Màiri McAllan):** The annual report shows that more action is needed to end homelessness, but it demonstrates important progress and a significant step up in the past year. By September 2025, 31,064 affordable homes had been completed towards our target. In 2024-25, we invested more than £120 million in homelessness prevention and anti-poverty measures, which helped people to remain in their homes. We introduced new homelessness prevention legislation to ensure that people get the support that they need prior to presenting as homeless and at crisis point. In September, we published a housing emergency plan, which included a commitment to invest up to £4.9 billion in affordable homes in the coming four years.

**Emma Roddick:** Crisis, the homelessness charity, has noted that the current homelessness system is not sustainable, but there is a desire to do more preventative work across public sector bodies that have responsibilities.

The cabinet secretary previously described the prevention duties contained in the Housing (Scotland) Act 2025 as having the potential to be the “gold standard”. What commitment can she provide that the Government will take the learning from the pilots that are taking place in relation to the delivery of new duties in order to implement the legislation as soon as possible and in the best way possible?

**Màiri McAllan:** I am absolutely committed to ensuring that learning is taken from the pilots. A pilot process, which is being supported by Advice Direct Scotland and which covers health and justice sectors and local authorities, will inform the effective implementation of the duties, which is what Emma Roddick is rightly calling for.

To enable all of this, the pilots will report at quarterly intervals and at the end of this calendar year. We are commissioning independent research to help to estimate the impact of the duties on public bodies and others and to inform the drafting of the guidance and the secondary legislation, which will be critical. The duties are the gold standard and have the potential to transform our approach to ending homelessness.

**Meghan Gallacher (Central Scotland) (Con):** I am afraid that the annual report exposes the Scottish National Party’s continued failure to get a grip of Scotland’s housing emergency. Record numbers of households remain stuck in temporary accommodation, and the number of people who are rough sleeping continues to rise. I hope that the cabinet secretary shares my view that it is disgraceful that, while we are in the chamber today, 10,000 children are growing up without the security of a permanent home. All the while, councils are left struggling as a result of the savage cuts that the SNP Government has made to council budgets.

Prevention is key, but we also know that, in order to end homelessness, we need to ensure that the supply of homes meets the demand. I have asked the cabinet secretary this question before, and I will ask it again: if the Government is hellbent on dismantling the housing sector brick by brick, how does she believe that the Government will reach its target of providing 110,000 affordable homes by 2032?

**Màiri McAllan:** As is quite often the case, Meghan Gallacher’s characterisation of the Government’s approach is incorrect, and she has misrepresented how we are viewed by many of the stakeholders with whom I work.

We are taking action on the issue across the board. Temporary accommodation is available as a vital safety net, but let us not forget that most people in temporary accommodation throughout Scotland are in local authority properties while they await a permanent home. I want the time that people spend in temporary accommodation to be shorter, but, nonetheless, that provision provides a vital safety net.

We are taking action, as set out in our housing emergency action plan, not least through the continued delivery of affordable homes. We are also making available £80 million this year for councils to buy homes and make them available for families.

#### **Non-domestic Rates Revaluation**

**3. Roz McCall (Mid Scotland and Fife) (Con):** To ask the Scottish Government what its response is to reported concerns from businesses across Scotland that have recently received letters confirming a revaluation of their non-domestic rate liability. (S6O-05341)

**The Minister for Public Finance (Ivan McKee):** Draft rateable values for the 2026 revaluation were published on 30 November last year, in advance of the revaluation, which will come into effect on 1 April. Valuations are produced by assessors, who are independent of central Government and local government. Non-domestic rates bills for 2026-27 will, of course, depend on the rateable value of the property, the tax rate that applies and any reliefs that the property is in receipt of. Decisions on non-domestic rates policy for 2026-27 are considered in the context of the budget, in line with other Government priorities, and will be set out on 13 January.

**Roz McCall:** I note that the minister stated that the assessors are independent, but independence is not an excuse for indifference. Although assessors set the value, the Government can set guidance and policy. The licensed hospitality sector supports 65,000 jobs, pays £1.2 billion in wages and generates more than £2 billion of economic value for Scotland.

Despite the warning by Stephen Montgomery from the Scottish Hospitality Group that current outdated methodology will hit local hospitality businesses, and despite one of that group’s members facing a 550 per cent increase in their non-domestic rates, the minister still refuses to use the powers at his disposal.

Will the minister commit today to making the changes that are needed to support our high streets? If not, how many empty shopfronts and lost jobs is he prepared to accept as the price of his inaction?

**Ivan McKee:** It is not unexpected, but Roz McCall has hugely misrepresented the situation. The Government takes the issue very seriously and engages extensively with the hospitality sector. I met Stephen Montgomery and others in the sector on 22 December, and I met the Federation of Small Businesses on the issue just yesterday. There is also the Government's NDR consultative group, which had its pre-budget meeting in November, and we will meet again immediately after the budget. I have met representatives of other sectors on the issue, too.

I am very well aware of the situation regarding bills that individual businesses have received. There is a process for working through that with assessors, and I urge businesses and sectors to continue—as I know many of them have—to engage with assessors on the process of revaluation. We have set up an independent group under BJ Gill KC to look at the valuation methodology for the hospitality sector, and that group will report later this year.

Of course, the bills that businesses face are a consequence not just of the valuation but of the transitional reliefs and other reliefs—

**The Presiding Officer:** Thank you, minister.

**Ivan McKee:**—that are set by sector, which will be announced in the budget.

**The Presiding Officer:** Thank you, minister. Let us keep our questions and responses concise.

**Willie Rennie (North East Fife) (LD):** I will make the situation clear. The rateable value for East Neuk Orchards, which is in my constituency, has gone up from £9,000 to £22,000. The company was below the level of the small business bonus scheme and paid nothing previously. Now, it is paying thousands of pounds, which will be wiping out any profit. Does the minister really understand the impact that his decisions are having?

**Ivan McKee:** As I indicated, the process of valuation is carried out by the assessors, who operate independently of the Government.

The Government and I are aware of the impact of the valuations that certain businesses have received. That is why we have had extensive engagement with businesses, sectors and the assessors. As I said, the budget will outline the transitional and other reliefs that we will implement with regard to what the final bill for businesses will be. Businesses should also be engaged in a process with the assessors in advance of the final valuation roll taking effect in April.

### **Mountain Safety**

**4. Liz Smith (Mid Scotland and Fife) (Con):** To ask the Scottish Government what recent engagement it has had with Scottish mountain rescue teams regarding mountain safety this winter. (S6O-05342)

**The Minister for Public Health and Women's Health (Jenni Minto):** The Scottish Government is committed to supporting safety in the mountains to provide safe opportunities for people to enjoy the outdoors and reap the physical and mental health benefits of being active in nature.

We continue to engage regularly with the chair of Scottish Mountain Rescue and the spokesperson for the two independent teams at Glencoe and Cairngorm about a range of issues affecting mountain rescue teams across Scotland. We are supportive of the ThinkWINTER campaign, which encourages people to plan ahead and think about winter conditions before heading out on the hills and provides an online resource with links to all the information that is needed for exceptional mountain adventures.

**Liz Smith:** The minister will have seen the warnings from Welsh mountain rescue teams just before Christmas about the worrying increase in irresponsible behaviour in the mountains placing unsustainable pressure on resources. She will also have seen the report from Cairngorm Mountain Rescue Team, which had to rescue two young men who had headed out to Ben Macdui in trainers and joggers at night and in -15°C.

What is the Scottish Government doing to address such irresponsible behaviour, much of which is championed on social media? It is clear that the current strategy is not working.

**Jenni Minto:** I thank Liz Smith for her important follow-up question. I also thank her and other members for their work on promoting mountain safety and the ThinkWINTER campaign.

I pass on my appreciation to mountain rescue teams across Scotland, which have been playing an important part through established partnership arrangements alongside other community sector organisations and statutory emergency response agencies in assisting communities during the current severe weather.

Ms Smith raises the important point. We need to recognise that conditions at ground level are not what they could be at the summit of—or even on the way up—a mountain. The Scottish Government is supportive of the proposed mountain safety action plan. My colleague the Minister for Drugs and Alcohol Policy and Sport recently met Mountaineering Scotland to discuss overall mountain safety, and those discussions also covered the work that is being undertaken on the creation of the mountain safety action plan.

#### **Ardrossan Harbour**

**5. Kenneth Gibson (Cunninghame North) (SNP):** To ask the Scottish Government when it last discussed the purchase of Ardrossan harbour with Caledonian Maritime Assets Ltd. (S6O-05343)

**The Cabinet Secretary for Transport (Fiona Hyslop):** I met Kevin Hobbs, chief executive officer of CMAL, earlier today and he updated me on Ardrossan negotiations. As the First Minister noted over the festive period, discussions are now at an advanced stage. I inform the Parliament that CMAL and Peel Ports Group have now concluded negotiations on the draft heads of terms and are moving to the detail of the potential purchase agreement.

The Scottish Government is progressing the required review of legal, commercial and subsidy considerations based on the draft heads of terms, which are currently non-binding. The matter remains complex and commercially sensitive and our focus remains on achieving a purchase, a clean title and a final sale and asset transfer. I will continue to keep the Parliament updated on progress at appropriate stages.

**Kenneth Gibson:** I thank the cabinet secretary for that response, although I understand that heads of terms were discussed months ago. With the months dragging on with no purchase date in sight, will the cabinet secretary advise Ardrossan and Arran residents whether a deadline has been set for concluding negotiations?

CalMac has had to cancel numerous sailings due to Ardrossan harbour's navigation lights frequently being out of operation in recent months. As that is clearly the responsibility of Peel Ports Group, what steps are being taken to ensure that it fulfils its obligations so that the harbour functions normally?

**Fiona Hyslop:** Concluding negotiations on heads of terms is a significant point in the sale process, and it has many parts to it. As I have noted, both parties are continuing to work closely to conclude the purchase as soon as is practical. However, to try to unlock investment, we are having to buy back essential infrastructure that was privatised by previous Conservative Governments.

With regard to the port infrastructure at Ardrossan, it is still the responsibility of Peel Ports Group, as the statutory harbour authority, to maintain and upgrade the infrastructure as required in order to ensure that the harbour is fit for purpose. It is important that any live operational issues are addressed by both parties—that is, CalMac and Peel Ports Group—in order to resolve them and ensure minimal impact with regard to disruption to the service and the island communities.

Importantly, CMAL has already given consideration to immediate works that could be undertaken on proposed sale completion to further ensure the resilient and safe operation of the port before the long-term works are procured. That will help ensure the continued and reliable operation of MV Caledonian Isles from Ardrossan in the interim period.

#### **Lost Boys Campaign**

**6. Pauline McNeill (Glasgow) (Lab):** To ask the Scottish Government what its position is on the Centre for Social Justice's lost boys campaign, which aims to raise awareness of the issues that boys and young men are facing, including in Scotland. (S6O-05344)

**The Minister for Equalities (Kaukab Stewart):** The Centre for Social Justice's lost boys campaign and report highlight the multifaceted and complex societal issues that are facing young men and boys. Although the evidence base that is used in the report predominantly relies on data sources from elsewhere in the United Kingdom, the issues that are raised in the report are familiar here in Scotland.

No single action or responsibility will magically fix those matters. It is necessary for all of us—parliamentarians, public authorities, families, young men, communities and third sector organisations—to consider those matters and respond to them.

**Pauline McNeill:** The Centre for Social Justice's "Lost Boys" report says, among many things, that

"Since the pandemic alone, the number of"

young men

"aged 16 to 24 who are not in education, employment or training ... has increased by ... 40 per cent compared to just seven per cent"

of young women. The report also points out that young men's behaviour is increasingly "shaped by violent and degrading pornography".

Boys are crying out for role models to avoid such roles being filled by the likes of Andrew Tate, whom we have discussed many times. Given how topical the issue of male role models is across the UK, will the Government adjust the good work that it is already doing to incorporate the need to address what is becoming a crisis among boys and young men?

**Kaukab Stewart:** Our equally safe delivery plan contains a range of actions to build a robust and joined-up approach to the prevention of violence against women and girls across all education settings in Scotland. The report covers a wide range of issues, but I call Pauline McNeill's attention to the fact that actions in schools to address gender-based violence and sexual harassment include the mentors in violence prevention Scotland programme, the equally safe at school programme and the gender-based violence in schools framework. Those actions complement the key messages for young people on healthy relationships and consent, and the Time for Inclusive Education campaign's digital discourse initiative, which provides training for teachers and educators to address the effects of online hate and disinformation on children and young people.

#### NHS Scotland (Staffing)

**7. Gordon MacDonald (Edinburgh Pentlands) (SNP):** To ask the Scottish Government what impact recent recruitment initiatives have had on staffing levels across NHS Scotland. (S6O-05345)

**The Cabinet Secretary for Health and Social Care (Neil Gray):** Although health boards are responsible for the recruitment of individual staff, the Scottish Government provides strategic leadership to ensure a sustainable national health service workforce through policy initiatives including investment in international recruitment, the establishment of a national centre for workforce supply, and record investment in pay. Staffing levels are now at their highest-ever level, which is strengthening services and improving patient care.

**Gordon MacDonald:** Since September 2006, NHS Scotland's staffing levels have expanded by approximately 27 per cent, which represents an additional 35,000 staff in whole-time-equivalent terms. How have the improved staffing levels assisted with tackling waiting lists, and especially the backlog that was caused by Covid?

**Neil Gray:** Gordon MacDonald is absolutely right. Since 2006, NHS staff numbers have grown by 35,000 whole-time equivalents. This Government has acted to reduce post-Covid waiting lists, investing £135.5 million this year in initiatives such as additional recruitment. As a result, thanks to the efforts of those staff and thanks to the Government's targeted investment, long waits have fallen for six consecutive months, with year-on-year increases in activity. I am very grateful to those staff for their efforts in helping to turn a corner in our NHS.

## First Minister's Question Time

12:00

### Taxation

**1. Russell Findlay (West Scotland) (Con):** If a Scottish Government minister misleads the Parliament and, by extension, misleads the public, should they correct the record?

**The First Minister (John Swinney):** The arrangements for so doing are set out clearly and will be applied where that is necessary.

**Russell Findlay:** That was as clear as mud.

John Swinney often talks about integrity, yet his party and his Government have none. He denied that his justice secretary had broken the ministerial code until the Scottish Conservatives proved that she had done so—not once but twice.

John Swinney shows exactly the same disregard for integrity and facts when it comes to taxation. Here are the facts: more Scottish workers pay more income tax than those elsewhere in the United Kingdom. John

Swinney falsely accuses me of misleading the Parliament when I state that hard fact, and then he does not correct the record. I know that the Scottish National Party's culture of dishonesty will never change, but does John Swinney at least agree that Scots are paying too much tax?

**The First Minister:** First, the arrangements in relation to the scrutiny of ministerial conduct have been strengthened by the arrangements that I have put in place. The system of independent advisers being able to explore and examine cases at their own volition, without reference from me, has only been provided by the actions that I have taken as First Minister to set the highest tests for accountability and scrutiny that have to be in place at all times. [Interruption.]

**The Presiding Officer (Alison Johnstone):** Let us hear the First Minister.

**The First Minister:** That is only possible because of the arrangements that I have put in place as First Minister.

On the substantive point that Russell Findlay puts to me, the independent Scottish Fiscal Commission forecasts show that most Scottish taxpayers are expected to pay less income tax this financial year—2025–26—than they would if they lived in the rest of the United Kingdom. I am happy to put that point on the record in the Parliament today.

**Russell Findlay:** That got one clap. He has strengthened accountability by dishing out a get-out-of-jail-free card to all his SNP pals—that is one way of doing it.

Taxes are too high in Scotland. Scots are forced, and not asked, to pay £1.7 billion extra a year through SNP income tax rises, yet they see a wasteful Government that is utterly incapable of fixing public services, which only get worse. As demonstrated once again today by the revelation that bed blocking costs the national health service up to £0.5 billion every year, the SNP's list of costly failures is truly endless.

Struggling workers, families and businesses all deserve a break. That is why we are calling on John Swinney to reduce the crippling financial burden by cutting income tax in next week's budget. Will he do so?

**The First Minister:** In relation to public services, recent data that came out on Tuesday demonstrates that, for the sixth month in a row, long waits in our national health service are falling. In some circumstances, they have fallen by 30 per cent since the start of the financial year, due to the plan and the resources that I have put in place. Long waits are coming down, just as I promised they would do, for patients the length and breadth of our country. The key point that I would make to Russell Findlay is that the investment that we are making in public services is delivering better outcomes for people in our country.

The delayed discharge report from Audit Scotland today demonstrates that it is necessary for us to work collaboratively with local authorities to tackle that issue. The good work on that is highlighted in the Audit Scotland report.

Of course, this Government recognised the need for that intervention in the national care service proposals, but the Conservatives and others would not support those proposals when they came to the Parliament. [Interruption.]

**The Presiding Officer:** Thank you—let us hear one another.

**The First Minister:** The last thing that I will say to Mr Findlay about his tax cut proposals is that, yes, his proposals involve cutting tax, but they also involve cutting public spending by £1 billion—and he never answers the question about that.

**Russell Findlay:** When it comes to the state of the NHS in Scotland under the SNP, John Swinney's selective statistics do not cut it. Patients know the reality. They see the reality with their own eyes.

John Swinney thinks that he can take more and more from workers and businesses and, at the same time, spend more and more on benefits. The SNP's annual benefits bill of £7 billion is on course to reach £10 billion a year. State benefits are a vital safety net for those in need, but that bill is unaffordable, unfair and unsustainable. The only way that John Swinney can pay for it is by hiking taxes even more.

However, there is another way. We believe that workers should keep more of their hard-earned money—[Interruption.]

**The Presiding Officer:** Let us hear Mr Findlay.

**Russell Findlay:** —and that will help to increase prosperity by growing the economy.

John Swinney could cut people's taxes by tackling the out-of-control benefits bill in the budget—but does he have the bravery to do so?

**The First Minister:** Since the start of this financial year, new out-patient waits of more than 52 weeks have fallen by 31 per cent. Since the start—[*Interruption.*]

**The Presiding Officer:** First Minister, just a moment.

I am conscious of the number of members who have advised me that they would like to put questions today. Their doing so will be made far more likely if we can hear one another.

**The First Minister:** So that colleagues can hear my remarks: since the start of this financial year, new out-patient waits of more than 52 weeks have fallen by 31 per cent. Since the start of this financial year, in-patient and day-case waits of more than 52 weeks have fallen 28.6 per cent. Every single month, there are falls in the levels of those waiting lists. That is because the plans that I put in place are delivering benefits for real people in our society.

When it comes to social security investment, this Government has invested in measures such as the Scottish child payment, which means that child poverty is falling in Scotland when it is rising in other parts of the United Kingdom. In Scotland, we have child poverty levels that are at 30-year lows, as a consequence of our intervention.

I know that Mr Findlay does not care about child poverty. [*Interruption.*]

**The Presiding Officer:** Members!

**The First Minister:** I know that the implications of Mr Findlay's policies are the reduction of support for vulnerable people in our society and, as a consequence, more children would be subjected to poverty by the callous actions of the Conservative Party. Members on these benches will have none of that. We will stand beside the families of Scotland, reducing poverty and making sure that there is opportunity for all in Scotland.

### **Delayed Discharges (Audit Scotland Report)**

**2. Anas Sarwar (Glasgow) (Lab):** Audit Scotland's report on delayed discharges from hospital is damning and should shame John Swinney and the Scottish National Party Government. It reveals that, in the past year, more than 720,000 bed days were lost to delayed discharge. That is almost three quarters of a million clinically unnecessary days in hospital in a single year for patients who are cleared to leave but many of whom are trapped because they cannot get a care package.

Those 720,000 bed days equate to nearly 2,000 bed days lost every day. That is the real-life consequence of almost 20 years of government by John Swinney and the SNP. Is that not 720,000 more reasons why Scotland needs a new Government and new leadership?

**The First Minister (John Swinney):** I welcome the report from Audit Scotland, because it highlights the importance of tackling the issue of delayed discharge. That issue has been a priority for this Government and that is recognised in the Audit Scotland report.

In relation to the substance of the delayed discharge issue, Audit Scotland highlights the complexities that are involved, but it also highlights that delayed discharge affects only 3 per cent of patients in our health system, which means that 97 per cent of patients leave hospital without delay.

Complex challenges have to be addressed, which is why I welcome the observation in the Audit Scotland report that

“Scotland's population health framework, the health and social care service renewal framework and the NHS operational improvement plan, offer an opportunity to make progress, with a common focus on prevention.”

That means that Audit Scotland recognises the arrangements that this Government has put in place to work with our partners to address the substance of the delayed discharge problem, which will be my priority in taking forward that activity.

**Anas Sarwar:** That was a pathetic answer from a First Minister who promised to eradicate delayed discharge a decade ago, and it proves that he is out of touch and out of time. He must own the damning consequence of his 20 years in government that 720,000 bed days have been lost in one year.

The SNP's failure to deal with delayed discharge costs taxpayers and our national health service more than £440 million a year. Hundreds of millions of pounds are wasted while waiting lists remain too long and staff feel unsupported. Audit Scotland warns that

“the system cannot function as intended”.

There is no grip from the centre, no clear accountability and no effective oversight, all of which has human

consequences.

Some patients have been forced to wait for more than six months in hospital after they have been medically cleared to leave. Why is John Swinney so willing to dismiss not just the financial cost of his failure but the human cost of this SNP Government?

**The First Minister:** An important point at the heart of the Audit Scotland report is about the need for there to be the deepest level of integration between health and social care services in Scotland. The Government tried to do something about that through the work that we did on a national care service, but the Labour Party would not support us, despite having made a policy commitment to support a national care service. [Interruption.]

**The Presiding Officer:** Let us hear one another.

**The First Minister:** What that means is that the Labour Party says one thing in one context and another thing in a different context.

What is my evidence for that? On Monday, Anas Sarwar claimed that waiting lists in Scotland “continue to rise”, but, yesterday, he admitted that waiting lists in Scotland are coming down. That change between Monday and Wednesday shows that Mr Sarwar does not understand whether waiting lists are going up or coming down. What that means is that Mr Sarwar simply makes it up as he goes along, and the people of Scotland are seeing through that.

**Anas Sarwar:** John Swinney is not living in the real world. He thinks that Scotland’s problems have been caused by the Opposition, not by a man who has been in government for 20 years. In just four months, Scotland can get rid of this useless SNP Government.

Scotland’s NHS is not safe in John Swinney’s hands. [Interruption.]

**The Presiding Officer:** Let us hear Mr Sarwar.

**Anas Sarwar:** He ignores the evidence, he ignores the experts, he ignores the patients who share their heartbreak stories and he ignores the doctors and the nurses who are on the front line. Will he ignore the damning words of Alex Neil, who was his colleague for more than 20 years and who is a former SNP health secretary? Alex Neil said:

“A friend of mine waited 3 hours for an ambulance and then 33 hours on a trolley at Ayr Hospital last week before being allocated a bed. The First Minister’s claim that the SNHS has turned a corner is rubbish. Scotland’s hospitals are in deep crisis and need urgent action NOW”.

He is right—John Swinney is talking rubbish, is he not?

**The First Minister:** I come back to the information that I set out to Mr Findlay a moment ago. The plans to tackle long waits in Scotland that I set out in the first budget under my leadership as First Minister have resulted in a 31 per cent reduction in new out-patient waits and a 28.6 per cent reduction in in-patient and day-case waits. Sustained progress has been made over a six-month period. That says to me that the national health service is making the recovery that it needs to make from the Covid pandemic that affected us all.

Mr Sarwar is very good at dishing out advice. Eighteen months ago, he advised the people of Scotland to elect Labour members of Parliament. Yesterday, he described those Labour MPs as “idiotic”. That tells us all that we need to know. Anas Sarwar is not living in the real world, and telling the people of this country to vote Labour 18 months ago has proved to be a disaster, because he is now describing those Labour MPs as idiots. The people of Scotland are now realising that Anas Sarwar offers nothing in new leadership to Scotland and that the SNP will get on with delivering for the people of Scotland. [Interruption.]

**The Presiding Officer:** Let us hear one another.

**The First Minister:** That is what we are doing just now.

**The Presiding Officer:** I appreciate that we do not work in a library, but we have to treat one another with some more courtesy and respect. I want those who are gathered here to hear what is being said by those who have been called to speak.

### **Delayed Discharge**

**3. Alex Cole-Hamilton (Edinburgh Western) (LD):** The First Minister is playing down the problem of delayed discharge, but he should tell that to everyone who is waiting for an ambulance or in a corridor or who has had their operation cancelled this morning, because our hospitals are full.

In November 2024, 62-year-old Margaret McGill was rushed to hospital. She had become paralysed from the waist down with cauda equina, which is a rare spinal condition. It is thought that it was caused by lifting

her disabled son and the patients in her care as an auxiliary nurse and then as a social care worker. Margaret has been in hospital—first in Raigmore and now in Wick—for more than 400 days. The family home was adapted and ready for her last April. Ramps were installed, doors were widened and a whole extension was built. What is missing are the carers and the staff that she needs to drop by to help her, so Margaret is still in hospital.

Margaret's husband, Cathal, told me this morning that she is a positive and vibrant woman, but she is struggling. She just wants to get out of hospital. First Minister, what will it take to get Margaret home?

**The First Minister (John Swinney):** I am sorry to hear the circumstances that Mrs McGill is experiencing, but some of the steps that Mr Cole-Hamilton has outlined are positive, with the adaptations that have been put in place in the family home to enable Mrs McGill to go home. Practical steps are being taken in the right direction, but the challenge is the availability of carers.

I acknowledge that that is a difficulty in many areas of Scotland, but it is especially acute in rural areas, where the working-age population is not as large as we would want it to be. That is why Mr Cole-Hamilton and I probably agree that we have to take a constructive approach to migration to boost our rural population.

I know that there is a very active focus on meeting the challenges of social care in the Highlands. I am happy to receive details about Mrs McGill's case and to identify what further steps can be taken to assist in that respect.

**Alex Cole-Hamilton:** The adaptations in Margaret's home are of no use to her for every day that she remains stuck in hospital. The brutal irony of the story is that Margaret was a care worker and, throughout her career, she offered support that is now unavailable to her. She should have been home within 14 weeks, but she has been in hospital for 14 months. That is happening the length and breadth of the country. Scotland deserves better than this. That is why my party has made care a priority in our discussions about the Scottish budget.

It has now been 10 years since Shona Robison, the then health secretary, promised to get rid of delayed discharge altogether, but 2,000 people are marooned in hospital every day. It is a care bottleneck that means cancelled surgeries, endless waits in accident and emergency and ambulances stacking up outside hospitals.

This morning, we learned that that costs the NHS at least £1.2 million a day, but the cost to Margaret and people such as her is incalculable. When will the penny finally drop for the SNP that it cannot fix the crisis in our NHS until it has fixed care?

**The First Minister:** That has been reflected in the budget decisions that we have taken to expand support for social care in the budget for the current financial year that Mr Cole-Hamilton supported after negotiation.

I welcomed that negotiation because the Government does not have a majority and we must work with others to agree the financial provisions. That dialogue is essential to ensure that social care can be adequately funded.

The Audit Scotland report highlights some of the complexity of cases such as the one that Mr Cole-Hamilton put to me. It also highlights the challenges of recruitment, particularly in remote and rural areas, which I am not at all disputing. That is why I have taken steps to make it more practical and possible for people to come to this country to work in our care service. Those people have been abandoned by the changes to care arrangements in the immigration rules that the United Kingdom Government has made, whereas I have taken steps to ensure that more of those individuals can work in our care service. I give Mr Cole-Hamilton the assurance that, where there are practical and pragmatic steps that we can take to do that, we will do exactly that.

### **Fuel Poverty**

**4. Karen Adam (Banffshire and Buchan Coast) (SNP):** To ask the First Minister what action the Scottish Government is taking to support those affected by fuel poverty, in light of the recent rise in energy prices and their potential impact on the cost of living for households in Scotland. (S6F-04571)

**The First Minister (John Swinney):** The Scottish Government delivers the strongest package of winter heating support available anywhere in the United Kingdom. We continue to use the powers available to us to raise incomes and improve energy efficiency, including increasing funding for warmer homes Scotland, investing more than £196 million in winter heating benefits and providing a further £1 million this year to expand energy bill debt advice services.

However, the main levers for addressing fuel poverty, such as energy pricing and market reform, are reserved. We have repeatedly called on the UK Government to introduce targeted bill discounts to reduce the number of households in fuel poverty by around 135,000.

**Karen Adam:** I commend the measures that the First Minister outlined and am proud that, at a time when people are struggling, this Scottish National Party Government is providing a stronger package of winter support than is available anywhere else in the UK. The Labour Party promised to cut energy bills by £300, but households are almost £200 worse off. Any Scottish politician worth their salt should be demanding better for Scotland. While the UK Government continues to deliver nothing but broken promises, does the First Minister agree that it is only through independence that we can prioritise Scotland's interests and actually reduce energy bills?

**The First Minister:** Karen Adam makes the strong point that although the people of Scotland were promised a reduction in their fuel bills by the Labour Government, their fuel bills have gone up. That is another broken promise from the Labour Government.

Ms Adam is also right that, in Scotland, an energy-rich country, her constituents and others are facing fuel poverty because the energy wealth of Scotland is not being deployed to benefit the people of Scotland. The only way that that can happen is with independence, and this party is going to deliver that.

**The Presiding Officer:** I call Audrey Nicoll for a brief supplementary question.

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** This week's severe weather has seen the UK's power demand reach a seven-year high as households struggle to keep warm through the winter storms. In energy-rich Scotland, that power demand sits alongside skyrocketing energy bills as families pay through the nose to heat their homes. Does the First Minister agree that the sooner Scotland's energy is in the hands of Scotland's people, the better that will be for lower bills, economic growth and meaningful community ownership? [*Interruption.*]

**The Presiding Officer:** I hope that the First Minister heard that question. I ask those who are shouting from their seats to cease.

**The First Minister:** Audrey Nicoll makes the very important point that we live in an energy-rich country but that we also live in a country with a high level of fuel poverty, as a result of the decisions of the United Kingdom energy market. Audrey Nicoll is absolutely right: the sooner those issues are in the hands of the people of Scotland so that we can make the energy wealth of Scotland work for the benefit of the people of Scotland, the better.

### Domestic Abuse Crimes

**5. Pam Gosal (West Scotland) (Con):** To ask the First Minister what the Scottish Government's response is to Police Scotland figures showing a 10 per cent increase in reported domestic abuse crimes over the past 12 months. (S6F-04560)

**The First Minister (John Swinney):** Domestic abuse is abhorrent and we must end it. Multiple factors lie behind the statistic, including a greater willingness of victims to report crimes, the justice system taking them seriously and the pursuit of action against the perpetrators—in most cases, men. Our equally safe strategy sets out preventative actions to prevent such violence from occurring in the first place. Our annual funding of £21.6 million supports projects such as equally safe at school and mentors in violence prevention, as well as building the capability and capacity of services to do their vital work to support survivors.

**Pam Gosal:** I thank the First Minister for that response, but let us be clear here. Last year, 66,000 domestic abuse incidents were recorded in Scotland—that is one every eight minutes. This is not a one-off spike. Incidents rose last year and again this year, and this is just the tip of the iceberg, with many cases—sadly—going unreported. Behind every figure is a real-life example of a person—primarily a woman—whose life has been shattered. Survivors are sick of the same old excuses and they need real action now. Will the First Minister back my Prevention of Domestic Abuse (Scotland) Bill, which would give the authorities powers to intervene early and to prevent abuse from happening in the first place?

**The First Minister:** I believe that this Government has taken very significant action to ensure that the perpetrators of domestic violence are brought to justice. The increase in the number of crimes that are being reported and the number of prosecutions that are being successfully achieved is testament to the fact that the prevention of domestic abuse and the pursuit of those who perpetrate that heinous crime are taken deadly seriously within the Government, and the data demonstrates how that is being taken forward. I am at one with Pam Gosal in the determination to make sure that we tackle domestic violence.

I say all of that because of what I am about to say. The Government has carefully considered the bill that Pam Gosal has introduced. We have concerns about how the proposals in the bill would work in practice and we do not believe that they are able to be supported because of their nature and the fact that they would not provide any additional emphasis or effectiveness in the domestic abuse arrangements.

We have arrangements in place that allow multi-agency public protection arrangements and the disclosure scheme for domestic abuse in Scotland, which gives people the right to ask about the background of their partner and gives Police Scotland the power to tell people that they may be at risk, even where that information has not been asked for. Those are the very strong arrangements that we already have in place, and—regrettably—we do not believe that Pam Gosal's bill would add to the effectiveness of those provisions. However, I reiterate our absolute determination to do all that we can to tackle domestic abuse as a heinous crime in our society.

#### **Bus Fare Cap**

**6. Ariane Burgess (Highlands and Islands) (Green):** To ask the First Minister whether he will provide an update on the rollout of the £2 bus fare cap pilot agreed as part of the 2025-26 budget negotiations. (S6F-04564)

**The First Minister (John Swinney):** Following an expression of interest process with our regional transport partnerships, I am pleased to confirm that we will work jointly with the Highlands and Islands Transport Partnership and the Shetland Transport Partnership—ZetTrans—to deliver the bus fare cap pilot. The initiative aims to make bus travel more affordable, improve access for low-income communities and support sustainable travel for people in Highland, Moray, Argyll and Bute, the Western Isles, Orkney and Shetland. We look forward to progressing the phased launch of the pilot later this month, subject to finalising its design and operation.

**Ariane Burgess:** I am delighted that my Highlands and Islands region will be the first to benefit from the new approach to affordable buses that was proposed and delivered by the Scottish Greens. Will the First Minister outline how the scheme will be promoted and supported to maximise uptake in those areas and how it will contribute to reducing car dependency and cutting transport emissions as part of Scotland's climate commitments?

**The First Minister:** The bus fare cap pilot is one of a range of measures that the Government is taking to address poverty and support households, and to enable individuals to have a credible and affordable choice of utilising public transport. The pilot represents a significant milestone. It enables us to work with our partners to promote the approach as a means of making bus travel more affordable, improving access for low-income communities and supporting sustainable travel for people across the HITRANS and ZetTrans areas.

We will learn important lessons from the application of the pilot, which is the product of good, constructive, cross-party working between the Government and the Scottish Green Party in relation to the budget, and I am delighted to commend it today.

#### **Queen Elizabeth University Hospital**

**7. Jackie Baillie (Dumbarton) (Lab):** To ask the First Minister what action the Scottish Government is taking following reports that the Queen Elizabeth university hospital released the wrong body for cremation. (S6F-04559)

**The First Minister (John Swinney):** I am deeply concerned by this situation, and I extend my sympathies to the families that are affected. The arrangements and requirements for caring for the deceased require dignity and respect, and that the correct procedures are followed at all times. NHS Greater Glasgow and Clyde and the inspector of burial, cremation and funeral directors are investigating the circumstances of the case. I expect to see the outcome of that investigation shortly.

**Jackie Baillie:** The First Minister was told of the tragic circumstances at the Queen Elizabeth university hospital, where the wrong remains were sent for cremation, and of the devastation that that has caused for two families. However, it is not the first incident of that nature at the hospital, and it was unfortunately not the last, with the body of a 96-year-old grandmother also sent to the wrong funeral directors. Will the First Minister publish the investigation report by the inspector of burial, cremation and funeral directors? Can he advise whether the inspector's powers extend to hospital morgues, and, if not, whether he agrees that the incident should be reported to the police?

The Burial and Cremation (Scotland) Act was passed in 2016, so why has the First Minister's Government been so slow to deliver change—taking nine years to create regulations? Does the First Minister consider that that delay has let down people who are caught up in the funeral parlour ashes scandal, which I brought to light in 2024, and that now it is letting down those who do not have their loved ones' remains because of shocking national health service blunders?

**John Swinney:** The implementation of the Burial and Cremation (Scotland) Act 2016 is being taken forward, and most of the provisions are in place. Indeed, there is also further recruitment of individuals as part of the implementation process.

I will explore the questions about publication of the inspector's reports in relation to this particular case. It will be good if that is possible, but I have to confirm whether there are details that would be difficult to put into the public domain. However, it is important to do so to address the issues of public confidence that Jackie Baillie put to me, the importance of which I recognise. I will therefore explore that and write to Jackie Baillie on it. It is important that there is public confidence about such arrangements. The principles of dignity and respect must be applied.

I once again express my sympathy to the families that have been affected by that terrible experience.

**Sandesh Gulhane (Glasgow) (Con):** I declare an interest as a practising NHS general practitioner.

A few weeks ago, the Queen Elizabeth university hospital in Glasgow released the wrong body, which was cremated, denying two families a goodbye, but this is not an isolated incident.

The body of 56-year-old William Paterson was released to the wrong funeral director. A mum was left in a mortuary for six weeks, with staff telling the family that she had been forgotten. Ninety-six-year-old Agnes Lane's remains were released to the wrong funeral firm. At a time when families should be grieving, mistakes such as those are unacceptable. They cause significant distress.

With that catalogue of significant never events, what steps are being taken to hold senior management to account? They always seem to escape scot free.

**John Swinney:** The Government has in place a range of measures to tackle those issues. Guidance is in place that requires robust checking before any body is released from a hospital mortuary to an undertaker.

We also have the inspector of burial, cremation and funeral directors, who is appointed by Scottish ministers, and along with that we have a statutory funeral director code of practice that regulates many of those issues.

I assure Dr Gulhane that arrangements are in place to ensure that the highest standards are applied and that accuracy is implicit in all of the actions that are taken forward. I give Parliament the commitment that where we can publish information on that, we will.

**The Presiding Officer:** We move to constituency and general supplementary questions. Concise questions and responses will enable more opportunities.

### Supreme Court Ruling

**Michelle Thomson (Falkirk East) (SNP):** Late yesterday, the Scottish edition of *The Times* reported that the Scottish Government has written to the United Kingdom Government's Advocate General for Scotland to inform her that, should its other legal arguments against the ruling of the Supreme Court in favour of For Women Scotland fail, it wishes a further remedy to be explored in the form of a declaration of incompatibility on human rights grounds. At the same time, the First Minister and others in Cabinet have made multiple statements in this chamber that they fully accept the Supreme Court ruling and are working to implement it.

I am confused. I am not asking for comment on any legal action, but I am asking how the statements made in the chamber are compatible with the actions taken in secret by the Scottish Government.

**The First Minister (John Swinney):** In this respect, live legal proceedings are under way, and elements of my comments will be restricted because of that fact.

What the Government is doing is exactly what we told Parliament we were doing, which is taking forward the steps to ensure that we have the correct guidance arrangements in place to deal with the implications of the Supreme Court ruling. That is the work that the Government is undertaking—and is always undertaking—in this respect.

### Crosshouse Hospital (Accident and Emergency)

**Carol Mochan (South Scotland) (Lab):** Earlier this week, reports revealed that the A and E department at Crosshouse hospital in NHS Ayrshire and Arran exceeded capacity by 50 per cent this December. Staff had no choice but to care for and treat patients in corridors. To be clear, this is not just a winter issue—Crosshouse A and E exceeded capacity during seven months of last year. What progress has been made in capturing data on corridor care at both a national and local level, so that we might finally understand the true scale of that risk to staff and patients?

**The First Minister (John Swinney):** In collaboration with health boards around the country, we are undertaking work to ensure that we have in place sustainable arrangements in accident and emergency. That is also part of a whole-system approach, which involves the role of the Scottish Ambulance Service and NHS 24. When ambulances are called to homes, businesses or other locations, if patients can be sustainably supported in another situation, an increasing proportion of them are being supported there by the Scottish Ambulance Service, in order to avoid individuals being transported to hospitals. Obviously, a range of other sources of advice are available to ensure that individuals' health needs are met.

During the Christmas break, I visited the accident and emergency department at Glasgow royal infirmary. Yes, it was operating under pressure, but it was operating in a sustainable fashion on the occasion that I was there. In other circumstances around the country, there has been stress and challenge in the A and E system and in other areas where there has been sustainable handling of the cases with which we are wrestling.

I assure Carol Mochan that we are working to ensure that there is a sustainable availability of services across the country. That work will be focused on Crosshouse hospital as much as anywhere else in the country.

#### **STV Journalists (Strike)**

**Douglas Lumsden (North East Scotland) (Con):** Yesterday, journalists at STV took strike action, protesting against job cuts that would lead to the end of a separate news bulletin coming from the north of Scotland. I commend and support them for taking a stand and defending local journalism. Is there any pressure that the Government can put on STV and Ofcom to help to maintain a dedicated news service for the north-east of Scotland?

**The First Minister (John Swinney):** I agree entirely with Mr Lumsden about the importance of the distinctive and substantive news output from STV North. Some amended proposals have been brought forward, but I stress the word "substantive". The alternative proposals that have emerged will lead to the erosion of substantive news output from STV North.

Yesterday, the Cabinet Secretary for Constitution, External Affairs and Culture provided an update to Richard Leonard on his meetings with the National Union of Journalists, STV and Ofcom. The Government has made representations to Ofcom and we have been in dialogue with STV. I reaffirm the position, which we have taken all along, that a distinctive and substantive news output from STV North is what is required and what the journalists of that organisation deserve, because they do an outstanding job of reflecting those issues.

The weather circumstances of the past few days have made that point powerfully. The circumstances in the north of Scotland have been more acutely challenging than those in the rest of the country, and that has been reflected in the distinctive and substantive news coverage from STV North. The events of recent days make Mr Lumsden's point.

#### **STV Journalists (Strike)**

**Jackie Dunbar (Aberdeen Donside) (SNP):** As we have just heard, this week, STV journalists and production workers have been on strike in response to the proposed cuts to STV North in Aberdeen. I know that the First Minister is aware of the vital role that local news plays in keeping communities informed. Does he agree that we must protect local journalism and demand that STV thinks again, negotiates with its workforce and resolves the dispute to benefit the workers and the communities that they serve in the north-east of Scotland?

**The First Minister (John Swinney):** In the light of these exchanges, I will make sure that renewed representations are made by the Government to STV and Ofcom. For all the reasons that I have put on the record today to Douglas Lumsden, which I reiterate to my colleague Jackie Dunbar, it is important that we protect substantive and distinctive news coverage from STV North. That is an important commitment to public service broadcasting in Scotland.

#### **Extreme Weather**

**Liam Kerr (North East Scotland) (Con):** On Tuesday, I asked the First Minister what help could be given to the north and north-east during this period of extreme weather, in the face of severe council budget challenges. Since then, the situation has worsened, with further falls overnight and ice everywhere.

Tim Eagle MSP has suggested that the Government co-ordinates resource sharing between councils and Andrew Bowie MP has suggested calling out the military. Is the First Minister sympathetic to those solutions? In any event, what further support can the Government offer to help the people of the north and north-east during this extreme weather?

**The First Minister (John Swinney):** As I acknowledged on Tuesday, I recognise the severity of the issues that are being wrestled with principally in the north-east but also in the Highlands, the northern isles and the Western Isles. We have had at some times an amber warning in place on Friday, Saturday, Sunday, Monday and Tuesday in those areas, so the situation has been very acute.

The dialogue that has taken place with local resilience partnerships has resulted in the making available of snow-clearing equipment by Amey, the trunk roads network company, to Aberdeenshire Council. A mutual aid arrangement has been put in place, and other local authorities have been part of putting in place mutual aid, because of the severity of the conditions in the north-east.

No agency has requested additional support from either the Scottish Government or the Ministry of Defence beyond those arrangements, but we are in constant contact with the resilience partnerships in the north-east. We had an extensive follow-up discussion on Tuesday evening, specifically with Aberdeenshire Council, on behalf of the resilience partnership, and we have been working closely with local authorities and health boards. I assure Mr Kerr that we are in active dialogue to identify whether any additional practical assistance can be offered.

We are now in a period in which there is a relaxation of the intensity of the weather, so the ability to apply measures to recover the situation is a greater opportunity in the absence of amber warnings, and that will be the priority for the next few days.

#### **Wick John O'Groats Airport (US Military Operations)**

**Mercedes Villalba (North East Scotland) (Lab):** The First Minister has said that he cannot see how international law has been respected by the United States in its military intervention in Venezuela, and has said that the

“international community must now ensure that de-escalation, diplomacy and democracy”

follow. Although defence is a matter that is reserved to the United Kingdom Government, Wick John O'Groats airport is owned by the Scottish Government, so reports that it is being used to support US military operations in relation to Venezuela are alarming. Was the First Minister made aware of the intention to use the airport to support yesterday's action? Given his expressed views, what assurance can he give to my constituents in the north-east that their Scottish Government-owned infrastructure is not being used as a staging post to violate international law?

**The First Minister (John Swinney):** I think that we have to be really careful about the different issues that are at stake. I reaffirm the comments that I made at the start of the week about the situation in Venezuela, which are a matter of public record. I believe in the international rules-based system. Having listened carefully to what has been said by the United States Administration, I cannot see how international law has been respected in that case.

That is one circumstance. There is another circumstance, which is the incident involving the tanker. I and the Government have no knowledge as to whether aircraft that landed at Wick airport on the morning of 7 January—yesterday—were involved in that initiative. We have no knowledge as to whether that is the case. I can tell the Parliament for transparency that Wick airport is regularly used by aircraft to refuel to enable them to make journeys across the Atlantic and into the Arctic areas. That has been a long-standing activity. Highlands and Islands Airports Ltd does not scrutinise the basis on which any requests for landing are made in those circumstances. I stress that the Government and Highlands and Islands Airports do not have any knowledge of whether the aircraft that landed yesterday were used in the US-UK operation against the Russian tanker.

I conclude by saying two things. First, the matter is reserved to the United Kingdom Government and, secondly, where sanctions are applied and if they are applied to Russia, I am a firm supporter of those sanctions being enforced. There is no point in applying sanctions to Governments that ignore international law, undermine the rule of law and invade independent countries in the way that Russia has invaded Ukraine, without taking action when those sanctions are applied. I am happy to set out the Scottish Government's position on that point of principle.

**The Presiding Officer:** That concludes First Minister's question time. The next item of business is a members' business debate in the name of Claire Baker. There will be a short suspension to allow people to leave the chamber and the public gallery.

12:47

*Meeting suspended.*

12:48

*On resuming—*

## Non-fatal Strangulation Laws and Intimate Partner Homicides

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a members' business debate on motion S6M-19504, in the name of Claire Baker, on non-fatal strangulation laws and intimate partner homicides. The debate will be concluded without any question being put. I invite members who wish to speak in the debate to press their request-to-speak buttons.

*Motion debated,*

That the Parliament notes the calls for legislation to create a standalone offence of non-fatal strangulation (NFS), in light of new research led by Professors Sonia Oreffice and Climent Quintana-Domeque at the University of Exeter on intimate partner homicides and NFS; understands that this is the first known study to examine the impact of standalone NFS laws on intimate partner homicides across multiple jurisdictions internationally; notes that the study finds that, in US jurisdictions where NFS has been criminalised as a standalone serious offence, intimate partner homicides fell by double-digit percentages, with female-victim homicides declining by around 14% and male-victim homicides by 27%, and estimates that more than 1,500 lives have been saved since the adoption of such laws; expresses concern regarding the view that these reductions could highlight a significant gap in Scots law; understands that criminalising NFS could be considered as a potential approach to reduce the deadliest consequences of intimate partner violence; further understands that NFS often leaves no visible injuries, yet is a strong predictor of future lethal violence, and that, in the absence of a standalone offence, NFS may go unrecorded or be prosecuted only as minor assault due to the absence of visible injuries or a weapon; notes with alarm the scale and salience of violence against women and girls in Scotland, including in the Mid Scotland and Fife region; considers that standalone NFS laws could disrupt any escalation of violence and coercive control and help prevent lethal outcomes and wider harms, and commends the research team for its ongoing work in this area.

12:49

**Claire Baker (Mid Scotland and Fife) (Lab):** I thank the members who signed my motion so that it could be debated in the chamber. I particularly thank Tess White and Michelle Thomson, whom I have worked with to raise the profile of non-fatal strangulation. As both members have indicated that they will not seek re-election, I recognise their commitment to fighting violence against women and girls in Scotland. I look forward to hearing their contributions as well as those of others from across the chamber.

At the outset, I commend the researchers whose work has prompted the debate. Led by Professors Sonia Oreffice and Climent Quintana-Domeque of the University of Exeter, the research on intimate partner homicide and non-fatal strangulation is not only academically rigorous but profoundly human in its implications. Their work has brought new evidence into focus and it gives renewed urgency to the discussion.

Non-fatal strangulation is not a new concern. It is an issue that I and others have been raising in the Parliament for a number of years with successive justice secretaries and First Ministers, as well as in debates and through questions. The normalisation of non-fatal strangulation, driven by pornography, should be challenged. I welcome the intention of the Online Safety Act 2023 to outlaw choking in online pornography, making it a priority offence.

The Institute for Addressing Strangulation has carried out two surveys. In less than a year, there was an increase, from 35 to 51 per cent, in the number of people aged 16 to 34 who reported being choked during sex. While 70 per cent of people said that consent was established before choking and 38 per cent reported that they enjoyed it, 27 per cent said that there was no consent and 36 per cent felt scared by the action.

Although the focus of today's debate is the research that seeks to strengthen the legal framework, we must recognise that IFAS research shows that 29 per cent think that there are safe ways to strangle, 38 per cent enjoy it and 18 per cent think that it is a normal part of sex. We can legislate more, but that will not necessarily stop non-fatal strangulation in intimate relationships.

Non-fatal strangulation is not risk free. It can cause serious internal injury, brain damage or loss of consciousness within seconds. It can cause incontinence, coughing, neck pain and confusion, and can lead to anxiety and depression. However, it might not leave visible marks, and the absence of visible injury can affect how incidents are recorded, investigated or prosecuted. It can be used as a tool of control and coercion. Survivors describe how terrifying the experience can be, not only because of the physical danger but because of what it represents—an assertion of total control over breath, consciousness and life.

As a Parliament and as a society, are we prepared to challenge the normalisation of strangulation within sexual relationships? What are we going to do about it?

In 2019, research for BBC Radio 5 Live found that a third of women under 40 had experienced unwanted slapping, choking, gagging or spitting during consensual sex. The Centre for Women's Justice said that the findings showed the

"growing pressure on young women to consent to violent, dangerous and demeaning acts".

I have pressed the Scottish Government to undertake research into the normalisation of violence and sexual activity, including choking, reflecting the evidence and unease that acts that carry a high risk of serious harm are being continually framed as routine or expected.

In Scotland, there should be a multidisciplinary approach that encompasses public health, education and justice. It would appear that that is not the case and that there is very little recognition of the prevalence of the practice and its consequences. Non-fatal strangulation in intimate partner relationships is too often minimised, misunderstood or treated as a lesser form of assault, but the evidence that is being presented today often recognises it as a strong predictor of future lethal violence.

Consent does not exist in a vacuum, and where there is fear, coercion, power imbalance and risk of serious harm, the concept of consent becomes problematic. The survey shows that 46 per cent of respondents consent to being strangled or strangling others because their partner enjoys it, not necessarily because they enjoy it. Treating strangulation as normal, mutual or harmless risks obscuring abuse and silencing victims.

The research that is highlighted in today's motion reinforces why that matters. It is the first known international study to examine the impact of stand-alone non-fatal strangulation laws on intimate partner homicide rates across multiple jurisdictions, and its findings are striking. In US states where non-fatal strangulation has been criminalised as a distinct serious offence, intimate partner homicides fell by double-digit percentages. Female victim homicides declined by around 14 per cent, and male victim homicides fell by 27 per cent.

The researchers estimate that more than 1,500 lives have been saved as a result of those laws. Those represent people—overwhelmingly, though not exclusively, women—who are alive today because earlier intimate-relationship violence was recognised, taken seriously and interrupted before it escalated into something fatal. They suggest that when the law clearly recognises non-fatal strangulation as serious, dangerous and criminal in its own right, it can disrupt patterns of escalation and coercive control.

Scotland has made important progress in recognising domestic abuse as a pattern of behaviour and not a series of isolated incidents. However, the evidence raises a legitimate and pressing question: does our current law sufficiently recognise non-fatal strangulation within that framework, or is there a gap that leaves victims at risk? We should examine whether existing offences adequately capture the harm, risk and intent that are associated with non-fatal strangulation.

In a previous meeting that Tess White and I sponsored, the Crown Office and Procurator Fiscal Service set out the argument that one cannot consent to harm in Scotland, so the offence already exists. I accepted that, and I would be reluctant to legislate unnecessarily. However, the research from the University of Exeter adds weight to the calls for a stand-alone offence. If criminalising non-fatal strangulation as a stand-alone offence could help to prevent escalation, improve recording and prosecution and, ultimately, save lives, I believe that Parliament has a responsibility to consider it. We should engage seriously with the evidence that is before us and ask whether our existing offences capture the reality of harm, risk and intent associated with strangulation, particularly when there are no visible injuries and no weapon.

I want to acknowledge the survivors and advocacy organisations that have long highlighted non-fatal strangulation as a critical issue. They are often sharing their lived experience at a time when it is unfashionable to challenge the culture and when there is a minimisation of the experience that being strangled can be terrifying and life-threatening and is never minor.

This debate reflects a conversation that has been building in Parliament for a few years. I hope that it marks the point at which we move from recognising the problem to actively exploring solutions, which should be grounded in evidence, informed by survivors and driven by the shared aim of preventing a further loss of life.

**The Deputy Presiding Officer** : We move to the open debate.

12:56

**Michelle Thomson (Falkirk East) (SNP)**: I, too, thank Claire Baker for her work in this matter and for obtaining the debate, and I accord my own respects to the power of collaborative cross-party working.

I want to speak a little more about the research paper “Disrupting Violence, Protecting Lives: Strangulation Laws and Intimate Partner Homicides”, which is very compelling and shows beyond reasonable doubt that treating non-fatal strangulation as a stand-alone criminal offence saves lives. The paper analyses nearly 30 years of data linking non-fatal strangulation laws across the United States with detailed homicide statistics. The researchers show that, where non-fatal strangulation laws were introduced, intimate partner homicides fell dramatically.

Among adults aged 18 to 49—the age group that is most affected—US states saw a 14 per cent reduction in female intimate partner homicide and a 27 per cent reduction in male intimate partner homicide, compared with what would have otherwise occurred. Those are not modelling assumptions or advocacy claims; they are causal effects derived from a rigorous two-stage difference-in-differences methodology. The study goes further. It finds no similar reductions in killings by strangers, which tells us that the laws did not simply coincide with wider crime declines. Instead, the drop is specific, targeted and clearly linked to non-fatal strangulation legislation.

Why do we care? We care because non-fatal strangulation is one of the strongest predictors of later homicide. We know that it often leaves little visible injury and, historically, it has been treated as a simple assault. The research explains that that legal vacuum has had fatal consequences. Victims would be nearly killed, yet the police could often charge only a minor offence. That had the effect of weakening justice responses, sending the wrong message to perpetrators and leaving the victims exposed.

Where laws have been introduced, things have changed, as the study shows. Police classify more intimate partner violence cases as aggravated assault and arrest rates for aggravated IPV have increased, especially in cases involving women who are most exposed. In other words, the law empowers earlier, stronger intervention, thus breaking the pathway from non-fatal strangulation to homicide.

The evidence is clear that a stand-alone non-fatal strangulation offence saves lives. In Scotland, we do not yet have such an offence. I know that the Scottish Government has stated that it does not believe that a stand-alone offence is necessary at this time, and it has made various arguments about existing laws on assault, attempted murder and so on. I also know that ministers have said that they will keep the matter under review. However, the current legal framework is insufficient.

Although we might introduce additional legislative complexity with a stand-alone offence, we would also improve outcomes. Fundamentally, the evidence that is before us shows that general assault laws do not deliver the same prevention effect. The specificity of the offence—the formal legal recognition of strangulation as a distinct high-risk act—enables justice systems elsewhere to intervene earlier and more effectively.

The Government states that it is committed to reducing violence against women and girls but, on this matter, the evidence goes beyond principle: it is empirical. The question for us now is simple: if we know that, as proven by the research that I mentioned, action can prevent homicides, why would we wait? It is time for us to act.

13:00

**Tess White (North East Scotland) (Con):** I want to say a special thank you to Claire Baker for raising this topic and to Michelle Thomson for working on it over the past few years.

Emily Drouet was in her first year of university when she met a boy who went on to become her boyfriend, to strangle her and to engage in such demoralisation of her as a person that, in 2016, she committed suicide. Scotland is the only part of the United Kingdom that does not have non-fatal strangulation as a stand-alone crime. I pay tribute to Fiona Drouet for her dedication and persistence in progressing her petition on non-fatal strangulation and to Beira’s Place for its insightful cross-party event with leading experts.

Strangulation for sexual purposes is now part of our culture. It is especially common in the young. Research has shown that 43 per cent of sexually active 16 and 17-year-olds and 35 per cent of 16 to 34-year-olds have experienced it. What was niche has now become part of the mainstream via increasingly extreme pornography. The issue has crept up on society unnoticed with unthinkable consequences.

As we have heard, strangulation is a strong predictor of escalating domestic abuse and intimate harm. One woman in four accessing community and refuge services in this country reported that they had experienced strangulation or suffocation. However, strangulation often leaves no visible physical injury, which makes it difficult to assess and to prosecute under existing common-law assault offences.

The First Minister has said that he needs the gap in the law to be proven for non-fatal strangulation to be made a stand-alone crime, but is the data on NFS collected in Scotland? Markers are added to crimes if NFS

has taken place but, as it is not always reported, there will always be underreporting. Many women are reluctant to come forward. A stand-alone crime would enable awareness and data collection to encourage women to report it to the police.

However, data is collected in many countries, and a research report from the University of Exeter published in December 2025 found that an NFS law might have prevented 1,029 female intimate partner homicides. Crucially, such a law stops perpetrators before violence turns deadly. As we have heard, the researchers, Professor Sonia Oreffice and Professor Climent Quintana-Domeque, say:

“Laws that explicitly define and criminalise non-fatal strangulation are a scalable and actionable policy tool for preventing lethal acts of domestic violence. Our findings show how laws can be designed to shift enforcement earlier in the violence cycle and meaningfully enhance victim safety.”

Fiona Drouet, in reply to the Lord Advocate’s rejection of a stand-alone NFS crime said:

“A specific law would reinforce to health professionals, educators, and frontline responders that this behaviour is a red flag for escalating harm, including homicide and suicide. It would also support victims in recognising the seriousness of their experiences and empower them to seek help.”

Emily Drouet was caught in the gap where the law should have been. In her name and that of so many others, it is time that we make non-fatal strangulation a stand-alone crime in Scotland.

13:05

**Carol Mochan (South Scotland) (Lab):** I thank Claire Baker for bringing this important debate to the chamber, and I thank all those who have contributed so far.

I associate myself with the remarks that everybody has made about the importance of cross-party working, particularly in this area, and of the quality of the research in this area. That research might be limited, but its quality is so important.

Today’s motion asks the Parliament to recognise and consider the benefits of creating a stand-alone offence for non-fatal strangulation, which, in my view, could see significant improvements to public awareness, data collection, and victim safety and support.

Non-fatal strangulation is a severe form of domestic abuse that is predominantly carried out by men against women. As we have heard, it can have serious and long-term side effects, including brain damage, organ failure and mental health issues. It has potentially life-threatening consequences and can cause extreme trauma for victims.

In her speech, Tess White showed the shocking reality and why we have to highlight it. As the motion highlights, non-fatal strangulation often leaves no visible injuries, but it is a strong predictor of future lethal violence and is becoming increasingly more common, particularly, as we have heard from other contributors, among younger people, who might not fully understand the consequences.

Although non-fatal strangulation is prosecuted as a criminal offence in Scotland under the common law of assault, as we have heard, that common-law route does not always work and can fall short of fully capturing the offence. I believe that exploring how and where improvements can be made might significantly improve outcomes for victims. If we cannot fully capture the offence, we cannot get improvements.

I want to recognise the bold and world-leading action that the Parliament is taking to tackle violence against women and girls. That has been done, because we work on a cross-party basis and listen to each other. I think that that should be put on the record.

As non-fatal strangulation is currently recorded under a range of offences, there is an issue with the recording of—and, indeed, the lack of—data. That is an important element; I do not need to explain just how important data is. It is important not only because it allows us to understand the scale of the problem and to increase awareness, as I have said. Capturing and recording that data is important in a medical sense; it is important for research, which will allow us to change the impacts; and it is important at an individual level, too, at the point at which a victim presents at a hospital. Therefore, it is very important that we get the data right, because doing so will help us increase public awareness of the dangers.

A strong case can be made that a stand-alone law would improve education and awareness of the effects of strangulation and could help improve the long-term safety and wellbeing of the victims. Underreporting is such an issue, and a stand-alone law might help if people really understood what we were trying to record.

I recognise the arguments that Claire Baker highlighted—I, too, was at that round table—from people who have cautioned against introducing a stand-alone offence, given the potential unintended consequences. We

could look for a quicker alternative approach, but it might not be as effective and might fall short in addressing the core problems.

Tackling violence against women and girls must and should always be a priority for the Parliament. In my view, it is absolutely worth exploring the creation of a stand-alone offence, as it could send a message. It is important for Scotland that we see this as our absolute priority.

I thank Claire Baker and other members for their contributions.

13:09

**Liam Kerr (North East Scotland) (Con):** Emily Drouet was a law student at Aberdeen University. She was kind, compassionate, intelligent and thoughtful. Emily died in 2016 when an incident occurred following a pattern of abuse by her boyfriend, Angus Milligan. The incident was initially treated as non-suspicious, but it later emerged that she had reported to the university an earlier assault that included strangulation.

At that time, non-fatal strangulation was poorly understood and often characterised as a minor assault. Police and medical professionals failed to recognise strangulation as a high-risk indicator of homicide. However, we know from the report, the study that has been referenced and the powerful motion for today's debate that non-fatal strangulation is incredibly serious. It can directly cause internal injuries, including brain injury and hypoxia. It carries a high risk of delayed death and is one of the strongest predictors of future lethal violence.

Because of that, the EmilyTest campaign was set up to demand that strangulation should always trigger an urgent medical response and enhanced police safeguarding, even where the victim appears outwardly unharmed. The campaign is also one of many calling for non-fatal strangulation to be a stand-alone offence, as it has been in England and Wales since 2022, and in Northern Ireland since 2023.

It is certainly arguable that the absence of such an offence means that police and prosecutors lack a clear legal category, that data collection on incidents is poor, that the seriousness of strangulation might not be sufficiently recognised or deterred, and that public awareness of the life-threatening nature of strangulation remains low. Police Scotland and the Crown Office now recognise strangulation as a red flag for homicide risk, but absent such an offence, there is no statutory requirement that every report of strangulation should trigger an immediate medical assessment, specialist medical imaging or a specific risk or safeguarding review.

From the start, the EmilyTest campaign—it can be found on [emilytest.org](http://emilytest.org) if anyone who is watching is impacted or concerned by what they are hearing—demanded action, setting out clear and articulate deliverables through means, including a petition, for a stand-alone criminal offence.

Here is my biggest concern: the Citizen Participation and Public Petitions Committee considered that petition last April; the Criminal Justice Committee examined it last summer; the Scottish Government's programme for government stated that it would carry out a comprehensive assessment of the law to determine whether further action is needed; and the Cabinet Secretary for Justice and Home Affairs updated the justice committee in November, saying that that comprehensive assessment would take place. In December, the Lord Advocate wrote to Fiona Drouet—who joins us in the public gallery today—acknowledging the concern and explaining the current position, but giving no firm direction forward.

Now here we are, 11 weeks from the dissolution of this Parliament and all that that entails, and the overwhelming impression is that the issue is not being prioritised sufficiently. Nearly a decade on from Emily's tragic death, the campaign tells me that it has yet to see tangible progress.

Thanks to Claire Baker's motion, the report that prompted it and all who contributed their time and expertise to it, the cabinet secretary has the chance, in her closing speech, to set out exactly what will be done to address the issue before May's election. She must not countenance any delays. We have a duty to Emily and all those impacted by the vicious practice of non-fatal strangulation—we owe it to them. Close the gaps, act now and make sure that no woman becomes another victim of this appalling violence.

13:14

**Pauline McNeill (Glasgow) (Lab):** I thank Claire Baker for securing the debate and bringing the matter to the Parliament. I endorse her view that the work that Tess White and Michelle Thomson have done in this Parliament on violence against women is notable and should be recognised.

I was shocked to read that, every year, more than 20,000 victims in the UK experience strangulation. I attended the briefing that Claire Baker hosted with the Women's Support Project and Beira's Place, which

opened my eyes to something that, at the time, I knew very little about. It alarmed me to learn that, according to the UK Crown Prosecution Service, children were present for more than a third of non-fatal strangulation offences—I found that staggering.

At the briefing hosted by Claire Baker and others, I learned that the timeline of being strangled goes like this: in 6.8 seconds, the person is rendered unconscious; in 14 seconds, there is anoxic seizure; in 15 seconds, there is loss of bladder control; and, in only 30 seconds, there is loss of bowel control. Many members have talked about strangulation leading to a fatality—it takes only 62 seconds before that could happen. It is clear from that timeline why non-fatal strangulation often occurs at the most dangerous stage of the escalation of violence associated with later homicide.

I was particularly concerned to read about the normalisation that other members have talked about in relation to non-fatal strangulation, often known as choking, in young people's sexual habits. Strangulation has seeped into popular culture and social media, and there are reports that it has even been mentioned as a sexual preference on dating apps. We must act to prevent that normalisation by educating both men and women about the consequences of non-fatal strangulation.

There have been reports from sex education providers and teachers that they have been asked by children in school about how to safely choke a partner—needless to say, there is no way to safely do something like that. As has already been mentioned, a study found that 43 per cent of sexually active 16 and 17-year-olds in the UK had experienced it.

Pornography is cited as the most common way for young people to learn about strangulation. Addressing the harms of extreme pornography must be central to our work on violence against women and girls. If we are to address violence against women and girls in the future, we need to confront the issue at the earliest opportunity, especially with children, to counter those damaging portrayals. We need to be clear that violent pornography normalises harm to women and girls. I was pleased to see the amendments to the UK's Crime and Policing Bill that criminalised the possession and publication of pornographic pictures of strangulation or suffocation, with duties on platforms to study the proliferation of those images.

I turn to the question whether we should legislate. The current framework is such that non-fatal strangulation is mainly treated as assault, which is defined in the common law as an attack on another person with evil intent. Penalties can range up to life imprisonment. Prosecutors are not required to prove visible injury or harm in order to secure a conviction for assault, provided that the act was intentional. However, as others have said, there are challenges in tracking how prevalent the issue is because there is no specific stand-alone crime and no individual marking system to accurately count and monitor such cases across Scotland. I think that, as Carol Mochan mentioned, it is worth exploring whether data could be collated at the Crown Office to give us at least an accurate picture of the scale of the problem. Although the issue has not been mentioned in the debate, members of this Parliament have raised the act of stealthing, which is the intentional act of secretly removing a condom or another barrier method without consent. That has also been prosecuted in our courts and is not a stand-alone crime.

We cannot rule out having a crime of NFS. We have a different legal system in Scotland from that in England, so we have flexibility in law making, and doing that should not be ruled out. It should be part of the work of the Parliament in the new session to consider it, and it should form part of the strategy of the Government of the day—whoever that may be—for its work on violence against women and girls.

13:19

**Monica Lennon (Central Scotland) (Lab):** I thank Claire Baker for securing this important debate and I thank all colleagues for their contributions—in particular, Tess White and Michelle Thomson, who have worked on a cross-party basis to combat violence against women and girls, a subject that is close to my own heart and which I know is important to all of us.

In today's debate, I add my voice in support of the calls for the creation of a stand-alone offence of non-fatal strangulation. We cannot ignore the growing trend of sexual strangulation that is being normalised to a large extent by pornography and harmful so-called influencers, who are taking us backwards in society in so many respects. We cannot ignore that, because there is a link between intimate partner homicides and non-fatal strangulation. We need action to reduce such violence, to prevent harm and, as we have heard powerfully today from so many colleagues, to save lives.

We stand here today with more research and knowledge than ever before. I am grateful that the research that other members have touched on covers multiple international jurisdictions, so we are not looking at just a Scottish or UK context.

Like my colleagues, I pay tribute to Fiona Drouet—who is courageously with us today in the gallery—and to EmilyTest for the organisation's fantastic work across the spectrum of gender-based violence, which we must tackle. I say that not just as a politician but as a mother who can now sleep a little better at night knowing that my daughter is studying in an institution that is fully signed up to the EmilyTest charter. Fiona and I met to discuss the work of EmilyTest at South Lanarkshire College, which is another institution in my parliamentary region. Knowing that that discussion is happening in our colleges and universities gives us extra peace of mind.

However, we need to do much more. I think that we would all recognise that this issue is not down to one minister, one department or one agency. Just as we are showing cross-party working in the Parliament today, there needs to be a partnership approach.

I will not talk about the worrying statistics, because those have already been covered. However, I was alarmed to read in the report from the Institute for Addressing Strangulation that the most common age at which respondents report first starting to strangle others or being strangled is 18 to 20.

In preparing for the debate, I noticed that, just in December 2025, there was a big conference in Lancashire that brought together key stakeholders to shine a spotlight on non-fatal strangulation. Ministers may know about that conference, but if the cabinet secretary does not, it may be something to look into. It would be good to see something like that happen in Scotland, if nothing is already planned.

What public health messages can we get out there? EmilyTest's mission is to ensure that no other student ends up in Emily's shoes. That mission sits in my heart today as we bring our debate to a close and before we hear from the cabinet secretary. We can look at the data and the legal arguments, but we know that it is the human stories that have an impact and change behaviours.

I put on the record my support for the petition that went to the Citizen Participation and Public Petitions Committee and the motion that we are debating today. I hope that we can all work together to work with the Scottish Government to get the change that we all want to see.

13:23

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** I thank Claire Baker for bringing the important issue of non-fatal strangulation to the Parliament today. Over the past few years, I have had the opportunity to engage with Ms Baker on the matter, which has led to further Scottish Government activity with regard to exploring solutions. I will come to that point later in my remarks. I also acknowledge the speeches made in the debate by Michelle Thomson, Tess White, Carol Mochan, Liam Kerr, Pauline McNeill and Monica Lennon.

Principally, I pay tribute to survivors and researchers, as well as to Fiona Drouet, who I have also had the pleasure of meeting. We should also acknowledge the work that has been done and the evidence that has been taken by two parliamentary committees, the Citizen Participation and Public Petitions Committee and the Criminal Justice Committee, in relation to this debate.

I think that we are all horrified by the scale of the issue. As many members have acknowledged, non-fatal strangulation is extremely harmful. Choking reduces the flow of oxygen and can therefore cause damage to the brain and to the windpipe. Alongside the physical risks, anxiety, depression and loneliness are often associated with experiencing non-fatal strangulation.

Non-fatal strangulation is also used—mainly by men—to exert coercive control in relationships; Claire Baker spoke about the total control that some men seek. There is evidence—again, as other members acknowledged—that those men are more likely to carry out severe violence. A few members spoke about how non-fatal strangulation is a red flag.

Last month, Parliament debated 16 days of activism highlighting men's violence against women and girls. As many of us have acknowledged, Scotland has world-renowned domestic abuse legislation that addresses the dynamics of coercive and controlling behaviour.

**Tess White:** I hear what the cabinet secretary says, and I am glad that she referred to the work of the Criminal Justice Committee. However, has she reviewed the committee's latest evidence from December? The professors on the panel had looked at the US, which introduced non-fatal strangulation as a stand-alone crime, state by state, and the evidence demonstrated that there was a clear correlation in that creating a stand-alone crime of non-fatal strangulation actually reduced deaths. That compelling evidence is the reason for holding this debate. If the cabinet secretary has not reviewed the data from those professors, will she now do so?

**Angela Constance:** I am aware of that evidence. Claire Baker, in her opening remarks, spoke about the importance of us all engaging with the evidence.

Later in my remarks, I will reflect on the current position in Scots law and address some of the concerns that members have obliquely referenced, and outline the action that the Scottish Government is taking forward. We do not have closed minds on the issue and I think that, given some of the evidence that the Criminal Justice Committee took, there are aspects that need to be considered further.

First, with regard to what needs done, I acknowledge that it is clearly very important that we have the means by which to identify cases of non-fatal strangulation in order to address that aspect of abuse of women and girls. I know that every member in the chamber is committed to taking whatever action is needed to address such abuse. That includes enabling societal and cultural change to address the factors that risk normalising such behaviour. For example, we have agreed that the new offences in the UK Crime and Policing Bill that criminalise pornography featuring “strangulation or suffocation” will extend to Scotland if the bill is passed.

I also welcome the updated NHS Inform web pages that provide information on fatal and non-fatal strangulation, and highlight that

“there is no safe way to be strangled”

and that

“It’s a criminal offence to cause harm through strangulation.”

I now turn to the proposal for a stand-alone offence—

**Monica Lennon:** Will the cabinet secretary take an intervention?

**Angela Constance:** Of course—briefly, thank you.

**Monica Lennon:** I am grateful to the cabinet secretary for taking my intervention before she moves on to the next point. I appreciate the efforts that are being made, and the NHS Inform website is always worth a visit, but I am not sure that a huge number of 16, 17 and 18-year-olds are going on to that site.

Given the growing trend of non-fatal strangulation, which is worrying us all, what more can Government do to get out the message that there is no safe way to strangle or be strangled? How do we get that message into our classrooms and on to social media in a more positive way? What other levers can Government pull, so that we can support that message?

**Angela Constance:** Ms Lennon raises an important point. The work that goes on in schools around the equally safe strategy and the curriculum input on healthy relationships—which, of course, focuses a lot on the importance of consent—is important in that regard. I will pick up further on the consultation that we will take forward and the survey information that Ms Baker and I have discussed. The point about online harms, particularly in relation to intimate images, will be a factor in the forthcoming consultation.

On the issue of a stand-alone offence, I know that members are aware that the UK Parliament has legislated for a specific offence of non-fatal strangulation in England, Wales and Northern Ireland. It is important to recognise that that was done mainly to address a specific issue in those jurisdictions where non-fatal strangulation that did not result in visible injury could only be prosecuted using the statutory offence of common assault, which carries a maximum penalty of six months’ imprisonment. Understandably, that was something that those jurisdictions wished to address.

Non-fatal strangulation is already criminal under Scots law and can be dealt with using a range of offences. That is an important message to reiterate. It does not mean that minds are closed on the issue or that there is no further action to take forward. However, with regard to Ms Lennon’s point about education and giving out correct societal messages, it is important to be clear that non-fatal strangulation is already a criminal offence. The relevant offences include: common-law assault with penalties up to life imprisonment; sexual assault with penalties up to life imprisonment; and part of a course of conduct prosecuted as a domestic abuse offence with penalties up to 14 years’ imprisonment. The Crown Office, as the independent prosecutor, is clear that it approaches non-fatal strangulation seriously and that it uses those laws where the evidence supports their use.

Another important factor to note is that, in contrast with the law in England, Wales and Northern Ireland, in Scotland there is no defence of consent to strangulation. That is a significant feature of the better protection that is offered in Scots law. Again, it is important to send out to our society and communities the message that there is no defence of consent to strangulation.

I understand and respect deeply the view that creating a specific offence could send a message about the unacceptability of non-fatal strangulation and could help measure its prevalence. I recognise that those are

important factors and that, by their very nature, those arguments are powerful. However, I want to guard against any risk of unintended consequences. I say that in light of the evidence that was highlighted by the Crown Office and Procurator Fiscal Service in its evidence to the Criminal Justice Committee last year in relation to a specific offence as distinct from assault. The issue is that there would need to be corroboration specifically of the strangulation and not simply of the assault or domestic abuse. We have already heard from members today that one of the salient issues with non-fatal strangulation is that it often leaves no visible signs. The fact that corroboration would be required might mean that creating a specific offence would result in the underestimation of the true prevalence of the issue, as cases involving non-fatal strangulation might continue to be prosecuted as assault, sexual assault or domestic abuse.

I stress that this is an issue that the Government and I take seriously. Although existing laws operate well in protecting victims and dealing with perpetrators, we will shortly publish a public consultation to seek views on this area of the law, as set out in our programme for government. We will continue to engage with views and with the evidence. As I mentioned, that consultation will also include a look at online harms—particularly in relation to intimate images—as well as spiking, a statutory aggravation for offences against pregnant women, and prosecutorial powers to impose non-harassment—

**The Deputy Presiding Officer:** Cabinet secretary, I appreciate that there is a lot of information to impart on what is a very important matter, but you have gone considerably over your time.

**Angela Constance:** Forgive me.

**Liam Kerr:** Is there time for the cabinet secretary to take an intervention?

**The Deputy Presiding Officer:** I am afraid that there is no time for interventions because we are running fairly late.

**Angela Constance:** I agree with the motion's sentiment that non-fatal strangulation should not go unrecorded, and I have spoken in detail about the consultation. My final piece of information for the Parliament is that, as a result of engagement with Claire Baker, alongside the consultation on data collection in the justice system, the 2025-26 Scottish crime and justice survey includes, for the first time, questions in relation to non-fatal strangulation. That field work is due to finish in March this year, and initial results are expected to be included in the 2026-27 main findings report.

I thank members for their contributions. This is a serious issue on which we, as a Government, will continue to engage.

**The Deputy Presiding Officer:** That concludes the debate.

13:36

*Meeting suspended.*

*The rest of this Official Report will be published progressively as soon as the text is available.*